

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA

Held at 800 W. Washington
Conference Room 308
Phoenix, Arizona 85007

Thursday, September 17, 2009 – 1:00 p.m.

Present:	Brian Delfs	Chairman
	Marcia Weeks	Vice Chairman
	Louis W. Lujano, Sr.	Member
	John A. McCarthy, Jr.	Member
	David Parker	Member (video conference)
	Darin Perkins	Acting Director
	Michael Primiano	Legal Counsel
	Noreen Thorsen	Claims Manager
	Kara Dimas	Legal Dept. Office Manager
	Teresa Hilton	Commission Secretary

Chairman Delfs convened the Commission meeting at 1:00 p.m. noting a quorum present. Also in attendance were Catherine Buda and Christine Buda, Jen Jones of Snell & Wilmer, Jeff Homer of General Dynamics and Lisa Fain of Ballard Spahr. Scot Butler, the agency's lobbyist, was also in attendance.

Approval of Minutes of September 2, 2009 Meeting

The Commission unanimously approved the Minutes of the September 2, 2009 General Session on motion of Mr. Lujano, second of Mr. McCarthy. The Commission unanimously approved the Minutes of the September 2, 2009 Executive Session on motion of Mr. Lujano, second of Mrs. Weeks.

Discussion & Action of ADOSH Discrimination Complaint

#09-55 Christine Buda v. Arizona Department of Fire, Building and Life Safety – Chairman Delfs noted that Ms. Buda was in attendance. Darin Perkins presented a summary of the Division's investigation of a discrimination complaint filed by Ms. Buda. In her complaint, Ms. Buda stated that she was harassed and eventually laid off as a result of her complaints regarding a case file archiving project. The employer stated that Ms. Buda was terminated along with fifteen other employees as part of a department reduction in force due to budgetary cuts and also due to personality conflicts.

Mr. Lujano stated that employers usually notify employees a month or more ahead of time when they are going to have a RIF and questioned how much time Ms. Buda and the other employees who were laid off were given. Mr. Perkins stated that he was not aware of any prior notification. Mrs. Weeks stated that, according to the ADOSH summary, Ms. Buda had received a letter dated June 10th asked if the other employees who were laid off received the same letter. Mr. Perkins stated that he believed they all received the same letter but was not sure when they received it. Mrs. Weeks questioned how much notice the employees received that they were going to be laid off or whether the lay off was immediate. Mr. Perkins responded that he believed it was immediate. It was also discussed that three of the employees were subsequently called back to work but that Ms. Buda was not considered for reinstatement.

Mrs. Weeks questioned the timing of Ms. Buda's termination and whether she was on medical leave at that time. Mr. Perkins confirmed that Ms. Buda was on medical leave under FMLA when she was laid off. Mr. Lujano expressed concern about the speculation on the part of Ms. Villa in her interview with ADOSH and felt her statements were very disturbing with no facts to back up her statements. Mr. Parker asked whether Ms. Buda was separated without prejudice or whether there was a notation that she was not eligible for rehire. Mr. Perkins stated that he did not know. Mrs. Weeks also questioned whether the archiving project had been completed and what Ms. Buda was doing between May 18th and June 10th. Mr. Perkins stated that she was on medical leave as of June 3rd.

Mr. Perkins stated that based on the information gathered during the investigation, it did not appear that the evidence established or indicated a connection between Ms. Buda's termination and the protected activity. He stated that the allegations were rather vague and that issues surrounding a range of other problems including gender and age were also thrown into the mix. He recommended that the case not be pursued. Mr. Lujano questioned whether Ms. Buda got help lifting the boxes. Mr. Perkins responded that that was not clear.

Following further discussion of whether Ms. Buda was terminated for protected activity, the Commission unanimously voted to table consideration of the complaint for further information on motion of Mr. Lujano, second of Mr. Parker. Chairman Delfs stated that the Commissioners should let Mr. Perkins know what further questions they have and what further information ADOSH should obtain.

Discussion &/or Action regarding Legislation

Scot Butler advised that the Special Session has ended and that the Governor signed more of the budget bills and line item vetoed others. The JLBC reports the state has a \$950 million budget deficit. Mr. Butler explained the bills that were approved and vetoed. He also advised that the Governor's office has put out a request to state agencies to develop plans for future budget cuts of 10, 15 and 20% for next fiscal year.

With regard to legislation, the bills that were passed will take effect September 30th. Mr. Butler stated that he does not anticipate any further legislative action this year.

