

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, March 19, 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 (Telephonic)
	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
	Melissa Spurgeon	Labor Director
	Kizzy McClough	Labor Supervisor
	Leticia Blanco	Labor Investigator
	Brian Hudson	ADOSH Director
	Cecelia Herrera	ADOSH Deputy Director
	Bryce Rucker	ADOSH Deputy Director
	Phil Murphy	ADOSH Deputy Director
	Braxton Byer	ADOSH Compliance
	Liam Bristol	ADOSH Compliance
	Patrick Jordan	ADOSH Compliance
	Tomas Pramod	ADOSH Compliance
	John Randolph	ADOSH Investigator
	Laura Orosco	ADOSH Investigator
	Walter Pike	ADOSH Investigator
	Randy Brown	ADOSH Investigator
	Bethany Votta	ADOSH Admin
	Sylvia Simpson	Chief Financial Officer
	Kara Dimas	Safety Program Manager
	Yvonne Borunda	Legal
	Anniemarie Tisi	Commission Secretary

Chairman Kavanaugh convened the meeting at 1:01 p.m. In attendance, confirmed by roll call were Angel Cabrera (Snell and Wilmer); Mike Hintze (Southwest Fabrication LLC). Also in attendance on the telephone, confirmed by roll call Ron Van Why (Lines & Lundgreen, LLC).

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

Commissioner Everett moved to approve the Minutes of the March 5, 2026 regular session meeting 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.

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. Geiger Electric, LLC - RF-2026-JW184-0210

Commissioner Valdez moved to approve the 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.

- 1. RT-2526-0102: Intouchcx US Inc. DBA Intouchcx

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 \$23,693.81 for violation of A.R.S. § 23-364.

Commissioner Valdez moved to approve issuance of a Penalty for Retaliation in the amount of \$23,693.81 to Intouchcx US Inc. DBA Intouchcx. 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.

City of Litchfield Park – Public Works
214 West Wigman Boulevard
Litchfield, AZ 85340

Program Planned
Years in Business: 38
Empl. Covered by Inspection: 24

Site Location: 105 S Desert Ave
Litchfield Park, AZ 85340
Inspection No: PP-2026-LB058-0002
Inspection Date: September 29, 2025

SERIOUS – Citation 1 - Item 1a –

- a) 105 S Desert Ave, Litchfield Park: One employee voluntarily wore a 3M half-face respirator, model number 7502 and serial number unknown, while spraying Ranger PRO Herbicide on weeds without there being the required elements of a written respiratory protection program in place. 29 CFR 1910.134(c)(2)(ii)
 Div. Proposal - \$3,972.00 Formula Amt. - \$3,972.00

SERIOUS – Citation 1 - Item 1b –

- a) General. The employer shall provide a medical evaluation to determine the employee's ability to use a respirator, before the employee is fit tested or required to use the respirator in the workplace. The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator. 29 CFR 1910.134(e)(1)
 Div. Proposal - \$0 Formula Amt. - \$3,972.00

SERIOUS – Citation 1 - Item 2a –

- a) 105 S Desert Ave, Litchfield Park: One employee filled a 500-gallon tank used to water orange and citrus trees while an evaluation to determine if permit-required confined spaces were present in workplace had not been conducted. 29 CFR 1910.146(c)(1)
 Div. Proposal - \$6,621.00 Formula Amt. - \$6,621.00

SERIOUS – Citation 1 - Item 2b –

- a) 105 S Desert Ave, Litchfield Park: One employee filled a 500-gallon tank used to water orange and citrus trees while the employer did not inform exposed employees of the permit-required confined space. 29 CFR 1910.146(c)(2)
 Div. Proposal - \$0 Formula Amt. - \$6,621.00
- TOTAL PENALTY - \$10,593.00 TOTAL FORMULA AMT. - \$21,186.00

Chairman Kavanaugh checked if the Commissioners had any questions.

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.

