

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, November 6, 2025 – 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)
	Brandt Smith	Deputy Director (Telephonic)
	Charles Carpenter	Legislative Affairs Chief/Public Information Officer
	Charles Conner	COOP Program Manager
	Brian Hudson	ADOSH Director
	Bethany Votta	ADOSH Admin
	Debbie Rol	ADOSH Admin
	Yvonne Borunda	Legal Division
	Kara Dimas	Commission Secretary

Chairman Kavanaugh convened the meeting at 1:01 p.m. In attendance, confirmed by roll call were Indira Tairova (Snell and Wilmer); and Anne Ryman (ABC15).

Approval of Minutes of October 30, 2025 Regular Meeting Minutes.

Commissioner Valdez moved to approve the Minutes of the October 30, 2025 regular session meeting and Commissioner Godfrey 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.

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

1. CP-2025-JW184-0179 Cem-Tec Corporation
2. CP-2025-JW184-0187 ITrade Pay LLC
3. CP-2025-TN246-0049 KDN Mechanical LLC
4. UR-2025-TN246-0024 Rivett Construction, Inc. (FN)

5. CP-2025-TN246-005 Strategic Telecom Supply & Solutions LLC

Commissioner Godfrey moved to approve the items on the Consent Agenda and Commissioner Valdez seconded the motion. Chairman Kavanaugh, 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.

Desert Saguaro LLC	Fatality/Catastrophe	
15601 N 19th Ave, Lot 171	Years in Business:	1
<u>Phoenix, AZ 85023</u>	Empl. Covered by Inspection:	3
Site Location: 2622 N 65th Ave		
	Phoenix, AZ 85035	
Inspection No: FC-2025-MH679-0016		
Inspection Date: May 13, 2025		

SERIOUS – Citation 1 - Item 1 –

- a) 2622 N 65th Ave., Phoenix: one employee was exposed to asphyxiation hazard as he trimmed palm fronds without being trained on how to properly and safely complete the task. A.R.S. 23-403.A *Per ADOSH Director as 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.

Chairman Kavanaugh commented that he asked staff if the employer had work comp coverage at the time of the incident, this case is being monitored by the Special Fund and the surviving spouse has been sent a letter through the Claims Division, explaining her rights.

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

Foster's Construction, L.L.C.	Fatality/Catastrophe	
2861 Old School House Road	Years in Business:	20
<u>Show Low, AZ 85901</u>	Empl. Covered by Inspection:	4
Site Location: 531 E Woodland Lake Rd		
	Pinetop, AZ 85935	
Inspection No: FC-2025-TN246-0028		
Inspection Date: May 23, 2025		

SERIOUS – Citation 1 - Item 1 –

- a) 531 E Woodland Lake Road, Pinetop: Four employees were rolling trusses while standing on the frame of a roof that measured approximately 9' above the next lower level without fall protection. 29 CFR 1926.501(b)(1) *Per ADOSH Director as causal factor
Div. Proposal - \$16,550.00 Formula Amt. - \$16,550.00

SERIOUS – Citation 1 - Item 2 –

- a) 531 E Woodland Lake Road, Pinetop: Three employees were rolling trusses while standing on the frame of a roof that measured approximately 9' above the next lower level without being provided fall protection training. 29 CFR 1926.503(a)(1)
Div. Proposal - \$4,965.00 Formula Amt. - \$4,965.00

SERIOUS – Citation 1 - Item 3a –

- a) 531 E Woodland Lake Road, Pinetop: Four employees used a 6' fiberglass ladder to access a roof approximately 9' high while rolling trusses.
b) 531 E Woodland Lake Road, Pinetop: Four employees used a 6' fiberglass ladder to access a roof approximately 9' high while rolling trusses.
c) 531 E Woodland Lake Road, Pinetop: Four employees used an 8' metal ladder to access a roof approximately 9' high while rolling trusses.
d) 531 E Woodland Lake Road, Pinetop: Four employees used a 4' fiberglass ladder to access a roof approximately 9' high while rolling trusses. 29 CFR 1926.1051(a)
Div. Proposal - \$3,547.00 Formula Amt. - \$3,547.00

SERIOUS – Citation 1 - Item 3b –

- a) 531 E Woodland Lake Road, Pinetop: Four employees used a 6' fiberglass ladder to access a roof approximately 9' high while rolling trusses which did not extend at least 3' feet above the upper landing surface.
b) 531 E Woodland Lake Road, Pinetop: Four employees used a 6' fiberglass ladder to access a roof approximately 9' high while rolling trusses which did not extend at least 3' feet above the upper landing surface.
c) 531 E Woodland Lake Road, Pinetop: Four employees used an 8' metal ladder to access a roof approximately 9' high while rolling trusses which did not extend at least 3' feet above the upper landing surface.
d) 531 E Woodland Lake Road, Pinetop: Four employees used a 4' fiberglass ladder to access a roof approximately 9' high while rolling trusses which did not extend at least 3' feet above the upper landing surface. 29 CFR 1926.1053(b)(1)
Div. Proposal - \$0.00 Formula Amt. - \$3,547.00

