

**STATE OF NEVADA
OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD
NOTICE OF MEETING**

You are hereby given notice that the Nevada State Occupational Safety and Health Review Board (the Board) will hold a meeting of the Board on Wednesday, May 8, 2024, commencing at 9:00 a.m., and continuing, if necessary, on May 9, 2024, commencing at 9:00 a.m., at the Division of Industrial Relations offices located at 4600 Kietzke Lane, Suite F-150, Reno, Nevada, 89502.

The public is advised that the member(s) of the Board and Legal Counsel may participate in the meeting by electronic means.

AGENDA

Notice:(1) Items on the Agenda may be taken out of order; (2) The Board may combine two or more Agenda items for consideration; and (3) The Board may remove an item from the Agenda or delay discussion relating to an item.

Persons wishing to provide public comment or address a specific item on the Agenda may participate during the scheduled meeting. Also, the public may address their comments, data, views, arguments in written form to: Rodd Weber, Chairman, c/o Charles R. Zeh, Esq., Board Legal Counsel, 50 West Liberty Street, Suite 950, Reno, NV 89501; Fax number (775) 786-8183; e-mail address: crzeh@aol.com. Written submissions should be received by the Board on or before May 3, 2024, by 11:00 a.m., in order to make copies available to members of the Board of Review and the public.

The Public and Parties and Counsel for the Administrative matters may appear in person or electronically through Webex. For Contested Docket cases, the directions in the Notice of Hearing shall be followed. The Webex information is listed below.

WEBEX INFORMATION

Join from the meeting link

<https://nvbusinessandindustry.webex.com/nvbusinessandindustry/j.php?MTID=m3edede19f8858494a493e16747aee2d6>

Join by meeting number

Meeting number (access code): 2632 527 8410
Meeting password: nCsXtmiq389

Join from a mobile device

+1-415-655-0001,,26325278410##

Join by phone

+1-415-655-0001 US Toll

AGENDA

1. Roll Call.
2. Public Comment – The opportunity for public comment is reserved for any matter listed below on the Agenda as well as any matter within the jurisdiction of the Board. No action on such an item may be taken by the Board unless and until the matter has been noticed as an action item. Comment from the public is limited to three minutes per person. Public comment is not permitted during Review Board contested hearings which are specifically governed by NRS 618, NRS 233B and NAC 618. The applicable legislation and codified procedures mandate assurance of a fair and impartial administrative hearing, a transcribed record, and a protected appellate process for an aggrieved party to seek redress in the district courts.
3. Contested Case Hearings – The contested matters shall be heard in a quasi-judicial forum pursuant to Chapter 618 of the Nevada Administrative Code and applicable Nevada Revised Statutes conferring jurisdiction. The hearing proceedings will be transcribed by a certified court reporter. You are further notified: Meetings and contested hearings are open to the public; deliberations which involve alleged misconduct, professional competence, and/or character may be held privately; any final decisions will be made in public – all in accordance with Chapter 241 of the Nevada Revised Statutes, commonly known as the Nevada Open Meeting Law. The disposition of these matters will be informed by the content of the hearing before the Board. Unless settled or otherwise removed from the Review Board’s stacked docket, the contested cases will be heard in the order set forth below:
 - a. RNO 21-2106, Raine's Market, Inc. (Continued from September 13, 2023, for deliberation, decision or other appropriate action) - **For Possible Action.**
 - b. RNO 23-2194, Q&D Construction, LLC (Contested hearing regarding Respondent's Application for Discovery) - **For Possible Action.**
 - c. LV 23-2184, Universal Consulting Corporation dba A-1 Concrete Cutting & Demolition aka A-1 Concrete Cutting (Contested hearing regarding Respondent's Motion for Reconsideration) - **For Possible Action.**

The disposition of these matters will be informed by the content of the proceedings before the Board.

4. Administrative Meeting:
 - a. Approval of previous Review Board meeting minutes of March 13-14, 2024 – **For Possible Action.**
 - b. Review contested case settlements, motions, draft decisions, or procedural issues pending on status report, for approval, rejection or amendment and possible and issuance of final orders. The disposition of these matters will be informed by the content of the proceedings before the Board. - **For Possible Action.**

- i. LV 21-2135, CGG Enterprises, LLC dba World's Best Corndogs (consideration of the draft decision as the decision of the Board) - **For Possible Action.**
- ii. RNO 23-2192, Helix Electric of Nevada, LLC dba Helix Electric (Notice of Withdrawal that Nevada OSHA is withdrawing the Citation and Notification of Penalty) - **For Possible Action.**

Review of Contested Case Settlements Are Listed Below.

