

**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, January 11, 2023, and if necessary January 12, 2023, commencing at 9:00 a.m., at the Division of Industrial Relations, 3360 West Sahara Avenue, Suite 175, Las Vegas, Nevada 89102.

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 January 4, 2023, 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=m2086a14c6ae14d1248f695b2f5c8db7e>

Meeting number:

2454 095 5337

Join by phone:

+1-415-655-0001

Access code:

2454 095 5337

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) LV 23-2184, Universal Consulting Corporation dba A-1 Concrete Cutting & Demolition aka A-1 Concrete Cutting - **For Possible Action.**
 - (b) LV 22-2179, Deco West, Inc. - **For Possible Action.**
 - (c) Speciality Contractors Northwest, LLC dba Pacific Bath Company - **For Possible Action.**
 - (d) LV 23-XXXX, Walmart, Inc. dba Walmart Supercenter#1560 (Oral Argument regarding Complainant's Motion to Dismiss Contest) - **For Possible Action.**
 - (e) LV 18-1952, Westcor Construction (Hearing on the proposed Findings of Facts, Conclusions of Law and Final Order) - **For Possible Action.**
 - (f) LV 17-1874, Performance Builders, Inc. (Hearing on the proposed Findings of Facts, Conclusions of Law and Final Order) - **For Possible Action.**
 - (g) LV 17-1907, Performance Builders, Inc. (Hearing on the proposed Findings of Facts, Conclusions of Law and Final Order) - **For Possible Action.**
4. Administrative Meeting:
 - (a) Approval of the previous Review Board meeting minutes of December 14/15, 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 21-2102, Tarkanian Basketball Academy, Inc. - **For Possible Action.**
 - ii. The Board will consider the Withdrawal of Complaint/Settlement for the following:
 - (1) LV 21-2048, MCA Cheyenne LLC (Fatality) - **For Possible Action.**
 - (2) RNO 21-2092,m Lifestyle Homes, Inc. - **For Possible Action.**
 - (3) LV 21-2087, 300 West Sahara, 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. LV 22-2172 - CB Manufacturing Company, Inc. - **For Possible Action.**
 - ii. LV 21-2084 - Bendix Enterprises, LLC - **For Possible Action.**
 - iii. LV 22-2133 - Macrotec Consulting, LLC - **For Possible Action.**
 - iv. LV 21-2080 - Tri-Tech dba Mesquite Lumber/Ace Hardware - **For Possible Action.**
 - v. LV 21-2077 - GM Construction, LLC - **For Possible Action.**
 - vi. RNO 21-2068 - O'Reilly Auto Enterprises, LLC - **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; Board counsel has already been selected by the Board, but interim funding and/or the new contract has yet to be drafted and executed; discussion of recap as to how the Board arrived in this situation; utilization of scheduled Board Meeting dates to the fullest - **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.**
- * **January 11 and 12, 2023** - Las Vegas, Nevada
 - * **February 15 and 16, 2023** - Las Vegas, Nevada
 - * **March 8 and 9, 2023** - Reno, Nevada

- * **April 12 and 13, 2023** - Las Vegas, Nevada
- * **May 10 and 11, 2023** - *Location to be determined*
- * **June 14 and 15, 2023** - Reno, Nevada
- * **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 26th day of December, 2022.

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

S:\Clients\OSHA\Agendas\2023\January 11 12 2023 R2.wpd