Chairman Schultz convened the meeting at 1:30 p.m. Also in attendance were Lynne Petersen with the Kingman Area Chamber of Commerce; Mike Olsen and David O'Brien with Olsen's Grain Inc.; Byron Steward, Risk Management Director for Mohave County; Travis Lingenfelter, City Councilman with the City of Kingman; Troy D. Matunas with Mohave County Roads; Gary Lasham with Mohave County Public Works; and Gary L. Watson with Mohave County Board of Supervisors.

Chairman Schultz changed the order of the Agenda to advance the Stakeholder Presentation from Ms. Petersen.

Approval of Minutes of March 16, 2017 Regular Meeting.

Commissioner Orchard moved to approve the Minutes of the March 16, 2017 regular session meeting and Commissioner LeMarr seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr, and Commissioner Orchard 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. 2C16/17-0621 Harmonious Ways Landscape and Design, LLC
2. 2C16/17-0948 Paris Assisted Living
3. 2C16/17-1160 Thomas Logistics, L.L.C.
Commissioner LeMarr moved to approve the Consent Agenda and Vice Chair Hennelly seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr, and Commissioner Orchard voted in favor of the motion. The motion passed.

**Stakeholder Presentations.**

1. **Kingman Chamber of Commerce.**

Ms. Petersen, Chairman of the Kingman Area Chamber of Commerce, introduced herself to the Commission. She discussed the mission of the Chamber, efforts to re-invent the Chamber, the Chamber’s Ambassador Committee (which is responsible for strengthening relationships between business and between business and the Chamber), the Work Force Development Committee (which is responsible for helping business members find success, including through education, relocation, and recruitment); and the Business and Government Committee (which is responsible for working with all levels of government, making resources available to businesses, and education).

Chairman Schultz thanked Ms. Petersen and discussed the Commission’s commitment to listening to, and learning from, stakeholders. Commissioner LeMarr noted that he could see why the Mayor had spoken very highly of the Chamber.

Presentation from and/or discussion with the Industrial Commission’s Public Information Officer. This agenda item may include discussion regarding the operations of the Industrial Commission.

Mr. Ashley provided an update on the status of Senate Bills 1407 and 1478.

Mr. Ashley noted that Mr. Charles will be meeting with various media outlets to discuss the Voluntary Protection Program.

Chairman Schultz discussed public outreach by Jessie Atencio, ADOSH Assistant Director, regarding VPP recertification and heat exposure.

**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.

<table>
<thead>
<tr>
<th>Olsen’s Grain, Inc.</th>
<th>Referral</th>
</tr>
</thead>
<tbody>
<tr>
<td>344 N State Route 89</td>
<td>Years in Business: 37</td>
</tr>
<tr>
<td>Chino Valley, AZ 86323</td>
<td>Empl. Covered by inspection: 14</td>
</tr>
</tbody>
</table>

| Site Location: 344 N State Route 89 Chino Valley, AZ 86323 |
| Inspection No: W0250-1202189 |
| Inspection Date: 01/12/2017 |

**SERIOUS** – Citation 1 - Item 1 – Feed Mill Area: Employees were not trained in Lockout/Tagout Procedures as described in the company's Lockout/Tagout Program. (29 CFR 1910.147(c)(7)(i)). Div. Proposal - $5,000.00 Formula Amt. - $5,000.00
SERIOUS – Citation 1 - Item 2 – Two employees were not trained in the safe operation of a Toyota Forklift, Model Number 42-6FG515 Serial Number 63436. (29 CFR 1910.178(f)(1)(i)).

Div. Proposal - $1,250.00 Formula Amt. - $1,250.00

SERIOUS – Citation 1 - Item 3 – Feed Mill Area: Two pulleys on a Dayton Farm Duty Motor model #1TMY6 Serial #L10P were not guarded to prevent accidental contact with rotating parts, pinch parts and in-going nip points. (29 CFR 1910.219(d)(1)).

