

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, August 11, 2022 – 1:00 p.m.

Present: Dale L. Schultz	Chairman
Joseph M. Hennelly, Jr.	Vice Chair (Telephonic)
D. Alan Everett	Commissioner
James Ashley	Director
Gaetano Testini	Chief Legal Counsel
Trevor Laky	Legislative Affairs Chief/Public Information Officer
Renee Pastor	Self Insurance
Jessie Atencio	ADOSH Director
Anna Maria Stonerock	ADOSH Admin
Jonathan Wright	ADOSH Compliance
Michael Mosesso	Chief ALJ
Marilyn Carter	HR Manager
Yvonne Borunda	Acting Commission Secretary

Chairman Schultz convened the meeting at 1:00 p.m. In attendance were Anne Ryman (Arizona Republic); Kaila Hopkins (Snell & Wilmer) Al Lundberg (Lundberg Industries, Inc DBA Alan Bradley Roofing); and Emily Rice (ASIA). Also in attendance on the telephone, confirmed by roll call were Susan Blythe and Scott Barber (City of Casa Grande-Animal Control and Adoption Center).

Approval of Minutes of July 28, 2022 Regular Meeting Minutes.

Commissioner Everett moved to approve the Minutes of the July 28, 2022 regular session meeting. Chairman Schultz seconded the motion. Chairman Schultz, Vice Chair Hennelly, and Commissioner Everett 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. 2C21/22-0078 Arizona Community First LLC \$1,000
2. 2C21/22-0057 Dipikaben Patel dba Travelers Motel \$1,000

b. Approval of Requests for Renewal of Self-Insurance Authority.

1. Young Electric Sign Company

- b) 2014 W Gardner Ln, Tucson, AZ 85705: The Daewoo forklift, Model D256-3, #686308 had a hole drilled into one tine, and no written approval for the modification was obtained from the manufacturer. 29 CFR 1910.178(q)(6)
Div. Proposal - \$0.00 Formula Amt. - \$1,000.00

SERIOUS – Citation 1 - Item 6c –

- a) 2014 W Gardner Ln, Tucson, AZ 85705: There were no inspections being done on the Daewoo forklift, Model D256-3, #686308 used three to four times a day. 29 CFR 1910.178(q)(7)
Div. Proposal - \$0.00 Formula Amt. - \$1,000.00

SERIOUS – Citation 1 - Item 7 –

- a) Vehicle maintenance bay: The only drill press, unknown brand and serial number, did not have a guard on it to protect employees from the hazards of flying chips and rotating drill bits. 29 CFR 1910.212(a)(1)
Div. Proposal - \$1,000.00 Formula Amt. - \$1,000.00

SERIOUS – Citation 1 - Item 8 –

- a) Vehicle maintenance bay: The Ryobi, Model BG28G, bench grinder had the tool rests removed, exposing employees to the risk of having fingers caught in by the rotating wheel. 29 CFR 1910.215(a)(4)
Div. Proposal - \$1,000.00 Formula Amt. - \$1,000.00

SERIOUS – Citation 1 - Item 9 –

- a) Repair shop: An employee was using a 120 volt, 15 amp, Milwaukee 4 ½” right angle grinder, model and serial numbers unknown, without a guard installed.
b) Repair shop: An employee was using a Black & Decker 7” right angle grinder, model number unknown and serial #001279, without a guard installed. 29 CFR 1910.243(c)(3)
Div. Proposal - \$1,000.00 Formula Amt. - \$1,000.00

SERIOUS – Citation 1 - Item 10a –

- a) Vehicle maintenance bay: Gas cylinders were laying down in various locations in the shop area, and not safely chained presenting a tripping hazard and danger of the valve assembly being damaged.
b) Vehicle maintenance bay: Gas cylinders in various locations were standing up and not secured in place putting them in danger of the cylinder falling and damaging the valve assembly. 29 CFR 1910.253(b)(5)(ii)(O)
Div. Proposal - \$1,000.00 Formula Amt. - \$1,000.00

SERIOUS – Citation 1 - Item 10b –

- a) Gas Cylinder Storage Area: An Acetylene cylinder was stored adjacent to three oxygen cylinders increasing the potential for a fire to spread rapidly. 29 CFR 1910.253(b)(4)(iii)
Div. Proposal - \$0.00 Formula Amt. - \$1,000.00

SERIOUS – Citation 1 - Item 11a –

Chairman Schultz noted both candidates were very good and presented a difficult choice with the approval to offer the position to the second candidate if the first candidate declines.

Commissioner Everett moved to accept Judge Mosesso's recommendation to extend an offer to the candidates in their ranked order. Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly, and Commissioner Everett voted in favor of the motion. The motion passed.

Judge Mosesso thanked the Commission for allowing him to present the candidates informally with memoranda and other information about the candidates and for considering the staff recommendation.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Mr. Ashley updated the Commissioners regarding a new addition to the Nucor Steel Kingman facility, which the Commissioners visited during their outreach trip to Mohave County, which will increase Nucor's number of employees at this location from 80 to 220.

Ms. Borunda confirmed Commission meeting dates through October 2022.

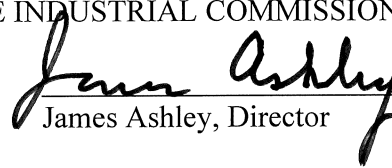
Public Comment.

There was no other public comment.

Commissioner Everett moved to adjourn and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly, and Commissioner Everett voted in favor of the motion and the meeting was adjourned at 2:47 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By


James Ashley, Director

ATTEST:


Yvonne Borunda, Acting Commission Secretary