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North Country Services Agrees to Pay \$280,000 Fine for Employee Death

State of Alaska holds Mark Welty accountable for fatal wall collapse

ANCHORAGE, Alaska— Contractor Mark Welty, d/b/a North Country Services, has withdrawn his contest of \$280,000 in fines assessed by the Alaska Department of Labor and Workforce Development. The department cited him for hazards leading to the workplace death of his employee, Nicholson Tinker. Mr. Welty unlawfully claimed that Mr. Tinker as an “independent contractor” rather than an employee, and willfully exposed Mr. Tinker to unsafe working conditions. The citations and fines will stand as originally imposed by Alaska Occupational Safety and Health (AKOSH).

“Nothing can bring back Nicholson Tinker. I hope this fine sends a clear message. When employers like Mark Welty endanger their workers and unlawfully classify them as independent contractors, our department will seek the strongest penalties possible,” said Alaska Labor Commissioner Heidi Drygas.

On September 30, 2016, Mr. Tinker and his coworker were demolishing wooden stairs and walkways attached to a 60-foot retaining wall at an Anchorage residence. As demolition neared completion, the sole remaining structural support was removed, causing a 29-foot section of the five-foot tall cinderblock wall to collapse on Mr. Tinker, who died from his injuries. This fatality would not have happened if North Country Services owner Mark Welty had taken basic steps to protect the safety of Mr. Tinker and other employees. Instead, Mr. Welty accepted the violations as willful, meaning he acted with plain indifference towards the health and safety of his employees. The violations addressed several critical failures during the planning phase of the job, including lack of proper structural assessment before demolition, inadequate or lack of bracing and shoring for the wall and retained earth, and a total lack of safety training for employees.

The department’s investigation found Mr. Welty misclassified his employees as independent contractors in an attempt to avoid the responsibilities all employers have to provide a safe and healthful work environment along with basic employee injury and death benefits. Worker misclassification is especially prevalent in the construction industry, where some contractors deliberately defy labor laws in order to underbid competitors. This unlawful action denies workers their rights to workers’ compensation insurance, minimum wage and overtime compensation, unemployment and social security benefits, and

other labor law protections. The Alaska Department of Labor and Workforce Development works in cooperation with other state agencies and the U.S. Department of Labor to address the growing problem of worker misclassification.

Mr. Welty also agreed to pay more than \$12,000 in penalties to the Alaska Division of Workers' Compensation Benefits Guaranty Fund for failing to insure his employees for workers' compensation liability as required by law. In addition, the Municipality of Anchorage issued \$2,000 in fines to North Country Services for failure to obtain the required permits for the project.

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