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.

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.

Mr. Atencio requested to discuss the Boiler Advisory Board first.

Discussion and Action regarding the Appointment of Members to the Boiler Advisory Board.

Mr. Atencio explained that A.R.S. 23-486 requires the Industrial Commission to maintain a Boiler Advisory Board to assist the Commission in drafting standards and regulations for boilers, pressure vessels and lined hot water heaters. The Boiler Advisory Board consists of five members. ADOSH is recommending four members to be reappointed, and supplied supporting documentation for their reappointment. ADOSH also recommends appointing Mitch Henderson for a two year term. Mr. Henderson is from SRP and will replace a retiring member of the board.

Commissioner Everett moved to appoint the members requested for the terms specified terms to the Boiler Advisory Board and Vice Chair Hennelly seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly and Commissioner Everett voted in favor of the motion. The motion passed.

Discussion and Action of Arizona Division of Occupational Safety and Health Proposed Citations and Penalties.

Luis Alberto Bueno, A Single Man

DBA Los Bueno Construction

430 La Paz

Fatality

Years in Business:

1

7

Empl. Covered by Inspection:

Chaparral, NM 88081

Site Location:

6114 E Calle Del Norte

Scottsdale, AZ 85251

Inspection No:

FC-2023-A7717-0093

Inspection Date:

April 5, 2023

<u>SERIOUS</u> – Citation 1 - Item 1a –

a) Jobsite: One employee was installing 1/2" oriented strand board (OSB) on the rooftop of a single-story home approximately 12' above the ground level without fall protection system installed. 29 CFR 1926.501(b)(13)

Div. Proposal - \$4,688.00

Formula Amt. - \$4,688.00

SERIOUS – Citation 1 - Item 1b –

a) Jobsite: One employee was installing 1/2" oriented strand board (OSB) on the rooftop of a single-story home approximately 12' above ground level without a qualified person implementing a fall protection system. 29 CFR 1926.502(d)(15)(ii)

Div. Proposal - \$0.00

Formula Amt. - \$4,688.00

SERIOUS – Citation 1 - Item 2 –

a) Jobsite: One employee was installing 1/2" oriented strand board (OSB) on the rooftop of a single-story home approximately 12' above the ground level without initial fall protection training. 29 CFR 1926.503(a)(1)

Div. Proposal - \$4,688.00

Formula Amt. - \$4,688.00

TOTAL PENALTY - \$9,376.00

TOTAL FORMULA AMT. - \$14,064.00

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

Chairman Kavanaugh and Mr. Atencio discussed what could have been done for fall protection.

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.

Ocotillo Construction Company, Inc.

Unprogrammed Related

Empl. Covered by Inspection:

2123 S Priest Dr

Years in Business:

28 1

Tempe, AZ 85282

6114 E Calle Del Norte

Scottsdale, AZ 85251

Inspection No:

Site Location:

UR-2023-A7717-0098

Inspection Date:

April 5, 2023

SERIOUS – Citation 1 - Item 1 –

a) Jobsite: A framer was installing 1/2" oriented strand board (OSB) on the rooftop of a single-story home approximately 12' above the ground level without fall protection. 29 CFR 1926.501(b)(13)

Div. Proposal - \$3,349.00

Formula Amt. - \$3,349.00

TOTAL PENALTY - \$3,349.00

TOTAL FORMULA AMT. - \$3,349.00

Mr. Atencio noted this was the general contractor working with Luis Alberto Bueno DBA Los Bueno Construction and present at the time of the incident and a multi-employer site. Mr. Atencio discussed ADOSH's inspection, summarized the citation and proposed penalty, and reviewed the photographs.

Chairman Kavanaugh asked if there were any questions.

Commissioner Everett moved to approve the citation and proposed penalty 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.

Mr. Atencio noted the next two files go together.