City of Litchfield Park – Public Works
 214 West Wigman Boulevard
 Litchfield, AZ 85340

Program Planned
 Years in Business: 38
 Empl. Covered by Inspection: 5

Site Location: 105 S Desert Ave
 Litchfield Park, AZ 85340
 Inspection No: PP-2026-TN246-0056
 Inspection Date: September 29, 2025

SERIOUS – Citation 1 - Item 1a –

- a) Maintenance area: One employee worked in an area where one compressed gas oxygen cylinder and one compressed gas acetylene cylinder were stored next to each other in a steel constructed frame and were not separated by a minimum distance of 20'. 29 CFR 1910.253(b)(4)(iii)

Div. Proposal - \$1,702.00

Formula Amt. - \$1,702.00

SERIOUS – Citation 1 - Item 2a –

- a) 105 S desert Ave, Litchfield Park AZ: Two employees use fuel cans to refill vehicles without the fuel cans being labeled. 29 CFR 1910.1200(a)(1)

Div. Proposal - \$1,702.00

Formula Amt. - \$1,702.00

SERIOUS – Citation 1 - Item 2b –

- a) 105 S desert Ave, Litchfield Park AZ: Three employees are expected to use various chemicals such as fuel and the company had not developed and implemented a written hazard communication program. 29 CFR 1910.1200(e)(1)

Div. Proposal - \$0

Formula Amt. - \$1,702.00

SERIOUS – Citation 1 - Item 2c –

- a) 105 S desert Ave, Litchfield Park AZ: Two employees used a fuel can to refill vehicles without having readily accessible safety data sheets. 29 CFR 1910.1200(g)(8)

Div. Proposal - \$0

Formula Amt. - \$1,702.00

SERIOUS – Citation 1 - Item 2d –

- a) 105 S desert Ave, Litchfield Park AZ: Two employees use fuel cans to refill vehicles without receiving hazard communication training. 29 CFR 1910.1200(h)(1)

Div. Proposal - \$0

Formula Amt. - \$1,702.00

TOTAL PENALTY - \$3,404.00

TOTAL FORMULA AMT. - \$8,510.00

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

Vice Chair Hennelly 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.

City of Litchfield Park – Recreation Center
 214 West Wigman Boulevard
Litchfield, AZ 85340

Program Planned
 Years in Business: 38
 Empl. Covered by Inspection: 10

Site Location: 105 S Desert Ave
 Litchfield Park, AZ 85340
 Inspection No: PP-2026-LB058-0003
 Inspection Date: September 29, 2025

SERIOUS – Citation 1 - Item 1a –

- a) 100 Old Litchfield Rd, Litchfield Park: Two employees were required to wear 3M half face respirators, one model number 7502 and serial number unknown, one model number C.A. 4115 and serial number unknown, and one model and serial numbers unknown, while loading Pulsar calcium hypochlorite briquettes in the pump room without having a written respiratory protection program. 29 CFR 1910.134(c)(1)

Div. Proposal - \$3,972.00

Formula Amt. - \$3,972.00

SERIOUS – Citation 1 - Item 1b –

- a) 100 Old Litchfield Rd, Litchfield Park: Two employees were required to wear 3M half face respirators, one model number 7502 and serial number unknown, one model number C.A. 4115 and serial number unknown, and one model and serial numbers unknown, while loading Pulsar calcium hypochlorite briquettes in the pump room without first receiving a medical evaluation prior to their use. 29 CFR 1910.134(e)(1)

Div. Proposal - \$0

Formula Amt. - \$3,972.00

SERIOUS – Citation 1 - Item 1c –

- a) 100 Old Litchfield Rd, Litchfield Park: Two employees were required to wear 3M half face respirators, one model number 7502 and serial number unknown, one model number C.A. 4115 and serial number unknown, and one model and serial numbers unknown, while loading Pulsar calcium hypochlorite briquettes in the pump room without being fit tested prior to their use. 29 CFR 1910.134(f)