- iii. LV 21-2109, DCI Construction dba Design Concrete of Nevada - **For Possible Action.**
- iv. RNO 22-2148, Erickson Framing NV LLC dba Erickson Construction - **For Possible Action.**
- v. RNO 22-2163, Trivium Packaging USA, Inc.- **For Possible Action.**
- vi. RNO 22-2164, Trivium Packaging USA, Inc. - **For Possible Action.**
- vii. LV 21-2121, Eiffel Tower LLC dba The Eiffel Tower Restaurant - **For Possible Action.**
- viii. LV 21-2119, Eiffel Tower, LLC dba The Eiffel Tower Restaurant - **For Possible Action.**
- ix. LV 22-2181, Freeman Expositions, LLC dba Freeman Expositions - **For Possible Action.**
- x. RNO 22-2178, ACCO Engineered Systems, Inc. - **For Possible Action.**
- xi. LV 22-2167, National Pipeline Contractors, LLC - **For Possible Action.**
- xii. RNO 21-2126, Hawthorne Recycling Metals Co. - **For Possible Action.**
- xiii. RNO 21-2098, Reno Cab Company, Inc. - **For Possible Action.**
- xiv. LV 21-2099, Aria Resort & Casino Holdings, LLC dba Aria Resort & Casino - **For Possible Action.**
- xv. RNO 23-2212, Cass NV, LLC - **For Possible Action.**
- xvi. LV 22-2157, Better Motor Works, Inc. dba European Motor Cars - **For Possible Action.**
- xvii. LV 21-2053, Walmart, Inc. dba Walmart Market #5259 aka Walmart Neighborhood Market #5259 - **For Possible Action.**
- xviii. RNO 21-2054, Walmart, Inc. dba Walmart Store # 1648 - **For Possible Action.**
- xix. RNO 21-2055, Walmart, Inc. dba Walmart Store #3408 - **For Possible Action.**
- xx. LV 21-2063, Walmart, Inc. dba Walmart #3473 - **For Possible Action.**
- xxi. LV 21-2073, Walmart, Inc. dba Walmart #3847 - **For Possible Action.**

- c. General Administration and/or procedural issues.
 - i. General matters of import to Board members.
 - ii. Old and New Business.
 - iii. Discussion of pending cases. - **For Possible Action.**
 - iv. Consider submitting request from the Board to the Interim Finance Committee to increase budget for Board Legal Counsel in current Fiscal year. - **For Possible Action.**
- d. Schedule of hearings on pending cases, calendar and status report. The Board has scheduled the following meetings - **For Possible Action.**
 - * **June 12 and 13, 2024 - Las Vegas**
 - * **July 10 and 11, 2024 - Las Vegas**
 - * **August 14 and 15, 2024 - Reno**
 - * **September 11 and 12, 2024 - Las Vegas**
 - * **October 9 and 10, 2024 - Las Vegas**
 - * **November 13 and 14, 2024 - to be determined**
 - * **December 11 and 12, 2024 - to be determined**

5. Public Comment - The opportunity for public comment is reserved for any matter listed on the Agenda as well as any matter within the jurisdiction of the Board. No action on such an item may be taken by the Board unless and until the matter has been noticed as an action item. Comment from the public is limited to three minutes per person. Public comment is not permitted during Review Board contested hearings which are specifically governed by NRS 618, NRS 233B, and NAC 618. The applicable legislation and codified procedures mandate assurance of a fair and impartial administrative hearing, a transcribed record, and a protected appellate process for an aggrieved party to seek redress in the district courts.

6. Adjournment. – **For Possible Action.**

This Notice has been posted at the following locations:

The Law Offices of Charles R. Zeh, Esq.,
 50 West Liberty Street, Suite 950
 Reno, Nevada 89501

Department of Occupational Safety and Health
 3360 West Sahara Avenue, Suite 175
 Las Vegas, Nevada 89102

This Notice has also been posted at the following website addresses:

State of Nevada, Department of Business and Industry, Industrial Relations (DIR) website at <https://dir.nv.gov/Meetings/Meetings>

Nevada Public Notices at <https://notice.nv.gov>

A copy of supporting (not privileged and confidential) material provided to the Board Members may be obtained upon request made to: Charles R. Zeh, Esq., The Law Offices of Charles R. Zeh, Esq., 50 West Liberty Street, Suite 950, Reno, Nevada 89501, or by calling (775) 323-5700.

Copies of the supporting (not privileged and confidential) material may also be obtained upon request at the offices of the Division of Industrial Relations, Nevada OSHA Legal Counsel, Salli Ortiz, Esq., 1886 East College Pkwy., Ste. #110, Carson City, NV 89706, or by calling (775) 684-7286, or by contacting the Division of Industrial Relations, Nevada OSHA General Legal Counsel, at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102, or by calling (702) 486-9014.

Anyone with a disability, as defined by the Americans with Disabilities Act, and requiring special assistance to participate in the meeting, may contact the Board at the following address, at least five (5) days prior to the hearing in order to try and make arrangements for reasonable accommodations that would enable participation in the hearing by contacting Charles R. Zeh, Esq., The Law Offices of Charles R. Zeh, Esq., 50 West Liberty Street, Suite 950, Reno, Nevada 89501, or by calling (775) 323-5700, contacting the offices of the Division of Industrial Relations, Nevada OSHA Legal Counsel, Salli Ortiz, Esq., 1886 East College Pkwy., Ste. #110, Carson City, NV 89706, or by calling (775) 684-7286, or by contacting the Division of Industrial Relations, Nevada OSHA General Legal Counsel, at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102, or by calling (702) 486-9014.

Dated this 29th day of April, 2024.

By: /s/Charles R. Zeh, Esq.
Charles R. Zeh, Esq.
Legal Counsel for the Board

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