

MINUTES OF MEETING  
OF THE INDUSTRIAL COMMISSION OF ARIZONA  
Held at Asteria Boardroom of the Renaissance Phoenix Glendale Hotel & Spa  
9495 W Entertainment (fka Coyotes) Blvd.  
Glendale, AZ 85305  
Friday, August 11, 2023 – 1:00 p.m.

Present: Dennis P. Kavanaugh	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 (Telephonic)
Jessie Atencio	ADOSH Director
Kara Dimas	Commission Secretary

Chairman Kavanaugh convened the meeting at 1:00 p.m. In attendance was Lea Bartynski (Snell and Wilmer).

Approval of Minutes of July 27, 2023 Regular Meeting Minutes.

Commissioner Everett moved to approve the Minutes of the July 27, 2023 regular session meeting and Vice Chair Hennelly seconded the motion. Chairman Kavanaugh, 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.

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

1. Arizona Municipal Risk Retention Pool
2. Marriott International, Inc.
3. Roehl Transport, Inc.

Commissioner Everett moved to approve the items on the Consent Agenda and Vice Chair Hennelly seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly and Commissioner Everett voted in favor of the motion. The motion passed.

Chairman Kavanaugh noted ADOSH Item 8. Henry Benning Associates, Inc. DBA Benning Construction was removed from the agenda. Chairman Kavanaugh discussed the purpose of and process for the Commission's consideration of ADOSH citations and proposed penalties.



















- a) 18720 College St, San Luis 85349: Three employees used a Baldor 7" bench grinder, model #W8-95 and serial numbers unknown, did not have the tongue guard adjusted to 1/4". 29 CFR 1910.215(b)(9)

Div. Proposal - \$0.00	Formula Amt. - \$6,696.00
TOTAL PENALTY - \$13,392.00	TOTAL FORMULA AMT. - \$26,784.00

Mr. Atencio discussed ADOSH's inspection, summarized the citation and proposed penalties, and reviewed the photographs.

Chairman Kavanaugh asked about the 14 non-serious citations and asked why #4 was a non-serious violation regarding arc-welding rays. Mr. Atencio noted it depends on exposure and how often the employees are in the area to have serious eye damage from the welding flash.

Commissioner Everett and Mr. Atencio discussed the number of non-serious citations and wondered if the District would take it seriously and accept them. Mr. Atencio commented that there were notes in the file, if during the inspection they disagree with items they are usually noted in the file. Commissioner Everett was also disappointed that an agency like this would have this many safety issues.

Commissioner Everett moved to approve the citation and proposed penalties as presented and Vice Chair Hennelly seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly and Commissioner Everett voted in favor of the motion. The motion passed.

Lignetics of Arizona, LLC  
 1001 N 40<sup>th</sup> St  
 Show Low, AZ 85901

Site Location: 1001 N 40<sup>th</sup> St  
 Show Low, AZ 85901  
 Inspection No: CP-2023-R0175-0019  
 Inspection Date: February 23, 2023

Complaint  
 Years in Business: 30  
 Covered by Inspection: 29

SERIOUS – Citation 1 - Item 1 –

- a) Pellet hopper bin: One employee entering a permit required confined space to perform maintenance without first being informed of its existence and danger it posed.
  - b) Wet chip hammer mill: One employee entering a permit required confined space to perform maintenance without first being informed of its existence and danger it posed. 29 CFR 1910.146(c)(2)
- |                            |                           |
|----------------------------|---------------------------|
| Div. Proposal - \$6,250.00 | Formula Amt. - \$6,250.00 |
|----------------------------|---------------------------|

SERIOUS – Citation 1 - Item 2 –

- a) Packaging line: Two employees were operating a palletizer while exposed to the rotating turntable. 29 CFR 1910.212(a)(1)
- |                            |                           |
|----------------------------|---------------------------|
| Div. Proposal - \$4,687.00 | Formula Amt. - \$4,687.00 |
|----------------------------|---------------------------|

SERIOUS – Citation 1 - Item 3 –



removal of energy controls prior to removing the cabinet panels below the table and performing the cleaning. 29 CFR 1910.147(c)(7)(i)

Div. Proposal - \$3,795.00 Formula Amt. - \$3,795.00  
TOTAL PENALTY - \$12,725.00 TOTAL FORMULA AMT. - \$8,260.00

Mr. Atencio discussed ADOSH's inspection, summarized the citation and proposed penalties.

