

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, March 26, 2026 – 1:00 p.m.

Present: Dennis P. Kavanaugh	Chairman
Joseph M. Hennelly, Jr.	Vice Chair
D. Alan Everett	Commissioner
Orion J. Godfrey	Commissioner
Gaetano J. Testini	Director
Afshan Peimani	Chief Legal Counsel
Lisa Padgett	Deputy Director (Telephonic)
Brandt Smith	Deputy Director
Charles Carpenter	Legislative Affairs Chief/Public Information Officer
Brian Hudson	ADOSH Director
Phil Murphy	ADOSH Deputy Director
Bryce Rucker	ADOSH Deputy Director
Cecelia Herrera	ADOSH Deputy Director
Mireya Gomez	ADOSH Compliance
Patrick Jordan	ADOSH Compliance
Debbie Rol	ADOSH Admin
Yvonne Borunda	Legal
Kara Dimas	Safety Program Manager
Anniemarie Tisi	Commission Secretary

Chairman Kavanaugh convened the meeting at 1:05 p.m. In attendance, confirmed by roll call were Angel Cabrera (Snell and Wilmer); and Kim Nikolaev (Sculpture Arts Atelier). Also, in attendance on the telephone, confirmed by roll call Maria Saucedo (Next of Kin for the victim on Hickman's Egg Ranch); and Rachel Conn, Legal Representative (Walmart).

Approval of Minutes of March 19, 2026 Regular Meeting Minutes.

Commissioner Everett moved to approve the Minutes of the March 19, 2026 regular session meeting and Commissioner Godfrey seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett, 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. Elite Tent Installs - UR-2026-JL680-0059
2. Institute of Gas Technology dba GTI Energy - CP-2025-VM508-0077

Commissioner Godfrey moved to approve the items on the Consent Agenda and Vice Chair Hennelly seconded the motion. Chairman Kavanaugh, Vice Chair Hennelly, Commissioner Everett, 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.

Hickman's Egg Ranch, Inc. 6515 South Jackrabbit Trail Buckeye, AZ 85326	Fatality/Catastrophe Years in Business: 81 Empl. Covered by Inspection: 2
Site Location: 6515 South Jackrabbit Trail Buckeye, AZ 85326	
Inspection No: FC-2026-MG193-0015	
Inspection Date: October 7, 2025	

SERIOUS – Citation 1 - Item 1 –

- a) 868 W Peters Road truck yard: Two employees were exposed to vehicular traffic, and a PPE hazard assessment had not been adequately conducted for the workplace. 29 CFR 1910.132(d)(1)

Div. Proposal - \$11,823.00	Formula Amt. - \$11,823.00
TOTAL PENALTY - \$11,823.00	TOTAL FORMULA AMT. - \$11,823.00

Mr. Hudson summarized ADOSH's investigation and reviewed the file. ADOSH was not recommending a citation for National Lift, LLC.

Chairman Kavanaugh checked if the Commissioners had any question and Commissioner Everett inquired regarding the location of the incident and the employer's responsibility for safety and inspections at non-company sites. Mr. Hudson clarified that while the accident did not occur at the Walmart location, that employer maintained responsible for evaluating PPE requirements for drivers operating at external location and failed to conduct an adequate assessment. Chairman Kavanaugh invited Maria Saucedo, next of kin to the victim to provide comment, Ms. Saucedo declined. No additional public comment was offered.

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

Wal-Mart Stores East, LP 868 West Peters Road	Program Planned Years in Business: 81
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- a) Sand Hopper: One employee monitored sand levels on a hopper that was 10' 1" while there was no midrail on the guardrail. 29 CFR 1910.29(b)(2)
Div. Proposal - \$4,256.00 Formula Amt. - \$4,256.00

SERIOUS – Citation 3 - Item 4 –

- a) Sand Hopper: One employee monitored sand levels on a hopper that was 10' 1" without receiving fall protection training. 29 CFR 1910.30(a)(1)
Div. Proposal - \$4,256.00 Formula Amt. - \$4,256.00

SERIOUS – Citation 3 - Item 5 –

- a) Digital Office: One employee used a Melabo vertical portable grinder, model G 13VE2, serial number unknown, to cut PVC pipe without a guard. 29 CFR 1910.243(c)(3)
Div. Proposal - \$4,256.00 Formula Amt. - \$4,256.00

SERIOUS – Citation 3 - Item 6 –

- a) Outside Pour Area: One employee used a Tilt Furnace, make and model unknown, to melt bronze ingots while a unused keyway was not filled up or covered on the power transmission apparatus of the furnace. 29 CFR 1910.219(c)(4)(ii)
Div. Proposal - \$2,553.00 Formula Amt. - \$2,553.00

