## MINUTES OF MEETING OF THE INDUSTRIAL COMMISSION OF ARIZONA

Held at 800 West Washington Street Phoenix, Arizona 85007 Monday, April 15, 2024 – 1:00 p.m.

Present: Joseph M. Hennelly, Jr.

Vice Chair

D. Alan Everett

Commissioner

Orion J. Godfrey

Commissioner

Lisa Padgett

Deputy Director (Telephonic)

Afshan Peimani

Chief Legal Counsel

Phil Murphy

**ADOSH Assistant Director** 

Taryn North Thomas Martz **ADOSH Compliance** 

Jonathon Wright

**ADOSH Compliance ADOSH Compliance** 

Kara Dimas

Commission Secretary

Vice Chair Hennelly convened the meeting at 1:00 p.m. In attendance, confirmed by roll call was Stephanie Hefner (Snell and Wilmer). Also in attendance on the telephone, confirmed by roll call was Kevin Thomson (LR Acquisitions, Inc. d/b/a Lyons Roofing).

## Approval of Minutes of April 4, 2024 Regular Meeting Minutes.

Commissioner Godfrey moved to approve the Minutes of the April 4, 2024 regular session meeting and Commissioner Everett seconded the motion. Vice Chair Hennelly, Commissioner Everett and Commissioner Godfrey 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 Arizona Division of Occupational Safety and Health Proposed Citations and\_ Penalties Less Than \$15,000.
  - LA Laser Center, PC, California Professional Medical 1. CP-2024-TN976-0018 Corporation D/B/A Sun City West Dermatology

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

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

Vice Chair Hennelly discussed the purpose of and process for the Commission's consideration of ADOSH citations and proposed penalties.

Construction Guide, LLC

3625 West Indian School Road

Phoenix, AZ 85019

Fatality/Catastrophe

Years in Business:

Empl. Covered by Inspection:

14 2

Site Location: 108 N Greenfield

Mesa, AZ 85205

Inspection No:

FC-2024-RS480-0099

Inspection Date:

October 19, 2023

Mr. Murphy summarized ADOSH's investigation and reviewed the file. ADOSH did not recommend a citation for Construction Guide, LLC.

Vice Chair Hennelly noted that the call came into the Tucson office and was curious how it was referred to the Phoenix office and Mr. Murphy noted the different offices can take the initial call and that's why the address may indicate Tucson vs. Phoenix..

Commissioner Everett asked Mr. Murphy if the driver of the car was cited, and Mr. Murphy stated it was not mentioned in the report.

The Commission took no action.

Vice Chair Hennelly confirmed that Mr. Thomson had joined the call.

LR Acquisitions, Inc. DBA Lyons Roofing

Complaint

878 W Illini St

Years in Business:

Empl. Covered by Inspection:

30 3

Phoenix, AZ 85041

7625 E Camelback Rd

Scottsdale, AZ 85251

Inspection No:

Site Location:

CP-2024-TM082-0007

Inspection Date:

October 17, 2023

# SERIOUS – Citation 1 - Item 1 –

a) Roof of Building 14: Three employees were preparing to spray foam insulation on a flat apartment roof approximately 35' above the next lower level without a fall protection system in place. 29 CFR 1926.501(b)(13)

Div. Proposal - \$7,813.00

Formula Amt. - \$7,813.00

#### SERIOUS – Citation 1 - Item 2 –

a) Roof of Building 14: Three employees were preparing to spray foam insulation on a flat apartment roof approximately 35' above the next lower level without being provided fall protection training by a competent person. 29 CFR 1910.503(a)(2)

Div. Proposal - \$7,813.00

Formula Amt. - \$7,813.00

TOTAL PENALTY - \$15,626.00

TOTAL FORMULA AMT. - \$15,626.00

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

Vice Chair Hennelly noted for the record the initial calculation of penalties were \$11,162.00 for each violation and was reduced by 30% based on size.

Vice Chair Hennelly asked if Mr. Thomson would like to make a comment.

Mr. Thomson appreciated the details which are consistent with his understanding and wanted to publicly reserve the right to appeal.

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

Western Veterinary Partners LLC dba

North Ranch Animal Hospital

6245 E Bell Rd # 108

Scottsdale, AZ 85254

Site Location:

6245 E Bell Rd

Scottsdale, AZ 85254

Inspection No: Inspection Date:

CP-2024-JW184-0039

October 24, 2023

## SERIOUS – Citation 1 – Item 1a –

a) Clinic: One employee used hazardous corrosive chemicals such as Synergize and Clorox Performance Bleach without having access to an eye wash station.

b) Clinic: One employee used hazardous corrosive chemicals such as Synergize and Clorox Performance Bleach without having access to a shower. 29 CFR 1910.151(c)

Div. Proposal - \$11,162.00

Formula Amt. - \$11,162.00

Complaint

Years in Business:

Empl. Covered by Inspection:

35

#### SERIOUS – Citation 1 - Item 1b –

a) Clinic: Two employees used hazardous chemicals such as; Synergize, isopropyl alcohol 70%, and Clorox Performance Bleach to clean and disinfect the clinic and disinfect animal wounds without there being a written hazard communication program in place. 29 CFR 1910.1200(e)(1)

Div. Proposal - \$0.00

Formula Amt. - \$11,162.00

#### SERIOUS – Citation 1 - Item 1c –

- a) On tool box: One employee used a clear spray bottle containing synergize to disinfect surfaces inside the clinic that was not labeled properly.
- b) West shelf near sink: Two employees used a pink spray bottle containing isopropyl alcohol 70% to disinfect animals' wounds that was not labeled properly. 29 CFR 1910.1200(f)(6)(ii) Div. Proposal \$0.00 Formula Amt. \$11,162.00

## SERIOUS – Citation 1 - Item 2 –

a) Clinic: Two employees used hazardous chemicals such as; synergize, isopropyl alcohol, and Clorox Performance Bleach to clean and disinfect the clinic and disinfect animal wounds without having received hazard communication training on the chemicals. 29 CFR 1910.1200(h)(1)

Div. Proposal - \$11,162.00

Formula Amt. - \$11,162.00

TOTAL PENALTY - \$22,324.00

TOTAL FORMULA AMT. - \$44,648.00

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

Vice Chair Hennelly asked for clarification on the abatement, Mr. Murphy noted it was for the Non-Serious items.

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

# Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Ms. Dimas confirmed Commission meeting dates through May 2024.

#### Public Comment.

There was no public comment.

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

THE INDUSTRIAL COMMISSION OF ARIZONA

Ву

Gaetano J. Testini, Executive Deputy Director

ATTEST:

Kara Dimas, Commission Secretary