Discussion & Action of Requests for Lump Sum Commutations

Bruce Anderson #88139-040955 - Noreen Thorsen presented this lump sum petition. She advised that Mr. Anderson requested a lump sum commutation of his unscheduled award of \$1,100.06 per month (present value \$240,462.12) in order to pay off his current home and possibly purchase a different home that is handicapped suitable. He would also like to purchase a vehicle and pay off some of his wife's medical bills. Ms. Thorsen described the history of Mr. Anderson's workers' compensation claim including surgeries, reopenings, C&S agreement and previous lump sum. The present value exceeds the \$150,000.00 maximum allowable for unscheduled commutations. If approved, after the carrier credit and advance, Mr. Anderson would receive a lump sum amount of \$104,751.56. Mr. Anderson has requested reinstatement of social security disability benefits. No source of income is indicated.

Ms. Thorsen advised that the Claims Department is recommending disapproval of the lump sum commutation since the only monthly income Mr. Anderson has is from the loss of earning capacity award. Although Mr. Anderson feels he will receive a favorable decision from Social Security, he has nothing to support that belief. He also would be giving up a lot of the present value of the award. Following discussion, the Commission unanimously denied the

SERIOUS – Citation 1, item 3 – An employee's personal fall arrest system, used in an aerial lift, was rigged in such a way that the employee could contact the ground in the event of a fall (1926.502(d)(16)(iii)).

Div. Proposal - \$ 750.00
TOTAL DIV. PROP. - \$2,250.00

Formula Amt. - \$ 750.00
TOTAL FORMULA AMT - \$2,250.00

Darin Perkins summarized the citations and proposed penalty as listed and responded to questions from the Commissioners. Following discussion and inspection of photographs of these violations, the Commission unanimously approved issuing the citations and assessed the recommended penalty of \$2,250.00 on motion of Mr. McCarthy, second of Mrs. Weeks.

Lucky's Tile, Inc.
1343 W. Rockwell Drive
Chandler, AZ 85224

Complaint
Yrs/Business – 7
Empl. Cov. by Insp. – 2

Site Location: 223 N. 7th Avenue, Phoenix, AZ 85003
Insp. #: N4762/313573008
Insp. Date: 06/04/09

SERIOUS – Citation 1, item 1 – One angle grinder was not equipped with a wheel guard when in use (1926.300(b)(1)).

(No inspection history in the past three years).

Div. Proposal - \$600.00

Formula Amt. - \$600.00

GROUPED SERIOUS – Citation 1, item 2a – One employee was working at a height of approximately 16' above the ground in a self propelled articulating Z-boom aerial lift while standing on the mid rail of the basket and did not remain standing firmly on the floor of the basket (1926.453(b)(2)(iv)).

Citation 1, item 2b - Two employees were using personal fall arrest systems that were attached to the platform guardrail of a self-propelled articulating Z-boom aerial lift and not the lanyard attachment anchor device (1926.502(d)(23)).

Div. Proposal - \$750.00

Formula Amt. - \$750.00

SERIOUS – Citation 1, item 3 – The employer did not ensure that each employee was trained in the recognition and avoidance of hazards associated with the operation of a self-propelled articulating Z-boom aerial lift (1926.454(a)).

Div. Proposal - \$ 750.00
TOTAL DIV. PROP. - \$2,100.00

Formula Amt. - \$ 750.00
TOTAL FORMULA AMT - \$2,100.00

Darin Perkins summarized the citations and proposed penalty as listed and responded to questions from the Commissioners. Following discussion and inspection of photographs of these violations, the Commission unanimously approved issuing the citations and assessed the recommended penalty of \$2,100.00 on motion of Mrs. Weeks, second of Mr. Lujano.

D.I. Specialty Contracting, Inc.
2601 W. Cypress Street
Phoenix, AZ 85009

Complaint
Yrs/Business – 6
Empl. Cov. by Insp. – 5

Site Location: 26871 N. 88th Drive, Peoria, AZ 85383
Insp. #: Y5457/313581159
Insp. Date: 06/15/09

GROUPED SERIOUS – The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from accident.

Citation 1, item 1a – Five employees were working from a fabricated frame scaffold 14' high, 60' long and 3' wide that was not fully decked or decked between the front uprights and the guardrail supports (1926.451(b)(1)). There were three other instances of this violation.

Citation 1, item 1b - Five employees were working from a fabricated frame scaffold 14' high, 10' long and 3' wide where the scaffold platforms changed directions and boards were not laid at the right angles (1926.451(b)(8)).