SERIOUS – Citation 1 - Item 4 –

- a) 531 E Woodland Lake Road, Pinetop: Four employees used four different sized portable ladders, ranging from 4' to 8' tall, to access a roof approximately 9' high while rolling trusses without being provided with ladder training. 29 CFR 1926.1060(a)
Div. Proposal - \$3,547.00 Formula Amt. - \$3,547.00

NON-SERIOUS – Citation 2

a) 2861 Old School House Road, Show Low: One employee passed away from a work related incident and was not reported to ADOSH within 8-hours. 29 CFR 1904.39(a)(1)
 Div. Proposal - \$1,000.00 Formula Amt. - \$1,000.00
 TOTAL PENALTY - \$29,609.00 TOTAL FORMULA AMT. - \$33,156.00

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

Chairman Kavanaugh checked if the Commissioners had any questions 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, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion. The motion passed.

Powerful AC, LLC dba We The People AC
 2592 East Mountain Drive
 Gilbert, AZ 85297

Referral
 Years in Business: 7
 Empl. Covered by Inspection: 3

Inspection No: RF-2025-JW184-0182
 Inspection Date: September 9, 2025
 Site Location: 1835 E 6th St Suite #8
 Tempe, AZ 85281

SERIOUS – Citation 1 - Item 1 –

a) 1835 E 6th St Suite #8, Tempe: One employee preformed maintenance on a HVAC unit brand, model, and serial # unknown while exposed to two unguarded approximately 18 inch by 36 inch dome skylights approximately 16 feet five inches above the ground without a fall protection system in place. 29 CFR 1910.28(b)(3)(i)
 Div. Proposal - \$3,547.00 Formula Amt. - \$3,547.00

SERIOUS – Citation 1 - Item 2 –

a) 1835 E 6th St Suite #8, Tempe: One employee preformed maintenance on a HVAC unit brand, model, and serial # unknown while exposed to two unguarded approximately 18 inch by 36 inch dome skylights approximately 16 feet five inches above the ground without having received adequate fall protection training. 29 CFR 1910.30(a)(1)
 Div. Proposal - \$3,547.00 Formula Amt. - \$3,547.00

SERIOUS – Citation 1 - Item 3a –

a) 1835 East 6th St Suite #8, Tempe: One employee preformed maintenance on a HVAC units brand, model, and serial # unknown without locking out and/or tagging out the service disconnect. 29 CFR 1910.333(b)(2)
 Div. Proposal - \$3,547.00 Formula Amt. - \$3,547.00

SERIOUS – Citation 1 - Item 3b –

a) 1835 E 6th St Suite #8, Tempe: One employee preformed maintenance on a HVAC unit brand, model, and serial # unknown and a written copy of the lockout and tagout procedures were not maintained. 29 CFR 1910.333(b)(2)(i)

Div. Proposal - \$0.00

Formula Amt. - \$3,547.00

NON-SERIOUS – Citation 2

- a) 2592 East Mountain Dr, Gilbert: One employee passed away after a work related incident and the fatality was not reported to ADOSH within 8 hours. 29 CFR 1904.39(a)(1)

Div. Proposal - \$1,000.00

Formula Amt. - \$1,000.00

TOTAL PENALTY - \$11,641.00

TOTAL FORMULA AMT. - \$15,118.00

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

Chairman Kavanaugh and Mr. Hudson discussed the analysis used to determine if a violation is the causal factor of an injury or death.

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, 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 December 2025.

Chairman Kavanaugh commented the Commissioners wanted to thank staff on the 100th anniversary and celebration.


Mr. Testini thanked the Centennial Celebration Committee, led by Mr. Carpenter, which included Chairman Kavanaugh, Renee Rincon, Judge Paula Eaton and Ms. Dimas. He also thanked Physical Plant team, Mailroom, MIS, and ADOSH employees who helped set up for the celebration.

Public Comment.

There was no public comment.

Commissioner Valdez moved to adjourn and Chairman Kavanaugh seconded the motion. Chairman Kavanaugh, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the motion and the meeting was adjourned at 1:24 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By 
Gaetano J. Testini, Director

ATTEST:


Kara Dimas, Commission Secretary