

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

July 9, 2025

Jorge Macias (Management)
William Spielberg (Labor)
Tyson Hollis (Public at Large)
Gled Bautista (Management)

The meeting of the State of Nevada Occupational Safety and Health Review Board was called to order by Chairman Jorge Macias on July 9, 2025, at approximately 9:02 a.m.

The Board members presents at this time for the hearing consisted of the Chairman Jorge Macias, the Secretary William Spielberg and Board members Tyson Hollis and Gled Bautista.

The meeting was duly noticed in compliance with the Nevada Open Meeting Law to take place at the Division of Industrial Relations, 4600 Kietzke Lane, Suite 150, Reno, NV 89502. 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.

1. Roll Call.

Chairman called this matter to be heard, Board members present to conduct business on this date were Board Chairman Jorge Macias, Secretary William Spielberg, and Board members Tyson Hollis and Gled Bautista. As all the members of the Board were present and participating in the meeting, including one member representing labor, one member representing the public at large and two members representing management, a quorum was present for all matters for the Board to conduct its business on this date.

Also present were Salli Ortiz, Esq., Counsel to State of Nevada Occupational Safety and Health administration, and Charles R. Zeh, Esq., of The Law Offices of Charles R. Zeh, Esq., Legal Counsel to the Board of Review

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. 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 amended by AB 253.

Notice was posted at the following locations:

The Law Offices of Charles R. Zeh, Esq.
6900 South McCarran Blvd., Suite 2040
Reno, NV 89509

Division of Industrial Relations
4600 Kietzke Lane, Building F, Suite 150
Reno, NV 89502

This Notice was also timely posted at the following website addresses:

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

Nevada Public Notices at <https://notice.nv.gov>

2. Public Comment.

Chairman Macias called this item to be heard. He advised that there was no Public Comment originating from the hearing where the Board meeting was being conducted. Board Counsel advised that his office had received no public comment.

3. Contested Case Hearings

Chairman Macias then called for hearing the Contested Cases and asked Board Legal Counsel to proceed with the disposition of the remaining cases left on the docket.

- a. RNO 25-2362, RNO 25-2363, RNO 25-2364 and RNO 25-2365, Daehan Solution Nevada, LLC, collectively Daehan.

Before the Board for Oral Argument was the omnibus motion of Daehan to conduct remote testimony in these four matters. For purposes of today's hearing, the hearing on these four cases was consolidated. The movant, Daehan sought in its motion to conduct remote testimony of Daehan's then president, Hongan Kim, and to take discovery depositions of two staff persons involved in the inspection giving rise to the complaint in this matter. The omnibus motion also, asked for the Board to consolidate the four cases and to pursue a request for the production of documents and records from the State in this matter. The respondent was represented by John Coldeman, Esq. The State was represented by Salli Ortiz, Esq.

First Board Counsel took up for the Board, the motions to consolidate and secure discovery from the State in the form of its written documentation to support the complaint in this matter. Board Counsel pointed out that Ms. Ortiz, who is appearing on behalf of the State, advised that she would produce and has already started producing all of the records the State has in support of their claim in this case.

In the opinion of the Board, this element of the omnibus motion was rendered moot. In

the event the State did not produce all the documents in their possession in support of this matter, a motion to compel could be filed.

As for the consolidation of the four citations, the Board is advising in the premises and pursuant to its plenary authority over its docket and in the manner in which cases proceed before the Board, that the Board is in a better position to streamline or structure the presentation of these four cases so that the Board could avoid duplication and result in delays. As for the testimony of Mr. Kim, he retired from Daehan and resides now in South Korea. Nevada permits remote testimony but it is under certain conditions. Namely, the remote witness must be positioned so that the witness's demeanor is on display for the parties and the Board to observe. The testimony of the remote witness must be recorded. The remote testimony must be reported and transcribed. There must be a certified translator if required by the witness. In this case by admission of counsel for Daehan, there is a 16 hour time difference between Nevada and South Korea where Mr. Kim resides. The time for the remote testimony must be scheduled to be convenient to the Board and parties at both ends of the testimony.

