

MINUTES OF MEETING  
OF THE INDUSTRIAL COMMISSION OF ARIZONA  
Held at 800 West Washington Street  
Phoenix, Arizona 85007  
Thursday, May 15, 2025 – 1:00 p.m.

Present:	Dennis P. Kavanaugh	Chairman
	Joseph M. Hennelly, Jr.	Vice Chair
	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
	Renee Pastor	Self-Insurance (Telephonic)
	Sydney Standifird	Assistant Claims Manager
	Alma Tellez	Claims Supervisor
	Lakecia Evans	Claims
	Melissa Spurgeon	Labor Director
	Christina Lasater	Labor Supervisor
	Stella King	Labor Investigator
	Phil Murphy	ADOSH Deputy Director
	Mireya Gomez	ADOSH Compliance
	Heather Warnock	ADOSH Compliance
	Bethany Votta	ADOSH Admin
	Kara Dimas	Commission Secretary

Chairman Kavanaugh convened the meeting at 1:04 p.m. In attendance, confirmed by roll call were Taylor Thomas (Snell and Wilmer); Anne Ryman and Alpha Kamara (ABC15); Lindsey Wheeler (Premier Risk Management); Dustin Escapule (E&E Companies LLC); Darin Perkins (self); Greg Sachse (self); Hunter Young (self); Cristina Soriano (B3 Startegies). Also in attendance on the telephone, confirmed by roll call were James Corlis (City of Avondale); Monique Allen (Raley's/Bashas'); Steve Farnesi (Honeywell); George Woods and Denise Plug (City of Scottsdale); Ted Howard and Keeley Smith (Shamrock Foods); CamaLe Russell (City of Peoria); and Monique Handy (Pinnacle West Capital).

Approval of Minutes of May 1, 2025 Regular Meeting Minutes.

Commissioner Godfrey moved to approve the Minutes of the May 1, 2025 regular session meeting and Commissioner Everett seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, 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 Proposed Civil Penalties Against Uninsured Employers.

1. 2C24/25-0438 Verde Solaris, LLC

b. Approval of Requests for Renewal of Self-Insurance Authority.

1. ABF Freight System, Inc.
2. City of Avondale
3. City of Chandler
4. City of Peoria
5. City of Scottsdale
6. Concrete Reinforcements Inc.
7. Heartland Express, Inc.
8. Honeywell International, Inc.
9. Pima County
10. Pinnacle West Capital Corporation
11. Raley's Arizona dba Bashas'
12. Roman Catholic Church Diocese of Tucson
13. Shamrock Foods Company and Shamrock Farms Company
14. The Arizona School Alliance for Workers' Compensation, Inc.
15. Town of Gilbert
16. Valley Schools Workers' Compensation Group
17. Weyerhaeuser Company

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

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1. CP-2025-JL680-0045 Devco Dirtworks LLC
2. RF-2025-TM082-0069 Signature Service Maintenance L.L.C.

d. Approval of Proposed Youth Employment Penalty.

1. YL-2425-0041 Trees For Needs Inc.

Commissioner Everett was a little concerned and surprised by the number of municipalities whose experience modification ratings exceeded the standard and who were asking for consultation services. The municipalities should be setting an example. While one municipality completed a root cause analysis the others did not.

Ms. Pastor explained that the municipalities almost always have an inflated experience modification because of the public safety units. Additionally, root cause analysis has determined that most of their risk is due to unpreventable incidences.

Commissioner Everett moved to approve the items on the Consent Agenda and Commissioner Valdez seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly,

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.

Lakecia Evans  
Erica Price  
Alma Tellez

Chairman Kavanaugh noted the request for appointment of Special Assistants which require the Commissioners to appoint.

Commissioner Valdez moved to appoint as Special Assistants and Vice Chair Hennelly seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

Discussion and Action regarding Proposed Retaliation Penalty.

1. RT-2425-0108 Southwest Airlines Co.

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 \$14,100.00 for violation of A.R.S. § 23-364.

Commissioner Valdez moved to approve issuance of a Penalty for Retaliation in the amount of \$14,100.00 to Southwest Airlines Co. Commissioner Godfrey seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

2. RT-2425-0122 Southwest Airlines Co.

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 \$12,000.00 for violation of A.R.S. § 23-364.

Commissioner Godfrey moved to approve issuance of a Penalty for Retaliation in the amount of \$12,000.00 to Southwest Airlines Co. Vice Chair Hennelly seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett, Commissioner Valdez 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.