Div. Proposal - \$0

Formula Amt. - \$3,972.00

SERIOUS – Citation 1 - Item 1d –

- a) Guard room: One 3M half-face respirator, model number 7502 and serial number unknown, was stored in a drawer whose front was missing.
b) Guard room: One 3M half-face respirator, one model number C.A. 4115 and serial number unknown, was stored in a drawer whose front was missing.
c) Guard room: One 3M half-face respirator, model and serial numbers unknown, was stored in a drawer whose front was missing. 29 CFR 1910.134(h)(2)(i)

Div. Proposal - \$0

Formula Amt. - \$3,972.00

SERIOUS – Citation 1 - Item 1e –

- a) 100 Old Litchfield Rd, Litchfield Park: Two employees were required to wear 3M half face respirators, one model number 7502 and serial number unknown, one model number C.A. 4115 and serial number unknown, and one model and serial numbers unknown, while loading Pulsar calcium hypochlorite briquettes in the pump room without providing training respirator training. 29 CFR 1910.134(k)

Div. Proposal - \$0

Formula Amt. - \$3,972.00

SERIOUS – Citation 1 - Item 2–

- a) 100 Old Litchfield Rd, Litchfield Park: Two employees worked with corrosive materials, including Pulsar calcium hypochlorite briquettes, without a safety shower in the work area for immediate emergency use. 29 CFR 1910.151(c)

Div. Proposal - \$5,296.00

Formula Amt. - \$5,296.00

SERIOUS – Citation 1 - Item 3a–

- a) 100 Old Litchfield Rd, Litchfield Park: Two employees worked with hazardous chemicals, including Pulsar calcium hypochlorite briquettes, without the workplace having a written hazard communication program in place. 29 CFR 1910.1200(e)(1)
 Div. Proposal - \$6,621.00 Formula Amt. - \$6,621.00

SERIOUS – Citation 1 - Item 3b–

- a) 100 Old Litchfield Rd, Litchfield Park: Two employees worked with hazardous chemicals, including Pulsar calcium hypochlorite briquettes, without the workplace having a chemical inventory list using a product identifier referenced on the appropriate safety data sheet. 29 CFR 1910.1200(e)(1)(i)
 Div. Proposal - \$0 Formula Amt. - \$6,621.00

SERIOUS – Citation 1 - Item 3c–

- a) Pump room: Two employees worked near an unlabeled storage drum that contained muriatic acid. 29 CFR 1910.1200(f)(6)
 Div. Proposal - \$0 Formula Amt. - \$6,621.00

SERIOUS – Citation 1 - Item 3d–

- a) 100 Old Litchfield Rd, Litchfield Park: Two employees worked with hazardous chemicals, including Pulsar calcium hypochlorite briquettes, without knowing where safety data sheets were located in the workplace. 29 CFR 1910.1200(g)(8)
 Div. Proposal - \$0 Formula Amt. - \$6,621.00

SERIOUS – Citation 1 - Item 3e–

- a) 100 Old Litchfield Rd, Litchfield Park: Two employees worked with hazardous chemicals, including Pulsar calcium hypochlorite briquettes, without receiving effective training on the hazardous chemicals. 29 CFR 1910.1200(h)(1)
 Div. Proposal - \$0 Formula Amt. - \$6,621.00

SERIOUS – Citation 1 - Item 4

- a) 100 Old Litchfield Rd, Litchfield Park: Two employees worked with hazardous chemicals, including Pulsar calcium hypochlorite briquettes, without wearing safety goggles and resistant gloves and without the employer conducting a personal protective equipment hazard assessment. 29 CFR 1910.132(d)(1)
 Div. Proposal - \$6,621.00 Formula Amt. - \$6,621.00
 TOTAL PENALTY - \$22,510.00 TOTAL FORMULA AMT. - \$64,882.00

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 checked if the Commissioners had any question and noted he did not have a request to speak. Chairman Kavanaugh expressed concern that the City of Litchfield, currently not participating in the PET program, did not have representation present to address its citation and suggested the need for engagement or consultation. Brian Hudson, director of ADOSH, confirmed ongoing efforts to work with the city and stated that he would coordinate

Commissioner Everett 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.

