

MINUTES OF MEETING  
OF THE INDUSTRIAL COMMISSION OF ARIZONA  
Held at 800 West Washington Street  
Phoenix, Arizona 85007  
Thursday, February 5, 2026 – 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 |
|          | Charles Conner          | COOP Program Manager                                 |
|          | Renee Pastor            | Self-Insurance (Telephonic)                          |
|          | Melissa Spurgeon        | Labor Director                                       |
|          | Christina Lasater       | Labor Supervisor                                     |
|          | Leticia Blanco          | Labor Investigator                                   |
|          | Vincent Argana          | Labor Investigator                                   |
|          | Julia Romo              | Labor Investigator                                   |
|          | Bryan Garner            | Labor Investigator                                   |
|          | Kizzy McClough          | Labor Investigator                                   |
|          | Melissa Spurgeon        | Labor Investigator                                   |
|          | Brian Hudson            | ADOSH Director                                       |
|          | Victoria Medina         | ADOSH Supervisor                                     |
|          | Sean Spinney            | ADOSH Compliance                                     |
|          | Nate Simpson            | ADOSH Compliance                                     |
|          | Debbie Rol              | ADOSH Compliance                                     |
|          | Tyler Ninnemann         | ADOSH Compliance                                     |
|          | Anna Maria Stonerock    | ADOSH Compliance                                     |
|          | Jonathon Wright         | ADOSH Compliance                                     |
|          | Bethany Votta           | ADOSH Admin  |
|          | Kara Dimas              | Safety Program Manger                                |
|          | Yvonne Borunda          | Legal  |
|          | Anniemarie Tisi         | Commission Secretary                                 |

Chairman Kavanaugh convened the meeting at 1:03 p.m. In attendance, confirmed by roll call were Tiffanie Sorrentino (Snell and Wilmer); Damon Kimball and Kay Kimball (ECOBAT); Lindsey Wheeler (Premier Risk Management); Nicole Lowery (Tucson Unified School District); Aaron Dougherty, Jamie McCracken, and Renee Hamblin (Tolleson Fire Department).

Approval of Minutes of January 29, 2026, Regular Meeting Minutes.

Commissioner Everett moved to approve the Minutes of the January 29, 2026, regular session meeting 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.

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 Requests for Renewal of Self-Insurance Authority.

1. McKee Foods Corporation

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

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1. PP-2026-AH685-0012 City of Tolleson - Fire Department

2. CP-2026-JL680-0062 Mescal Petroleum, Inc. dba Quick Pic Market and Gas

Chairman Kavanaugh removed Consent item number 3B, number 1 (PP-2026-AH685-0012 - City of Tolleson - Fire Department) to continue that case to the next meeting on February 12th, 2026. Because they have four other cases with the City of Tolleson and at that meeting they would consider all cases with the next meeting on February 12th, 2026.

Commissioner Valdez moved to approve the items on the Consent Agenda and Commissioner Godfrey seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett, Commissioner Valdez and Commissioner Godfrey voted in favor of the of the motion. The motion passed.

Discussion and Action regarding Proposed Retaliation Penalty.

1. RT-2526-0081 91st Avenue Operations LLC DBA Diamondback Healthcare Center  
DBA Resolve Diamondback

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 \$72,523.05 for financial loss; \$10,000.00 to deter future violations and \$250.00 civil penalty in violation of A.R.S. § 23-364.

Commissioner Valdez moved to approve issuance of a Penalty for Retaliation in the amount of \$82,523.05 and \$250.00 civil penalty to 91st Avenue Operations LLC. 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-2526-0037 Northsand, LLC DBA Backyard

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 \$40,266.75 for financial loss and \$10,000.00 to deter future violations in violation of A.R.S. § 23-364.

Vice Chair Hennelly moved to approve issuance of a Penalty for Retaliation in the amount of \$50,266.75 to Northsand, LLC. 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.

3. RT-2526-0042 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 \$22,950.00 for both Letters of Instruction in violation of A.R.S. § 23-364.