Allstate Home Remodeling, LLC

Complaint

3201 W Thomas Rd

Years in Business:

3

Phoenix, AZ 85017

Empl. Covered by Inspection:

5

Site Location:

Northwest corner of Brooks St and Blackstone Dr

Chandler, AZ 85224

Inspection No:

CP-2023-Q6169-0028

Inspection Date:

March 24, 2023

SERIOUS - Citation 1 - Item 1 -

a) Corner of N Blackstone Dr & W Brooks St: Two employees were painting the mortar caps on top of a gazebo more than 6 feet above the ground without a fall protection system in place. 29 CFR 1926.501(b)(13)

Div. Proposal - \$3,349.00

Formula Amt. - \$3,349.00

SERIOUS – Citation 1 - Item 2 –

a) Corner of N Blackstone Dr & W Brooks St: Two employees were painting the mortar caps on top of a gazebo more than 6 feet above the ground without receiving fall protection training. 29 CFR 1926.503(a)(1)

Div. Proposal - \$3,349.00

Formula Amt. - \$3,349.00

TOTAL PENALTY -\$6,698.00 TOTAL FORMULA AMT. - \$6,698.00

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.

CNF Contracting Inc.

Unprogrammed Related

880 N Santa Anna

Years in Business:

5 Empl. Covered by Inspection: 1

Chandler, AZ 85224

Northwest corner of Brooks St and Blackstone Dr

Chandler, AZ 85224

Inspection No:

Site Location:

UR-2023-JW184-0001

Inspection Date:

March 24, 2023

SERIOUS – Citation 1 - Item 1 –

a) Corner of N Blackstone Dr & W Brooks St: Two employees were painting the mortar caps on top of a gazebo more than 6 feet above the ground without a fall protection system in place. 29 CFR 1926.501(b)(13)

Div. Proposal - \$3,349.00

Formula Amt. - \$3,349.00

TOTAL PENALTY -

\$3,349.00

TOTAL FORMULA AMT. - \$3,349.00

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

Chairman Kavanaugh asked if there were any questions.

Commissioner Everett moved to approve the citation and proposed penalty 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.

Cibola Mutual Water Company

Complaint

5948 Levee Rd

Years in Business:

2 2

Cibola, AZ 85328

Empl. Covered by Inspection

Site Location:

5948 N Levee Rd

Cibola, AZ 85328

Inspection No:

CP-2023-A 7576-0031

Inspection Date:

March 10, 2023

SERIOUS – Citation 1 - Item 1a –

a) Electrical control system building: One employee was assigned a self-contained breathing apparatus (SCBA), model #5- 976-1, 45-SCF and serial numbers unknown, to use during an emergency and there was not a written Respiratory Protection Program in place. 29 CFR 1910.134(c)(1)

Div. Proposal - \$2,679.00

Formula Amt. - \$2,679.00

SERIOUS – Citation 1 - Item 1b –

a) Electrical control system building: One employee was assigned a self-contained breathing apparatus (SCBA), model #5- 976-1, 45-SCF and serial numbers unknown, to use during an emergency and the level was less than 90%. 29 CFR 1910.134(h)(3)(ii)

Div. Proposal - \$0.00 Formula Amt. - \$2,679.00

SERIOUS – Citation 1 - Item 1c –

a) Electrical control system building: One employee was assigned a self-contained breathing apparatus (SCBA), model number 5-976-l, 45-SCF, for use in the event of an emergency and the unit was not being inspected monthly. 29 CFR 1910.134(h)(3)(i)(B) Div. Proposal - \$0.00 Formula Amt. - \$2,679.00

<u>SERIOUS</u> – Citation 1 - Item 2a –

a) Cibola Water Treatment Company 5948 Levee Rd, Cibola AZ 85328: One employee was using water treatment chemicals to include chlorine gas and 50% sodium hydroxide solution and the company did not have a written Hazard Communication Program developed or implemented for the workplace. 29 CFR 1910. J200(e)(J)

Div. Proposal - \$2,679.00

Formula Amt. - \$2,679.00

SERIOUS – Citation 1 - Item 2b –

a) 5948 Levee Road, Cibola, AZ., Plant chemical storage shed.: A 55-gallon barrel of 50% Citric acid and 50% sodium hydroxide, incompatible chemicals were stored in the same shed. 29 CFR 1910.1200(h)(3)(iii)

Div. Proposal - \$0.00

Formula Amt. - \$2,679.00

TOTAL PENALTY - \$5,358.00

TOTAL FORMULA AMT. - \$13,395.00

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.

