MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Conference Room 308
Phoenix, Arizona 85007
Thursday, November 6, 2014 – 1:00 p.m.

Present:  
David M. Parker  
Susan Strickler  
Michael G. Sanders  
Joseph M. Hennelly, Jr.  
Laura McGrory  
Andrew Wade  
William Warren  
Kara Dimas  
Chairman (Video Conference)  
Vice Chair  
Member  
Member  
Director  
Chief Counsel  
ADOSH Director  
Commission Secretary

Chairman Parker convened the Commission meeting at 1:00 p.m. noting a quorum present. Also in attendance was Jason Weber of Snell & Wilmer.

Approval of Minutes of October 30, 2014 Regular Meeting.

The Commission unanimously approved the Minutes of the October 30, 2014 Regular Session on motion of Mr. Sanders, second of Ms. Strickler.

Consent Agenda:

a. Approval of Proposed Civil Penalties Against Uninsured Employers:

1. 2C14/15-0317 Affectionate Care Home, L.L.C. dba Affectionate Care Assisted Living
2. 2C14/15-0468 Concours Metal Finishing, Inc.
3. 2C14/15-0285 De La Torre Corporation, dba Embajador Motel

Chairman Parker asked if any agenda items needed to be removed from the Consent Agenda. Hearing none, the Commission unanimously approved the items on the Consent Agenda on motion of Mr. Hennelly, second of Ms. Strickler.

Discussion and/or Action regarding Legislation.

Nothing new to report.

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.

Ms. McGrory commented on the Commission’s efforts to provide training on Subpart M for ADOSH staff and stakeholders.
Discussion and Action of Arizona Division of Occupational Safety and Health Proposed Citations and Penalties.

Mr. Parker stated there was a request to hold Hexcel Corporation.

City of Tucson Parks and Recreation
255 W Alameda St
Tucson, AZ 85701

Site Location: 900 S Randolph Way
Tucson, AZ 85716

Inspection No: F3875-317772820
Inspection Date: 6/11/2014

Complaint

Years in Business: 112
Empl. Covered by Inspection: 20

SERIOUS – Citation 1 - Item 1 –

a) Reid Park, Water System Metal Cabinets: Romex electrical wire used to energize an electrical outlet was not placed in conduit to provide protection from abrasion. (1910.303(b)(1)).
Div. Proposal - $1,500.00
Formula Amt. - $1,500.00

SERIOUS – Citation 1 - Item 2 –

a) Reid Park, Band Shell: The electrical panel was missing a dead front cover thus exposing live electrical parts. (1910.305(d)).
Div. Proposal - $1,875.00
Formula Amt. - $1,875.00

TOTAL PENALTY - $3,375.00
TOTAL FORMULA AMT. - $3,375.00

Mr. Warren summarized the citation and proposed penalty as listed and responded to questions from the Commissioners. Mr. Parker asked about the citation for Romex cable and whether there was a likelihood of abrasion. Mr. Warren explained why the cable posed a hazard. Mr. Parker asked about the classification and Mr. Warren responded to the question. Following discussion, the Commission unanimously approved issuing the citation and assessed the recommended penalty of $3,375.00 on motion of Mr. Sanders, second of Ms. Strickler.

Announcements and Scheduling of Future Meetings.

Mr. Parker verified that the current schedule for future meetings was acceptable.

Ms. McGorry presented a retirement resolution for signature for Patsy Verduzco for 32 years of state service with the BLS Section in ADOSH.

There being no further business to come before the Commission and no public comment, the meeting was adjourned at 1:10 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By
Lama L. McGorry, Director

ATTEST:

Kara Dimas, Commission Secretary