

MINUTES OF MEETING  
OF THE INDUSTRIAL COMMISSION OF ARIZONA  
Held at Yuma City Hall  
Conference Room #190  
One City Plaza  
Yuma, Arizona 85364  
Thursday, June 5, 2025 – 1:00 p.m.

Present:	Dennis P. Kavanaugh	Chairman
	Joseph M. Hennelly, Jr.	Vice Chair (Telephonic)
	D. Alan Everett	Commissioner (Telephonic)
	Maria Cecilia Valdez	Commissioner
	Orion J. Godfrey	Commissioner
	Gaetano J. Testini	Director
	Afshan Peimani	Chief Legal Counsel
	Lisa Padgett	Deputy Director
	Brant Smith	Deputy Director
	Charles Carpenter	Legislative Affairs Chief/Public Information Officer
	Brian Hudson	ADOSH Director
	Bryce Rucker	ADOSH Assistant Director
	Claude Art Wood	ADOSH Trainer
	Bethany Votta	ADOSH Admin
	Kara Dimas	Commission Secretary

Chairman Kavanaugh convened the meeting at 1:13 p.m. and thanked the City of Yuma for hosting our meeting. In attendance, confirmed by roll call were Taylor Thomas (Snell and Wilmer); Lindsey Wheeler (Premier Risk Management); Tom Star (Maax Spas/American Bath Group); Robert Duffy, Brooke Pike, Hope Chun and Adrian Aranda (City of Yuma). Also in attendance on the telephone, confirmed by roll call were John Johnson, Anthony Shewmaker and Scott Robinson (Maax Spas/American Bath Group); Clarke Rea (Goodmans); Nathan and Aimee Woodhall (The Cooler Guys LLC).

Approval of Minutes of May 22, 2025 Regular Meeting Minutes.

Chairman Kavanaugh deferred approval of the May 22, 2025 Minutes to the next meeting.

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.

Wolverine Daylighting, LLC	Fatality/Catastrophe	
24029 North 91st Avenue	Years in Business:	5
Peoria, AZ 85383	Empl. Covered by Inspection:	3
Site Location:	Grand Ave and Weldon Ave (next to Indian School)	
	Phoenix, AZ 85017	
Inspection No:	FC-2025-TN246-0008	

Inspection Date: March 5, 2025

SERIOUS – Citation 1 - Item 1 –

- a) Grand Ave and Weldon Ave: Two employees inspecting and cleaning a manhole pipe in the center lane of a three lane, north bound, road were exposed to vehicular traffic with a speed limit of 45 miles per hour without warning signs in place to inform oncoming vehicles of employees working in the roadway ahead. A.R.S. 23-403.A \*Per ADOSH Director the probability was changed from lesser to greater due to a recent fatality that had occurred. In addition, three separate industries who do similar work identified that working on the road is very dangerous and they would have signs before the worksite to warn drivers that there is roadwork ahead. Without signs, drivers would not have enough or adequate time to transition lanes from the center lane. The road that employees were working on had a posted speed limit of 45 with many drivers passing by, the probability of an incident is high.

Div. Proposal - \$16,550.00

Formula Amt. - \$16,550.00

TOTAL PENALTY - \$16,550.00

TOTAL FORMULA AMT. - \$16,550.00

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 Commissioner Godfrey seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

Commissioner Everett joined the call after this vote.

Maax Spas Industries Corp.  
25605 South Arizona Avenue  
Chandler, AZ 85248

Referral  
Years in Business: 30  
Empl. Covered by Inspection: 5

Site Location: 25605 South Arizona Avenue  
Chandler, AZ 85248

Inspection No: RF-2025-TN246-0006

Inspection Date: February 21, 2025

SERIOUS – Citation 1 - Item 1 –

- a) Thermoformer: Two employees were molding acrylic sheets to a hot tub while on a platform that was approximately 5' 5" high without fall protection. 29 CFR 1910.28(a)(1): 1910.28(a)(1)

Div. Proposal - \$10,641.00

Formula Amt. - \$10,641.00

SERIOUS – Citation 1 - Item 2 –

- a) Thermoformer: Two employees were molding acrylic sheets to a hot tub while on a platform that was approximately 5' 5" high and were not provided with fall protection training. 29 CFR 1910.30(a)(1)

Div. Proposal - \$10,641.00

Formula Amt. - \$10,641.00

SERIOUS – Citation 1 - Item 3 –

- a) Thermoformer: One employee operated a 108" x 108" Three Station Rotary machine, model #399R3B and serial #03584, and was exposed to the point of operation without guarding in place while the machine formed acrylic sheets into hot tub shells. 29 CFR 1910.212(a)(3)(ii)  
\* Per the ADOSH Director for casual factor.