Lines & Lundgreen, L.L.C.
 12351 South Avenue 4 East
Yuma, AZ 85365

Referral
 Years in Business: 60
 Empl. Covered by Inspection: 2

Site Location: 3440 W 36th St/ Lot 368
 Yuma, AZ 85365
 Inspection No: RF-2026-MG193-0020
 Inspection Date: November 24, 2025

SERIOUS – Citation 1 - Item 1 –

- a) 3440 W 36th Street/ Lot #368, Yuma 85365: Two employees were installing roof underlayment on a residential roof approximately 9 feet above a lower level without a fall protection system in place. 29 CFR 1926.501(b)(1) *Per ADOSH Director as causal factor
- | | |
|------------------------------------|--|
| Div. Proposal - \$16,550.00 | Formula Amt. - \$9,268.00 |
| TOTAL PENALTY - \$16,550.00 | TOTAL FORMULA AMT. - \$9,268.00 |

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

Chairman Kavanaugh checked if the Commissioners had any questions. Vice Chair Hennelly inquired about the condition of the employee involved in the incident. Mr. Hudson, Director of ADOSH, stated that he did not have information regarding the employees' condition at the time. Chairman Kavanaugh invited Ron Van Why representative for Lines & Lundgreen, L.L.C to provide comments. Mr. Van Why stated that interviews have been conducted, including follow-up interviews, and expressed concerns regarding the potential penalty amount. He indicated that he had been informed that original fine would be \$8,000, later mitigated to \$5,000, but is now being presented as \$16,500. He further noted that the company has been in business since 1946 and has no prior violations on record and respectfully requested reconsideration. Mr. Hudson responded that two individuals involved in the incident accessed the roof, including a crew leader, which constituted supervisory involvement and established employer knowledge. He acknowledged the concerns raised and stated that further discussions may occur. He also noted that the employer retains the right to contest the citation and proceed through the settlement process. Commissioner Valdez had a follow-up question raised regarding the condition of the employee. Mr. Van Why responded that the employee is doing well and expected to return on light duty after the period of absence. Following motion, Chairman Kavanaugh expressed hope that the settlement conference would address the concerns raised and assist in reaching a resolution. Mr. Hudson stated that he and Mr. Van Why have been in communication that the goal is to work collaboratively to promote and maintain strong safety conditions. Mr. Van Why added that he appreciates the opportunity to work with ADOSH and expresses gratitude for the ongoing collaboration.

Commissioner Everett 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.

materials and sweeping and shoveling blast media, respectively, without first receiving a medical evaluation. 29 CFR 1910.134(e)(1)

Div. Proposal - \$0.00

Formula Amt. - \$4,965.00

SERIOUS – Citation 1 - Item 3d –

- a) 22233 North 23rd Avenue, Phoenix: One employee was required to wear an N95 respirator, make, model, and serial numbers unknown, while MIG welding metal pipe without being provided a fit test. 29 CFR 1910.134(f)

Div. Proposal - \$0.00

Formula Amt. - \$4,965.00

SERIOUS – Citation 1 - Item 3e –

- a) Poles department: One employee was required an N95 respirator, make, model, and serial number unknown, while supervising employees performing welding, cutting, and grinding operations with facial hair that came between the sealing surface of the facepiece and the face. 29 CFR 1910.134(g)(1)(i)(A)

Div. Proposal - \$0.00

Formula Amt. - \$4,965.00

SERIOUS – Citation 1 - Item 3f –

- a) 22233 North 23rd Avenue, Phoenix: One employee was required to use a supplied air respirator and a half-face respirator while sandblasting materials and sweeping and shoveling blast media, respectively, and was fit tested without the employer maintaining fit test records.

