

MINUTES OF MEETING  
OF THE INDUSTRIAL COMMISSION OF ARIZONA  
Held at 800 West Washington Street  
Phoenix, Arizona 85007  
Thursday, October 17, 2024 – 1:00 p.m.

Present:	Dennis P. Kavanaugh	Chairman
	D. Alan Everett	Commissioner
	Maria Cecilia Valdez	Commissioner
	Orion J. Godfrey	Commissioner
	Gaetano J. Testini	Director
	Afshan Peimani	Chief Legal Counsel
	Lisa Padgett	Deputy Director (Telephonic)
	Charles Carpenter	Legislative Affairs Chief/Public Information Officer
	Sylvia Simpson	Chief Financial Officer
	Sydney Standifird	Claims Supervisor
	Alicia Gonzales	Claims
	Zyra Johnson	Claims
	Melissa Spurgeon	Labor Director
	Brian Hudson	ADOSH Director
	Jonathon Wright	ADOSH Compliance
	Bethany Votta	ADOSH Admin
	Kara Dimas	Commission Secretary

Chairman Kavanaugh convened the meeting at 1:00 p.m. In attendance, confirmed by roll call were Geneva Haber (Snell and Wilmer) and Lindsey Wheeler (Premier Risk Management). Also in attendance on the telephone, confirmed by roll call was Renee McAloney (TMC Healthcare).

Approval of Minutes of October 3, 2024 Regular Meeting Minutes.

Commissioner Godfrey moved to approve the Minutes of the October 3, 2024 regular session meeting and Commissioner Everett seconded the motion. Chairman Kavanaugh, Commissioner Everett, Commissioner Valdez 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.

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- a. Approval of Requests for Renewal of Self-Insurance Authority.
  1. DG Retail, LLC dba Dollar General

2. Parker-Hannifin Corporation
3. TMC Healthcare

b. Approval of Arizona Division of Occupational Safety and Health Proposed Citations and Penalties Less Than \$15,000.

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|-----------------------|----------------------------------|
| 1. CP-2024-EG419-0062 | 4 J Construction, LLC            |
| 2. PP-2024-JW184-0096 | FX Construction LLC              |
| 3. CP-2024-ZP447-0010 | Laron, LLC                       |
| 4. CP-2024-JW184-0088 | McShane Construction Company LLC |

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

Discussion and Action regarding Appointment of Special Assistant to the Industrial Commission of Arizona.

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Alicia Gonzales  
Zyra Johnson

Ms. Standifird introduced Ms. Gonzales and Ms. Johnson, highlighted their backgrounds and experience. She requested a Resolution appointing Ms. Gonzales and Mr. Johnson as a Special Assistants with the Compliance Team.

Commissioner Valdez moved to appoint Ms. Gonzales and Ms. Johnson as Special Assistants and Commissioner Everett seconded the motion. Chairman Kavanaugh, Commissioner Everett and Commissioner Valdez voted in favor of the motion. The motion passed.

Discussion and Action regarding Proposed Retaliation Penalty.

1. RT-2324-0183 Elk Creek Trailers LLC

Ms. Spurgeon summarized the Labor Department's investigation into the Earned Paid Sick Time (EPST) Retaliation claim. Ms. Spurgeon recommended that the Commission approve issuance of a Penalty in the amount of \$71,340.58 for violation of A.R.S. § 23-364 and lost wages, and in addition a \$1,000.00 civil penalty pursuant to A.R.S. § 23-364(F).

Chairman Kavanaugh asked if the Commissioners had any questions.

Commissioner Godfrey moved to approve issuance of a Penalty for Retaliation in the amount of \$71,340.58 and a \$1,000.00 civil penalty to Elk Creek Trailers LLC. 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 Arizona Division of Occupational Safety and Health Proposed Citations and Penalties.

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Chairman Kavanaugh discussed the purpose of and process for the Commission's consideration of ADOSH citations and proposed penalties.

Compass Alpha, LLC dba Gummi World  
370 N Juniper Dr  
Chandler, AZ 85226

Complaint  
Years in Business: 2  
Empl. Covered by Inspection: 5

Site Location: 370 N Juniper Dr  
Chandler, AZ 85226  
Inspection No: CP-2024-TM082-0048  
Inspection Date: April 24, 2024

WILLFUL-SERIOUS – Citation 1 - Item 1 –

- a) Pouching Room: One employee stirring product on a GEA Modular Thermoforming machine, 12 feet above the ground without fall protection. 29 CFR 1910.28(b)(1)(i)  
Div. Proposal - \$80,359.00 Formula Amt. - \$80,359.00  
TOTAL PENALTY - \$80,359.00 TOTAL FORMULA AMT. - \$80,359.00

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

Chairman Kavanaugh and Mr. Hudson discussed why this citation was considered a Willful, since the owners and management team were aware of the situation and working on abatement, but allowing the process to continue and exposing their employees knowing they have the hazard, knowing they need to fix the hazard.

Chairman Kavanaugh noted he did not have a request to speak.

Commissioner Godfrey moved to approve the citation and proposed penalties as presented and Commissioner Valdez seconded the motion.

Commissioner Godfrey commented on the gravity-based penalty amount of the citation \$134,000.00 was a sticker shock, thanked Mr. Hudson for the statement on how he came to that number, and hopefully based on the vote, assumed everyone was comfortable with the fine as proposed.

Mr. Hudson noted the penalty amounts are from the Field Operations Manual (FOM) and there is a reduction for the size of the company since there was no incident.

Chairman Kavanaugh, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

EZ Roofing Company LLC  
18027 West Audry Lane  
 Surprise, AZ 85387

Complaint  
Years in Business: 2  
Empl. Covered by Inspection: 5

Site Location: 6400 E Thomas Rd  
Scottsdale, AZ 85251  
Inspection No: CP-2024-EG419-0068  
Inspection Date: May 10, 2024

SERIOUS – Citation 1 - Item 1 –



Commissioner Everett moved to approve the citation and proposed penalties as presented and Commissioner Valdez seconded the motion. Chairman Kavanaugh, Commissioner Everett, Commissioner Valdez 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 November 2024.

Mr. Testini updated the Commissioners on the upcoming ICEA event on October 30<sup>th</sup>.

Mr. Testini also updated the Commissioners on the construction project going on in the lobby for a new office area for the Ombudsman Team.

Public Comment.

There was no public comment.

The meeting was adjourned at 1:37 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By   
Gaetano J. Testini, Director

ATTEST:

  
Kara Dimas, Commission Secretary