

MINUTES OF MEETING  
OF THE INDUSTRIAL COMMISSION OF ARIZONA  
Held at 800 West Washington Street  
Phoenix, Arizona 85007  
Thursday, December 12, 2024 – 1:00 p.m.

Present:	Dennis P. Kavanaugh	Chairman
	Joseph M. Hennelly, Jr.	Vice Chair
	D. Alan Everett	Commissioner (Telephonic)
	Maria Cecilia Valdez	Commissioner
	Orion J. Godfrey	Commissioner
	Gaetano J. Testini	Director
	Afshan Peimani	Chief Legal Counsel
	Charles Carpenter	Legislative Affairs Chief/Public Information Officer
	Brian Hudson	ADOSH Director
	Adaysia Henderson	ADOSH Compliance
	Tyler Ninnemann	ADOSH Compliance
	Bethany Votta	ADOSH Admin
	Crystal Wilder	ADOSH Admin
	Kara Dimas	Commission Secretary

Chairman Kavanaugh convened the meeting at 1:09 p.m. In attendance, confirmed by roll call were Geneva Haber (Snell and Wilmer) and Anne Ryman (ABC15).

Approval of Minutes of December 5, 2024 Regular Meeting Minutes.

Commissioner Valdez moved to approve the Minutes of the December 5, 2024 regular session meeting and Vice Chair Hennelly 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.

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

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1. CP-2024-JW184-0118      GB PHX Desert Ridge LLC dba Cupbop Desert Ridge Marketplace

Commissioner Godfrey moved to approve the items on the Consent Agenda 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.

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

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

Dine Plus, LLC dba Denny's #9506  
4980 S. Alma School Rd, Suite #A2-414  
Chandler, AZ 85248

Complaint  
Years in Business: 6  
Empl. Covered by Inspection: 23

Inspection No: CP-2024-ZP447-0023  
Inspection Date: July 31, 2024  
Site Location: 1541 Main Street  
San Luis, AZ 85349

SERIOUS – Citation 1 - Item 1 –

- a) 1541 Main St., San Luis: One employee exposed to the hazard of high heat during the performance of their job duties in the kitchen was taken to the hospital for observations of heat stroke after showing signs and symptoms of heat illness such as dizziness, numb hands, blurry vision, uncontrollable sweating and shaking. A.R.S. 23-403.A  
Div. Proposal - \$11,524.00 Formula Amt. - \$11,524.00

SERIOUS – Citation 1 - Item 2 –

- a) Dish Pit: One employee would wash dishes using corrosive chemicals, Luster Professional Low-Temp Detergent and Chlorine Sanitizer that had the potential to cause serious eye damage and severe skin burns without a hazard assessment being completed to require use of safety glasses with side shields or goggles. 29 CFR 1910.132(d)(1)  
Div. Proposal - \$11,524.00 Formula Amt. - \$11,524.00

SERIOUS – Citation 1 - Item 3 –

- a) Dish Pit: Employee used corrosive chemicals, Luster Professional Low-Temp Detergent and Chlorine Sanitizer that had the potential to cause serious eye damage and was not provided with an eye wash station. 29 CFR 1910.151(c)  
Div. Proposal - \$8,067.00 Formula Amt. - \$8,067.00

SERIOUS – Citation 1 - Item 4 –

- a) 1541 Main Street, San Luis, AZ 85349: Employees who work with corrosive chemicals such as Luster Professional Low-Temp Detergent and Chlorine Sanitizer were not provided the required training for working with such chemicals. 29 CFR 1910.1200(h)(1)  
Div. Proposal - \$11,524.00 Formula Amt. - \$11,524.00

TOTAL PENALTY - \$46,096.00 TOTAL FORMULA AMT. - \$46,096.00

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

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

Commissioner Valdez 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.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Ms. Dimas confirmed Commission meeting dates through January 2025.

Chairman Kavanaugh noted that next meeting would have the recommended self-insurance rates for 2025.

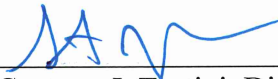
Public Comment.

There was no public comment.

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

THE INDUSTRIAL COMMISSION OF ARIZONA

By

  
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Gaetano J. Testini, Director

ATTEST:

  
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Kara Dimas, Commission Secretary