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

Central Admixture Pharmacy Services, Inc. dba CAPS  
2200 South 43rd Avenue  
Phoenix, AZ 85043

Fatality/Catastrophe  
Years in Business: 13  
Empl. Covered by Inspection: 116



Site Location: 2200 South 43rd Ave  
Phoenix, AZ 85043  
Inspection No: FC-2025-JW184-0156  
Inspection Date: April 15, 2025

Mr. Murphy summarized ADOSH's investigation and reviewed the file. ADOSH was not recommending a citation for Central Admixture Pharmacy Services, Inc. dba CAPS.

Chairman Kavanaugh checked if the Commissioners had any question and noted he did not have a request to speak.

The Commission took no action.

E & E Companies LLC  
4340 E Pony Track Ln  
San Tan Valley, AZ 85140

Fatality/Catastrophe  
Years in Business: 5  
Empl. Covered by Inspection: 34

Site Location: 9601 W. Cardinals Way  
Glendale, AZ 85305  
Inspection No: FC-2025-NM858-0025  
Inspection Date: January 16, 2025

SERIOUS – Citation 1 - Item 1 –

- a) Tower 2: Two employees operated a Skyjack model number SJ9664 RT serial number A203000270 at an approximately height of 64' above the ground and utilized a ladder on the scissor lift platform to increase the working level height. 29 CFR 1926.451(f)(15) \*per ADOSH Director as Causal Factor  
Div. Proposal - \$16,131.00                      Formula Amt. - \$16,131.00

SERIOUS – Citation 1 - Item 2 –

- a) Tower 2: Two employees utilized a Skyjack model number SJP664 RT serial number A203000270 without training on the use of ladders on a scissor lift platform to increase the working level height. 29 CFR 1926.454(b)(4)  
Div. Proposal - \$11,292.00                      Formula Amt. - \$11,292.00  
TOTAL PENALTY - \$27,423.00                      TOTAL FORMULA AMT. - \$27,423.00

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

Chairman Kavanaugh noted had a request to speak from Mr. Escapule.

Mr. Escapule addressed the Commission, he started the business five years ago and has worked in construction for 20 years. He never imagined he would be in this situation. Moving forward he commented on the operational changes since the incident. He shut down and ceased doing business during the investigation, retrained all employees, and has dedicated more of his time and energy to the safety of his employees by downsizing and reducing production.

Chairman Kavanaugh appreciated the efforts the employer has taken.

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

JBS Tolleson, Inc.  
651 S 91st Ave  
Tolleson, AZ 85353

Fatality/Catastrophe  
Years in Business: 70  
Empl. Covered by Inspection: 120

Site Location: 651 S 91st Ave  
Tolleson, AZ 85353  
Inspection No: FC-2025-AD245-0051  
Inspection Date: November 21, 2024

SERIOUS – Citation 1 - Item 1 –

- a) Paunch Pad: Two employees operated a John Deere front-end loader, model # 544G TC and PIN # \*DW544CD558723\*, without being trained on how to properly and safely operate the machine. A.R.S. 23-403.A  
Div. Proposal - \$16,131.00                      Formula Amt. - \$16,131.00

SERIOUS – Citation 1 - Item 2 –

- a) Basement: One employee was required to clean the floor where exit access from the basement was 22" wide. 29 CFR 1910.36(g)(2)  
Div. Proposal - \$9,218.00                      Formula Amt. - \$9,218.00

SERIOUS – Citation 1 - Item 3 –

- a) Paunch Pad: Two employees operated a yellow Yale forklift, model # GDP050VXNKSE084 and serial # D875V13984V, and used a McCullough Industries brand Wright self-dumping hopper forklift attachment to dump undigested animal food material without a data plate marked to identify it.  
b) Paunch Pad: One employee was operating an orange Heli forklift, model # CPOYD25-KU1H and serial # 250252R5250, and used a McCullough Industries brand Wright self-dumping hopper forklift attachment to dump undigested animal food material without a data plate marked to identify it. 29 CFR 1910.178(a)(5)  
Div. Proposal - \$6,913.00                      Formula Amt. - \$6,913.00

SERIOUS – Citation 1 - Item 4 –

- a) Distribution Center: Two employees were required to receive shipments of dry ice stored in containers and distribute these containers throughout the facility without being provided with hazard communication training. 29 CFR 1910.1200(b)(4)(iii)  
Div. Proposal - \$11,524.00                      Formula Amt. - \$11,524.00  
TOTAL PENALTY - \$43,786.00                      TOTAL FORMULA AMT. - \$43,786.00

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

Chairman Kavanaugh checked if the Commissioners had any question and noted he did not have a request to speak.

