MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Conference Room 308
Phoenix, Arizona 85007
Wednesday, January 11, 2012 – 1:00 p.m.

Present:  
Brian Delfs  
David Parker  
Kathleen Oster  
Susan Strickler  
Laura McGrory  
Kathryn Harris  
Darin Perkins  
Jenny Mandeville  
Dean Bell  
Jeff Wilson  
Brandon Stowell  
Rob Stacy  
Robert Cooper  
Glenn Saavedra  
Ron Haley  
Javier DeEchavarri  
Michael Hawthorne  
Renee Pastor  
Kamen Kovatchev  
Teresa Hilton  
Chairman  
Vice Chairman  
Member  
Member  
Director  
Legal Counsel  
Director, ADOSH  
Compliance Officer  
Compliance Officer  
Compliance Officer  
Compliance Officer  
Compliance Officer  
Compliance Officer  
Compliance Officer  
Chief Financial Officer  
Self Insurance Manager  
Accounting  
Commission Secretary

Chairman Delfs convened the Commission meeting at 1:00 p.m. noting a quorum present. Mr. McCarthy was not able to attend. Also in attendance was Eda Baroll of Snell & Wilmer.

Approval of Minutes of January 5, 2012 Meeting

The Commission unanimously approved the Minutes of January 5, 2012 on motion of Ms. Strickler, second of Mr. Parker.

Consent Agenda:

a. Approval of Self Insurance Renewal Applications.
   1. Catholic Healthcare West
   2. Coca-Cola Refreshments USA, Inc.

b. Approval of Proposed Penalties Against Uninsured Employers.
   1. 2C10/11-1894 Clean Out Arizona, L.L.C.
   2. 2C10/11-1343 Dorothy Fatt, a Single Woman, dba Serenity Agency & Transportation
Chairman Delfi asked if any of the listed items needed to be removed from the consent agenda. Secretary Hilton stated that there were not. The Commission unanimously approved the items on the consent agenda on motion of Mr. Parker, second of Ms. Oster.

**Discussion & Action of ADOSH Discrimination Complaint**

*#12-06  George Valenzuela v Brothers Masonry* - Darin Perkins presented a summary of the Division’s investigation of a discrimination complaint filed by Mr. Valenzuela. In his complaint, Mr. Valenzuela alleges that he was discriminated against because the scaffold was unsafe and because Mr. Gibbs yells at everybody. In response to the complaint, the employer presented its position with respect to Mr. Valenzuela’s termination.

Mr. Perkins presented a history of Mr. Valenzuela’s employment and chronology of events and responded to questions from the Commission. The Division recommendation was not to pursue the matter since there was insufficient evidence to support a causal link between protected activity and adverse action. Following discussion, the Commission unanimously voted not to pursue the complaint on motion of Ms. Oster, second of Ms. Strickler.

**Discussion & Action of Proposed OSHA Citations & Penalties**

*Johnson Refrigeration, Inc.* – Mr. Perkins advised this was for discussion only and involved a fatality. The victim was one of the owners of a company hired for maintenance work on roof top HVAC equipment. There were no witnesses, but apparently the victim slipped and fell coming down the fixed ladder. No violations were noted or citations recommended.

Willmore Manufacturing, Inc.  
3030 N. 30th Avenue  
Phoenix, AZ 85017  

Site Location: 3030 N. 30th Avenue, Phoenix, AZ 85017  
Inspection #: 17163/316108331  
Insp. Date: 11/02/11

**SERIOUS** – Citation 1, Item 1 – The employer did not develop and implement written lockout/tag out program procedures for maintenance personnel and or repair person(s) to prevent the release of stored energy during the performance of major and minor repair work, such as, but not limited to work on a press, radial saws and ironworker, etc. (1910.147(c)(1)).  
(No inspection history in the past three years.)  
Div. Proposal - $750.00  
Formula Amt. - $750.00
SERIOUS – Citation 1, Item 2 – One press brake was lacking a guard at the point of operation (1910.212(a)(1)). There were twelve other instances of this violation.
Div. Proposal - $750.00
Formula Amt. - $750.00

