

NOTICE OF MEETING AND AGENDA
OF THE INDUSTRIAL COMMISSION OF ARIZONA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Industrial Commission of Arizona and to the general public that the Industrial Commission of Arizona will hold a meeting open to the public on **Thursday, October 26, 2023, beginning at 1:00 p.m.** in the Auditorium at 800 West Washington, Phoenix, Arizona. Members of the Industrial Commission will attend either in person or by telephone conference call, or by video conference. The Commission may vote to hold an Executive Session for the purpose of obtaining legal advice from the Commission's attorneys on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3). The Executive Session is not open to the public. This agenda is subject to change up to 24 hours prior to the meeting. The Commission Chair reserves the right to change the order of the items on the agenda, except for matters set for a specific time.

The agenda for the meeting is as follows:

1. Call to Order.
2. Approval of Minutes of October 12, 2023 Regular Meeting Minutes.
3. 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. 2CSP23/24-0222 G R Taylor Enterprises Inc \$1,000
 2. 2CNP23/24-1875 McCurdy Construction LLC \$1,000
- b. Approval of Requests for Renewal of Self-Insurance Authority.
 1. Hyatt Hotels Corporation
- c. Approval of Proposed Youth Employment Penalty.
 1. YL-2324-0013 - Calzona Foods DBA Jack in the Box
4. Discussion regarding the Statutory Assessments for Calendar Year 2024.
5. Discussion and Action regarding Proposed Retaliation Penalty.
 1. RT-2324-0008 - Holiday Lighting Company AZ, Inc
 2. RT-2324-0012 - ASM Global Parent, Inc
 3. RT-2324-0016 - Southwest Airlines Co
 4. RT-2324-0018 - Lost Dutchman Coffee Company

5. RT-2324-0020 - Southwest Airlines Co
6. RT-2324-0022 - Southwest Airlines Co
7. RT-2324-0023 - Southwest Airlines Co
8. MW-2324-0005 - MEI Consulting

6. Discussion and Action of Resolution Appointing Custodian of Records.

MacKenzie Scharf

7. Discussion and/or Action of Arizona Division of Occupational Safety and Health Discrimination Complaint.

1. WB-2023-0014 James Countryman vs McDonald's

8. Executive Session under A.R.S. § 38-431.03(A)(3) and (A)(4) to Discuss Arizona Division of Occupational Safety and Health Discrimination Complaint.

1. WB-2023-0014 James Countryman vs McDonald's

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

1. ANM Enterprises, Inc.
2. Brown & Brown Nissan Inc, AutoNation Nissan Tempe
3. First Response Roofing AZ LLC
4. Thoroughbred Cars, Inc.

10. Discussion and Action of Attorney Fee Petition. This agenda item may include discussion concerning the processing of attorney fee petitions and the reasonable hourly rates used in analyzing fee petitions.

Fendon and Hernandez

11. Announcements, Scheduling of Future Meetings and Retirement Resolutions.

12. Public Comment.

This is the time for the public to comment on issues within the jurisdiction of the Industrial Commission of Arizona. The Commission Chair has the authority to impose reasonable time, place, and manner restrictions on those that wish to speak. Each presentation may be limited to one person per organization. Members of the Commission are not legally permitted to discuss or take legal action on any matter not specifically identified on the agenda, including matters raised in public comments. Pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment must be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.

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The Notice of Meeting and Agenda is posted in the first floor lobby of the Phoenix Office of the Industrial Commission, 800 West Washington Street, Phoenix, Arizona 85007. A courtesy copy of the Notice of Meeting and Agenda is posted in the first floor lobby of the Tucson Office of the Industrial Commission, 2675 East Broadway Boulevard, Tucson, Arizona 85716.

Persons with a disability may request a reasonable accommodation by contacting Commission Secretary Kara Dimas in the Office of the Commission Director at (602) 542-4411. Requests should be made as early as possible to allow time to arrange the accommodation.

Dated this 19th day of October, 2023.

INDUSTRIAL COMMISSION OF ARIZONA
Yvonne Borunda, Acting Commission Secretary