

MINUTES OF MEETING  
OF THE INDUSTRIAL COMMISSION OF ARIZONA  
Held at 800 West Washington Street  
Phoenix, Arizona 85007  
Thursday, October 5, 2023 – 1:00 p.m.

Present:	Dennis P. Kavanaugh	Chairman
	D. Alan Everett	Commissioner
	Maria Cecilia Valdez	Commissioner
	Gaetano J. Testini	Director
	Afshan Peimani	Chief Legal Counsel
	Trevor Laky	Legislative Affairs Chief/Public Information Officer
	Renee Pastor	Self-Insurance (Telephonic)
	Phil Murphy	Assistant ADOSH Director
	Anna Maria Stonerock	ADOSH Admin
	Sophia Cox	Assistant Chief Legal Counsel
	Kara Dimas	Commission Secretary

Chairman Kavanaugh convened the meeting at 1:01 p.m. In attendance, confirmed by roll call were Anne Ryman (ABC15) and Paige Millan (Snell and Wilmer).

Approval of Minutes of September 28, 2023 Regular Meeting Minutes.

Commissioner Valdez moved to approve the Minutes of the September 28, 2023 regular session meeting and Commissioner Everett seconded the motion. Chairman Kavanaugh, Commissioner Everett and Commissioner Valdez 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. DG Retail, LLC
2. Federal Express Corporation DBA FedEx Express
3. FedEx Freight, Inc.
4. FedEx Ground Package System, Inc.

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



SERIOUS – Citation 1 - Item 4 –

- a) Maintenance shop: A circuit breaker box located on the north wall had 11 unused openings which were not closed.
- b) Maintenance shop: A circuit breaker box located on the south wall had two unused openings which were not closed. 29 CFR 1910.305(b)(1)(ii)

Div. Proposal - \$6,250.00	Formula Amt. - \$6,250.00
TOTAL PENALTY - \$25,000.00	TOTAL FORMULA AMT. - \$25,000.00

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

Chairman Kavanaugh noted one item was abated and Mr. Murphy agreed.

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

Indigo Contracting-LLC DBA Paint and Contracting	Programmed Planned	
2415 W Huntington Dr, Ste 101	Years in Business:	23
Tempe, AZ 85282	Empl. Covered by Inspection:	4
Site Location: 15400 W Monte Vista Rd		
	Goodyear, AZ 85395	
Inspection No: CP-2023-A7717-0131		
Inspection Date: August 30, 2023		

SERIOUS – Citation 1 - Item 1 –

- a) Building #4 Rooftop: Two employees were exposed to a fall hazard while working on the roof of a new three story multi-family residential building to paint the coping metal on approximately 28" tall parapets without the use of a fall protection system. 29 CFR 1926.501(b)(13)

Div. Proposal - \$6,250.00	Formula Amt. - \$6,250.00
TOTAL PENALTY - \$6,250.00	TOTAL FORMULA AMT. - \$6,250.00

Mr. Murphy discussed ADOSH's inspection, summarized the citation and proposed penalty.

Commissioner Everett moved to approve the citation and proposed penalty as presented and Commissioner Valdez seconded the motion. Chairman Kavanaugh, Commissioner Everett and Commissioner Valdez voted in favor of the motion. The motion passed.

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.

Montrose and Arredondo – Ms. Peimani summarized that the Applicant, Mr. Arredondo, hired Mr. Montrose's firm, who worked about 14 hours on the Applicant's file, as itemized. Based on what was presented in the petition, the work performed did benefit Mr. Arredondo. Before Mr. Montrose's employment was terminated he received some of the fees paid to him which has been deducted. It is the Legal Division's recommendation that Mr. Montrose receive payment for 14

hours at the approved hourly rate of \$200.00 and deducting \$1,629.71 that has already been received. It is the Legal Divisions recommendation that the Commission approve the remaining \$1,170.29 be awarded to Mr. Montrose.

Commissioner Valdez moved to adopt the recommendation from the Legal Department for the Findings and Award granting attorney's fees in the amount of \$1,170.29 and Commissioner Everett seconded the motion. Chairman Kavanaugh, Commissioner Everett and Commissioner Valdez voted in favor of the motion. The motion passed.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Ms. Dimas confirmed Commission meeting dates through December 2023.

Public Comment.

There was no public comment.

The meeting was adjourned at 1:23 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By   
Gaetano J. Testini, Director

ATTEST:

  
Kara Dimas, Commission Secretary