

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA

Telephonic Meeting
Held at 800 West Washington Street
Phoenix, Arizona 85007
Thursday, December 10, 2020 – 1:00 p.m.

Present:	Dale L. Schultz	Chairman (Telephonic)
	Scott P. LeMarr	Commissioner (Telephonic)
	Steven J. Krenzel	Commissioner (Telephonic)
	James Ashley	Director (Telephonic)
	Gaetano Testini	Chief Legal Counsel (Telephonic)
	Trevor Laky	Legislative Affairs Chief/Public Information Officer (Telephonic)
	Jessie Atencio	ADOSH Director (Telephonic)
	Anna Maria Stonerock	ADOSH Assistant (Telephonic)
	Renee Pastor	Self Insurance (Telephonic)
	Kara Dimas	Commission Secretary (Telephonic)

Chairman Schultz convened the meeting at 1:00 p.m. Also in attendance on the telephone, confirmed by roll call were Tyler White (White and White Contracting, LLC); and Makenzie Herbinko and Conrad Branchen (Lancaster Safety Consulting).

Approval of Minutes of December 3, 2020 Regular Meeting Minutes.

Commissioner Krenzel moved to approve the Minutes of the December 3, 2020 regular session meeting and Commissioner LeMarr seconded the motion. Chairman Schultz, Commissioner LeMarr and Commissioner Krenzel 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 Proposed Civil Penalties Against Uninsured Employers.

1. 2CC20/21-0061 Alba Construction \$1,000
2. 2CRP20/21-0020 Tapia's Tuff Roofs \$5,000
3. 2CC20/21-0034 Unique Stone Worx \$1,000

b. Approval of Requests for Renewal of Self-Insurance Authority.

1. The Procter & Gamble Company

Mr. Testini removed Tapia's Tuff Roofs from the agenda.

Commissioner Krenzel moved to approve the items on the Consent Agenda and Commissioner LeMarr seconded the motion. Chairman Schultz, Commissioner LeMarr and Commissioner Krenzel 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 Schultz discussed the purpose of and process for the Commission's consideration of ADOSH citations and proposed penalties.

Reyes Roofing, LLC 6221 N 35 th Ave Phoenix, AZ 85017	Complaint Years in Business: 14 Empl. Covered by Inspection: 10
Site Location: 5751 N Kolb Rd Tucson, AZ 85750	
Inspection No: R3180 -1495509	
Inspection Date: 10/02/2020	

REPEAT-SERIOUS – Citation 1 - Item 1 –

- a) Building 25 and 26: Four employees were working on a roof 20' above the ground level without a fall protection system in place. 29 CFR 1926.501(b)(10)

Reyes Roofing, LLC was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent 29 CFR 1926.501(b)(10) which was contained in ADOSH inspection number 1405071, citation number 1 item 1, issued on 10/11/2019 and was final order on 11/26/2019, with respect to the workplace located at 15221 N Clubgate Dr, Scottsdale, AZ 85254.

Div. Proposal - \$3,000.00	Formula Amt. - \$1,500.00
TOTAL PENALTY - \$3,000.00	TOTAL FORMULA AMT. - \$1,500.00

Mr. Atencio discussed ADOSH's investigation, summarized the citation and proposed penalty, and reviewed the photographs.

Chairman Schultz and Mr. Atencio discussed that there is a tile cutter on the roof in photograph #6 while there was no evidence of masks or eye protection on the workers. Chairman Schultz found it interesting that while the company engaged a consultant to do training the owner must not have participated in the training if he did not know his employees needed to have fall protection on that job.

Commissioner LeMarr moved to approve the citation and proposed penalty as presented and Commissioner Krenzel seconded the motion. Chairman Schultz, Commissioner LeMarr and Commissioner Krenzel voted in favor of the motion. The motion passed.

White and White Contracting, LLC 19637 E Oriole Way Queen Creek, AZ 85142	Referral Years in Business: 7 Empl. Covered by Inspection: 4
Site Location: 21039 N Get Around Way Maricopa, AZ 85138	
Inspection No: T3633 - 1491125	
Inspection Date: 09/01/2020	

businesses to contest a citation they receive past the 15 day deadline if they can prove they never received the citation.

Chairman Schultz commented that it sounds like nice housekeeping updates.

Mr. Ashley noted the second change offers good flexibility and appropriate discretion to recognize when there has been a notable delivery problem.

Chairman Schultz stated the Commission values the input of the employers and helping promote safety throughout the state of Arizona and wants to make sure that our processes are very accommodating to make sure employers have an opportunity to respond and understand what we are asking them to do.

Ms. Dimas confirmed Commission meeting dates through February 2021.

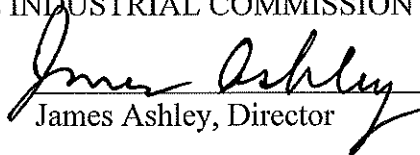
Public Comment.

There was no public comment.

Commissioner Krenzel moved to adjourn and Commissioner LeMarr seconded the motion. Chairman Schultz, Commissioner LeMarr and Commissioner Krenzel voted in favor of the motion and the meeting was adjourned at 1:36 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By


James Ashley, Director

ATTEST:


Kara Dimas, Commission Secretary