

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, February 12, 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
	Kara Dimas	Safety Program Manager
	Melissa Spurgeon	Labor Director
	Christina Lasater	Labor Supervisor
	Leticia Blanco	Labor Investigator
	Louisa Vela	Labor Investigator
	Jason Polasko	Labor Investigator
	Brian Hudson	ADOSH Director
	Cecilia Herrera	ADOSH Deputy Director
	Liam Bristol	ADOSH Compliance
	Jonathan Wright	ADOSH Compliance
	Alayna Kriley	ADOSH Compliance
	Debbie Rol	ADOSH Admin
	Bethany Votta	ADOSH Admin
	Chester Szoltysik	MIS Manager
	Daniel Brookes	MIS Administrator
	Perrie Colon	MIS Information Coordinator
	Yvonne Borunda	Legal
	Anniemarie Tisi	Commission Secretary

Chairman Kavanaugh convened the meeting at 1:01 p.m. In attendance, confirmed by roll call were Mike Jones (Snell and Wilmer), Kirtesh Mehta (Peoria Business Corp.); Reyes Medrano Jr, Wendy Jackson, Pilar Sinawi, Justin Pierce, Randy Babchuck, George Good, Jamie McCracken, Michael Young, Aaron Dougherty, Bryan Hicks, Raul Gomezllanos, Mike Winks (City of Tolleson).

Approval of Minutes of February 5, 2026 Regular Meeting Minutes.

Commissioner Hennelly moved to approve the Minutes of the February 5, 2026 regular session meeting 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 Arizona Division of Occupational Safety and Health Proposed Citations and Penalties Less Than \$15,000.

1. City of Tolleson - Fire Department - PP-2026-AH685-0012
2. Mycon General Contractors, Inc. - UR-2026-JW184-0201

Commissioner Godfrey requested that item 1. City of Tolleson - Fire Department be removed from the Consent Agenda and placed on the Regular Agenda to be heard concurrently with the related City of Tolleson matters, consolidating all five cases.

Commissioner Valdez moved to approve the remaining items on the Consent Agenda and 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.

Discussion and Action regarding Proposed Retaliation Penalty.

A. Piedmont Airlines, Inc. - RT-2526-0074

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 \$29,760.00 for violation of A.R.S. § 23-364.

Chairman Kavanaugh asked if the Commissioners had any questions.

Commissioner Everett moved to approve issuance of a Penalty for Retaliation in the amount of \$29,760.00 to Piedmont Airlines, Inc. 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.

B. Gorman & Company, LLC - RT-2526-0076

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 \$12,450.00 in violation of A.R.S. § 23-364.

Commissioner Godfrey moved to approve issuance of a Penalty for Retaliation in the amount of \$12,450.00 to Gorman & Company, 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.

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 violation of A.R.S. § 23-364.

Commissioner Valdez moved to approve issuance of a Penalty for Retaliation in the amount of \$13,050.00 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.

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.

Rhino Contracting, LLC	Fatality/Catastrophe	
2830 E Brown Rd, Ste 17	Years in Business:	18
<u>Mesa, AZ 85213</u>	Empl. Covered by Inspection:	3
Site Location:	2200 N Pasadena	
	Mesa, AZ 85201	
Inspection No:	FC-2025-LB058-0001	
Inspection Date:	September 3, 2025	

Non-Serious, Citation 1, Item 1 Proposed Penalty \$0.00

- a) 2200 N Pasadena, Mesa: One employee moving dirt using Caterpillar Wheel Loader model and serial number unknown was exposed to safety hazards due to not receiving certification to operate the powered industrial equipment. 29 CFR1926.602(d)

Mr. Hudson summarized ADOSH’s investigation and reviewed the file. Vice Chair ADOSH was not recommending any serious citation for Rhino Contracting, LLC.

Chairman Kavanaugh checked if the Commissioners had any question and Vice Chair had a question for ADOSH investigator Liam Bristol clarified the Vice Chairs questions. Vice Chair Hennelly asked what the cause of injury was and Mr. Bristol stated that the injury was first reported to them as a heart attack and potentially heat-related.

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.

Discussion and Action for Item Removed from Consent Agenda.

City of Tolleson - Fire Department
PP-2026-AH685-0012
9055 West Van Buren Street
Tolleson, AZ 85353

Type of inspection: Program Planned.