Citation 1, item 1c - Five employees were working from a fabricated frame scaffold that was not plumb and braced to prevent swaying and displacement (1926.451(c)(3)). There were three other instances of this violation.

Citation 1, item 1d - Five employees were working from a fabricated frame scaffold 20' high, 10' long and 4'9" wide that did not have an adequate means of access and egress (ladder) installed (1926.451(e)(1)).

Citation 1, item 1e - Five employees were working from a fabricated frame scaffold 14' high, 60' long and 3' wide that was not inspected for visible defects by a competent person before each work shift and after any occurrence which could affect the scaffold's structural integrity (1926.451(f)(3)). There were three other instances of this violation.

Citation 1, item 1f - Five employees working from a fabricated frame scaffold 14' high, 60' long and 3' wide that was not erected, moved, dismantled or altered by trained and experienced employees under the supervision and direction of a competent person qualified in scaffold erection, moving, dismantling or alteration. There were three other instances of this violation. (No inspection history in the past 3 years).

Div. Proposal - \$750.00

Formula Amt. - \$750.00

SERIOUS – Citation 1, item 2 – Five employees were working on a fabricated frame scaffold 14' high, 60' long and 3' wide that did not have a guardrail system installed along all open sides and ends of platforms. There were three other instances of this violation.

Div. Proposal - \$750.00

Formula Amt. - \$750.00

SERIOUS – Citation 1, item 3 – Five employees were working on a fabricated frame scaffold 14' high, 60' long and 3' wide who were not trained by a person qualified in the recognition of hazards associated with the type of scaffold(s) being used and to understand the procedures to control or minimize those hazards (1926.454(a)). There were three other instances of this violation.

Div. Proposal - \$750.00

Formula Amt. - \$750.00

SERIOUS – Citation 1, item 4 – Three employees were working on an elevated surface approximately 14' above the lower level and were not protected from falling by the use of a fall protection system (1926.501(b)(1)).

Div. Proposal - \$ 750.00

Formula Amt. - \$ 750.00

TOTAL DIV. PROP. - \$3,000.00

TOTAL FORMULA AMT - \$3,000.00

Darin Perkins summarized the citations and proposed penalty as listed and responded to questions from the Commissioners. Following discussion and inspection of photographs of these violations, the Commission unanimously approved issuing the citations and assessed the recommended penalty of \$3,000.00 on motion of Mr. McCarthy, second of Mr. Lujano.

Empaz, Inc. dba Empire Community Painting
1682 Langley Avenue
Irving, CA 92614

Complaint
Yrs/Business - 7
Empl. Cov. by Insp. - 4

Site Location: 14269 N. 87th Street, Scottsdale, AZ 85260
Insp. #: Y5457/313594947
Insp. Date: 07/06/09

SERIOUS - Citation 1, item 1 - Two employees were working in an aerial lift approximately 32' above the ground level without utilizing a full body harness and a lanyard attached to the aerial lift or other fall protection (1926.453(b)(2)(v)).
(No inspection history in the past three years).

Div. Proposal - \$1,250.00

Formula Amt. - \$1,250.00

SERIOUS - Citation 1, item 2 - Two employees were working from an awning approximately 32' above ground level without the use of a fall protection system to prevent a fall (1926.501(b)(1)).

Div. Proposal - \$1,250.00

Formula Amt. - \$1,250.00

TOTAL DIV. PROP. - \$2,500.00

TOTAL FORMULA AMT - \$2,500.00

Darin Perkins summarized the citations and proposed penalty as listed and responded to questions from the Commissioners. Following discussion and inspection of photographs of these violations, the Commission unanimously approved issuing the citations and assessed the recommended penalty of \$2,500.00 on motion of Mr. Parker, second of Mrs. Weeks.

Advanced Automotive & Towing, Inc.
172 S. Kolb Road
Tucson, AZ 85710

Complaint
Yrs/Business - 20
Empl. Cov. by Insp. - 4

Site Location: 172 S. Kolb Road, Tucson, AZ 85710
Insp. #: P0775/313615379
Insp. Date: 07/22/09

SERIOUS - Citation 1, item 1 - The safety devices on the automotive lifts were bypassed, they were not properly maintained and employees had not been trained in automotive lift use and care (23.403(A)).
(No inspection history in the past three years).

Div. Proposal - \$1,500.00

Formula Amt. - \$1,500.00

SERIOUS - Citation 1, item 2 - The bench grinder had a 5 1/2" diameter abrasive wheel that did not have a side guard installed (1910.215(a)(1)). There was another instance of this violation.

