

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Conference Room 308
Phoenix, Arizona 85007
Wednesday, July 2, 2014 – 1:00 p.m.

Present:	David M. Parker	Chairman
	Susan Strickler	Vice Chair
	Kathleen Oster	Member
	Michael G. Sanders	Member (telephonic)
	Joseph M. Hennelly, Jr.	Member
	Laura McGrory	Director
	Andrew Wade	Chief Legal Counsel
	William Warren	ADOSH Director
	Sylvia Simpson	Chief Financial Officer
	J.R. Imes	Compliance Officer
	Yvonne Borunda	Legal Division
	Sean Campbell	Legal Division
	Kara Dimas	Commission Secretary

Chairman Parker convened the Commission meeting at 1:05 p.m. noting a quorum present. Also in attendance were Ethan Hirsch and Jason Weber of Snell & Wilmer.

Approval of Minutes of June 26, 2014 Meeting

The Commission unanimously approved the Minutes of the June 19, 2014 General Session on motion of Mr. Hennelly, second of Mr. Sanders. □

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. 2C12/13-3101 Big Wheel Trans Interstate, LLC
2. 2C11/12-0991 Haynie Hot Rods & Restoration, LLC dba Classic Customs
3. 2C13/14-2286 John Rothweiler & Beth Rothweiler, h/w, & Brent Mills, a single man, dba Dancelife USA
4. 2C11/12-2433 NU Look Auto Body and Glass, Inc.
5. 2C12/13-1197 Reform Physicians, LLC dba Pinal MD
6. 2C13/14-1236 The Meal Man, L.L.C. dba Mobile Waiters

Chairman Parker asked if any agenda items needed to be removed from the Consent Agenda. Hearing none, Mr. Sanders moved to approve the items on the consent agenda and Mr. Hennely seconded the motion. Chairman Parker and Commissioners Oster, Sanders, and Hennely voted in favor of the motion.

Discussion and/or Action regarding Legislation.

Ms. McGrory stated there was nothing to report at this time.

Discussion and/or Action regarding Residential Fall Protection and Federal OSHA's Notice of Initiation of Proceedings to Reject State Initiated Plan Change No. 133, and Reconsider Arizona's State Plan Authority under Section 18(e) of the Occupational Safety and Health Act. The Commission may move into Executive Session under A.R.S. §§ 38-431.03(A)(3) and (A)(4) to consult with its attorneys to obtain legal advice and to consider its position and instruct its attorneys regarding pending or contemplated litigation.

Mr. Wade stated there was nothing new to report at this time.

Discussion and Action of Arizona Division of Occupational Safety and Health (ADOSH) Discrimination Complaint.

14-6444-13 Howard Leef vs. Piedmont Airlines, Inc.

Mr. Parker stated that this matter will not be considered today.

Discussion and Action of Arizona Division of Occupational Safety and Health Proposed Citations and Penalties.

Salt Mine Farms, LLC
26001 N 92nd Ave
Peoria, AZ 85383

Fatality/Accident
Years in Business: 8
Empl. Covered by inspection: 2

Site Location: 2425 S Salt Mine Rd
Camp Verde, AZ 86322
Inspection No: F3189-317602308
Inspection Date: 2/27/2014

This agenda item was for discussion only and involved a fatality. Mr. Warren summarized the investigation into the death of a worker who appeared to have fallen from an aerial lift while trimming pecan trees. Commissioner Strickler arrived shortly after Mr. Warren began summarizing the investigation. The investigating compliance officer J.R. Imes described his working theory of what may have caused the fall. There were questions from the Commissioners regarding the investigation, whether the employee had been trained, and whether the employer had a practice of requiring fall protection. Mr. Warren explained that no violations were noted nor was ADOSH recommending any citations. There was no request for further investigation and the matter was deemed concluded.

Announcements and Scheduling of Future Meetings.

Chairman Parker confirmed the dates scheduled through September for Commission meetings.

Ms. McGrory informed the Commission that the Director's Advisory Committee on Evidence Based Medical Treatment Guidelines will be requesting public comment on the most recent draft of the process piece, and inviting the public to discuss their views with the Committee at its July 28, 2014 meeting..

Mr. Parker thanked Ms. Oster for her service on the Commission, and stated it was a pleasure working with her. She stated it was a highlight of her career.

There being no further business to come before the Commission and no further public comment, the meeting was adjourned at 1:16 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By



Laura McGrory, Director

ATTEST:



Kara Dimas, Commission Secretary