The testimony need not take place on the same day as the hearing on the rest of the case. However, testimony by remote of Mr. Kim must be procured the same week, if not the same day that the rest of the case is heard. With these constraints on the remote testimony, the motion would allow remote testimony of Mr. Kim.

As for the two employees identified by counsel for Daehan, to be deposed for a discovery deposition, given the complexity of this case, a number of issues in this case and the large dollar amount at stake, \$5,300,000 dollars, a two hour deposition per each of the two witnesses may be taken for discovery purposes. The depositions may also be used for impeachment purposes.

With these thoughts in mind, it was moved by Jorge Macias, seconded by Gled Bautista, to grant the omnibus motion to the extent set forth above and upon the terms and conditions set out by the Board. **Motion was adopted. Vote: 4-0.**

To be sure that the demeanor of the remote witness can be seen, a dry-run of the accommodations shall be conducted. The cost of the remote testimony will be borne by the Respondent. The cost of the discovery deposition will be borne in the usual manner.

b. RNO 24-2295, Henry Company LLC

Next, Board Chairman called this matter to be heard, oral argument regarding the Respondent's Motion for Partial Summary Judgment, under Citation 1, Item 1. The day before the hearing on the oral argument for this motion, the Respondent filed a Motion to Strike the State's Opposition to the Motion for Partial Summary Judgment on Citation 1, Item 1, because it was delinquent when filed. The morning of the hearing on this matter, the Board also received a motion from the State asking for a five day extension of time to file its Opposition to the Motion for Partial Summary Judgment, dismissing Citation 1, Item 1. The Board then heard oral argument on the two motions. After hearing from the parties, it was moved by Tyson Hollis, seconded by Gled Bautista, to deny the Respondent's Motion to Strike the State's Opposition to the Motion for Partial Summary Judgment. **Motion was adopted on a Vote of 4-0.**

The parties then proceeded to argue the Respondent's Motion for Partial Summary Judgment seeking dismissal of Citation 1, Item 1, from the case. At the conclusion of the oral argument, it was moved by Tyson Hollis, seconded by William Spielberg, to deny the Motion for Partial Summary Judgment of Citation 1, Item 1, from the case. **The Motion was adopted on a Vote of 4-0**, Citation 1, Item 1, will remain in the case to be argued further by the parties. The decision to deny the Motion for Partial Summary Judgment was predicated upon the Board's expressed statement that it wanted more information about the matter before it could decide the case.

c. RNO 24-2297, Spanish Springs Construction, Inc.

The Chairman then called this matter to be heard. The Board took oral argument regarding Complainant's Motion to Present Remote Witness Testimony, namely, a compliance Safety and Health Officer, Patricia Gillard, who had been relocated from Northern Nevada to Las Vegas by the State. Appearing for the Respondent was Perry Poff, Esq., of Donnell Melgoza & Scates LLP. This argument revolves around whether and to what extent the Fifth and Fourteenth Amendment, the right to confront and cross-examine witnesses, would include the Respondent's position that they would require the physical presence of the testimony of the State employee, given her relocation from Northern Nevada to the Las Vegas area. It appeared to the Board that the State was offering up the witness to be heard. The State also, it appeared to the Board, procured her transfer from Northern Nevada to Southern Nevada, thereby, putting her out of the immediate reach of the Board and opposing counsel to interrogate her and assess her credibility. It was, therefore, moved by Tyson Hollis, seconded by Gled Bautista, to require the State to produce Ms. Gilliard in person if the State calls her to testify before the Board in Northern Nevada where this matter will be heard. **The Motion was adopted. Vote 3-1.**

This concluded Section 3, the Contested Case Hearings portion of the Agenda as the remaining cases were either settled or otherwise removed from the Docket, there being a total 7 such matters.

The Chairman then called the Administrative portion of the meeting to order.

4. Administrative Meeting.

a. Approval of previous Review Board meeting minutes for June 11, 2025.

It was moved by Gled Bautista, seconded Tyson Hollis, to approve the minutes of the June 11, 2025, as read. **Motion was adopted. Vote: 3-0-1.** There were only 4 potential votes on the minutes as this is the first post Scott Fullerton meeting, as Mr. Fullerton had resigned after the June meeting of the Board. Also, William Spielberg was absent from the June 11, 2025 meeting of the Board. A quorum was nonetheless present.

b. Review Contested Case Settlements, Withdrawal of Citations, Motions, Draft Decisions.