Div. Proposal - \$750.00

Formula Amt. - \$750.00

SERIOUS - Citation 1, item 3 - The bench grinder had a 5 1/2" diameter abrasive wheel that did not have a work rest to support off-hand grinding work (1910.215(a)(4)).

Div. Proposal - \$100.00

Formula Amt. - \$100.00

SERIOUS - Citation 1, item 4 - A 220V electrical outlet was not enclosed in the box allowing

for contact with the wires on the back side of the receptacle when attempting to plug into the unit (1910.303(g)(2)(i).

Div. Proposal - \$ 750.00
TOTAL DIV. PROP. - \$3,100.00

Formula Amt. - \$ 750.00
TOTAL FORMULA AMT - \$3,100.00

Darin Perkins summarized the citations and proposed penalty as listed and responded to questions from the Commissioners. Following discussion and inspection of photographs of these violations, the Commission unanimously approved issuing the citations and assessed the recommended penalty of \$3,100.00 on motion of Mr. McCarthy, second of Mr. Lujano.

Performance Painting, Inc.
21441 N. 3rd Avenue
Phoenix, AZ 85027

Planned
Yrs/Business - 13
Empl. Cov. by Insp. - 10

Site Location: 6973 E. Chauncy Lane, Phoenix, AZ 85054
Insp. #: Y5457/313594756
Insp. Date: 06/29/09

SERIOUS - Citation 1, item 1 - Two employees were working in a aerial lift 22' above ground level without utilizing a fall protection system (1926.453(b)(2)(v).
(One inspection with no violations in the past three years).

Div. Proposal - \$1,250.00

Formula Amt. - \$1,250.00

Darin Perkins summarized the citation and proposed penalty as listed and responded to questions from the Commissioners. Following discussion and inspection of photographs of this violation, the Commission unanimously approved issuing the citation and assessed the recommended penalty of \$1,250.00 on motion of Mr. Lujano, second of Mr. McCarthy.

Auto Style, Inc.
8615 W. Kelton Lane, Suite 303
Peoria, AZ 85382

Complaint
Yrs/Business - 12
Empl. Cov. by Insp. - 20

Site Location: 8615 W. Kelton Lane, Suite 303, Peoria, AZ 85382
Insp. #: Z5834/313697443
Insp. Date: 08/13/09

SERIOUS - Citation 1, item 1 - Employees were exposed to a possible fire and explosion due to the lack of grounding on the wood dust collection system (23.403.A)
(No inspection history in the past three years).

Div. Proposal - \$750.00

Formula Amt. - \$750.00

SERIOUS - Citation 1, item 2 - The employer did not instruct employees in the recognition and avoidance of unsafe conditions associated with operating a powered industrial truck (1910.178(l)(1)(i).

Div. Proposal - \$ 750.00
TOTAL DIV. PROP. - \$1,500.00

Formula Amt. - \$ 750.00
TOTAL FORMULA AMT - \$1,500.00

Darin Perkins summarized the citations and proposed penalty as listed and responded to questions from the Commissioners. Following discussion and inspection of photographs of these violations, the Commission unanimously approved issuing the citations and assessed the recommended penalty of \$1,500.00 on motion of Mr. Delfs, second of Mr. Lujano.

Bergeron Engineering, A.C.C.
1559 N. Country Club Drive
Mesa, AZ 85201

Planned
Yrs/Business – 40
Empl. Cov. by Insp. – 6

Site Location: 1559 N. Country Club Drive, Mesa, AZ 85201
Insp. #: N4762/313125890
Insp. Date: 03/30/09

SERIOUS – Citation 1, item 1 – The employer did not ensure the abrasive cut off machine had an abrasive wheel installed in accordance with the manufacturer's Operator's Manual as the employer had installed a metal cut-off saw blade (23.403(A). There was another instance of this violation.

(No inspection history in the past three years).

Div. Proposal - \$750.00

Formula Amt. - \$750.00

SERIOUS – Citation 1, item 2 – The employer had not established and implemented a written lockout/tagout program and procedures for the maintenance or servicing of a machine or equipment where the unexpected energizing, start up or release of stored energy could occur and cause injury (1910.147(c)(1).

Div. Proposal - \$750.00

Formula Amt. - \$750.00

SERIOUS – Citation 1, item 3 – The employer did not instruct each forklift operator in the safe operation and handling of such equipment (1910.178(I)(1)(i).

