

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, August 22, 2024 – 1:00 p.m.

Present: Dennis P. Kavanaugh Chairman
 Joseph M. Hennelly, Jr. Vice Chair (Telephonic)
 D. Alan Everett 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 ADOSH Assistant Director
 Bethany Votta ADOSH Admin
 Kara Dimas Commission Secretary

Chairman Kavanaugh convened the meeting at 1:00 p.m. In attendance, confirmed by roll call was Geneva Haber (Snell and Wilmer).

Approval of Minutes of August 16, 2024 Regular Meeting Minutes.

Commissioner Godfrey moved to approve the Minutes of the August 16, 2024 regular session meeting and Commissioner Everett seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett 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. Imperial Brown, INC CP-2024-MS021-0052

Commissioner Everett moved to approve the items on the Consent Agenda and Commissioner Godfrey seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett 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.

Gold Bond Building Products, LLC
1414 E Hadley St
Phoenix, AZ 85034

Referral
Years in Business: 64
Empl. Covered by Inspection: 4

Site Location: 1414 E Hadley St
Phoenix, AZ 85034
Inspection No: RF-2024-T3633-0155
Inspection Date: April 4, 2024

SERIOUS – Citation 1 - Item 1 –

- a) Gypsum reclaim grinder: A Vestil Manufacturing Corp. brand jib crane, model WTJ-4 series and unknown serial number, was used to lift a grinder lid which was in excess of the rated capacity and the usable reach of the lifting device of the crane. A.R.S. 23-403.A *Per ADOSH Director causal factor.

Div. Proposal - \$11,524.00

Formula Amt. - \$11,524.00

SERIOUS – Citation 1 - Item 2 –

- a) Gypsum reclaim grinder: A 10 foot 6-inch-long alloy steel chain sling used with the Vestil Manufacturing Co. brand jib crane to lift the lid on the Williams brand grinder did not have an identification affixed to the sling. 29 CFR 1910.184(e)(1)

Div. Proposal - \$10,372.00

Formula Amt. - \$10,372.00

TOTAL PENALTY - \$21,896.00

TOTAL FORMULA AMT. - \$21,896.00

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

Commissioner Godfrey and Mr. Murphy discussed that there was not a size adjustment for Item 1 because it was the causal factor for the accident.

Chairman Kavanaugh and Mr. Murphy discussed the difference between the two citations and the causal factor.

Chairman Kavanaugh checked if anyone would like to comment.

Commissioner Godfrey moved to approve the citation adopting Commissioner Everett's 15% reduction for both items in light of the employer's corrective action, for a total penalty of \$18,612.00.

Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett and Commissioner Godfrey voted in favor of the motion. The motion passed.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Chairman Kavanaugh complimented staff on the hard work for putting on the annual Claims Seminar, it was one of the best he has attended. He was pleased with the attendance and with the number of sponsors.

Mr. Testini recognized the organizers from the Claims Division. He noted the numbers are not final yet, but it was one of the largest seminars we have had in a long time.

Ms. Dimas confirmed Commission meeting dates through September 2024 noting the date change for September 26, to September 25 and will be in Flagstaff.

Public Comment.

There was no public comment.

The meeting was adjourned at 1:13 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By 
Gaetano J. Testini, Executive Deputy Director

ATTEST:


Kara Dimas, Commission Secretary