

MINUTES OF MEETING  
OF THE INDUSTRIAL COMMISSION OF ARIZONA  
Held at Flagstaff City Hall, Council Chambers  
211 W. Aspen Avenue, Flagstaff, Arizona 86001  
Thursday, February 13, 2020 – 2:30 p.m.

Present:	Dale L. Schultz	Chairman
	Joseph M. Hennelly, Jr.	Vice Chair
	Scott P. LeMarr	Commissioner
	James Ashley	Director
	Gaetano Testini	Chief Legal Counsel
	Trevor Laky	Legislative Affairs Chief / Public Information Officer
	Jessie Atencio	ADOSH Director
	Kara Dimas	Commission Secretary

Chairman Schultz convened the meeting at 2:49 p.m. Chairman Schultz apologized for the late start due to technical difficulties with the Flagstaff council chamber phone system. In attendance were Pat Fletcher, Dave Shea and Don Barton (Block Partners LLC dba Master Block and Pavers).

Approval of Minutes of January 30, 2020 Regular Meeting Minutes.

Commissioner LeMarr moved to approve the Minutes of the January 30, 2020 regular session meeting and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner LeMarr 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. 2CRP19/20-0037 Top Notch Roofing LLC \$1,000
2. 2CMO19/20-0029 Classic Delivery Inc dba Classic Delivery & Moving \$1,000
3. 2CRP19/20-0043 Camelback Roofing LLC \$1,000
4. 2CLP19/20-0112 Joel Herrera Garcia dba Noel's Landscaping \$1,000
5. 2CNP19/20-0200 A New Hope Behavioral Health Home PLLC \$1,000
6. 2CMO19/20-0009 Robert Vaughn dba H & R Moves You \$1,000
7. 2CNP19/20-0217 Flying Eagle Framing LLC \$1,000

Mr. Testini requested to remove Item a.7. (Flying Eagle Framing LLC) from the Consent Agenda.

Vice Chair Hennelly moved to approve the remaining items on the Consent Agenda and Commissioner LeMarr seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner LeMarr 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.

Dircks Moving & Logistics 4340 W Mohave St Phoenix, AZ 85043	Fatality/Accident Years in Business: 29 Empl. Covered by Inspection: 6
Site Location: 860 S. 83 <sup>rd</sup> Ave Ste 115 Phoenix, AZ 85043	
Inspection No: I2479 -1437705	
Inspection Date: 10/11/2019	

SERIOUS – Citation 1 - Item 1 –

- a) 860 S. 83rd Ave, Tolleson, AZ, 85353: Two employees operated a Crown SC 4000 forklift, model #55F-SS-A173 and serial #9A142199, without receiving training. 29 CFR 1910.178(l)(6)
- |                            |                                 |
|----------------------------|---------------------------------|
| Div. Proposal - \$2,000.00 | Formula Amt. - \$2,000.00       |
| TOTAL PENALTY - \$2,000.00 | TOTAL FORMULA AMT. - \$2,000.00 |

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

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

Block Partners LLC dba Master Block and Pavers 12620 W Butler Dr. El Mirage, AZ 85335	Referral Years in Business: 10 Empl. Covered by Inspection: 10
Site Location: 12620 W Butler Dr. El Mirage, AZ 85335	
Inspection No: Y8817 -1439297	
Inspection Date: 10/22/19	

SERIOUS – Citation 1 - Item 1a –

- a) Production Line 1: A Columbia band cement mixer, model #80 and serial numbers unknown, lacked signage for permit required confined space. 29 CFR 1910.146(c)(2)
- |                            |                           |
|----------------------------|---------------------------|
| Div. Proposal - \$1,000.00 | Formula Amt. - \$1,000.00 |
|----------------------------|---------------------------|

SERIOUS – Citation 1 - Item 1b –







Discussion and/or action regarding Industrial Commission goals, objectives and key initiatives for 2020. This Agenda Item may include discussion regarding the Commission budget and review of Division, Department, and Section specific objectives.

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Mr. Ashley noted the Attorney General has approved all of the rulemaking for the final Federal OSHA standards adoption package to maintain the state plan in good standing.

Mr. Ashley discussed the Governor's budget.

Mr. Ashley stated that Ms. Locke completed the 5S quarterly audit and the division scores are between 79% and 90% towards completion.

Mr. Ashley advised that there is a Safety Gemba for the Commissioners on February 27.

Mr. Ashley also announced that Charles Carpenter will be the new Medical Resource Office Manager.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Ms. Dimas confirmed Commission meeting dates through March 2020.

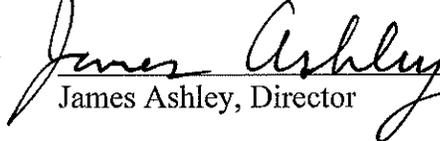
Public Comment.

There was no public comment.

Commissioner LeMarr moved to adjourn and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly and Commissioner LeMarr voted in favor of the motion and the meeting was adjourned at 3:48 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By

  
James Ashley, Director

ATTEST:

  
Kara Dimas, Commission Secretary