Commissioner Valdez moved to approve issuance of a Penalty for Retaliation in the amount of \$45,900.00 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.

4. RT-2526-0052 Mortuary Transport Services L.L.C

Ms. Spurgeon summarized the Labor Department's investigation into the minimum wage Retaliation claim. Ms. Spurgeon recommended that the Commission approve issuance of a Penalty in the amount of \$22,050.00 for minimum wage in violation of A.R.S. § 23-364.

Commissioner Godfrey moved to approve issuance of a Penalty for Retaliation in the amount of \$22,050.00 to Mortuary Transport Services L.L.C. 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.

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|--|--------------------------------|
| Aracruz International Granite, L.L.C. dba Aracruz RE | Referral                       |
| 2310 West Sherman Street                             | Years in Business: 22          |
| Phoenix, AZ 85009                                    | Empl. Covered by Inspection: 5 |
| Site Location: 2310 West Sherman Street              |                                |
| Phoenix, AZ 85009                                    |                                |
| Inspection No: RF-2026-JW184-0198                    |                                |
| Inspection Date: December 11, 2025                   |                                |

SERIOUS – Citation 1 - Item 1 –



- a) 2310 W Sherman St, Phoenix: Two employees operated and guided a Toyota forklift model # 8FGC70U serial# 10840 to move loads while lifting an A-frame storage rack with two bundles of porcelain slabs that was approximately 11 feet one inch long and weighing approximately 7691.9lbs, and the operator had not received training on the forklift's capacity. 29 CFR 1910.178(l)(3)(i)(H)

Div. Proposal - \$3,547.00

Formula Amt. - \$3,547.00

SERIOUS – Citation 1 - Item 4 –

- a) 2310 W Sherman St, Phoenix: Two employees operated and guided a Toyota forklift model # 8FGC70U serial# 10840 while lifting an A-frame storage rack with two bundles of porcelain slabs that was approximately 11 feet one inch long and weighing approximately 7691.9lbs, which was outside of the rated capacity of the truck. 29 CFR 1910.178(o)(2)

Div. Proposal - \$3,547.00

Formula Amt. - \$3,547.00

TOTAL PENALTY - \$27,191.00

TOTAL FORMULA AMT. - \$19,153.00

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 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.

Ecobat Resources Arizona, LLC  
602 Swanson Street  
Casa Grande, AZ 85122

Referral-Employer Reported  
Years in Business: 17  
Empl. Covered by Inspection: 4

Site Location: 602 Swanson Street  
Casa Grande, AZ 85122  
Inspection No: RF-2026-TN246-0069  
Inspection Date: December 22, 2025

SERIOUS – Citation 1 - Item 1 –

- a) Copper Milling Area: Three employees used a Kearney and Trecker Horizontal Planer, model M2229, serial number unknown milling machine to hallow out copper bars without a guard for the point of operation. 29 CFR 1910.212(a)(3)(ii) \*Per ADOSH Director as a causal factor

Div. Proposal - \$16,550.00

Formula Amt. - \$4,965.00

TOTAL PENALTY - \$16,550.00

TOTAL FORMULA AMT. - \$4,965.00

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

Mr. Kimball, Representative from ECOBAT provided a summary of the facilities Voluntary Protection Program history, including inspections, corrective actions, renewals, and ongoing efforts to improve machine guarding. Vice Chair Hennelly asked whether there had been any prior consultation or compliance inspections. Mr. Hudson stated that he did not have that information









Mr. Testini updated the Commissioners about the meeting with ADOSH Heat Advisory Board. They will be brought back to the commission on the 19<sup>th</sup> of March. The new Tucson building is set to close escrow on February 17<sup>th</sup>, 2026.

Mr. Carpenter updated the Commissioners on the status of SB1215.

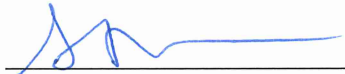
Public Comment.

There was no public comment.

The meeting was adjourned at 2:21 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By

  
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Gaetano J. Testini, Director

ATTEST:

  
\_\_\_\_\_  
Anniemarie Tisi, Commission Secretary