Serious, Citation 1, Item 1

Proposed Penalty \$4,965.00

- a) 9055 West Van Buren Street, Tolleson : One employee was required to wear a self-contained breathing apparatus Model and Serial number unknown without a written respiratory protection program in place.

Non-Serious, Citation 2, Item 1

Proposed Penalty \$0.00

- a) Kitchen: An ABC type fire extinguisher, brand, model and serial numbers unknown, was not identified.
- b) Bay: An ABC type fire extinguisher, brand, model and serial numbers unknown, was not identified.

Non-Serious, Citation 2, Item 2

Proposed Penalty \$0.00

- a) 203 North 92nd Avenue: A written hazard communication program was not developed for employees who were using Metrex Cavicide.

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

Chairman Kavanaugh checked if the Commissioners had any question and Commissioner Godfrey invited the City of Tolleson Fire Chief to speak. Michal Young (Tolleson Fire Chief) stated that existing policies were believed to meet OSHA standards, including annual fit testing and medical evaluations. The matter was described as not intentional and an opportunity for improvement. Chairman Kavanaugh noted similar issues may exist statewide and emphasized the importance of information sharing. The Fire Chief affirmed firefighter safety as a priority and expressed willingness to review policies and share guidance with colleagues.

Commissioner Godfrey moved to approve the citation and proposed penalties as presented and 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.

Discussion and Action of Arizona Division of Occupational Safety and Health Proposed Citations and Penalties.

City of Tolleson - Development Services
9055 West Van Buren Street
Tolleson, AZ 85353

Program Planned
Years in Business: 96
Empl. Covered by Inspection: 6

Site Location: 9601 W Jefferson Street
Tolleson, AZ 85353
Inspection No: PP-2026-TN246-0062
Inspection Date: September 30, 2025

SERIOUS – Citation 1 - Item 1a –

SERIOUS – Citation 1 - Item 3b –

- a) 9601 W Jefferson Street, Tolleson, AZ: One employee was required to use a N95 respirator while sweeping dust without receiving a medical evaluation. 29 CFR 1910.134(e)(1)
Div. Proposal - \$0.00 Formula Amt. - \$5,674.00

SERIOUS – Citation 1 - Item 3c –

- a) 9601 W Jefferson Street, Tolleson, AZ: One employee was required to use a N95 respirator while sweeping dust without receiving a fit test. 29 CFR 1910.134(f)
Div. Proposal - \$0.00 Formula Amt. - \$5,674.00

SERIOUS – Citation 1 - Item 3d –

- a) 9601 W Jefferson Street, Tolleson, AZ: One employee was required to use a N95 respirator while sweeping dust without receiving respirator training. 29 CFR 1910.134(k)
Div. Proposal - \$0.00 Formula Amt. - \$5,674.00

SERIOUS – Citation 1 - Item 4a –

- a) Fleet Maintenance Shop: One employee operated a pneumatic press (unknown make, model or serial number) to straighten a bracket without a guard in place to prevent contact at the point of operation.
b) Fleet Maintenance Shop: One employee operated a Delta, model 18-900L, drill press (SN: 16I 000878 2016 37RT) to drill holes in plastic without a guard in place to prevent contact at the point of operation. 29 CFR 1910.212(a)(3)(ii)
Div. Proposal - \$7,566.00 Formula Amt. - \$7,566.00

SERIOUS – Citation 1 - Item 4b –

- a) Fleet Maintenance Shop: One employee operated a Delta, model 18-900L, drilled holes in plastic with a drill press (SN: 16I 000878 2016 37RT) that was not anchored or otherwise secured to prevent walking or moving. 29 CFR 1910.212(b)
Div. Proposal - \$0.00 Formula Amt. - \$7,566.00

SERIOUS – Citation 1 - Item 5a –

- a) 9601 W Jefferson Street, Tolleson, AZ: Two employees used fuel and oil for vehicle maintenance without a written hazard communication program in place. 29 CFR 1910.1200(e)(1)
Div. Proposal - \$5,674.00 Formula Amt. - \$5,674.00

SERIOUS – Citation 1 - Item 5b –

- a) Flammable Cabinet: Two employees emptied diesel fuel from a heater into a plastic bucket to be prepared for disposal which was not properly labeled. 29 CFR 1910.1200(f)(6)(ii)
Div. Proposal - \$0.00 Formula Amt. - \$5,674.00

SERIOUS – Citation 1 - Item 5c –

