

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA

Held at 800 W. Washington
Conference Room 308
Phoenix, Arizona 85007
Thursday, April 16, 2009 – 1:00 p.m.

Present:	Brian Delfs	Chairman
	Joe Gosiger	Vice Chairman
	Louis W. Lujano, Sr.	Member
	John A. McCarthy, Jr.	Member
	Laura McGrory	Director
	Andrew Wade	Chief Legal Counsel
	Darin Perkins	Director, ADOSH
	Gary Norem	Chief Financial Officer
	Glenn Hurd	Financial Officer
	Teresa Hilton	Commission Secretary

Chairman Delfs convened the Commission meeting at 1:00 p.m. noting a quorum present. Mrs. Weeks was not able to attend. Also in attendance were Paul McKee of Salt River Project and Jen Jones of Snell & Wilmer.

Approval of Minutes of April 9, 2009 Meeting

The Commission unanimously approved the Minutes of the April 9, 2009 meeting on motion of Mr. Lujano, second of Mr. Gosiger.

Discussion & Action of Proposed Civil Penalties Against Uninsured Employers

2C08/09-1520	FEATHERS & FINS, LLC
2C08/09-1516	ROSATTI'S OF GILBERT, INC.

Andrew Wade advised that he is withdrawing consideration of a civil penalty for employer #1516 since it has been determined that they have workers' compensation insurance. With regard to the remaining employer, a compliance investigation confirmed that they were operating (or had operated) a business with employees, but without workers' compensation insurance. Giving consideration to the factors of A.R.S. §23-907(K), Mr. Wade recommended a civil penalty of \$1,000.00 be assessed against this employer. The Commission unanimously assessed the recommended penalty of \$1,000.00 against employer #1520 on motion of Mr. McCarthy, second of Mr. Lujano.

Discussion & Action regarding Appointment of ADOSH Elevator Advisory Board Member

Paul Cassano – Darin Perkins advised that ADOSH is requesting approval to appoint Mr. Cassano to the Elevator Advisory Committee. He provided the Commissioners with a copy of Mr. Cassano's resume. In response to questions from the Commissioners, Mr. Perkins explained that the Board meets quarterly and reviews rules and makes recommendations for adoption or modification of new codes. Following discussion, the commission unanimously appointed Mr. Cassano to the Elevator Advisory Board on motion of Mr. Gosiger, second of Mr. McCarthy.

(No inspection history in the past three years).

Div. Proposal - \$750.00

Formula Amt. - \$750.00

SERIOUS – Citation 1, item 2 – Four employees were exposed to reinforcing steel (rebar) without a cap or cover installed to prevent the possibility of impalement.

Div. Proposal - \$ 750.00

Formula Amt. - \$ 750.00

TOTAL DIV. PROP. - \$1,500.00

TOTAL FORMULA AMT - \$1,500.00

Darin Perkins summarized the citations and proposed penalty as listed. Following discussion and inspection of photos of these violations, the Commission unanimously approved issuing the citations and assessed the recommended penalty of \$1,500.00 on motion of Mr. McCarthy, second of Mr. Lujano.

Discussion &/or Action regarding Operations of the Industrial Commission

Chairman Delfs asked if there was any follow-up information regarding the vocational rehabilitation contract with DES. Mr. Wade stated no, but noted that DES is exploring whether they can pay tuition costs.

The Commission scheduled meetings for Wednesday, May 13, 2009, at 1:00 p.m.; Thursday, May 21, 2009 at 1:00 p.m.; and Thursday, June 4, 2009. The meeting on June 4, 2009 will be held at the Tucson ICA office and will begin at 10:00 a.m.

Discussion &/or Action regarding Legislation. The Commission may move into Executive Session under A.R.S. §§38-431.03(A)(3) and (A)(4) for Discussion and Consultation with the Attorneys of the Public Body regarding Contemplated Litigation or Settlement Discussions in order to avoid Litigation arising out of Bills passed in the Forty-Ninth Legislature, First Special Session (2009). 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

Ms. McGrory advised that the Senate Commerce Committee recently heard a presentation on the impact of the Arizona Minimum Wage on the restaurant industry and provided a copy of a news article describing the presentation.

Announcements

Ms. McGrory advised that she addressed the Arizona Self Insurers' Association at their annual luncheon meeting yesterday.

Ms. Hilton reminded the Commissioners that there is no Commission meeting scheduled for next week. The next meeting will be held on Thursday, April 30, 2009.

Chairman Delfs asked Gary Norem if there was anything new with regard to the self-insurers watch list. Mr. Norem advised that he was not aware of any changes and that the list would be updated on a monthly basis. Ms. McGrory stated that, although the list would be updated for the Commissioners on a monthly basis, Ms. Pastor is monitoring the list closely and taking steps necessary to protect the deposits on file.

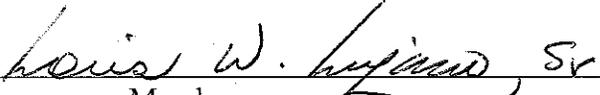
There being no further business to come before the Commission and no public comment, Chairman Delfs adjourned the meeting at 1:33 p.m.

APPROVED:

THE INDUSTRIAL COMMISSION OF ARIZONA

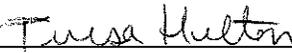
By 
Chairman

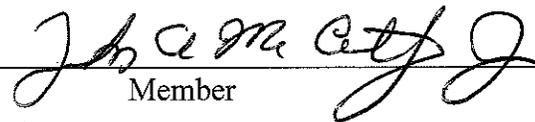
By _____
Vice Chairman

By 
Member

ATTEST:

By _____
Member


Commission Secretary

By 
Member