

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

NOTICE OF MEETING

You are hereby given notice that the NEVADA OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD will conduct a public hearing on Wednesday, May 12, 2021, and Thursday, May 13, 2021, commencing at 9:00 a.m. This meeting will be held *via* a Webex meeting only. Webex allows for video and teleconferencing. Pursuant to Governor Sisolak's March 22, 2020 Declaration of Emergency Directive 006, the requirement contained in NRS 241.023(1)(b), that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate, is suspended in order to mitigate against the possible exposure or transmission of the COVID-19 (Corona Virus). Accordingly, any person planning to participate in the meeting must participate by using the Webex Access information immediately below.

WEBEX ACCESS

For Wednesday, May 12, 2021

Join from the meeting link:

<https://nvbusinessandindustry.webex.com/nvbusinessandindustry/j.php?MTID=meeef21ddae5d1bdd3b92fd9f510579f>

Join by meeting number:

Meeting number (access code): 177 006 3470

Meeting password: 73Befq4Fiyk

Join from a mobile device (attendees only):

+1-415-655-0001,,1770063470## US Toll

Join by phone:

+1-415-655-0001 US Toll

Join from a video system or application:

Dial 1770063470@nvbusinessandindustry.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join using Microsoft Lync or Microsoft Skype for Business:

Dial 1770063470.nvbusinessandindustry@lync.webex.com

For Thursday, May 13, 2021

Join from the meeting link

<https://nvbusinessandindustry.webex.com/nvbusinessandindustry/j.php?MTID=meeef21ddae5d1bdd3b92fd9f510579f>

Join by meeting number

Meeting number (access code): 177 006 3470

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Need help? Go to <https://help.webex.com>

AMENDED 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; (3) The Board may remove an item from the Agenda or delay discussion relating to an item on the Agenda at any time; and (4) The public is advised all participating will join the meeting using the Webex Access referenced above.

Persons wishing to provide public comment or address a specific item on the Agenda may participate during the scheduled meeting using the above Webex Access to participate by telephone or video conferencing. Also, the public may address their comments, data, views, arguments in written form to: Steve Ingersoll, 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 submission should be received by the Board on or before May 5, 2021, by 11:00 a.m., in order to make copies available to members of the Board of Review and the public.

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 Nevada Revised Statutes, commonly known as the Nevada Open Meeting Law. Unless settled or otherwise removed from the Review Board's stacked docket, the contested cases will be heard in the order set forth below:
 - (1) LV 21-2059, New Castle LLC fka New Castle Corp., dba Excalibur Hotel Casino - **For Possible Action**
 - (2) LV 21-2053, Walmart Neighborhood Market # 5295 - **For Possible Action**
 - (3) LV 20-2032, Helix Electric, Inc. - **Fatality - For Possible Action**
 - (4) LV 21-2067, William Charles, Inc. - **For Possible Action**
 - (5) LV 21-2060, Pole Fitness Studio, LLC aka Pole Fitness Studio - **For Possible Action**

If a case is not heard during the two-days set aside on this Agenda to decide contested matters, the case(s) will be rescheduled for hearing at a later date.

4. Administrative Meeting:
 - (a) Approval of the previous Review Board minutes of March 5, 2021 and April 14/15, 2021 - **For Possible Action**

 - (b) Review contested case settlements, motions, draft decisions, or procedural issues pending on status report, for approval and issuance of final orders:
 - i. RNO 21-2072, Weigl Concrete, LLC - (Withdrawal of Citation and Complaint) - **For Possible Action**
 - ii. RNO 20-2044, Cruz Construction Company, Inc. (Settlement) - **For Possible Action**

- iii. RNO 21-2051, Cruz Construction Company, Inc. (Settlement) - **For Possible Action**
 - iv. LV 18-1933, Nalco Company, LLC (Settlement) - **For Possible Action**
 - v. RNO 19-1974, Ponderosa Hotel, Inc. (Decision) - **For Possible Action**
 - vi. RNO 19-1975, Ponderosa Hotel, Inc. (Decision) - **For Possible Action**
- (c) General administration and/or procedural issues.
- i. General matters of import to Board members.
 - ii. Old and New Business.
 - iii. Conduct of contested case hearing. The Board will discuss the efficacy of using teleconferencing or video conferencing to hear cases or consider deferring hearings until "in-person" hearings may be held, or it may continue this issue to a later date. - **For Possible Action**
 - iv. Board Counsel's Contract. Consider remuneration and other aspects of Board Counsel's contract as legal counsel to the Board of Review. - **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 9 and 10, 2021** - 4600 Kietzke Lane, Building G, Suite 160, Reno, Nevada 89502.
 - * **July 14 and 15, 2021** - 4600 Kietzke Lane, Building G, Suite 160, Reno, Nevada, 89502.
 - * **August 11 and 12, 2021** - 3360 West Sahara Avenue, Suite 175, Las Vegas, Nevada 89102.
 - * **September 8 and 9, 2021** - 3360 West Sahara Avenue, Suite 175, Las Vegas, Nevada 89102.
 - * **November 9 and 10, 2021** 4600 Kietzke Lane, Building G, Suite 160, Reno, Nevada 89502.
 - * **December 8 and 9, 2021** - 3360 West Sahara Avenue, Suite 175, Las Vegas, Nevada 89102.
 - * **January 12 and 13, 2022** - 4600 Kietzke Lane Building G, Suite 160, Reno, Nevada 89502
 - * **February 9 and 10, 2022** - 3360 West Sahara Avenue, Suite 175, Las Vegas, Nevada 89102.
 - * **March 9 and 10, 2022** - *Location not determined.*
 - * **April 13 and 14, 2022** - *Location not determined.*
 - * **May 11 and 12, 2022** - *Location not determined.*
 - * **June 8 and 9, 2022** - *Location not determined.*
 - * **July 13 and 14, 2022** - *Location not determined.*
 - * **August 10 and 11, 2022** - *Location not determined.*

- * **September 14 and 15, 2022** - *Location not determined.*
- * **October 12 and 13, 2022** - *Location not determined.*
- * **November 9 and 10, 2022** - *Location not determined.*
- * **December 14 and 15, 2022** - *Location not determined.*

NOTE: **Depending upon the status of the Virus Pandemic, one or more of these hearing dates will be converted to a virtual hearing conducted through Webex or some other form of virtual medium.**

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.**

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., 400 West King Street, Suite 201, Carson City, Nevada, 89703, or by calling (775) 684-7286, or by contacting the Division of Industrial Relations, Nevada OSHA General Legal Counsel, Donald C. Smith, Esq., at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102, or by calling (702) 486-9070. Pursuant to Governor Sisolak's March 22, 2020 Declaration of Emergency Directive 006, the Notice of Posting this Notice has been suspended except as stated, below.

This Notice and agenda have been posted on or before the third working day before the meeting at the websites listed below and the aforementioned locations:

- State of Nevada, Department of Business and Industry, Industrial Relations (DIR) website at <http://dir.nv.gov/Meetings/Meetings>
- Nevada Public Notices at <http://www.notice.nv.gov>

An electronic copy may be obtained of the supporting (not privileged and confidential) material provided to the Board Members in advance of the hearing 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., 400 West King Street, Suite 201, Carson City, Nevada, 89703, or by calling (775) 684-7286, or by contacting the Division of Industrial Relations, Nevada OSHA General Legal Counsel, Donald C. Smith, Esq., at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102, or by calling (702) 486-9070.

DATED this 19th day of April, 2021.

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