

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

April 14, 2021

Via teleconferencing and audio conferencing (WebEx)

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

On April 14, 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 of 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 9:15 a.m., on April 14, 2021.

1. Roll Call.

Board members participating and present by virtual hearing were Chairman Steve Ingersoll, Secretary Rodd Weber and Board Members Frank Milligan and William Spielberg. There is still one vacant position on the Board. There was 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. A quorum of the Board, consisting of four members, was present.

Also attending by virtual hearing were Board Counsel Charles R. Zeh, Esq., the Law Offices of Charles R. Zeh, Esq, Salli Ortiz, Esq., attorney for the State of Nevada OSHA and Whitney Selert, Esq., counsel to Brady Linen Services, LLC.

The hearing on this date was reported by Court Reporter Kathy 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.

Chairman Ingersoll called this matter to be heard. There was no public comment. Board Counsel advised the Chairman that Board Counsel's office had received no written comment from the public prior to the date of the meeting.

3. Contested Hearings.

Chairman Ingersoll called this matter to be heard, the contested cases that are on the Board's docket commencing April 14, 2021. The Chairman first called to be heard the *Chief Administrative Officer of the Occupational Safety and Health Administration of the Division of the Industrial Relations of the Department of Business and Industry, State of Nevada, complainant v. Brady Linen Services, LLC, respondent*, Docket No. LV 18-1941. Salli Ortiz, Esq., on behalf of the complainant called two witnesses to be heard on this date, Edgar Zamora and Nick LaFronz. Both testified and were cross examined *via* respective counsel for the complainant and the respondent. The hearing commenced at approximately 9:30 a.m. on April 14, 2021. The hearing continued with an hour break for lunch at 1:00 p.m., reconvening around 2:10 p.m. The hearing continued until 5:30 at which time the hearing was recessed.

Public Comment: Chairman Ingersoll then asked if there was any public comment. None was offered.

Adjournment: The Chairman then called for a motion to adjourn. It was moved by Rodd Weber, seconded by William Spielberg, to adjourn the meeting and to be reconvened on April 15, 2021 at 9:00 a.m., at which time the contested Brady Linen hearing will resume. **Motion adopted.**

Vote: 4-0.

April 15, 2021

Via teleconferencing and audio conferencing (WebEx)

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

Chairman Steve Ingersoll called to order the April 15, 2021, session of the meeting of the Board of Review.

1. Roll Call.

The Board members present by virtual hearing on this date were Chairman Steve Ingersoll, Secretary Rodd Weber and Board Members Frank Milligan and William Spielberg. There is one remaining vacant position on the Board of Review. A quorum was present for the meeting as at least one member of management and one member representing labor were in attendance to participate in the meeting.

Also attending by virtual hearing were Salli Ortiz, Esq., attorney representing the State of Nevada, Chief Administrative Officer of the Occupational Safety and Health Administration of the Division of Industrial Relations of the Department of Business and Industry. In addition Whitney Selert, Esq., representing Brady Linen Services, LLC, and Charles R. Zeh, Esq., the Law Offices of Charles R. Zeh, Esq., Board legal counsel was also in attendance.

The meeting was called to order at approximately 9:00 a.m., on April 15, 2021.

The hearing on this date was reported by Court Reporter Kathy 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.

Chairman Ingersoll called this matter to be heard. There was no public comment offered. Board counsel advised that his office had received no written public comment.

3. Contested Hearings.

Chairman Ingersoll called this matter to be heard, the continuation of *Chief Administrative Officer of the Occupational Safety and Health Administration of the Division of the Industrial Relations of the Department of Business and Industry, State of Nevada, complainant v. Brady Linen Services, LLC, respondent*, Docket No. LV 18-1941. This hearing commenced again on this date. The parties called their respective witnesses and each rested its case at the conclusion of the day, approximately 6:00 p.m.

Given the lateness of the hour, the Chairman directed that in lieu of closing arguments, the parties shall submit simultaneous briefs of no longer than 20 pages as each party's closing argument. The Board will then convene upon receipt of their closing briefs to deliberate and decide the case. The briefs will be due two weeks from the date that the transcripts of these proceedings have been received by Board counsel and distributed to the parties.

4. Administrative Meeting:


Again, given the lateness of the hour and the fact that one Board member had a hard stop at 6:00 p.m. and had to depart a quorum would be lost and, therefore, the Administrative portion of the April 14/15, 2021 session of the Board was continued as were the remaining items on the Agenda for this date.

5. Public Comment.

Chairman Ingersoll asked for any public comment. There was none.

6. Adjournment.

Board Chairman called this item to be heard. It was moved by Rodd Weber, seconded by Frank Milligan, to adjourn the meeting. The motion was adopted on a vote of 4 in favor and none against. The meeting of the Board was concluded, therefore, at approximately 6:10 p.m.



/s/Charles R. Zeh, Esq.
Charles R. Zeh, Esq., Board Legal Counsel