

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

NOTICE OF MEETING

The Nevada State Occupational Safety and Health Review Board (the Board) will hold a meeting of the Board on Wednesday, January 12, 2022, and if necessary January 13, 2022, commencing at 9:00 a.m.

The Board has elected to exercise its option under AB 253 in light of the COVID-19 pandemic to conduct the January 2022 meeting of the Board exclusively by means of a remote technology system. Notice is, therefore, hereby given that the hearings of January 12, 2022, and January 13, 2022, if necessary, will be conducted on a virtual hearing basis, only.

Members of the public who wish to attend or participate in the January 2022 hearing may only attend or participate through the use of the remote technology system deployed by the Board of Review. Accordingly, for the public and all else who seek to join the meeting, joinder is through the Webex Access portal set forth immediately, below.

Webex Access

Join from the meeting link:

<https://nvbusinessandindustry.webex.com/nvbusinessandindustry/j.php?MTID=m146cbe41fe672e7510f1cb5d1c3acf2f>

Join by meeting number:

Meeting number (access code): 2468 370 6757

Meeting password: TverzmEY332

Join from a mobile device (attendees only):

+1-415-655-0001,,24683706757## US Toll

Join by phone:

+1-415-655-0001 US Toll

Join from a video system or application:

Dial 24683706757@nvbusinessandindustry.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

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: 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 January 6, 2022, 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:
 - (a) LV 21-2115, Breakthru Beverage Nevada, LLC. (Oral Argument) - **For Possible Action.** The hearing on the merits of this case is set for February 9/10, 2022. Respondent's motion to conduct discovery, however, will be heard at 11:00 a.m., before the Board on January 12, 2022.
 - (b) RNO 22, 2150, MRH Auto-Reno, LLC dba Mountain West Auto - **For Possible Action.**

- (c) RNO 22-2138, Panasonic Corporation of North America - **For Possible Action.**
- (d) RNO 21-2105, Costco Wholesale Corporation dba Costco Wholesale #646 - **For Possible Action.**
- (e) RNO 20-2047, Encore Steel Builders - **For Possible Action.**

4. Administrative Meeting:

- (a) Approval of the previous Review Board meeting minutes of November 9 and 10, 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. LV 21-2082, Mountain Rehabilitation Services, Poindexter & Associates, Ltd. - **For Possible Action.**
 - ii. RNO 20-2035, Production Pattern and Foundry, Co., Inc. ("PPF") - **For Possible Action.**
 - iii. LV 18-1943, Brady Linen Services, LLC. (Consider for approval, rejection or modification of the draft Decision of the Board) - **For Possible Action.**
- (c) General administration and/or procedural issues.
 - i. General matters of import to Board members.
 - ii. Old and New Business.
 - iii. Post Pandemic, whether hearings may continue to be conducted remotely and if so, under what circumstances. - **For Possible Action.**
 - iv. Rescheduling the February 9-10, 2022 Board meeting, due to a conflict with Division Counsel's calendar. - **For Possible Action.**
- (d) Schedule of hearings on pending cases, calendar and status report. The Board has scheduled the following meetings. - **For Possible Action.**

- * **February 9 and 10, 2022** - 3360 West Sahara Avenue, Suite 175, Las Vegas, Nevada 89102.
- * **March 9 and 10, 2022** - 3360 West Sahara Avenue, Suite 175, Las Vegas, Nevada 89102.
- * **April 13 and 14, 2022** - 3360 West Sahara Avenue, Suite 175, Las Vegas, Nevada 89102.
- * **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.*

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

Division of Industrial Relations
Department of Occupational Safety and Health,
4600 Kietzke Lane, Building F, Suite 150
Reno, Nevada 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) 486-9070.

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) 486-9070.

DATED this 16th day of December, 2021.

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

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