

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Conference Room 308
Phoenix, Arizona 85007
Thursday, July 24, 2014 – 1:00 p.m.

Present:	David M. Parker	Chairman (video conference)
	Susan Strickler	Vice Chair (telephonic)
	Joseph M. Hennelly, Jr.	Member (video conference)
	Andrew Wade	Chief Counsel
	Sylvia Simpson	Chief Financial Officer
	Melina Poppe	Chief Administrative Law Judge
	Kara Dimas	Commission Secretary

Chairman Parker convened the Commission meeting at 1:00 p.m. noting a quorum present. Michael Sanders was excused. Also in attendance was Scot Butler, Commission lobbyist, Jason Weber of Snell & Wilmer and Jeff Homer of General Dynamics.

Approval of Minutes of July 17, 2014 Meeting.

The Commission unanimously approved the Minutes of the July 17, 2014 General Session on motion of Ms. Strickler, second of Mr. Hennelly.

The Commission unanimously approved the Executive Session Minutes of the July 17, 2014 on motion of Mr. Hennelly, second of Ms. Strickler.

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. 2C13/14-1734 520 Express, L.L.C.
2. 2C14/15-0001 Cactus Rose Ranch, LLC
3. 2C12/13-1263 M M Floor Enterprise, LLC DBA Mission Hardwood Floors
4. 2C13/14-2178 Prime Cut Meat & Seafood, Inc.

b. Approval of Requests for Renewal of Self-Insurance Authority.

1. Chevron U.S.A., Inc.

Chairman Parker stated that staff has requested that agenda item a.4., Prime Cut Meat & Seafood, Inc., be removed from consideration and asked if any other agenda items needed to be

removed from the Consent Agenda. Ms. Strickler moved the Consent Agenda with the exception of 3(a)(4) and Mr. Hennelly seconded the motion. The Commission unanimously voted in favor of the motion.

Discussion and/or Action regarding the Selection of Candidates for Interviews, Consideration of Candidates, Salary and Appointment of Administrative Law Judge(s). The Commission may move into Executive Session under A.R.S. §§ 38-431.03(A)(1), (A)(2) and (A)(3) to obtain legal advice, to discuss the candidates, and the salary for the position. The Commission may defer a decision on this matter to a later date.

Ms. Poppe stated that as directed in the July 17, 2014 commission meeting, she interviewed candidate number five and provided a report to the Commission. Ms. Poppe noted that the Commissioners may move into executive session to discuss the candidate.

The Commission unanimously voted to go into Executive Session to discuss the candidate and salary for the administrative law judge position on motion of Ms. Strickler, second of Mr. Hennelly. Executive Session Minutes are kept separately.

Upon return to General Session, the Commission unanimously agreed to offer the position to candidate number five, at the salary discussed in Executive Session on motion of Mr. Hennelly, second of Ms. Strickler.

Discussion and/or Action regarding Legislation.

Scot Butler provided a final report on the 2014 legislature and responded to questions from the Commissioners. Mr. Butler summarized the upcoming primary election and potential changes in the House and Senate. He described topics from the past legislative session that he will be tracking.

Mr. Parker commented on whether the apportionment statute is still needed and feedback he has received from other states' commissioners regarding full and final settlements.

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

Diamond Allied Services, L.L.C. dba CertaPro Painters of Scottsdale

Mr. Parker stated that the description of this item on the Agenda may not be accurate and the Commission will postpone consideration until the next Commission meeting.

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.

Announcements and Scheduling of Future Meetings.

Mr. Parker inquired if there were any changes needed to the future meeting schedule and it appeared that no changes were needed at this time.

There being no further business to come before the Commission and no public comment, the meeting was adjourned at 1:22 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By Andrew F. Wade
Andrew F. Wade, Acting Director

ATTEST:

Kara Dimas
Kara Dimas, Commission Secretary