

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, June 6, 2024 – 1:00 p.m.

Present:	Dennis P. Kavanaugh	Chairman
	Joseph M. Hennelly, Jr.	Vice Chair
	D. Alan Everett	Commissioner
	Maria Cecilia Valdez	Commissioner
	Orion J. Godfrey	Commissioner
	Gaetano J. Testini	Executive Deputy Director
	Afshan Peimani	Chief Legal Counsel
	Lisa Padgett	Deputy Director
	Charles Carpenter	Legislative Affairs Chief/Public Information Officer
	Phil Murphy	Assistant ADOSH Director
	Victoria Medina	ADOSH Compliance
	James Reitmeier	ADOSH Compliance
	Tyler Ninnemann	ADOSH Compliance
	Anna Maria Stonerock	ADOSH Compliance
	Bethany Votta	ADOSH Admin
	Kara Dimas	Commission Secretary

Chairman Kavanaugh convened the meeting at 1:00 p.m. In attendance, confirmed by roll call were Stephanie Hefner (Snell and Wilmer); Darin Perkins; Dave Howard (Premier Risk Management); Vanessa Leonardo, Pat Riff, Walker Franklin, Lester Ortega and Jordan Nelson (Arizona Foam & Spray); and Saul Calazo (Flynn Bec LP).

Approval of Minutes of May 30, 2024 Regular Meeting Minutes.

Commissioner Godfrey moved to approve the Minutes of the May 30, 2024 regular session meeting and Commissioner Everett seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

Consent Agenda:

All items following under this agenda item are consent matters and will be considered by a single motion with no discussion unless a Commissioner asks to remove an item on the consent agenda to be discussed and voted on separately. The Commission may move into Executive Session under A.R.S. § 38-431.03(A)(2) to discuss records exempt by law from public inspection. Legal action involving a final vote or decision shall not be taken in Executive Session. If such action is required, then it will be taken in General Session.

- a. Approval of Arizona Division of Occupational Safety and Health Proposed Citations and Penalties Less Than \$15,000.

1. PP-2024-JR339-0037 Corso Concrete Placement, LLC

- 2. UR-2024-EG419-0035 La Costa Construction, Inc.
- 3. PP-2024-JR339-0041 Monroy Plaster LLC

Commissioner Everett moved to approve the items on the Consent Agenda and Commissioner Valdez seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

Discussion and Action of Arizona Division of Occupational Safety and Health Proposed Citations and Penalties.

Chairman Kavanaugh discussed the purpose of and process for the Commission’s consideration of ADOSH citations and proposed penalties.

Arizona Foam & Spray, Inc.	Complaint
114 South Extension Road	Years in Business: 53
<u>Mesa, AZ 85210</u>	Empl. Covered by Inspection: 5
Site Location: 1936 N Trezell Rd	
Casa Grande, AZ 85122	
Inspection No: CP-2024-JR339-0036	
Inspection Date: December 15, 2023	

REPEAT-SERIOUS – Citation 1 - Item 1 –

- a) 1936 N Trezell Rd, Casa Grande: Two employees installed roofing spray foam on the third story of a flat roof without being protected from falls while standing outside of the warning line.
- b) 1936 N Trezell Rd, Casa Grande: Two employees installed roofing spray foam on the third story of a flat roof inside of a warning line system without utilizing a secondary form of fall protection. 29 CFR 1926.501(b)(10)

ARIZONA FOAM & SPRAY, INC. was previously cited for a violation of this Occupational Safety And Health Standard or its equivalent standard, 29 CFR 1926.501(B)(10) which was contained in ADOSH Inspection Number (1513162), Citation Number 01, Item 01, issued on June 18, 2021, with respect to a workplace located at 2518 W. Curry Street, Chandler, AZ 85224.

Div. Proposal - \$29,035.00	Formula Amt. - \$29,035.00
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SERIOUS – Citation 2 - Item 1 –

- a) 1936 N Trezell Rd, Casa Grande: Two employees installed roofing spray foam on the third story of a flat roof without a path connecting the warning line to the roof access. 29 CFR 1926.502(f)(1)(iii)

Div. Proposal - \$0.00	Formula Amt. - \$10,046.00
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TOTAL PENALTY - \$29,035.00	TOTAL FORMULA AMT. - \$39,081.00
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Mr. Murphy discussed ADOSH’s inspection, summarized the citation and proposed penalties.

Mr. Murphy explained that there is a five year look back period for a citation to qualify as a Repeat-Serious.

Chairman Kavanaugh checked if anyone would like to comment.

