

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Conference Room 308
Phoenix, Arizona 85007
Thursday, July 17, 2014 – 1:00 p.m.

Present:	David M. Parker	Chairman (video conference)
	Susan Strickler	Vice Chair
	Michael G. Sanders	Member (telephonic)
	Joseph M. Hennelly, Jr.	Member
	Laura McGrory	Director
	Andrew Wade	Chief Counsel
	William Warren	ADOSH Director
	Sylvia Simpson	Chief Financial Officer
	Melina Poppe	Chief Administrative Law Judge
	Renee Pastor	Accounting
	Yvonne Borunda	Acting Commission Secretary

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

Approval of Minutes of July 2, 2014 Meeting

The Commission unanimously approved the Minutes of the July 2, 2014 General Session on motion of Mr. Sanders, 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. 2C13/14-2109 Ascension Senior Care Services, Inc.
2. 2C13/14-1772 CTW Flooring Discounters, L.L.C.
3. 2C13/14-2168 Hartley Enterprises, L.L.C. dba Oil Can Henry's
4. 2C13/14-1387 MIC Homes, Inc.
5. 2C13/14-1015 Prestige Dance Academy Etc., LLC
6. 2C13/14-2331 Quick Stop Moving, LLC
7. 2C12/13-1026 Red Mountain Commercial, LLC
8. 2C13/14-0410 Texan's Choice, LLC
9. 2C12/13-1219 Tsing Tao, LLC dba Tsing Tao Chinese Cuisine

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

1. Pinnacle West Capital Corporation
2. Swift Transportation LLC
3. UNS Energy Corp
4. John C. Lincoln Health Network

Chairman Parker stated that staff has requested that agenda item a(5), Prestige Dance Academy Etc., LLC, 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)(5) and Mr. Hennelly seconded the motion. The Commission unanimously voted in favor of the motion.

Discussion and/or Action regarding Legislation

Ms. McGrory stated that Scott Butler should be at the next meeting.

Discussion and Action of ADOSH Discrimination Complaint.

#14-3633-14- Nellie Valenzuela vs. Arizona State Veteran Home – Tucson - Bill Warren presented a summary of Ms. Nellie Valenzuela's complaint, the employer's response, and the Division's investigation of the matter and responded to questions from the Commissioners. Mr. Warren recommended that the Commission not pursue the matter because the investigation did not find sufficient evidence to support a causal link between the exercise of any protected activity and adverse action. Following discussion, the Commission unanimously voted not to pursue the complaint on motion of Mr. Sanders, second of Mr. Hennelly.

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 & Action regarding the Consideration and Selection of Candidates for Interviews for Administrative Law Judge Positions. The Commission may move into Executive Session under A.R.S. §§ 38-431.03(A)(1) and (A)(3) to Discuss and/or Select Candidates.

Ms. McGrory stated that Ms. Poppe has completed her review of resumes for the administrative law judge position. Ms. Poppe's summary and the resumes have been provided to the Commissioners. She noted that the Commissioners may move into executive session to consider and discuss the candidates.

The Commission unanimously voted to go into Executive Session on motion of Ms. Strickler, second of Mr. Hennelly. Executive Session Minutes are kept separately.

Upon return to General Session, Mr. Sanders moved to have Ms. Poppe interview the candidate identified in executive session as number five and to provide a report to the

Commission. Ms. Strickler seconded the motion. The Commission unanimously voted in favor of the motion.

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 1:50 p.m.

THE INDUSTRIAL COMMISSION OF ARIZONA

By *Laura McGrory* *Acting Director*
Laura McGrory, Director

ATTEST:

Yvonne Borunda
Yvonne Borunda, Acting Commission Secretary