The Chairman then called 4. b., to be heard, namely the review of status conferences, contested case settlements, motions, draft decisions, *etc.*

The following matters are status conferences.

- i. RNO 20-2056, Hotel Nevada and Gambling Hall, Ltd., dba Hotel Nevada & Gambling Hall

This is a companion case with this, RNO 20-2057, Hotel Nevada and Gambling Hall, Ltd., dba Hotel Nevada & Gambling Hall. Salli Ortiz, Esq., appeared for the State, on both matters. Alayne Opie, Esq., with the law firm of Greenberg Traurig, LLP, appeared on behalf of the respondent.

In RNO 20-2056, the Complaint was filed on August 4, 2020. No Answer has yet been filed. A Notice of Intent to Enter Default was filed on July 25, 2022, but no action had been taken on the Notice of Intent to Enter Default. Ms. Opie explained that they had been working out an agreement on abatement which they had just reached three days before this meeting. Ms. Ortiz agreed. Board Counsel asked then, has the case been settled? The answer to that question was no, they had resolved the abatement issues and now they were going to commence negotiations on a settlement. The Chairman gave the parties 30 days to reach a settlement and submit the settlement documents to the Board Review, or suffer the possibility of dismissal. These two cases will be placed on the Administrative Docket of the Board's calendar for the August meeting of the Board.

- iii. RNO 22-2165, Battleborn Patriot Inc. dba Duds N Suds of Reno

The Chairman then called this matter for hearing. The complaint was filed on May 6, 2022. There was no Answer filed. A Notice of Intent to Enter Default was filed April, 7, 2025. No further action had been taken since a Notice of Status Conference was served on Joey Gilbert, Esq., *i.e.*, on May 5, 2025.

The Board is advised that this matter has settled. The parties have 30 days until the next meeting of the Board to produce the settlement documents or suffer a possible default and dismissal.

- v. LV 24-2231, Greenway Industries, LLC

Then Board Chairman, through Board Counsel, called this matter LV 24-2231 to be heard and its companion case LV 24-2232, Greenway Industries, LLC.

In LV 24-2231, the complaint was filed July 17, 2023. No Answer has been filed. A Notice of Intent to Enter Default was filed August 29, 2023.

For LV 24-2232, Greenway Industries, LLC, the complaint was filed July 17, 2023. No Answer has been filed in the case. A Notice of Intent to Enter Default was filed on August 29, 2023.

Ms. Ortiz advised that the respondent had withdrawn the contest in both the Greenway cases and was making payments to the State upon the withdrawal. She apologized that no one informed the Board of this activity in the cases. It appears that the matter had been

settled but the parties failed to notify the Board of the status of this matter. The Board decided in light of these facts to continue both Greenway cases to the August 2025 meeting of the Board. They will be placed on the docket for a status conference at which time the parties can provide the paperwork and an explanation of the status of the case for review and for the Board to take action based upon the paperwork the State said it would supply.

vii. LV 24-2247, Nevada Exteriors, Ltd. dba Skyline Homes and Construction

Board Chairman, through Board Counsel, then called this matter to be heard. In this case, the complaint was filed on October 24, 2023. No Answer has been filed. A Notice of Intent to Enter Default was filed on June 26, 2025, and gave the respondent until July 14, 2025, to act on the Notice of Intent to Enter Default. The case is, therefore, on hold awaiting action by the Respondent by July 14, 2025.

viii. LV 25-2325, Chedraui USA, Inc. dba El Super #20

Board Chairman, through Board Counsel, then called this matter to be heard. After announcing this matter, Board Counsel advised that the case had settled and the Board is awaiting the settlement documents.

ix. LV 25-2341, First Class Body

Board Chairman through Board Counsel then called this matter to be heard. The complaint was filed December 6, 2024. No Answer has been filed. A Notice of Intent to Enter Default was filed on June 26, 2025. The Notice gave the respondent until July 14, 2025, to act on the Notice of Intent to Enter Default. The case is, therefore, on hold awaiting action by the Respondent by July 14, 2025.

