

MINUTES OF MEETING  
OF THE INDUSTRIAL COMMISSION OF ARIZONA  
Held at 800 West Washington Street  
Conference Room 308  
Phoenix, Arizona 85007  
Thursday, July 9, 2015 – 1:00 p.m.

Present:	Dale L. Schultz	Chairman
	David M. Parker	Commissioner
	Michael G. Sanders	Commissioner
	Joseph M. Hennelly, Jr.	Commissioner
	Clint Bolick	Commissioner
	Laura McGrory	Director
	Andrew Wade	Chief Counsel
	William Warren	ADOSH Director
	Bruce Hanna	Compliance Officer
	Glenn Saavedra	Compliance Officer
	Kathleen McLeod	Claims Manager
	Jacqueline Kurth	Claims
	Molly Jones	Claims
	Valli Goss	Assistant Chief Counsel
	Yvonne Borunda	Legal
	Kara Dimas	Commission Secretary

Chairman Schultz 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 July 1, 2015 Regular Session Minutes.

Andrew Wade explained that the Agenda did not include an item for the July 1, 2015 Executive Session Minutes and those Minutes may be addressed at the next meeting. The Commission unanimously approved the Minutes of the July 1, 2015 Regular Session meeting on motion of Commissioner Parker, second of Commissioner 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. 2C14/15-2947 Arizona Auto Shippers, L.L.C.
  2. 2C14/15-1830 Erna Arnold, a single woman, dba Elder Care Geriatric Services







SERIOUS – Citation 1 - Item 1 – Farm Field, 25200 S. Rittenhouse Road, Queen Creek, AZ: An employee had his left arm amputated while cleaning cotton debris from the picker head of a John Deere Cotton Harvester, Model #9900 and Serial Number unknown. (29 CFR 1928.57(a)(1)).

Div. Proposal - \$5,000.00

Formula Amt. - \$5,000.00

SERIOUS – Citation 1 - Item 2 – Farm Fields, 25200 S. Rittenhouse Road, Queen Creek, Az: Four employees operated John Deere Cotton Harvesters, Model 9900 and Serial number unknown, without training. (29 CFR 1928.57(a)(6)).

Div. Proposal - \$1,500.00

Formula Amt. - \$1,500.00

TOTAL PENALTY - \$6,500.00

TOTAL FORMULA AMT. - \$6,500.00

Mr. Warren summarized the citation and proposed penalty as listed and reviewed the photographs. Commissioner Sanders asked for clarification regarding the extent of the injury. Mr. Warren and Mr. Saavedra responded to the question. Commissioner Bolick requested clarification on the adjustment factors. Mr. Warren responded to the question and Commissioner Parker explained that the Field Operations Manual (FOM) contains the penalty policy and possible penalty reductions.

Commissioner Hennelly asked for additional details regarding the equipment added to the cotton harvester. Mr. Warren and Mr. Saavedra responded and described ADOSH's efforts to learn more about the modifications and who may have made the modifications. Commissioner Parker explained that the agriculture standards are found in 29 CFR 1928, instead of CFR 1910, which is for general industry or CFR 1926, which is for construction. The Commission unanimously approved issuing the citation and assessed the recommended penalty of \$6,500.00 on motion of Commissioner Hennelly, second of Commissioner Bolick.

Discussion and Action of Request for Lump Sum Commutation. The Commission may move into Executive Session under A.R.S. §§ 38-431.03(A)(2) and (A)(3) to discuss or consider records exempt by law from public inspection or to consult with its attorneys for legal advice.

Chairman Schultz asked if anyone wanted to move into executive session, and hearing none, he asked Ms. McLeod to proceed.

Randy K. Spencer – Kathleen McLeod presented this lump sum petition with a recommendation for approval. Ms. McLeod and Ms. Kurth responded to questions. The Commission unanimously approved the lump sum commutation on motion of Commissioner Sanders, second of Commissioner Bolick.

Announcements, Scheduling of Future Meetings and Retirement Resolutions.

Ms. McGrory announced that the Arizona State Bar Workers' Compensation Seminar has been scheduled for October 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> and invited the Commissioners to let Ms. Dimas know if they would be interest in attending.

The Commission reviewed the meeting schedule through September.

There was no public comment and Chairman Schultz asked if there was a motion to adjourn. Commissioner Sanders moved to adjourn and Commissioner Bolick seconded the

motion. The Commission unanimously voted to adjourn and the meeting was adjourned at 1:51 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By

  
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Laura McGrory, Director

ATTEST:

  
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Kara Dimas, Commission Secretary