D.R. Horton, Inc. 2525 W Frye Rd Chandler, AZ 85224 Referral

Years in Business:

43 4

Empl. Covered by Inspection:

Site Location:

12854 E Joffroy Dr

Vail, AZ 85641

Inspection No:

RF-2023-E7721-0099

Inspection Date:

April 25, 2023

SERIOUS - Citation 1 - Item 1 -

a) 12854 E Joffroy Dr, Vail in AZ 85641: An employee was attempting to work on the first level roof approximately 9'8" high without a fall protection system in place. 29 CFR 1926.501(b)(13)

Div. Proposal - \$10,046.00

Formula Amt. - \$10,046.00

TOTAL PENALTY - \$10,046.00

TOTAL FORMULA AMT. - \$10,046.00

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

Chairman Kavanaugh thought it was unusual for this company's reputation and experience to not have reported the injury right away to ADOSH.

Commissioner Everett and Mr. Atencio discussed that the Superintendent was the only one working that day.

Commissioner Everett moved to approve the citation and proposed penalty 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.

Familia Gonzalez Roofing

Complaint

4240 W Wilshire Dr

Years in Business:

Covered by Inspection:

4

3

Phoenix, AZ 85009

6241 N 27th Ave

Phoenix, AZ 85017

Inspection No:

Site Location:

CP-2023-Q6169-0030

Inspection Date:

April 11, 2023

SERIOUS – Citation 1 - Item 1 –

a) Building 2, third-story roof: Three employees were removing existing roofing materials from a roof that had a 4/12 pitch approximately 25 above the ground level without a fall protection system installed. 29 CFR 1926.501(b)(10)

Div. Proposal - \$3,349.00

Formula Amt. - \$3,349.00

SERIOUS – Citation 1 - Item 2 –

a) Building 2, third story roof: Three employees were removing existing roofing materials from a roof that had a 4/12 pitch approximately 25 above the ground level without receiving initial fall protection training. 29 CFR 1926.503(a)(1)

Div. Proposal - \$3,349.00

Formula Amt. - \$3,349.00

TOTAL PENALTY - \$6,698.00

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.

Chairman Kavanaugh noted on the next file, he was disappointed with the findings and would have expected better from a public employer.

Mr. Atencio noted that traditionally ADOSH see less from the public side because they have risk insurance and insurance pools that help with the safety programs, but there are department changes and people and there may be just an oversite or lack of follow through when it comes to the safety and health program.

Gadsden School District #32

18720 College St

San Luis, AZ 85349

Complaint

Years in Business:

90 12

Empl. Covered by Inspection:

Site Location:

18720 College St

San Luis, AZ 85349

Inspection No: Inspection Date:

CP-2023-E7721-0096

April 20, 2023

SERIOUS - Citation 1 - Item 1a -

a) 18720 S College St, San Luis, AZ 85349: Two employees were required to access a mezzanine approximately 8'6" high without a guardrail system in place to prevent a fall. 29 CFR 1910.28(b)(1)(i)

Div. Proposal - \$6,696.00

Formula Amt. - \$6,696.00

SERIOUS – Citation 1 - Item 1b –

a) 18720 S College St, San Luis, AZ 85349: Two employees were required to access a mezzanine using a stairway with four or more risers that lacked a handrail. 29 CFR 1910.28(b)(11)(ii) Div. Proposal - \$0.00 Formula Amt. - \$6,696.00

SERIOUS – Citation 1 - Item 2a –

a) 18720 College St, San Luis, AZ 85349: Three employees used a Baldor 7" bench grinder, model #W8-95 and serial numbers unknown, that lacked a work rest. 29 CFR 1910.215(a)(4) Div. Proposal - \$6,696.00 Formula Amt. - \$6,696.00

SERIOUS – Citation 1 - Item 2b –

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 40th St

Show Low, AZ 85901

Years in Business:

Covered by Inspection:

Complaint

30 29

Site Location:

1001 N 40th St

Show Low, AZ 85901

Inspection No:

CP-2023-R0175-0019

Inspection Date:

February 23, 2023

<u>SERIOUS</u> – 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

<u>SERIOUS</u> – Citation 1 - Item 3 –

a) North Pellet Hopper: Two employees performing maintenance were exposed to an unguarded rotating shaft.

b) North Pellet Hopper: Two employees performing maintenance were exposed to an unguarded

rotating shaft.

c) North Pellet Hopper: Two employees performing maintenance were exposed to an unguarded rotating shaft.

d) North Pellet Hopper: Two employees performing maintenance were exposed to an unguarded rotating shaft. 29 CFR 1910.219(c)(4)(i)

Div. Proposal - \$4,687.00

Formula Amt. - \$4,687.00

TOTAL PENALTY -\$15,624.00 TOTAL FORMULA AMT. - \$15,624.00

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 confirmed Items 2 and 3 were abated. Mr. Atencio reviewed the abatement photographs.