Div. Proposal -	\$16,550.00	Formula Amt. -	\$16,550.00
TOTAL PENALTY -	\$37,832.00	TOTAL FORMULA AMT. -	\$37,832.00

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 have a request to speak from Tom Star.

Mr. Star addressed the Commission. He is from the parent company American Bath Group, and had the privilege to come from Atlanta, they understand this is serious and they are taking it very seriously. He talked about the equipment and the injured employee. He talked about the company's abatement efforts including putting guarding in place, adding warning signs, re-training all employees and working with a local vendor to fabricate a lift system. Long term they have contacted the manufacturer for new equipment, but the delivery time is December of 2026. They will follow up with ADOSH to review. He wanted to let everyone know that American Bath Group is committed to the safety of their employees at all of their sites.

Commissioner Godfrey commented that hopefully the employee is recovering, and noted the Commission appreciates the efforts made to improve their workplace safety in the short term and long term.

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.

Goodmans, Inc dba Goodmans Interior	Unprogrammed Related
3925 North Business Center Drive	Years in Business: 1
Tucson, AZ 85725	Empl. Covered by Inspection: 22
Site Location:	3925 North Business Center Drive
	Tucson, AZ 85705
Inspection No:	UR-2025-MH679-0010
Inspection Date:	April 9, 2025

SERIOUS – Citation 1 - Item 1 –

- a) 912 South Park Avenue, Tucson: One employee fell 28' through an 3' W x 5' L unprotected skylight while performing service checks an air-conditioning unit. 29 CFR 1910.28(b)(3)(i)  
\*Per ADOSH Director Causal factor

Div. Proposal -	\$16,550.00	Formula Amt. -	\$16,550.00
TOTAL PENALTY -	\$16,550.00	TOTAL FORMULA AMT. -	\$16,550.00

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 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.

The Cooler Guys LLC	Referral-Employer Reported	
912 South Park Avenue	Years in Business:	1
<u>Tucson, AZ 85719</u>	Empl. Covered by Inspection:	3
Site Location:	3925 North Business Center Drive	
	Tucson, AZ 85705	
Inspection No:	RF-2025-MH679-0008	
Inspection Date:	March 19, 2025	

SERIOUS – Citation 1 - Item 1 –

- a) 912 South Park Avenue, Tucson: One employee fell 28' through an 3' W x 5' L unprotected skylight while performing service checks an air-conditioning unit. 29 CFR 1910.28(b)(3)(i)  
\*Per ADOSH Director Causal factor  
Div. Proposal - \$16,550.00                      Formula Amt. - \$16,550.00

SERIOUS – Citation 1 - Item 2 –

- a) Roof: An employee performing service checks an air-conditioning unit with unprotected sky lights that were approximately 28' above the ground and the employee had not been trained on fall protection. 29 CFR 1910.30(a)(1)  
Div. Proposal - \$6,620.00                      Formula Amt. - \$6,620.00  
TOTAL PENALTY - \$23,170.00                      TOTAL FORMULA AMT. - \$23,170.00

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.

Mr. and Mrs. Woodhall noted they would like to speak.

Mr. Woodhall noted they just bought the business a year ago and adopted the existing protocols and they are looking forward to correcting those and updating them to make sure this does not happen again.

Mrs. Woodhall asked if there were resources available from the Commission for guidance to develop a safety plan considering the dangerous nature of the work their employees do. They would like to be compliant for their business so they can get a really good quality safety program in place.

Mr. Rucker commented that ADOSH offers free consultation services to help comply with the laws and regulations in Arizona. When there is an open file, they are limited as to what they can do until the file is closed, when the file is closed they can assist and the process.

Mrs. Woodhall asked if they would have to pay the entire fine.

Mr. Hudson described the next steps in the process after the citation is approved.

Chairman Kavanaugh commented that the Commissioners appreciate their willingness to attend and talk and ask for consultation help.

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.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Mr. Testini thanked the City of Yuma and wanted to recognize Mr. Duffy who is also a part of our ADOSH Advisory Committee.

Ms. Dimas confirmed Commission meeting dates through July 2025.

Public Comment.

Mr. Duffy commented that he appreciates the Commission coming down and the Commission is always welcome.

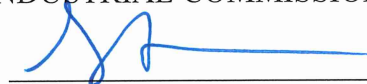
Chairman Kavanaugh thanked the City of Yuma for their hospitality.

There was no other public comment.

The meeting was adjourned at 1:41 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By



Gaetano J. Testini, Director

ATTEST:



Kara Dimas, Commission Secretary