

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, June 19, 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
	Brandt Smith	Deputy Director
	Charles Carpenter	Legislative Affairs Chief/Public Information Officer
	Melissa Spurgeon	Labor Director
	Christina Lasater	Labor Supervisor
	Kizzy McClough	Labor Supervisor
	Brian Hudson	ADOSH Director
	Patrick Jordan	ADOSH Compliance Assistance Supervisor
	Bethany Votta	ADOSH Admin
	Christina Lopez	Legal Department
	Robert Irani	Legal Department
	Kara Dimas	Commission Secretary

Chairman Kavanaugh convened the meeting at 1:01 p.m. In attendance, confirmed by roll call were Stephanie Hefner (Snell and Wilmer); Anne Siri Snell (ASU Student); Lindsey Wheeler and Dawson Stoffel (Premier Risk Management); Marissa Matthews, Brad Lee and Mason Fagotti (Grover Hills Construction); Mike Simmons (Fixation Systems, LLC); Sarah Fisher and Rick Collins (Arizona Tile, LLC); Tom Holloran and Christin Driscoll, Next of Kin (re Grover Hills Construction LLC); Liliana Rodriguez Cruz, Yoana Rodriguez Cruz, Angel Ramirez and Jonathan Martinez, Next of Kin (re CAM Landscapes).

Approval of Minutes of May 22, 2025 Regular Meeting Minutes and June 5, 2025 Regular Meeting Minutes.

Commissioner Valdez moved to approve the Minutes of May 22, 2025 Regular Meeting Minutes and June 5, 2025 Regular Meeting Minutes 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.

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. 2C24/25-0529 Fresh Croissants \$1,000

b. Approval of Proposed Youth Employment Penalty.

1. SJW Enterprises, L.L.C. dba Baskin Robbins

Chairman Kavanaugh requested SJW Enterprises, L.L.C. dba Baskin Robbins be removed from the Consent Agenda for further discussion.

Commissioner Everett moved to approve the remaining item on the Consent Agenda 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 of Proposed Youth Employment Penalty.

1. SJW Enterprises, L.L.C. dba Baskin Robbins

Ms. Spurgeon summarized the Labor Department's investigation into the youth employment claim. Ms. Spurgeon recommended that the Commission approve the issuance of a Civil Penalty in the amount of \$1,000.00 for violation A.R.S. § 23-231(A)(10), A.R.S. § 23-232(A)(8)(b), A.R.S. § 23-233(A)(2), A.R.S. § 23-233(A)(3), A.R.S. § 23-233(A)(4), and A.R.S. § 23-233(B).

Chairman Kavanaugh and Ms. Spurgeon discussed issuing a penalty for one instance even though there were 6 different statutes being violated. Chairman Kavanaugh suggested staff at some point explore modifying the statute.

Chairman Kavanaugh asked if the Commissioners had any questions.

Commissioner Valdez moved to approve issuance of a penalty in the amount of \$1,000.00 to SJW Enterprises, L.L.C. dba Baskin Robbins. 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 and Action regarding Proposed Retaliation Penalty.

1. RT-2425-0126 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 \$16,800.00 for Letter of Instruction "LOI" violation for violation of A.R.S. § 23-364.

Commissioner Godfrey moved to approve issuance of a Penalty for Retaliation in the amount of \$16,800.00 to Southwest Airlines Co. 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.

2. RT-2425-0137 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 \$13,050.00 for Letter of Instruction "LOI" violation and \$13,050.00 for Letter of Warning (LOW) violation, for a total amount of \$26,100.00 for violation of A.R.S. §23-364.

Commissioner Valdez moved to approve issuance of a Penalty for Retaliation in the amount of \$26,100.00 to Southwest Airlines Co. 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.

3. RT-2425-0120 AIKG, LLC dba Andretti Indoor Karting & Games

Ms. Spurgeon summarized the Labor Department's investigation into the Earned Paid Sick Time (EPST) Retaliation claim noting there was a prior violation in 2024. Ms. Spurgeon recommended that the Commission approve issuance of a Penalty in the amount of \$1,000.00 for violation of A.R.S. § 23-364 and in addition a \$250.00 civil penalty pursuant to A.R.S. § 23-364(F).

Commissioner Everett moved to approve issuance of a Penalty for Retaliation in the amount of \$1,000.00 and a \$250.00 civil penalty to AIKG, LLC dba Andretti Indoor Karting & Games. 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 Proposed Earned Paid Sick Time Subsequent Civil Penalty.

1. ST-2425-0239 Allegiant Air, LLC

Ms. Spurgeon summarized the Labor Department's investigation into a violation of A.R.S. § 23-372(A) for a prior Earned Paid Sick Time (EPST) Retaliation claim. Ms. Spurgeon noted in September 2024 the Labor Department assessed a civil penalty in the amount of \$250.00 for violating the same statute, which was paid by the employer. On February 23, 2025 the Labor Department received another complaint against the employer for the same violation. The employer is still not in compliance with the statute. The Department recommended issuance of a subsequent Civil Penalty of \$1,000.00 for violation of A.R.S. § 23-372(A).