Div. Proposal - \$750.00

Formula Amt. - \$750.00

GROUPED SERIOUS – The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from accident.

Citation 1, item 4a – Rated load markings on a custom-fabricated portable gantry crane were not marked on either side of the gantry crane (1910.179(b)(5).

Citation 1, item 4b - The bottom safety hook on the electrical hoist that was hanging from the custom-fabricated portable gantry crane did not meet the manufacturer's recommendations as it was missing a safety latch (1910.179(h)(4).

Citation 1, item 4c - The employer had not conducted frequent inspections of all functional operating mechanisms of the custom-fabricated portable gantry crane and the electric hoist. The serial numbers were illegible (1910.179(j)(2).

Citation 1, item 4d - The employer had not conducted a complete periodic inspection of the custom fabricated portable gantry crane and electric hoist in the past 12 months (1910.179(j)(3).

Citation 1, item 4e - The employer had not ensured the function labels on the pendant controller of the electric hoist were kept legible (1910.179(I)(3)(iii)(d).

Div. Proposal - \$600.00

Formula Amt. - \$600.00

GROUPED SERIOUS – The alleged violations that follow have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from accident.

Citation 1, item 5a – One lathe did not have the chuck guarded to protect the operator from

placing any part of his body into the danger zone during the operating cycle (1910.212(a)(1). There were 11 other instances of this violation.

Citation 1, item 5b - One milling machine was lacking a point of operation guard to prevent the operator from placing any part of the body into the danger zone during the operating cycle (1910.212(a)(3)(ii). There were 2 other instances of this violation.

Div. Proposal - \$750.00

Formula Amt. - \$750.00

SERIOUS - Citation 1, item 6 - One bench grinder did not have a safety guard installed on the abrasive wheel side to cover the spindle end, nut and flange projection on the right end of the grinder (1910.215(a)(2). There was another instance of this violation.

Div. Proposal - \$750.00

Formula Amt. - \$750.00

SERIOUS - Citation 1, item 7 - One pedestal grinder was lacking a work rest on the abrasive wheel side of the grinder (1910.215(a)(4). There were two other instances of this violation.

Div. Proposal - \$100.00

Formula Amt. - \$100.00

SERIOUS - Citation 1, item 8 - The employer did not ensure that the horizontal drive belt and pulleys on a belt-driven bench grinder had a fully enclosed guard installed to cover both runs of the belt and each pulley (1910.219(d)(1). There was another instance of this violation.

Div. Proposal - \$750.00

Formula Amt. - \$750.00

SERIOUS - Citation 1, item 9 - One 120/240 volt electrical circuit breaker panel was missing two circuit breakers and/or blank out covers (1910.303(g)(2)(i). There was another instance of this violation.

Div. Proposal - \$ 750.00

Formula Amt. - \$ 750.00

TOTAL DIV. PROP. - \$5,950.00

TOTAL FORMULA AMT - \$5,950.00

Darin Perkins summarized the citations and proposed penalty as listed and responded to questions from the Commissioners. Following discussion and inspection of photographs of these violations, the Commission unanimously approved issuing the citations and assessed the recommended penalty of \$5,950.00 on motion of Mr. Parker, second of Mr. Lujano.

Professional Medical Transport, Inc.
dba PMT Ambulance
7432 E. Camelback Road
Scottsdale, AZ 85251

Complaint
Yrs/Business - 4
Empl. Cov. by Insp. - 6

Site Location: 7432 E. Camelback Road, Scottsdale, AZ 85251

Insp. #: U9805/313595084

Insp. Date: 07/13/09

SERIOUS - Citation 1, item 1 - Uniforms that were being used as PPE were not laundered or disposed of by the employer and/or personal protective equipment was inadequate in that it did not prevent uniforms from becoming contaminated (1910.1030(d)(3)(i).

(No inspection history in the past three years).

Div. Proposal - \$1,875.00

Formula Amt. - \$1,875.00

Darin Perkins summarized the citations and proposed penalty as listed. Mr. Parker asked about the OSHA standard regarding PPE for paramedics. Mr. Perkins explained that the standard is not specific but states that protection needs to be "adequate". Mr. Perkins also

described what other departments are doing with regard to PPE including providing laundering of uniforms so employees don't have to take them home. Following further discussion and inspection of photographs of this violation, the Commission approved issuing the citation and assessed the recommended penalty of \$1,875.00 on motion of Mr. Lujano, second of Mr. McCarthy. Mr. Delfs abstained from the vote and Mr. Parker voted nay, stating that he was not convinced this was the right citation for the violation.