Commissioner Everett moved to amend the citation and proposed penalties due to the employer's abatement of Items 2 and 3 proposed a 25% Good Faith Discount for Items 2 and 3, Item 1 remain the same for a total of \$13,280.00. Vice Chair Hennelly seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly and Commissioner Everett voted in favor of the motion. The motion passed.

Nefab Packaging West LLC

Referral

7740 N Business Park Dr

Years in Business:

Empl. Covered by Inspection:

3

4

Tucson, AZ 85743

RF-2023-T3633-0119

Inspection No: Inspection Date:

June 28, 2023

Site Location:

7740 N Business Park Dr

Tucson, AZ 85743

REPEAT-SERIOUS – Citation 1 - Item 1 –

a) Shop: Employees cleaned the Rockwell brand beam saw, model Z30 and unknown serial number, and a lockout/tagout procedure had not been developed to ensure that employees were not exposed to hazards from unexpected startup of the saw. 29 CFR 1910.147(c)(4)(i)

Nefab Packaging West LLC was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent standard 29 CFR 1910.147(c)(4)(i) which was contained in ADOSH Inspection Number 1463080, Citation Number 01, Item Number 002B, issued on 05/21/2020, with respect to a workplace located at 7232 S Comstock Rd, Tucson, 85756.

Div. Proposal - \$8,930.00

Formula Amt. - \$4,465.00

SERIOUS – Citation 2 - Item 1 –

a) Shop: Employees cleaned the Rockwell brand beam saw, model Z30 and unknown serial number, and the employees had not been trained concerning the safe application, usage, and 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.

Complaint

9019 E Bahia Dr #102

Years in Business:

4

Scottsdale, AZ 85260

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

<u>SERIOUS</u> – 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.

Referral

20602 Via De Arboles

Years in Business:

24 8

Queen Creek, AZ 85142

Empl. Covered by Inspection:

Site Location:

2515 S Verde Dr

Gilbert, AZ 85295

Inspection No:

PP-2023-Q6169-0025

Inspection Date:

March 20, 2023

SERIOUS – Citation 1 - Item 1 –

a) East building north and south side of roof: Three employees were installing roof underlayment on the decorative roof of a four-story apartment building approximately 50 feet high without fall protection. 29 CFR 1926.501(b)(13)

Div. Proposal - \$4,018.00

Formula Amt. - \$4,018.00

SERIOUS – Citation 1 - Item 2 –

a) East building fourth Floor ladder access: Four employees used a ladder access point that was approximately 2' wide and 4' long that was not offset to prevent them from walking directly into the hole. 29 CFR 1926.502(b)(13)

Div. Proposal - \$3,214.00

Formula Amt. - \$3,214.00

SERIOUS – Citation 1 - Item 3 –

a) East building north and south side of roof: One employee was installing roof underlayment on the decorative roof of a four-story apartment building approximately 50 feet high while anchored to a yellow Guardian Snappy Anchor Part # 00710 that was installed and used without the supervision of a qualified person. 29 CFR 1926.502(d)(15)(ii)

Div. Proposal - \$4,018.00

Formula Amt. - \$4,018.00

SERIOUS – Citation 1 - Item 4 –

a) East building north and south side of roof: Two employees were installing roof underlayment on the decorative roof of a four-story apartment building approximately 50 feet high without having received fall protection training. 29 CFR 1926.503(a)(1)

Div. Proposal - \$4,018.00

Formula Amt. - \$4,018.00

TOTAL PENALTY - \$15,268.00

TOTAL FORMULA AMT. - \$15,268.00

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.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Mr. Ashley noted it has been a pleasure serving at the Industrial Commission and wished the agency continued success.

Vice Chair Hennelly stated he wished he was there to make his comments in person. He thanked Mr. Ashley both in his own role as Commissioner for the last decade and most of which was with Mr. Ashley and personally because he has been an amazingly diligent Director for the agency

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 100th 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

7

Gaetano J. Testini, Director

ATTEST:

Kara Dimas, Commission Secretary