

OSHA, Sofa Super Store Settle Penalty Reduced; 'Willful' Violation Changed

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Penalty reduced; 'willful' violation changed

By Ron Menchaca
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Nine Charleston firefighters lost their lives in a fire at the Sofa Super Store on Savannah Highway in June 2007. State workplace safety officials have agreed to a settlement that lowers fines and drops a charge that the Sofa Super Store knowingly ignored the safety of its employees.

State workplace safety officials have agreed to a settlement that lowers fines and drops a charge that the Sofa Super Store knowingly ignored the safety of its employees in connection with the June 18 blaze that killed nine area firefighters.

On Sept. 20, the state Occupational Safety and Health Administration cited the store for three violations and fined its owner for having padlocked or malfunctioning exit doors and for failing to have an emergency action plan in place. The store and its owner, Herb Goldstein, were fined \$32,775 — one of the largest penalties ever assessed against a small business in the state.

The settlement announced Friday reduces the penalty to \$13,110, acknowledges that the store has corrected all three safety violations and requires the store to conduct a basic fire safety analysis of all of its facilities. The most serious of the violations against the store, classified as "willful," was changed to "unclassified," according to the settlement.

Richard Rosen, the store's attorney, said the settlement is fair. "The Sofa Super Store is satisfied with OSHA's recent findings after they heard the facts in context. No one has found any evidence that any violations at the Sofa Super Store contributed to the terrible accident back in June."

OSHA Communications and Governmental Affairs Director Jim Knight said the agency could not comment on the settlement because it still requires approval from the chair of the agency's review board. The store must pay the fine within 30 days of that approval.

The state also cited the Charleston Fire Department last year for four violations and fined the city \$9,325 for its handling of the sofa store fire. The city reached a settlement with the state on Nov. 29 that lowered the overall fine by about two-thirds to \$3,160.

Mark Ruppel, public information officer for the Fire Department, said Friday the city had no comment on the state's settlement with the store.

David Jones of Atlanta law firm Ogletree Deakins signed the settlement on behalf of the store. Jones could not be reached Friday for comment.

After OSHA cited the store last year, Goldstein defended his store's practice of padlocking a back door. "Our managers locked the doors at closing time to keep criminals and transients out of the building, and only when there were no customers present," he stated.

Crews are demolishing the Savannah Highway store. They originally had expected to have the site cleared by the end of last year, but the presence of asbestos in some of the building's materials slowed work and it has continued into 2008.

The store, which did not have fire sprinklers, also is a defendant in wrongful death lawsuits filed by the estates of two of the firefighters who perished in the blaze.

Among other things, the suits allege that the store's maze-like layout, with no clearly marked fire lanes and locked exit doors, made it impossible for firefighters to escape before flames consumed the building and the roof collapsed.

Investigators still have not said what caused the blaze.