

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Auditorium
Phoenix, Arizona 85007
Thursday, December 8, 2011 – 1:00 p.m.

Present:	Brian Delfs	Chairman
	David Parker	Vice Chairman
	John A. McCarthy, Jr.	Member
	Kathleen Oster	Member
	Susan Strickler	Member
	Laura McGrory	Director
	Andrew Wade	Chief Legal Counsel
	Darin Perkins	Director, ADOSH
	Noreen Thorsen	Claims Manager
	Pam Sanchez	Asst. Claims Manager
	David Sosa	Special Fund Manager
	Terry Ann Apodaca	No Insurance Supv.
	Randall Maruca	Director, Labor Dept.
	Michael Hawthorne	Chief Financial Officer
	Renee Pastor	Self Insurance Manager
	Jeri McAnerny	Tax Accountant
	Kamen Kovatchev	Accounting
	Teresa Hilton	Commission Secretary

Chairman Delfs convened the Commission meeting at 1:00 p.m. noting a quorum present. Also in attendance were Scot Butler, the agency's lobbyist; Eda Barolli of Snell & Wilmer; Mike Mason of City of Surprise; Jackson Moll and Connie Wilhelm of HomeBuilders Association of Central Arizona; Michael Cikacz of IWP; Sharon Powers of Powers Safety; and Kerry Hayden of Farmers Insurance.

Legislative Stakeholders' Meeting

Chairman Delfs welcomed interested parties to the Commission's 2011 Stakeholders' Meeting and advised that at this time the Commission has not taken any action to have legislation introduced on its behalf in the upcoming legislative session. He explained that the purpose of the meeting is to give an opportunity to comment on issues or to recommend the introduction of legislation regarding any aspect of the Industrial Commission's operations. Mr. Delfs asked if anyone wished to speak. Hearing none, Mr. Delfs stated that information could be provided to the agency, preferably before the legislative session.

Approval of Minutes of November 30, 2011 Meeting

The Commission unanimously approved the Minutes of November 30, 2011 on motion of Mr. McCarthy, second of Mr. Parker.

Consent Agenda:

- a. Approval of Request for Renewal of Self Insurance Authority
 1. Intel Corporation

- b. Approval of Proposed Civil Penalties Against Uninsured Employers.
 1. 2C10/11-0501 Alfredo Rodriguez & Mirella Cabrera, H/W dba La Cascada
 2. 2C10/11-1704 Cannella Services, L.L.C. dba Jones Auto and Tire Service
 3. 2C10/11-1113 Connie A. Clawson, a Single Woman, dba Ace Express
 4. 2C09/10-2571 Design Lines Truck Leasing, Inc.
 5. 2C11/12-0948 G.D. and Sons Construction, L.L.C.
 6. 2C10/11-0749 Flagstaff Rolloff and Storage Units, Inc. dba Bleeker Boxes
 7. 2C11/12-0523 Machine Works, L.L.C.
 8. 2C10/11-1845 Maria Francisco, a Single Woman, dba Hilltop Restaurant
 9. 2C10/11-1865 Multimedia Advertising Solutions, L.L.C.
 10. 2C10/11-2063 Nottingham Inc. dba A Kwiky Towing
 11. 2C10/11-1639 Restore Specialties, L.L.C.

Chairman Delfs asked if any of the listed items needed to be removed from the consent agenda. Secretary Hilton stated that none of the items on the consent agenda needed to be removed. The Commission unanimously approved the items on the consent agenda on motion of Mr. McCarthy, second of Ms. Oster.

Discussion & Action of ADOSH Discrimination Complaints

#11-27 Rosendo Suazo v Weber Group, LLC - Darin Perkins presented a summary of the Division's investigation of a discrimination complaint filed by Mr. Suazo. In his complaint, Mr. Suazo alleges that he was terminated for filing a workers' compensation claim. In response to the complaint, the employer presented its position with respect to Mr. Suazo's termination.

Mr. Perkins presented a history of Mr. Suazo's employment and chronology of events and responded to questions from the Commission. The Division recommendation was not to pursue the matter since there was insufficient evidence to support a causal link between protected activity and adverse action. Explaining his agreement with the recommendation of ADOSH regarding the discrimination complaint, Mr. Parker also questioned the company's handling of the workers' compensation claim and asked if it was appropriate to refer the matter to the Claims Division for consideration of bad faith/unfair claims processing practices. Mr. Perkins stated that the referral has already been made. Following further discussion, the Commission unanimously voted not to pursue the discrimination complaint on motion of Mr. Parker, second of Ms. Oster.

#11-57 Brian Wolford v Town of Huachuca City - Darin Perkins presented a summary of the Division's investigation of a discrimination complaint filed by Mr. Wolford. In his

complaint, Mr. Wolford alleges that he was terminated from his job because management believed that he submitted the written complaint to OSHA. In response to the complaint, the employer presented its position with respect to Mr. Wolford's termination.

Mr. Perkins presented a history of Mr. Wolford's employment and chronology of events and responded to questions from the Commission. The Division recommendation was not to pursue the matter since the termination appears to be for legitimate reasons. Following discussion, the Commission unanimously voted not to pursue the complaint on motion of Ms. Oster, second of Mr. McCarthy.

#11-65 Louise Levy v Yandy, LLC - Darin Perkins presented a summary of the Division's investigation of a discrimination complaint filed by Ms. Levy. In her complaint, Ms. Levy alleges that she was terminated for complaining of safety issues and being unable to perform job duties due to a work related injury. In response to the complaint, the employer presented its position with respect to Ms. Levy's termination.

Mr. Perkins presented a history of Ms. Levy's employment and chronology of events. The Division recommendation was not to pursue the matter since there was insufficient evidence to support a causal link between protected activity and adverse action. The Commission unanimously voted not to pursue the complaint on motion of Mr. McCarthy, second of Ms. Strickler.

Discussion &/or Action regarding Budget and Operations of the Industrial Commission

Ms. McGrory stated there was nothing new to report.

Discussion &/or Action regarding Legislation

Scot Butler presented a short report that included a summary of the meetings that he and Director McGrory held with certain legislators, the issue of premium tax on deductible policies, and the changes in the legislature and leadership following the recent election.

Announcements and Scheduling of Future Meetings

Ms. Hilton reminded the Commissioners that the next Commission meeting is scheduled for December 15th. The Commission scheduled additional meetings for January 5th and January 11th, 2012.

Before adjourning the meeting, Chairman Delfs noted that additional people had entered the room after the first agenda item for the legislative stakeholders' meeting had concluded. He asked if anyone wanted to address the Commission regarding legislation. There being none and there being no further business to come before the Commission, Chairman Delfs adjourned the meeting at 1:50 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By



Laura L. McGrory, Director

ATTEST:



Teresa Hilton, Commission Secretary