Vice Chair Hennelly moved to approve the citation and proposed penalties as presented and Commissioner Godfrey seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

Flynn BEC LP	Referral	
3062 North Maple Street	Years in Business:	46
<u>Mesa, AZ 85215</u>	Empl. Covered by Inspection:	2
Site Location:	7901 East Pierce Street	
	Scottsdale, AZ 85257	
Inspection No:	RF-2024-EG419-0033	
Inspection Date:	December 7, 2023	

SERIOUS – Citation 1 - Item 1a –

- a) SCHECHTL EDLING press: Two employees were required to use a SCHECHTL EDLING press, model #2002, and serial #3557, to fold and crimp sheet metal without being provided machine operator training.
- b) CIDAN MACHINERY press: Two employees were required to use a CIDAN MACHINERY press, model #K15-30 and serial #50495-10, to fold and crimp sheet metal without being provided machine operator training. A.R.S. 23-403.A
Div. Proposal - \$15,625.00 Formula Amt. - \$15,625.00

SERIOUS – Citation 1 - Item 1b –

- a) SCHECHTL EDLING press: Two employees were required to use a SCHECHTL EDLING press, model #2002, and serial #3557, to fold and crimp sheet metal without a point of operation guard in place.
 - b) CIDAN MACHINERY press: Two employees were required to use a CIDAN MACHINERY press, model #K15-30 and serial #50495-10, to fold and crimp sheet metal without a point of operation guard in place. 29 CFR 1910.212(a)(3)(ii)
Div. Proposal - \$0.00 Formula Amt. - \$15,625.00
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| TOTAL PENALTY - \$15,625.00 | TOTAL FORMULA AMT. - \$31,250.00 |
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Mr. Murphy discussed ADOSH's inspection, summarized the citation and proposed penalties.

Commissioner Valdez moved to approve the citation and proposed penalties as presented and Commissioner Everett seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

NYC Storage Unit Erectors Inc.	Complaint	
449 W 125th Street	Years in Business:	9
<u>New York, NY 10027</u>	Empl. Covered by Inspection:	4

Site Location: 9246 Technology Dr
Fountain Hills, AZ 85268
Inspection No: CP-2024-EG419-0034
Inspection Date: December 12, 2023

SERIOUS – Citation 1 - Item 1 –

- a) North East Scaffold: An employee was required to install an angle beam by standing on the second level of a scaffold that was not fully planked. 29 CFR 1926.451(b)(1)
Div. Proposal - \$3,572.00 Formula Amt. - \$3,572.00

SERIOUS – Citation 1 - Item 2 –

- a) North East Scaffold: An employee was required to install an angle beam by using a scaffold that had not been visually inspected by a competent person before the work shift. 29 CFR 1926.451(f)(3)
Div. Proposal - \$3,572.00 Formula Amt. - \$3,572.00

SERIOUS – Citation 1 - Item 3 –

- a) North East Scaffold: An employee was required to install an angle beam while standing on a scaffold that was ten feet eleven inches above the next lower level without a fall protection system in place. 29 CFR 1926.451(g)(1)
Div. Proposal - \$3,572.00 Formula Amt. - \$3,572.00

SERIOUS – Citation 1 - Item 4 –

- a) North East Scaffold: An employee was required to install an angle beam while standing on a scaffold that was approximately ten feet eleven inches above the next lower level without being provided scaffold training to recognize the hazards. 29 CFR 1926.454(a)
Div. Proposal - \$3,572.00 Formula Amt. - \$3,572.00

SERIOUS – Citation 1 - Item 5 –

- a) South Stairwell: Employees were exposed to an impalement hazard due to the rebar not being capped to protect employees as they stepped onto the second floor, and stepped out. 29 CFR 1926.701(b)
Div. Proposal - \$4,465.00 Formula Amt. - \$4,465.00
TOTAL PENALTY - \$18,753.00 TOTAL FORMULA AMT. - \$18,753.00

Mr. Murphy discussed ADOSH's inspection, summarized the citation and proposed penalties.

Vice Chair Hennelly asked if there was consideration given to grouping the four items related to the North East Scaffold.

Mr. Murphy noted the compliance officer considered grouping, but chose not to group.

Vice Chair Hennelly, Mr. Murphy and Commissioner Everett discussed abatement and confirmed Items 1 through 5 have been abated, the non-serious item has not been abated.

Chairman Kavanaugh checked if anyone would like to comment.

Vice Chair Hennelly moved to amend the citation and proposed penalties. Because of the good faith effort to abate the violations, he suggested a 10% Good Faith Discount for a total penalty amount of \$16,878.00. Commissioner Valdez seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Ms. Dimas also announced the retirement of Patricia Martinez, a Customer Service Representative II in the Labor Division who is retiring after 33 years of service.

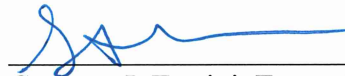
Ms. Dimas confirmed Commission meeting dates through July 2024.

Public Comment.

There was no public comment.

The meeting was adjourned at 1:25 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By 
Gaetano J. Testini, Executive Deputy Director

ATTEST:


Kara Dimas, Commission Secretary