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

Trumbull Trucking, LLC  
3641 W Sunland Ave  
Phoenix, AZ 85041

Site Location: 651 S 91st Ave  
Tolleson, AZ 85353  
Inspection No: UR-2025-AD245-0052  
Inspection Date: November 21, 2024

Unprogrammed Related  
Years in Business: 70  
Empl. Covered by Inspection: 1

SERIOUS – Citation 1 - Item 1 –

- a) Paunch Pad: One employee operated a John Deere front-end loader, model # 544G TC and PIN # \*DW544CD558723\*, without being trained on how to properly and safely operate the machine. A.R.S. 23-403.A \*Per ADOSH Director for causal factor

Div. Proposal - \$16,131.00	Formula Amt. - \$16,131.00
TOTAL PENALTY - \$16,131.00	TOTAL FORMULA AMT. - \$16,131.00

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

Chairman Kavanaugh checked if the Commissioners had any question and noted he did not have a request to speak.

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

Diversified Roofing, LLC  
2015 W Mountain View Rd  
Phoenix, AZ 85021

Site Location: 12814 E Rosewood Dr  
Scottsdale, AZ 85255  
Inspection No: PP-2025-VM508-0050  
Inspection Date: December 26, 2024

Program Planned  
Years in Business: 37  
Empl. Covered by Inspection: 6

SERIOUS – Citation 1 - Item 1 –

- a) 12814 E Rosewood Dr., Scottsdale (Lot 36): Two employees were exposed to a fall hazard when installing part of the drainage system on a residential, low-slope roof over 6 feet in height without fall protection. 29 CFR 1926.501(b)(13)

Div. Proposal - \$16,131.00	Formula Amt. - \$16,131.00
TOTAL PENALTY - \$16,131.00	TOTAL FORMULA AMT. - \$16,131.00

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



Chairman Kavanaugh checked if the Commissioners had any question and noted he did not have a request to speak.

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

Diversified Roofing, LLC  
2015 W Mountain View Rd  
Phoenix, AZ 85021

Program Planned  
Years in Business: 37  
Empl. Covered by Inspection: 6

Site Location: 12800 E Rosewood Dr  
Scottsdale, AZ 85255  
Inspection No: PP-2025-VM508-0051  
Inspection Date: December 26, 2024

SERIOUS – Citation 1 - Item 1 –

- a) 12800 E Rosewood Dr., Scottsdale (Lot 35): One employee was exposed to a fall hazard when installing part of the drainage system on a residential, low-slope roof over 6 feet in height without fall protection. 29 CFR 1926.501(b)(13)

Div. Proposal - \$16,131.00	Formula Amt. - \$16,131.00
TOTAL PENALTY - \$16,131.00	TOTAL FORMULA AMT. - \$16,131.00

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

Chairman Kavanaugh checked if the Commissioners had any question and noted he did not have a request to speak.

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

Discussion, Action, and Potential Resolution regarding Final Rulemaking to Amend Title 20, Chapter 5, Article 1, Pursuant to A.R.S. § 23-921(B).

Chairman Kavanaugh noted this is the last step the Commission takes for Article 1 rulemaking.

Ms. Peimani agreed and looks forward to getting the final approval from the Governor's Office and to the Governor's Regulatory Review Council (GRRC) for them to provide the final approval.

Vice Chair Hennelly moved to approve final rulemaking for Title 20, Chapter 5, Article 1. Commissioner Valdez seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, 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 June 2025.

Bryce Rucker and Cecilia Herrera informed the Commissioners about the June 5<sup>th</sup> Safety Summit in Yuma and VPP/PEPP visit to San Luis on June 4<sup>th</sup>.

Mr. Carpenter updated the Commissioners noting that one more bill was signed by the Governor, bill 1182 which includes an emergency measure and is effective now and is applicable during the hotter times of year.

Chairman Kavanaugh asked about budget discussion to fund the additional positions to support bill 1159 with additional staff. Mr. Carpenter noted the Legislature is on spring break, so we will know more when the budget discussions begin.


Public Comment.

There was no public comment.

The meeting was adjourned at 1:56 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By

  
Gaetano J. Testini, Director

ATTEST:

  
Kara Dimas, Commission Secretary