

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, November 21, 2024 – 1:00 p.m.

Present:	Dennis P. Kavanaugh	Chairman
	Joseph M. Hennelly, Jr.	Vice Chair
	D. Alan Everett	Commissioner
	Orion J. Godfrey	Commissioner
	Gaetano J. Testini	Director
	Afshan Peimani	Chief Legal Counsel
	Lisa Padgett	Deputy Director (Telephonic)
	Charles Carpenter	Legislative Affairs Chief/Public Information Officer
	Brian Hudson	ADOSH Director
	Victoria Medina	ADOSH Supervisor
	James Reitmeier	ADOSH Supervisor
	Anna Maria Stonerock	ADOSH Compliance
	Crystal Wilder	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); Anne Ryman and Alpha Kamara (ABC15); Lindsey Wheeler (Premier Risk Management); Anthony (Tony) Sanchez (ValleyCare Landscaping, LLC); George Woods (City of Scottsdale); Haerin Hong So, Yoon Hong and Jinsoo So (next of kin).

Approval of Minutes of November 14, 2024 Regular Meeting Minutes.

Commissioner Everett moved to approve the Minutes of the November 14, 2024 regular session meeting 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.

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 Proposed Civil Penalties Against Uninsured Employers.

1. 2CNP24/25-3146 Tortillas Don Juan, LLC

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

1. PP-2024-AD245-0044 Arizona Western Fixture and Display, Inc.
2. CP-2024-ZP447-0014 Brad Haslem, Inc., (FN) dba BHI
3. CP-2024-RS480-0125 Dynamite Manufacturing LLC DBA Man Cave RV
4. RF-2024-MB431-0056 Midway Chevrolet Company 1, LLC DBA Midway Chevrolet
5. UR-2024-AM866-0025 Yam Westgate, LLC

Vice Chair Hennelly 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.

City of Scottsdale - Scottsdale Police Department	Fatality/Catastrophe	
7447 E Indian School Rd	Years in Business:	61
<u>Scottsdale, AZ 85251</u>	Empl. Covered by Inspection:	6
Site Location:	7447 E Indian School Rd	
	Scottsdale, AZ 85251	
Inspection No:	FC-2024-TM082-0053	
Inspection Date:	June 14, 2024	

Mr. Hudson summarized ADOSH's investigation and reviewed the file. ADOSH was not recommending a citation for City of Scottsdale - Scottsdale Police Department.

Chairman Kavanaugh clarified with Mr. Hudson that the jurisdiction of the Commission is specifically for OSHA and other State laws associated with the labor and protection of employees.

Commissioner Godfrey asked if the weapon was secured according to the policies and procedures and Mr. Hudson described what happened at the time of the incident.

Chairman Kavanaugh confirmed with Mr. Hudson if it was consistent with rules and policies.

Chairman Kavanaugh noted he had a request to speak from Haerin Hong So.

Ms. So addressed the Commission about the loss of Officer Ryan So.

Chairman Kavanaugh offered the condolences of the Commissioners and noted the jurisdiction constraints and hopes the family gets the closure they need and appreciates the comments.

Mr. Hudson noted he and the ADOSH team share in the condolences to the family and truly sorry this event occurred.

The Commission took no action.

ValleyCare Landscaping, LLC	Fatality/Catastrophe	
5930 W Rivera Dr	Years in Business:	7
<u>Glendale, AZ 85304</u>	Covered by Inspection:	2

Althoff Industries, LLC dba AAA Pallet
& Lumber Company
3401 West Harrison Street
Phoenix, AZ 85009

Referral-Employer Reported
Years in Business: 45
Empl. Covered by Inspection: 26

Site Location: 3401 West Harrison Street
Phoenix, AZ 85009
Inspection No: RF-2024-JW184-0092
Inspection Date: July 1, 2024

SERIOUS – Citation 1 - Item 1a –

- a) 3401 W Harrison St, Phoenix: Two employees were required to wear N95 dust mask respirators brand name, model #, and serial # unknown, without having a written respirator protection program in place. 29 CFR 1910.134(c)(1)
Div. Proposal - \$4,839.00 Formula Amt. - \$4,839.00

SERIOUS – Citation 1 - Item 1b –

- a) 3401 W Harrison St, Phoenix: Two employees were required to wear N95 dust mask respirators brand name, model #, and serial # unknown, without having received medical evaluations. 29 CFR 1910.134(e)(1)
Div. Proposal - \$0.00 Formula Amt. - \$4,839.00

SERIOUS – Citation 1 - Item 1c –

- a) 3401 W Harrison St, Phoenix: Two employees were required to wear N95 dust mask respirators brand name, model #, and serial # unknown, without having been fit tested. 29 CFR 1910.134(f)
Div. Proposal - \$0.00 Formula Amt. - \$4,839.00

SERIOUS – Citation 1 - Item 2 –

- a) 3401 W Harrison St, Phoenix: Two employees were required to wear N95 dust mask respirators brand name, model #, and serial # unknown, without having received respirator training. 29 CFR 1910.134(k)
Div. Proposal - \$4,839.00 Formula Amt. - \$4,839.00

SERIOUS – Citation 1 - Item 3 –

- a) 3401 W Harrison St, Phoenix: One employee cleaned the saw dust of a Powermatic tilting arbor saw model # 72 serial #272185 with a dado saw blade without there being a written emergency control program in place. 29 CFR 1910.147(c)(1)
Div. Proposal - \$8,067.00 Formula Amt. - \$8,067.00

SERIOUS – Citation 1 - Item 4 –

- a) 3401 W Harrison St, Phoenix: Two employees used a Powermatic tilting arbor saw model # 72 serial #272185 with a dado saw blade to cut grooves into wooden blocks without using combs or suitable jigs. 29 CFR 1910.213(a)(15)
Div. Proposal - \$8,067.00 Formula Amt. - \$8,067.00

