

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, June 26, 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)
	Brant Smith	Deputy Director (Telephonic)
	Charles Carpenter	Legislative Affairs Chief/Public Information Officer
	Sylvia Simpson	Chief Financial Officer
	Charles Conner	ICA COOP Manager
	Brian Hudson	ADOSH Director
	Alayna Kriley	ADOSH Compliance
	Tomas Pramod	ADOSH Compliance
	Liam Bristol	ADOSH Compliance
	Mireya Gomez	ADOSH Compliance
	Debbie Rol	ADOSH Admin
	Marie Hamilton	ADOSH Admin
	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 Taylor Thomas (Snell and Wilmer); Lindsey Wheeler and Dawson Stoffel (Premier Risk Management); and Cynthia Diaz (AZ Jobs with Justice).

Public Hearing to accept comments and other information regarding the assessment under A.R.S. § 23-1065(F). During this hearing, the Commission may also discuss the assessment and information relevant to the levying of the assessment.

Ms. Simpson presented for the Assessment Hearing. Under Arizona Revised Statute § 23-1065(F), the Commission is authorized to levy a one-half percent assessment if the total annual reserved liabilities of the Special Fund for apportionment under A.R.S. § 23-1065 (B) and (C) exceed six million dollars. The apportionment assessment has not been levied since 2015 because the Special Fund has had an actuarial surplus.

As of the most recent actuarial study dated June 30, 2024, the Special Fund liability for apportionment had a confidence level of 80%, and the liability exceeds the \$6 million minimum required to levy the one-half percent assessment. As such, there is authority to levy the one-half percent assessment under A.R.S. § 23-1065(F) for calendar year 2026.

- a) Shop: Five employees used Klean Strip Lacquer Thinner to clean wood while making custom cabinets without a written hazard communication program in place. 29 CFR 1910.1200(e)(1)
Div. Proposal - \$4,965.00 Formula Amt. - \$4,965.00

SERIOUS – Citation 1 - Item 4b –

- a) Shop: Four employees cleaned wood with Klean Strip Lacquer Thinner in clear squeeze bottles that were not properly labeled. 29 CFR 1910.1200(f)(6)
Div. Proposal - \$0.00 Formula Amt. - \$4,965.00

SERIOUS – Citation 1 - Item 5 –

- a) Shop: Five employees used Klean Strip Lacquer Thinner to clean wood while making custom cabinets without having received hazard communication training. 29 CFR 1910.1200(h)(1)
Div. Proposal - \$4,965.00 Formula Amt. - \$4,965.00
- TOTAL PENALTY - \$31,446.00 TOTAL FORMULA AMT. - \$49,652.00

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 Godfrey 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.

Rocket Developers LLC
2662 North Ridge Circle
Mesa, AZ 85203

Site Location: 627 E Main St
Avondale, AZ 85323
Inspection No: CP-2025-TN246-0021
Inspection Date: May 6, 2025

Complaint
Years in Business: 4
Empl. Covered by Inspection: 6

SERIOUS – Citation 1 - Item 1 –

- a) 627 E Main St: Two employees leveled gravel and moved soil in an excavation without training in recognition, avoidance, and elimination of the hazards associated with excavations. 29 CFR 1926.21(b)(2)
Div. Proposal - \$4,965.00 Formula Amt. - \$4,965.00

SERIOUS – Citation 1 - Item 2a –

- a) 627 E Main St: Two Employees leveled gravel and moved soil in an excavation approximately 40' wide, 50' long, and 16' feet deep without access to a safe means of egress. 29 CFR 1926.651(c)(2)

Chairman Kavanaugh commented he was glad ADOSH received the anonymous complaint, the pictures show tragedy waiting to happen. This company has been in business for four years and fortunately someone realized the danger occurring but these are some of the worst pictures.

Commissioner Godfrey and Mr. Hudson discussed what could be done to make sure this employer is not doing this today. This has to be the worst the Commission has seen without having an injury. Trenching is part of a national emphasis program.

Commissioner Everett 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.

Ms. Dimas confirmed Commission meeting dates through August 2025.

Mr. Carpenter commented there are budget discussions going on now. He was still looking at two bills, 1156 and 1157 are waiting to go to the Governor's.

Mr. Testini updated the Commissioners the Employee Recognition lunch in Tucson on Wednesday and the Pheonix office will hold theirs on Friday in conjunction with the second Director's Cup which will be a Yahtzee tournament.

Mr. Testini noted Chuck Conner has joined the agency as the COOP Administrator.

Mr. Hudson commented on the trenching company, they have been working and talking with ADOSH.


Public Comment.

There was no public comment.

The meeting was adjourned at 1:43 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By



Gaetano J. Testini, Director

ATTEST:



Kara Dimas, Commission Secretary