SERIOUS – Citation 3 - Item 7 –

- a) Outside Pour Area: One employee used a Tilt Furnace, make and model unknown, to melt bronze ingots while the top chain was unguarded. 29 CFR 1910.219(f)(3)
b) Outside Pour Area: One employee used a Tilt Furnace, make and model unknown, to melt bronze ingots while the top sprocket was unguarded. 29 CFR 1910.219(f)(3)
c) Outside Pour Area: One employee used a Tilt Furnace, make and model unknown, to melt bronze ingots while the bottom sprocket was unguarded. 29 CFR 1910.219(f)(3)
Div. Proposal - \$2,553.00 Formula Amt. - \$2,553.00

SERIOUS – Citation 3 - Item 8 –

- a) Jewelry Studio: One employee soldered gold jewelry while the Oxygen and Propone compressed gas cylinders were stored together without separation of at least 20 feet or a five foot high fire-resistance barrier rating of at least one-half hour. 29 CFR 1910.253(b)(4)(iii)
b) Wax Storage Room: Four employees worked near a Oxygen and Acetylene compressed gas cylinders that was stored together on a hand truck without separation of at least 20 feet or a five foot high fire-resistance barrier rating of at least one-half hour. 29 CFR 1910.253(b)(4)(iii)
Div. Proposal - \$4,256.00 Formula Amt. - \$4,256.00

SERIOUS – Citation 3 - Item 9 –

- a) Mold Storage Room: Two employees used an electrical panel to power fans that had a missing blank cover on breaker #20 29 CFR 1910.303(b)(7)(i)
Div. Proposal - \$4,256.00 Formula Amt. - \$4,256.00

SERIOUS – Citation 3 - Item 10 –

- a) Pouring Staging Area Bathroom: Three employees used the restroom where a vanity light bar with globe bulbs was mounted approximately 50 inches above the vanity top that had live parts exposed. 29 CFR 1910.305(j)(1)(i)
- b) Pouring Staging Area Bathroom: Three employees used the restroom where a vanity light bar with globe bulbs was mounted approximately 50 inches above the vanity top that had live parts exposed. 29 CFR 1910.305(j)(1)(i)

Div. Proposal - \$3,405.00	Formula Amt. - \$3,405.00
TOTAL PENALTY - \$130,994.00	TOTAL FORMULA AMT. - \$56,009.00

Chairman Kavanaugh checked if the Commissioners had any questions. Chairman Kavanaugh ask for clarification on the term “high DART rates” referenced under OSHA’s site-specific targeting directive. Mr. Hudson explains that DART refers to Days Away, Restricted, or Transferred rates, which measure the frequency of workplace injuries and illnesses requiring employees to miss work, be placed on restricted duty, or be transferred. He noted that “high DART rates” are used as a factor in OSHA’s site-specific targeting program to identify employers with a higher than average. Injury and illness rates for the programmed inspections. Chairman Kavanaugh opened the floor to the public comment. Kim Nikolaev addresses the Commission stating that the following inspection, the company corrected cited issues and believed the inspection to be comprehensive. She noted that the current repeated citations involve different aspects of the same standard rather than identical violations, and that some equipment cited has not previously been. Identified regarding requiring guards Ms. Nikolaev consulting. Mr. Hudson clarified that the prior inspection was complaint based, not comprehensive, and that the current inspection was conducted under site. Specific targeting due to high dart rates. He emphasized ADOSH’s goal of working with employers to improve safety management systems and prevent future violations. Chairman Kavanaugh asked for additional questions. Hearing none, he called for a motion.

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, and Commissioner Godfrey voted in favor of the motion. The motion passed.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Ms. Tisi confirmed Commission meeting dates through April 2026. Chairman Kavanaugh announced the adoption of the Medical Fee Schedule date for April 2nd, 2026, Commission Meeting. Heat Safety guidelines on April 9th, 2026, Commission Meeting. Commissioner Godfrey requested clarification of the Commission meeting dates for April. The Commission confirmed the following April 2026 meeting schedule, April 2nd, April 9th, and April 30th. April 16th, 2026, meeting is cancelled and April 23rd meeting was originally a free meeting week. Workers Memorial Day, April 28th, 2026, was noted with additional details to be provided.

Mr. Testini has no updates for the Commissioners.

Mr. Carpenter provided a legislative update stating that the Commissioner's bill, originally introduced as Senate Bill 1515, has been amended and its provisions have been incorporated into House Bill 1254 where it continues to move through the legislative process. He also noted that the nomination hearings for Commission members are in progress and that the updates will be provided as they become available. Mr. Carpenter announced the annual ICA Recognition event on April

28th, 2026, at 10:00 a.m. at the ICA Auditorium and encourages the Commissioners to attend. An update was also provided regarding a task force on youth labor and employment laws, with an initial meeting anticipated in April and compliance with the open meeting requirements noted. No further announcement.

Public Comment.

There was no public comment.

The meeting was adjourned at 1:48 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By



Gaetano J. Testini, Director

ATTEST:



Anniemarie Tisi, Commission Secretary