

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA

Held at 800 West Washington Street
Conference Room 308
Phoenix, Arizona 85007
Thursday, March 1, 2012 – 1:00 p.m.

Present:	David Parker	Chairman
	Kathleen Oster	Vice Chair
	Susan Strickler	Member (telephonic)
	Michael G. Sanders	Member
	Laura L. McGrory	Director
	Andrew Wade	Chief Legal Counsel
	Renee Pastor	Self Insurance Manager
	Darin Perkins	Director, ADOSH
	Michael Hawthorne	Chief Financial Officer
	Kamen Kovatchev	Accounting
	Teresa Hilton	Commission Secretary

Chairman Parker convened the Commission meeting at 1:00 p.m. noting a quorum present. Commissioner McCarthy was not able to attend. Also in attendance were Scot Butler, the agency's lobbyist, and Eda Barolli of Snell & Wilmer.

Approval of Minutes of February 23, 2012 Meeting

The Commission unanimously approved the Minutes of February 23, 2012 on motion of Ms. Oster, second of Mr. Sanders.

Discussion &/or Action regarding Legislation

Scot Butler provided a summary and bill status report and responded to questions from the Commissioners. He discussed HB's 2365, 2367, 2368, 2571, SB 1441 and the budget negotiations. With regard to SB 1441, Chairman Parker gave a summary of a meeting he had with representatives from the Home Builders Association of Central Arizona.

Consent Agenda:

- a. Approval of Requests for Renewal of Self Insurance Authority.
 1. City of Scottsdale
 2. City of Tempe
 3. Costco Wholesale Corporation
 4. Regis Corporation
 5. Roman Catholic Church – Diocese of Tucson

- b. Approval of Proposed Civil Penalties Against Uninsured Employers.
 1. 2C11/12-1621 Arizona Tenants Advocates, Inc.
 2. 2C11/12-0737 Brown's Factory Authorized Service

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| | | Center, L.L.C. |
| 3. | 2C11/12-1151 | Loky, Inc. dba KFC of Kingman |
| 4. | 2C10/11-1131 | RLGR, LLC dba Pro-Formance Realty Concepts, LLC |

Chairman Parker asked if any of the listed items needed to be removed from the consent agenda. Secretary Hilton stated there were not. The Commission unanimously approved the items on the consent agenda on motion of Mr. Sanders, second of Ms. Oster.

Consideration of consent agenda was reopened after the following agenda item. See further action below.

Discussion & Action of Proposed OSHA Citations & Penalties

AV Decking, Inc. 5115 N. Dysart Rd., Suite 202 <u>Litchfield Park, AZ 85340</u>	Unprogrammed Related Yrs/Business - 12 Empl. Cov. by Insp. - 4
Site Location: 13995 W. Statler Blvd., Surprise, AZ 85374	
Inspection #: F3189/316370048	
Insp. Date: 2/3/12	

SERIOUS – Citation 1, Item 1 – Four employees were working at a height of approximately 28’ above the surrounding ground level and were not utilizing a fall protection system or other equivalent means to prevent a fall (1926.760(a)(1)).
(No inspection history in the past three years.)

Div. Proposal - \$1,500.00	Formula Amt. - \$1,500.00
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SERIOUS – Citation 1, Item 2 – Two employees were working at an approximate height of 28’ above the surrounding ground level and were not provided training in accordance with the OSHA standards (1926.761(b)).

Div. Proposal - \$1,500.00	Formula Amt. - \$1,500.00
TOTAL PENALTY - \$3,000.00	TOTAL FORMULA AMT. - \$3,000.00

Darin Perkins summarized the citations and proposed penalty as listed. The Commission unanimously approved issuing the citations and assessed the recommended penalty of \$3,000.00 on motion of Ms. Oster, second of Mr. Sanders.

Chairman Parker stated that he had intended to recuse himself from one of the items on the consent agenda and asked counsel for suggestions on how to reopen the consent item. Mr. Wade responded to the question. Mr. Parker moved to reconsider the consent agenda which was seconded by Ms. Oster and unanimously approved. Mr. Parker stated that for the record, he is recusing himself from consideration of renewal of self-insurance authority for the City of Scottsdale and made a motion to approve everything else on the consent agenda, which was seconded by Ms. Oster and unanimously approved. The Commission approved renewal of self-insurance authority for the City of Scottsdale on motion of Mr. Sanders, second of Ms. Oster. Mr. Parker did not participate in the vote regarding self-insurance renewal authority for the City of Scottsdale.

Announcements and Scheduling of Future Meetings

Ms. Hilton reminded the Commissioners that there are Commission meetings scheduled for March 14th, March 21st and April 4th, 2012. The Commission scheduled an additional meeting for Wednesday, April 11th, 2012.

There being no further business to come before the Commission and no public comment, Chairman Parker adjourned the meeting at 1:25 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By



Laura L. McGrory, Director

ATTEST:



Teresa Hilton, Commission Secretary