x. LV 21-2100 Realty Holdings

The Chairman, through Board Counsel, then called this matter to be heard. The complaint was filed December 22, 2020. No Answer has been filed. A Notice of Intent to Enter Default was filed July 25, 2022. Counsel for the State explains that she believes that the State has done everything necessary to secure a Default in this matter, pursuant to Rule 55, NRCP, the Nevada Rules of Civil Procedure entitled "Default." Board Counsel pointed out to the Board and the State that a Default only gets the party half way towards final resolution of the matter. A Default is nothing that can be executed upon to satisfy a judgment. Instead, under Rule 55, NRCP, the ultimate objective is to obtain a Default Judgment, not just a Default. Ms. Ortiz stated that she believed that they had presented sufficient evidence to secure a Default. Board Counsel explained, again, the distinction between a Default and a Default Judgment. It appears from the file that the State had secured a Default, issued by the Clerk for this non-discretionary administrative action with the Board Chairman substituting in for the position of Clerk, in order to proceed under Rule 55, NRCP. It appeared to Board Counsel, however, that while the State had provided considerable information, in order to secure the Default, it had not sought a Default Judgment and that is the reason the matter has been left hanging.

The State needs to pursue a Default Judgment, NRCP, Rule 55(b), sets forth what must

be done to secure a Default Judgment and the Board directed the State to proceed in that manner to finally resolve this matter and get it removed from the Board's Docket and calendar.

The Chairman called to be heard, the review of Settlement and Withdrawals.

x. RNO 24-2270, ARCO Construction Company, LLC

The Complaint was filed on April 23, 2024. The Answer was filed on May 6, 2024. A Notice of Withdrawal has been filed in this matter, based upon a settlement reached by the parties and submitted to the Board for review and action. Notice of the Status Conference was served on Jonathan S. Vick by email on May 2, 2025. He appeared at the Status Conference. The Board reviewed the settlement proposal and it was moved by Tyson Hollis, seconded by Gled Bautista, to approve the Settlement Agreement, allowing for the dismissal and withdrawal of this matter. The **Motion was Adopted, vote 4-0.**

Chairman Macias, then called Item 4.c., General Administration and/or Procedural Issues to consider.

i. General matters of import to Board members.

The Chairman expressed concern about the fact that the Board is two positions down, one regular position, a Labor position, and the alternate position. As illustrated by today's meeting, being down one Board member leaves the Board at risk to continue in the event one or more Board members cannot make a meeting. The Board Chairman said he would draft a letter to Tori Carreon alerting her to the situation and Jimmy Andrews said that he would make some inquiries to see what can be done about filling up the Board's roster. Then Tyson Hollis commented that Ms. Ortiz and Mr. Zeh had been working very hard and had been very effective in their approach to reducing the backlog of cases.

ii. Old and New Business.

The Chairman then called this matter to be heard and commented that the discussion of the previous section regarding general matters of import to Board members overlapped with Old and New Business.

The Chairman then called Item 4.d. to be heard.

d. Schedule of hearings on pending cases, calendar and status report. The Board has scheduled the following meetings.

- * August 13 and 14, 2025 - *Las Vegas*
- * September 10 and 11, 2025 - *Reno*
- * October 8 and 9, 2025 - *Reno*
- * November 12 and 13, 2025 - *Las Vegas*
- * December 10 and 11, 2025 - *Las Vegas*
- * January 14 and 15, 2026 - *Reno*
- * February 11 and 12, 2026 - *Las Vegas*

* March 11 and 12, 2026 - *Las Vegas*

This section included the schedule of the meetings for the Board running through 2026. The Chairman asked if any of the Board members had a conflict with these meeting dates. No Board member indicated a conflict.

5. Public Comment

Chairman Macias advised that there was no public comment from anyone still in attendance at the meeting. Board Counsel advised his office had received no public comment. The conclusion was there was no public comment,

6. Adjournment.

Board Chairman called for Item 6 to be heard. It was moved by Tyson Hollis, seconded by Gled Bautista, to adjourn the meeting. **Motion was adopted on a vote of 4-0.**

Dated this 12th day of November, 2025.

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

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