Div. Proposal - \$0.00

Formula Amt. - \$4,965.00

SERIOUS – Citation 1 - Item 4 –

- a) Sheet metal department, southward: One employee used an Amada Vipros 338 hydraulic punch "2273" to perforate metal with holes for bus benches and shelters without there being any machine guarding.
- b) Sheet metal department, northward: One employee used an Amada Vipros 338 hydraulic punch to perforate metal with holes for bus benches and shelters without there being any machine guarding.
- c) Sheet metal department, eastward: One employee used an AccurPress hydraulic press, model number 725012, to form metal without there being any machine guarding.
- d) Sheet metal department, eastward: One employee used a Scotchman press for nut fittings for ceiling panels without the front opening being guarded.
- e) Shelters department: One employee used a Jet drill press to drill holes in steel for a bus stop shelter while the chuck was not guarded.
- f) Shelters department: One employee used a Jet drill press to drill holes in steel for a bus stop shelter while the drill bit was not guarded.
- g) Poles department: One employee used a Hyd-Mech V-18 Series II Saw "2160" vertical saw to cut metal nipples without the blade being guarded.
- h) Cages department: One employee used an Amada horizontal saw "2082" to cut a piece of square tubing without the blades being completely guarded. 29 CFR 1910.212(a)(1)

Div. Proposal - \$8,276.00

Formula Amt. - \$8,276.00

SERIOUS – Citation 1 - Item 5 –

Chairman Kavanaugh checked if the Commissioners had any questions. Commissioner Everett inquired about potential safety measures for equipment guarding. In response, Mr. Hudson (ADOSH Director) explained that there are several viable options available depending on the level of protection needed, including advanced laser operated systems as well as more traditional physical barriers such as expanding metal garden. Additional safety methods were discussed, including the use of distance-based safeguards. Examples include chains or perimeter barriers, and dual button activation systems, which require employees to use both hands to operate machinery, thereby preventing entry to hazardous areas during operation. A prior example from previous place where Mr. Hudson worked, a copper rod plant was referenced where such controls were successfully implemented to enhance worker safety. Staff indicated they will review and identify previously utilized solutions that may be applicable to this situation. No additional questions were raised by the Commission. A motion was made to accept the division's recommendation.

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.

Presentation and discussion regarding the operations of the Industrial Commission of Arizona's Accounting Division.

Ms. Simpson presented the Accounting Division.

Chairman Kavanaugh expressed appreciation for the presentation and the work of the Accounting Division. Discussions included general comments regarding the divisions processes. Financial reporting and overall operations. Ms. Simpson responded to the questions, and provided additional clarification as requested. No formal action was taken.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Chairman Kavanaugh reviewed and confirmed the meeting scheduled through April. A scheduling change was noted, moving the April 16th meeting to April 9th. The Commission will follow the regular schedule on April 2nd. The April 9th meeting will include a presentation from ADOSH regarding heat safety guidelines as recommended by the ADOSH Advisory Committee with anticipated public interests. The final meeting for the month is scheduled for April 30th.

Mr. Testini updated the Commissioners that Director's Cup quarterly event was held the previous day, with ALJ (Administrative Law Judge) division placing first.


Mr. Carpenter provided a legislative update. SB1135, relating to burial benefits has passed the Senate and House committee and is pending a House floor vote before returning to the Senate. SB1136 concerning first responder benefits is in the same posture. A potential concern regarding equal treatment of injured workers or surviving spouses was noted; however, no issues have been raised during the review of the rules. An overtime bill that would allow the Commission to adjudicate overtime claims is pending Senate committee assignment. SB1550 the commissioner's bill is scheduled for consideration on Tuesday. A firefighter-related bill is scheduled for consideration the following week. No further questions were raised.

Public Comment.

There was no public comment.

The meeting was adjourned at 2:25 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By 
Gaetano J. Testini, Director

ATTEST:


Anniemarie Tisi, Commission Secretary