Red Hawk Farming & Cooling, LLC
PO Box 129
Picacho, AZ 85241

Complaint
Yrs/Business – 23
Empl. Cov. by Insp. – 12

Site Location: Northwest corner Wheeler Road & Millgan, Picacho, AZ 85241

Insp. #: F3875/313697435

Insp. Date: 07/23/09

SERIOUS – Citation 1, item 1 – Employees harvesting watermelons were not provided single use drinking cups and were sharing a gatorade plastic container to drink water (R20-5-670.C.1.c).

(Three inspections with one nonserious violation in the past three years).

Div. Proposal - \$75.00

Formula Amt. - \$75.00

SERIOUS – Citation 1, item 2 – Employees were not provided with handwashing facilities to include potable water, soap and paper towels (R20-6-670.C.2.a).

Div. Proposal - \$1,500.00

Formula Amt. - \$1,500.00

SERIOUS - Citation 1, item 3 - The employer had a toilet facility that was not located within a quarter of a mile of employer's place of work in the field (R20-5-670.C.2.c).

Div. Proposal - \$1,500.00

Formula Amt. - \$1,500.00

TOTAL DIV. PROP. - \$3,075.00

TOTAL FORMULA AMT - \$3,075.00

Darin Perkins summarized the citations and proposed penalty as listed and responded to questions from the Commissioners. Following discussion and inspection of photographs of these violations, the Commission unanimously approved issuing the citations and assessed the recommended penalty of \$3,075.00 on motion of Mr. Lujano, second of Mrs. Weeks.

Discussion & Action regarding Appointment of ADOSH Advisory Board Member

Shawn Hutchinson – Mr. Perkins advised that the members of the ADOSH Advisory Board have approved Mr. Hutchinson to become a member of the committee. He submitted Mr. Hutchinson's resume for the Commission's approval and appointment to the Board. Following discussion, the Commission unanimously appointed Mr. Hutchinson to the ADOSH Advisory Board on motion of Mr. Lujano, second of Mr. Parker.

Discussion & Action regarding Reappointment of Boiler Advisory Board Members

Frederick Anderson, R. Edward Emerson, T. Dean McCook, Terry Melot, Paul Smith, Rex J. Featherstone, P.E., and Mike Rutledge – Mr. Perkins advised that the previously listed members of the Boiler Advisory Board have expressed a willingness to continue to serve on the Board and requested that the Commissioners approved the reappointments. Mr. Perkins responded to questions from the Commissioners and advised that the Board meets quarterly and that all of the members are very active with good attendance. The Commission unanimously

reappointed Mr. Anderson, Mr. Emerson, Mr. McCook, Mr. Melot, Mr. Smith, Mr. Featherstone and Mr. Rutledge to the Boiler Advisory Board for a three year term expiring on February 7, 2012 on motion of Mr. McCarthy, second of Mr. Lujano.

Discussion & Action of Proposed Civil Penalties Against Uninsured Employers

2C08/09-1147	Estrella Taxi, LLC aka Estrella Taxi Serv. Aka Estrella Taxi service dba Estrella Taxi
2C08/09-1922	J. Mark Heldenbrand, PC
2C08/09-1722	Millennium Landscapes, Inc.

Michael Primiano advised that a compliance investigation confirmed that the above listed employers were operating (or had operated) a business with employees, but without workers' compensation insurance. Giving consideration to the factors of A.R.S. §23-907(K), Mr. Primiano recommended that civil penalties of \$1,000.00 be assessed against each of these employers. Mr. Primiano responded to questions from the Commissioners regarding these employers. The Commission unanimously assessed the recommended penalties of \$1,000.00 against employers #1147, 1922 and 1722 on motion of Mr. Parker, second of Mr. Lujano.

Discussion &/or Action regarding Operations of the Industrial Commission

Mr. Perkins stated there was nothing new to report.

Announcements

Ms. Hilton reminded the Commissioners that the next meeting will be held on Thursday, October 1st.

There being no further business to come before the Commission and no public comment, Chairman Delfs adjourned the meeting at 2:30 p.m.

APPROVED:

THE INDUSTRIAL COMMISSION OF ARIZONA

By _____
Chairman

By *Francis Weber*
Vice Chairman

By *Luis W. Lujano, Sr.*
Member

ATTEST:

By *John Mc Coy Jr*
Member

Teresa Hilton
Commission Secretary

By *[Signature]*
Member