

MINUTES OF MEETING  
OF THE INDUSTRIAL COMMISSION OF ARIZONA  
Held at 800 West Washington Street  
Phoenix, Arizona 85007  
Thursday, August 29, 2024 – 1:00 p.m.

|                              |  |
|------------------------------|--|
| Present: Dennis P. Kavanaugh | Chairman   |
| Joseph M. Hennelly, Jr.      | Vice Chair (Telephonic)                              |
| D. Alan Everett              | Commissioner   |
| Maria Cecilia Valdez         | Commissioner   |
|                              |  |
| Gaetano J. Testini           | Director   |
| Afshan Peimani               | Chief Legal Counsel                                  |
| Lisa Padgett                 | Deputy Director (Telephonic)                         |
| Charles Carpenter            | Legislative Affairs Chief/Public Information Officer |
| Renee Pastor                 | Self-Insurance (Telephonic)                          |
| Brian Hudson                 | ADOSH Director                                       |
| Brandt Smith                 | ADOSH Assistant Director                             |
| 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 Geneva Haber (Snell and Wilmer); Ron Buzuleciv and Earl Williams (Qualitas Machining); and Lindsey Wheeler (Premier Risk Management).

Approval of Minutes of August 22, 2024 Regular Meeting Minutes.

Commissioner Everett moved to approve the Minutes of the August 22, 2024 regular session meeting and Commissioner Valdez seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett and Commissioner Valdez 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. CP-2024-AM866-0013 Aaron's Mobile Auto LLC DBA Express Powdercoat and Wheel Repair
  2. PP-2024-JW184-0077 C & C Roofing & Supply, Inc

3. PP-2024-JW184-0078 C & C Roofing & Supply, Inc
4. RF-2024-TM082-0033 Empire Deck & Steel LLC
5. CP-2024-JW184-0083 Eco Roofing Solutions, LLC
6. CP-2024-AD245-0041 Next Level Steel, LLC
7. CP-2024-MS021-0003 Smyth Industries Inc.
8. CP-2024-T3633-0158 Quick Restore of Tucson LLC

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

|  |   |
|--|---|
| SLNSUDZ, L.L.C.<br>731 West Fairmont Drive<br><u>Tempe, AZ 85282</u> | Referral-Employer Reported<br>Years in Business: 10<br>Empl. Covered by Inspection: 5 |
| Site Location: 731 W Fairmont Dr<br>Tempe, AZ 85282                  |   |
| Inspection No: RF-2024-JW184-0093                                    |   |
| Inspection Date: July 8, 2024  |   |

SERIOUS – Citation 1 - Item 1 –

- a) Warehouse: Two employees were exposed to crush hazards due to an employee operating a Doosan sit down forklift model # BC25S-7 serial # FBA1B-1380-00628 in reverse while not looking in the direction of travel. 29 CFR 1910.178(n)(6) \*Per ADOSH Director as causal factor

|                             |                            |
|-----------------------------|----------------------------|
| Div. Proposal - \$11,524.00 | Formula Amt. - \$11,524.00 |
|-----------------------------|----------------------------|

SERIOUS – Citation 1 - Item 2 –

- a) Shipping department: One employee used an Arpac Pro pallet wrapper model # PRO-4002-HC serial # 8612, that had an unguarded rotating base plate. 29 CFR 1910.212(a)(1)

|                             |                                  |
|-----------------------------|----------------------------------|
| Div. Proposal - \$3,687.00  | Formula Amt. - \$3,687.00        |
| TOTAL PENALTY - \$15,211.00 | TOTAL FORMULA AMT. - \$15,211.00 |

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

Chairman Kavanaugh noted he did not have a request to speak.

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



Div. Proposal - \$4,610.00

Formula Amt. - \$4,610.00

SERIOUS – Citation 1 - Item 4 –

- a) Shop: Three employee used hazardous chemicals such as Cardinal T358-GR539 Chrome powder and Zep Concentrated Purple Degreaser, without having received hazard communication training. 29 CFR 1910.1200(h)(1)

Div. Proposal - \$4,610.00

Formula Amt. - \$4,610.00

TOTAL PENALTY - \$16,595.00

TOTAL FORMULA AMT. - \$24,890.00

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

Chairman Kavanaugh noted he had a request to speak Earl Williams.

Mr. Williams, President of Qualitas Machining & Automation, noted this was the first time Qualitas Machining has been cited, the company is about a year old, and they were not fully aware of all the requirements or as diligent as they should have been, but now they understand what is expected. They immediately took steps to address all the issues cited. The steps included installing an eyewash station, training employees on proper use of the eyewash station, instituting policies and updating the training on the forklift, requiring current certification for anyone who may use the forklift, implementing policies and training on respirators as well as identification and labeling of hazardous chemicals. They have proper fit testing and are in the process getting the medical evaluations for using the respirators.

Mr. Hudson commented that ADOSH works in a partnership with companies and organizations with the overall goal of preventing fatalities from occurring and ensuring everybody goes home at the end of the day.

Commissioner Everett and Mr. Hudson discussed that the next steps have been explained as the process goes forward.

Commissioner Valdez asked if a shower has been added. Mr. Williams noted they are in the process of putting in the shower.

Vice Chair Hennelly moved to amend the citation and proposed penalties with a 10% reduction given the abatement as described, given the understanding that there could be further discussion with ADOSH moving forward. Commissioner Valdez seconded the motion.

Chairman Kavanaugh appreciated Qualitas coming to the meeting and being candid with the efforts taken. Our goal is not to punish but we do have to enforce our laws and rules but will work with employers to minimize the risk of future incidents and violations.

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

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Ms. Dimas confirmed Commission meeting dates through October 2024.

Public Comment.

There was no public comment.

The meeting was adjourned at 1:23 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By   
Gaetano J. Testini, Executive Deputy Director

ATTEST:

  
Kara Dimas, Commission Secretary