

**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, December 14, 2022, and if necessary December 15, 2022, commencing at 9:00 a.m., at the Division of Industrial Relations, 4600 Kietzke Lane, Building F, Suite 150, Reno, NV 89502.

The public is advised that some of the members 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 on the Agenda at any time.

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 submission should be received by the Board on or before December 7, 2022, by 11:00 a.m., in order to make copies available to members of the Board of Review and the public.

The Public and the Administrative matters may appear in person or electronically through Webex. The Webex information is listed below. All Contested Case matters must appear in person.

WEBEX INFORMATION

Join from the meeting link:

<https://nvbusinessandindustry.webex.com/nvbusinessandindustry/j.php?MTID=mefba055ce58aa57c09da3a892897809c>

Meeting number:

Meeting number (access code): 2469 302 1065
Meeting password: BPt9FpVPm88

Join by phone

+1-415-655-0001

Access code:

J5MiZt2XNH5

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 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:
 - (a) RNO 22-2180, Mt. Rose Heating and Air Condition, Inc. **-For Possible Action.**
 - (b) RNO 21-2098, Reno Cab Company, Inc. **-For Possible Action.**
 - (c) RNO 20-2049, Gradex Construction Company **-For Possible Action.**
 - (d) RNO 19-1964, Caliber Holdings Corp. **-For Possible Action.**
 - (e) RNO 23-2183, K.G. Walters Construction Co. **-For Possible Action.**
 - (f) RNO 22-2178, ACCO Engineered Systems, Inc. **-For Possible Action.**
 - (g) RNO 22-2174, Pershing County Sheriff's Office **-For Possible Action.**
 - (h) RNO 22-2173, AZZ Galvanizing **-For Possible Action.**
 - (i) LV 21-2060, Pole Fitness Studio, LLC (Motion Hearing, this matter will be heard at a time certain, 2:00 p.m., on December 15, 2022. The Board will decide whether at this stage in the proceedings of this case whether Pole Fitness may ask the Board to reconsider its decision. If the Board denies the Motion, it may proceed to approve, modify, or reject the draft decision proposed for the Board's consideration. If the Board decides that respondent Pole Fitness may ask the Board to reconsider its decision, the Board will review the pleadings from the State and Pole Fitness on the issue of reconsideration. The Board may reconsider during the course of this meeting or take the reconsideration under advisement.) **- For Possible Action.**

4. Administrative Meeting:
 - (a) Approval of the previous Review Board meeting minutes of November 9, 2022. - **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. The Board will consider for approval, rejection or modification of the draft Decision of the Board for the following:
 - (1) LV 21-2060 Pole Fitness Studio, LLC -**For Possible Action.**
 - (2) LV 20-2003 M.J. Dean Construction, Inc. - **For Possible Action.**
 - ii. The Board will consider the Withdrawal of Complaint/Settlement for the following:
 - (1) RNO 20-2017 Interstate-Rim Management Company, LLC -**For Possible Action.**
 - (2) RNO 20-2018 Interstate-Rim Management Company, LLC -**For Possible Action.**
 - (3) LV 18-1942 Brady Linen Services, LLC -**For Possible Action.**
 - (4) LV 19-1977 Brady Linen Services, LLC -**For Possible Action.**
 - (c) Consent Agenda. (All consent items may be approved together with a single motion, be taken out of order, and/or be heard and discussed individually. Items will be removed and considered separately at the request of the public or Board member.) - **For Possible Action.**
 - i. RNO 20-2034 High Desert Plumbing, LLC -**For Possible Action.**
 - ii. LV 19-1991 Sofidel America Corp. -**For Possible Action.**
 - iii. LV 20-2011 DHS Sign Services, Ltd. -**For Possible Action.**
 - iv. LV 22-2145 Hair Club for Men, LLC -**For Possible Action.**
 - v. RNO 22-2144 SR Construction, Inc. -**For Possible Action.**
 - vi. LV 21-2116 Trident Construction Corp. -**For Possible Action.**
 - (d) General administration and/or procedural issues.
 - i. General matters of import to Board members.
 - ii. Old and New Business.
 - iii. Discussion about Board Legal Counsel's Contract; utilization of scheduled Board Meeting dates to the fullest, review the court reporter situation, and the "suggestion" by Tori Carreon that Board Business for January 2023 be discontinued, including the postponement of the January Board meeting for the want of funding for the Court Reporter, Office of Board Legal Counsel, and the Board. All of these items are related. - **For Possible Action.**
 - iv. Discussion of the Board's Status Report, Disposition of Decisions and Findings of Facts. - **For Possible Action.**

(e) Schedule of hearings on pending cases, calendar and status report. The Board has scheduled the following meetings. - **For Possible Action.**

- * **December 14 and 15, 2022** - Reno, Nevada
- * **January 11 and 12, 2023** - Las Vegas, Nevada
- * **February 15 and 16, 2023** - Las Vegas, Nevada
- * **March 8 and 9, 2023** - *Location to be determined*
- * **April 12 and 13, 2023** - *Location to be determined*
- * **May 10 and 11, 2023** - *Location to be determined*
- * **June 14 and 15, 2023** - *Location to be determined*
- * **July 12 and 13, 2023** - *Location to be determined*
- * **August 9 and 10, 2023** - *Location to be determined*
- * **September 13 and 14, 2023** - *Location to be determined*
- * **October 11 and 12, 2023** - *Location to be determined*
- * **November 8 and 9, 2023** - *Location to be determined*
- * **December 13 and 14, 2023** - *Location 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
4600 Kietzke Lane, Building F, Suite 150
Reno, NV 89509

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

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

Nevada Public Notices at <http://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., 400 West King Street, Suite 201, Carson City, Nevada, 89701, 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., 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, at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102, or by calling (702) 486-9014.

DATED this 28th day of November, 2022.

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

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