Div. Proposal - $1,250.00 Formula Amt. - $1,250.00

SERIOUS – Citation 1 - Item 4 – Feed Mill Area: One vertical belt on a Dayton Farm Duty Motor model #1TMY6 Serial #L10P was not guarded to prevent accidental contact with rotating parts, pinch parts and in-going nip points. (29 CFR 1910.219(e)(3)(i)).

Div. Proposal - $1,250.00 Formula Amt. - $1,250.00

TOTAL PENALTY - $8,750.00 TOTAL FORMULA AMT. - $8,750.00

Mr. Warren summarized the citation and proposed penalties as listed and reviewed the photographs.

 Commissioner LeMarr and Mr. Warren discussed the evidence gathered regarding forklift training, the required frequency of forklift retraining, and the reasons Items 3 and 4 were not grouped. Mr. Warren indicated that Items 3 and 4 could be grouped.

 Mr. Olsen indicated he was available to answer the Commission’s questions. Commissioner Orchard and Mr. Olsen discussed the company’s lockout/tagout procedure and the company’s training program. Commissioner LeMarr, Mr. Olsen, and Mr. O’Brien discussed the company’s abatement efforts, employee training, and efforts to improve employee safety. Commissioner Orchard and Mr. Olsen discussed the status of the injured employee.

 Commissioner LeMarr and Mr. Olsen clarified which of the employee’s finger was injured.

 Mr. Warren discussed the number of employees interviewed and commended Mr. Olsen on his company’s cooperation with ADOSH.

 Commissioner LeMarr noted the steps taken by the company to quickly abate the hazards, provide necessary training, and improve employee safety. He moved to amend the citation and proposed penalties, as follows: (1) group Citation 1, Items 3 and 4, with a single proposed penalty of $1,250.00; (2) reduce the proposed penalty for Citation 1, Item 1 by 50% (to $2,500.00); (3) reduce the proposed penalty for Citation 1, Item 2 by 50% (to $625.00); and (4) reduce the proposed penalty for Citation 1, Items 3/4 by 50% (to $625.00), for a total proposed penalty of $3,750.00. Commissioner Orchard seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr, and Commissioner Orchard voted in favor of the motion. The motion passed.

Randall Ray Ahrns and Shiloh Janelle Ahrns, dba Ahrns Contracting
5747 Hwy 66
Kingman, AZ 86401

Referral
Years in Business: 12
Empl. Covered by inspection: 5

Site Location: 4000 Long Mountain Ranch Rd
Kingman, AZ 86401
SERIOUS – Citation 1 - Item 1 –

a) The Ranch at Long Mountain: Three employees who were working below other employees who were sheathing the roof of a residential home were not protected from head injuries by protective helmets. (29 CFR 1926.100(a)).

b) The Ranch at Long Mountain: One employee was not provided with protective eye equipment while exposed to eye injuries while working adjacent to pneumatic nail guns and from flying wood chips while operating a radial saw cutting wood. (29 CFR 1926.102(a)(1)).
Div. Proposal - $750.00  
Formula Amt. - $750.00

SERIOUS – Citation 1 - Item 2 – The Ranch at Long Mountain: Three employees engaged in residential framing activities were not protected from falling 9 feet 7-1/2 inches to 16 feet 1 inch to the ground below by guardrail systems, safety net systems, or a personal fall arrest system, nor was the employee provided with an alternative fall protection measure under another provision of paragraph 1926.501(b). (29 CFR 1926.501(b)(13)).
Div. Proposal - $750.00  
Formula Amt. - $750.00

SERIOUS – Citation 1 - Item 3 – The Ranch at Long Mountain: The employer did not provide a training program for two employees who were sheathing the roof of a residential home and exposed to a fall of 9 feet 7 inches to 16 feet 1 inch to the ground below to enable each employee to recognize the hazards of falling and the procedures to be followed in order to minimize these hazards. (29 CFR 1926.503(a)(1)).
Div. Proposal - $750.00  
Formula Amt. - $750.00