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 issuance of a Subsequent Civil Penalty in the amount of \$1,000.00 to Allegiant Air, LLC. 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.

Arizona Tile, LLC.
8829 South Priest Drive
Tempe, AZ 85284

Fatality/Catastrophe
Years in Business: 49
Empl. Covered by Inspection: 80

Site Location: 2940 W Windsor Ave
Phoenix AZ 85009
Inspection No: FC-2025-MH679-0005
Inspection Date: January 23, 2025

Mr. Hudson summarized ADOSH's investigation and reviewed the file. ADOSH was not recommending a citation for Arizona Tile, LLC.

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

The Commission took no action.

CAM Landscapes LLC
8607 East Pecos Road Bldg 2 Ste 106
Mesa, AZ 85212

Fatality/Catastrophe
Years in Business: 20
Empl. Covered by Inspection: 7

Site Location: East Cadence Parkway & S Warren
Mesa, AZ 85212
Inspection No: FC-2025-JW184-0157
Inspection Date: April 21, 2025

SERIOUS – Citation 1 - Item 1 –

- a) East Cadence Parkway & S Warren, Mesa: Seven employees refilled landscaping gravel in the median of a two-way road with a speed limit of approximately 30 MPH without wearing Class two reflective clothing.
 - b) East Cadence Parkway & S Warren, Mesa: Three employees rode in and on the back of an Isuzu NPR crew cab utility truck with a mini dump attachment, license plate #LFA45M and route #LM118 without appropriate seating or restraints. 29 CFR A.R.S. 23-403.A *Instance b per ADOSH Director as a causal factor.
- Div. Proposal - \$11,823.00 Formula Amt. - \$11,823.00

NON-SERIOUS – Citation 2 –

- a) 8607 E Pecos Rd Bldg 2 Ste 106, Mesa, AZ 85212: One employee passed away on April 19, 2025 after falling from the back of a moving Isuzu NPR crew cab utility truck with a mini dump attachment, with license plate #LFA45M and route #LM118 and the fatality was not reported to ADOSH within eight hours. 29 CFR 1904.39(a)(1)

Div. Proposal - \$1,000.00 Formula Amt. - \$1,000.00
TOTAL PENALTY - \$12,823.00 TOTAL FORMULA AMT. - \$12,823.00

Mr. Hudson 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 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.

Fixation Systems L.L.C.
22233 North 23rd Avenue
Phoenix, AZ 85027

Fatality/Catastrophe
Years in Business: 10
Empl. Covered by Inspection: 6

Site Location: 2121 E Sonoran Desert Dr
Phoenix, AZ 85027
Inspection No: FC-2025-MH679-0013
Inspection Date: January 6, 2025

Mr. Hudson summarized ADOSH's investigation and reviewed the file. ADOSH was not recommending a citation for Fixation Systems L.L.C.

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

The Commission took no action.

Grover Hills Construction LLC
PO Box 852
Saint Johns, AZ 85936

Fatality/Catastrophe
Years in Business: 5
Empl. Covered by Inspection: 2

Site Location: #1 County Road N2321
Nutrioso, AZ 85932
Inspection No: FC-2025-TM082-0071
Inspection Date: March 18, 2025

SERIOUS – Citation 1 - Item 1 –

- a) County Road N2321, rear veranda roof: Two employees installing underlayment and metal sheeting at a height of 10 feet 3 inches without fall protection. 29 CFR 1926.501(b)(13)
Div. Proposal - \$4,965.00 Formula Amt. - \$4,965.00

SERIOUS – Citation 1 - Item 2a –

- a) County Road N2321 rear veranda: Two employees installing underlayment and metal sheeting utilized a Werner, 10-foot A-frame fiberglass ladder, to access and egress a roof that did not reduce the break in elevation from the ladder to the roof to less than 19 inches if used in accordance with the manufacture's safety instructions. 29 CFR 1926.1051(a)
Div. Proposal - \$0.00 Formula Amt. - \$16,550.00

SERIOUS – Citation 1 - Item 2b –

Ms. Rodriguez Cruz commented in Spanish and her daughter Yoana Rodriguez Cruz translated and commented in English noting her husband had worked for the company three months prior to the injury, she spoke of his injury and medical condition. They do not know what took place the day of his injury and went on to explain their experience once they found out. She explained the current difficulties for her daughters and wanted everyone to know he was an organ doner and his organs saved seven lives.

Chairman Kavanaugh offered the condolences of the Commissioners.

Chairman Kavanaugh wanted to thank San Luis and Yuma for our trip earlier this month. The city of San Luis was recognized for the outstanding work they have done, and appreciate the City and County of Yuma and ADOSH staff for their work on the Safety Summit.


Mr. Hudson noted they are planning another one for February 2026.

There was no other public comment.

The meeting was adjourned at 2:09 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By


Gaetano J. Testini, Director

ATTEST:


Kara Dimas, Commission Secretary