SERIOUS – Citation 1, Item 3 – An ironworker was lacking a guard at the shear, angle iron shear and the punch press to prevent an employee from having any part of their body in the danger zone during the operating cycle (1910.212(a)(3)(ii)).
Div. Proposal - $750.00
Formula Amt. - $750.00

SERIOUS – Citation 1, Item 4 – One table saw was lacking a guard installed over the horizontal drive belt pulley to prevent accidental contact (1910.219(d)(1)).
Div. Proposal - $750.00
Formula Amt. - $750.00

SERIOUS – Citation 1, Item 5 – One 120/208 volt electrical panel was lacking three circuit breakers and or blank out covers (1910.305(b)(1)).
Div. Proposal - $ 750.00
Formula Amt. - $ 750.00
TOTAL PENALTY - $3,750.00
TOTAL FORMULA AMT. - $3,750.00

Darin Perkins summarized the citations and proposed penalty as listed and responded to questions from the Commissioners. Following discussion, the Commission unanimously approved issuing the citations and assessed the recommended penalty of $3,750.00 on motion of Mr. Parker, second of Ms. Strickler.

La Canasta Mexican Food Products, Inc.
3101 W. Jackson Street
Phoenix, AZ 85009
Site Location: 3101 W. Jackson Street, Phoenix, AZ 85009
Inspection #: I7163/316108323
Insp. Date: 10/26/11

SERIOUS – Citation 1, Item 1 – One employee was working around a floor hole approximately 3’ wide, 3’ long and 25’ high (1910.23(a)(9)).
(No inspection history in the past three years.)
Div. Proposal - $1,750.00
Formula Amt. - $1,750.00

SERIOUS – Citation 1, Item 2 – One employee was not trained on the proper use and care of the required fall protection equipment (i.e. full body harness and lanyard) (1910.132(f)(1)).
Div. Proposal - $1,750.00
Formula Amt. - $1,750.00

SERIOUS – Citation 1, Item 3 – A written lockout/tagout program was not developed and implemented for maintenance personnel or repair person(s) to prevent the release of stored energy during the performance of repair work on equipment, such as, but not limited to cleaning and conducting maintenance on tortilla makers, ovens and mixers (1910.147(c)(1)).
Div. Proposal - $1,750.00
Formula Amt. - $1,750.00

SERIOUS – Citation 1, Item 4 – One trough hoist was lacking an awareness barrier installed to prevent employees coming in contact with moving parts (1910.212(a)(1)).
Div. Proposal - $1,400.00
Formula Amt. - $1,400.00
SERIOUS – Citation 1, Item 5 – A fan was not fully guarded to prevent accidental contact with the rotating blade (1910.212(a)(5)).

Div. Proposal - $1,750.00
TOTAL PENALTY - $8,400.00

Formula Amt. - $1,750.00
TOTAL FORMULA AMT. - $8,400.00

Darin Perkins summarized the citations and proposed penalty as listed and responded to questions from the Commissioners. Following discussion, the Commission unanimously approved issuing the citations and assessed the recommended penalty of $8,400.00 on motion of Ms. Oster, second of Ms. Strickler.

Discussion &/or Action regarding Legislation

Ms. McGrory stated that Scot Butler will present a report at the next Commission meeting on the 25th. She provided a brief summary of SB 1016 and the status of that bill.

Announcements and Scheduling of Future Meetings

Ms. Hilton reminded the Commissioners that the next Commission meeting is scheduled for January 25th, 2012. The Commissioners also scheduled meetings for February 2nd and February 9th.

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

THE INDUSTRIAL COMMISSION OF ARIZONA

By [Signature]
Laura L. McGrory, Director

ATTEST:

[Signature]
Teresa Hilton, Commission Secretary