SERIOUS – Citation 1 - Item 4 –

a) East Side of Home: Two employees used a Werner brand 10 Foot fiberglass step ladder, model NXT1A10, in the closed position to access the roof a residential home. (29 CFR 1926.1053(b)(4)).

b) West Side of Home: One employee used an 8 foot fiberglass ladder, manufacturer and model unknown, in the closed position to access an elevated exterior wall of a home. (29 CFR 1926.1053(b)(4))
Div. Proposal - $750.00  
Formula Amt. - $750.00

TOTAL PENALTY - $3,000.00  
TOTAL FORMULA AMT. - $3,000.00

Mr. Warren summarized the citation and proposed penalties as listed and reviewed the photographs.

Commissioner LeMarr and Mr. Warren discussed the standard for hard hats in residential construction.

Commissioner Orchard and Mr. Warren discussed abatement, reviewed abatement photographs, and discussed whether fall protection equipment was onsite.
Vice Chair Hennelly and Mr. Warren discussed the number of employees on site at the time of the inspection and their location.

Commissioner Orchard commented on the grouping of violations in Citation 1, Item 4.

Mr. Warren commended the company for cooperating with ADOSH’s investigation.

Commissioner Orchard moved to amend the citation and proposed penalties, as follows: (1) reduce the proposed penalties for Citation 1, Items 1-4 by 50% each ($375.00 each), as a result of prompt abatement, for a total proposed penalty of $1,500.00. Commissioner LeMarr seconded the motion.

Commissioner Orchard, Commissioner LeMarr, and Mr. Warren discussed the incorrect use of the ladder in Photograph 12.

Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr, and Commissioner Orchard voted in favor of the motion. The motion passed.

Discussion and/or action regarding Industrial Commission goals, objectives and key initiatives for 2017. This Agenda Item may include discussion regarding the Commission budget and review of Division, Department, and Section specific objectives.

Mr. Ashley reported on the 2nd Annual ICA Day at the Capitol. He thanked Vice Chair Hennelly and Commissioner LeMarr for their participation. He noted that several Arizona legislators attended. Vice Chair Hennelly commended Mr. Ashley for an impressive event. Chairman Schultz and Mr. Ashley discussed a motivating presentation from an injured worker who had participated in a Vocational Rehabilitation Program.

Mr. Ashley discussed staff efforts to make it easier for employers to understand the requirements of Proposition 206.

Mr. Ashley discussed the Governor’s regulatory reduction efforts (RedTape.az.gov), which are aimed at eliminating outdated or costly regulations.

Mr. Ashley discussed the Goal Council 4 meeting at the Commission, including the opportunity to share the Commission’s work and to present several of the Commission’s huddle boards.

Mr. Ashley discussed some of the Commission’s Scorecard metrics.

Mr. Ashley noted the next Commission meeting agenda will include the selection of ALJ candidates.

Commissioner Orchard, Chairman Schultz, and Mr. Ashley discussed agency plans to update the Claims system.

Commissioner Orchard commended Mr. Ashley on his leadership in regards to the Annual ICA Day at the Capitol.
Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Mr. Warren announced a one-day Safety Summit in Sierra Vista on May 24. Chairman Schultz noted plans for a Commission Meeting in Sierra Vista on May 25.

Ms. Dimas confirmed Commission meeting dates for April 2017.

Public Comment.

There was no public comment.

Commissioner LeMarr commended the representatives of the City of Kingman and Mohave County, noting that he was overwhelmed by how positive the people were that he had contact with. He noted that the City and County were moving in a positive direction.

Commissioner LeMarr moved to adjourn and Commissioner Orchard seconded the motion. Chairman Schultz, Vice Chair Hennelly, Commissioner LeMarr, and Commissioner Orchard voted in favor of the motion and the meeting was adjourned at 2:37 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By

James Ashley, Director

ATTEST:

Kara Dimas, Commission Secretary