

STATE OF NEVADA
Minutes for the
Nevada Occupational Safety and Health Review Board
Reno, Nevada

February 10, 2021
Via teleconferencing and audio conferencing (WebEx)

Steve Ingersoll (Labor)
Rodd Weber (Management)
Frank Milligan (Public at Large)

On February 10, 2021, a meeting of the Nevada Occupational Safety and Health Review Board was convened. The meeting was duly noticed in compliance with the Nevada Open Meeting Law as modified by Governor Sisolak's Emergency Directive 006, permitting meetings to be conducted by Teleconferencing and Audio conferencing (WebEx) and providing for a refined publication process for posting and the publication of Agendas or Notices of the Meeting. This meeting took place by Teleconferencing. In accordance with the Nevada Open Meeting Law, each Board member participating in the meeting either had before him all written materials to be considered during the deliberations or was obliged to refrain from voting if not in possession of the materials.

The meeting was called to order by Board Chairman Steve Ingersoll at approximately 9:00 a.m., on February 10, 2021.

1. Roll Call.

Board members participating and present by virtual hearing were Chairman Steve Ingersoll, Secretary Rodd Weber and Board Member Frank Milligan. Members James Halsey and Lance Semenko have just resigned as members of the Board. Their positions are vacant. There was still a quorum present as one member of the Board representing labor and one member of the Board representing management was present and participating in the meeting and a quorum of the Board consisting of three members participated.

Also present by virtual hearing were Dalton Hooks, Esq., and Sami Randolph, Esq., of Hooks Meng & Clement, Sally Ortiz, Esq., counsel to Nevada State OSHA and Board counsel Charles R. Zeh, Esq., the Law Offices of Charles R. Zeh, Esq. Other parties may have joined and left the meeting at various times throughout the day, in their participation by Webex.

The hearing on this date was reported by Court Reporter Kelly Jackson.

The Notice of Meeting was duly provided under Chapter 618 of the Nevada Revised Statutes and in accordance with NRS Chapter 241 of the Nevada Open Meeting Law, as modified through the Governor Sisolak's Emergency Directives. A copy of the Notice is attached to these Minutes and made a part hereof as though fully set forth herein.

Notice of the meeting was posted or published, electronically or otherwise, consistent with the requirements of the Nevada Open Meeting Law as further modified by the Governor's Emergency Directives 006.

2. Public Comment.

Board Chairman Ingersoll asked for any public comment. There was none addressed at the meeting. Board counsel advised that he had received no public comment in writing in advance of the hearing

3. Contested Hearings.

The Board Chairman called for the commencement or continuation of Olson Precast Co., LV 18-1939, a fatality. As indicated this was the continued hearing. Two days of testimony had already been taken in this matter.

Appearing on behalf of the State was Salli Ortiz, Esq., legal counsel to the Chief Administrative Officer of the Occupational Safety and Health Administration of the Division of Industrial Relations of the Department of Business and Industry, State of Nevada. Appearing on behalf of Olson Precast Co., the respondent, was Dalton Hooks, Esq., of Hooks Meng & Clement, also appearing with him was Sami Randolph, Esq.

The hearing commenced, testimony was taken and at the conclusion of which both parties rested. Closing argument was heard from both sides after which the Board took the matter under consideration, ordering a copy of the transcript to be reviewed before a decision is made in this matter.

As the hearing on Olson Precast Co., concluded at approximately 6:15 p.m., no further cases were taken up with the remaining cases on the contested docket for the month of February 2021. They are to be rescheduled.

4. Administrative Meeting:

The Chairman called Item 4(a), the review of Board minutes of January 13/14 2021 to be heard. It was moved by Frank Milligan, seconded to Rodd Weber to approve the minutes as read.

Motion adopted.

Vote: 3-0.

Chairman Ingersoll then called Item 4(b) to be heard, the review of contested case settlements, motions, draft decisions, or procedural issues pending on status report, for approval and issuance of final orders.

Item 4(b) was continued due to the lateness of the hour.

4(2)(sic) General administration and/or procedural issues.

(i) General matters of import to Board members.

Chairman Ingersoll brought up under this category the fact that he had been approached by the State of Nevada about the retention of Board legal counsel. There was a brief discussion and the general consensus that the Board members fully supported the retention of the current legal counsel and this matter is to be agenzized for the next meeting in order for the Board to actually vote on this issue and make clear its choice on this issue and the fact that this is the decision of the Board, alone.

(2)(ii) Old and New Business.

There was no old or new business discussed.

(2)(iii). Conduct of contested cases hearings.

There was no discussion of this matter.

(3) Schedule of hearings on pending cases, calendar and status report.

Board Chairman Ingersoll pointed out that he was unavailable to meet on March 10 and 11, 2021. As there are only three current members of the Board, the loss of one member destroys the quorum and as a result it became necessary to find another date in March for the March 2021 meeting of the Board. Surveying calendars it was determined that the only day in March that a quorum of the current Board could be mustered was March 5, 2021. The March 10 and 11, 2021 meeting dates, therefore, need to be cancelled and a docket created for a meeting of the Board on March 5, 2021.

There were no further changes to the scheduled of the hearings of pending cases.

5. Public Comment.

There was none.

6. Adjournment.

It was moved by Rodd Weber, seconded by Frank Milligan to adjourn the meeting. **Motion adopted.**

Vote: 3-0.



Charles R. Zeh, Esq., Board Legal Counsel