Chairman Kavanaugh asked if there were any questions.

Commissioner Everett moved to approve the citation and proposed penalties as presented and Vice Chair Hennelly seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly and Commissioner Everett voted in favor of the motion. The motion passed.

Sigma Contracting, Inc. 9019 E Bahia Dr #102 Scottsdale, AZ 85260	Complaint Years in Business: 4 Empl. Covered by Inspection: 1
Site Location: 4545 W Ina Rd Tucson, AZ 85741	
Inspection No: CP-2023-RS480-0048	
Inspection Date: March 14, 2023	

SERIOUS – Citation 1 - Item 1a –

- a) Jobsite: Two employees were working inside an excavation that was approximately 7' deep by 17'3" wide, and 21'6" long without a daily inspection conducted by a competent person. 29 CFR 1926.651(k)(1)  
Div. Proposal - \$2,679.00 Formula Amt. - \$2,679.00

SERIOUS – Citation 1 - Item 1b –

- a) 4545 W. Ina Road, Tucson, AZ 85741: Two employees were working in a 21'6" long, by 17'3" wide, by 7' deep excavation where the walls had a deep fissure and sloughing without a competent person removing them from the work area. 29 CFR 1926.651(k)(2)  
Div. Proposal - \$0.00 Formula Amt. - \$2,679.00  
TOTAL PENALTY - \$2,679.00 TOTAL FORMULA AMT. - \$5,358.00

Mr. Atencio discussed ADOSH's inspection, summarized the citation and proposed penalties, and reviewed the photographs.

Chairman Kavanaugh asked if there were any questions.

Commissioner Everett moved to approve the citation and proposed penalties as presented and Vice Chair Hennelly seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly and Commissioner Everett voted in favor of the motion. The motion passed.

S&D Sheet Metal Roofing, Inc. 20602 Via De Arboles Queen Creek, AZ 85142	Referral Years in Business: 24 Empl. Covered by Inspection: 8
Site Location: 2515 S Verde Dr Gilbert, AZ 85295	





and steered a course that was sorely needed to be found. He wanted to thank him in both of his capacities for that, it is an example he has set in both the effort and care that he has put in making the agency both a better, more efficient and responsive place to both work and perform their functions and the outreach to the community, he thought that has been commendable. Mr. Ashley, you will be missed and thank you.

Mr. Ashley thanked Mr. Hennelly and recollected about their first meeting at Paradise Bakery.

Commissioner Everett thanked Mr. Ashley for training and guiding him in the early days and continuing until today. He noted he has admired and been impressed by his leadership and direction of the agency. It has been a joy working with you and wish you the best.

Mr. Ashley thanked Commissioner Everett and noted he has known him for a while and recalled the conversation that led to Commissioner Everett joining the Industrial Commission.

Chairman Kavanaugh noted he had the pleasure of working with every Director of the Industrial Commission since 1984, the last three and a half months have been amazing time for him because Mr. Ashley has been so welcoming and educating him in his new role and the changes that occurred in the Commission. As we approach the 100<sup>th</sup> birthday, Mr. Ashley's eight years serving as Director of the Commission are going to be regarded as one of the finest of the people to serve in this capacity. He rarely found a Director in any organization who really knows almost every single person who works at the agency and the praise you receive, and you guided the Commission through very interesting times throughout the years with tact, grace and diplomacy. We appreciate your service so very much.

Mr. Ashley thanked the Chairman.

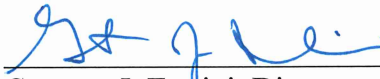
Ms. Dimas confirmed Commission meeting dates through September 2023.

Public Comment.

There was no public comment.

The meeting was adjourned at 2:10 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By   
Gaetano J. Testini, Director

ATTEST:

  
Kara Dimas, Commission Secretary