

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

May 14, 2025

Jorge Macias (Management)
William Spielberg (Labor)
Scott Fullerton (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 May 14, 2025, at approximately 9:00 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 Scott Fullerton, 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.

The Board members present that were participating in the meet were Board Chairman Jorge Macias, Secretary William Spielberg, and Board members Scott Fullerton, Tyson Hollis and Gled Bautista. As all the members of the Board were present and participating in the meeting, including two members 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 OSHA and Board Legal Counsel Charles R. Zeh, Esq., of The Law Offices of Charles R. Zeh, Esq.

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 room where the meeting was being conducted. Board Counsel advised that his office had received no written or other form of public comment.

Chairman Macias then called for hearing the Contested Case Hearings, Item 3, on the Agenda. He asked Board Counsel to convene this Contested Case Hearings portion of the case. All matters had been settled or otherwise vacated for hearing on this date, save and accept for Caliber Holdings Corp., RNO 20-2029, and Caliber Holding Corp., RNO 20-2028. Board Counsel the began to call for hearing the first Item 3, b., Caliber Holdings, RNO 20-2029. Ms. Ortiz advised that her office had settled this matter and had received the settlement documents. She said that her office failed to notify Board Counsel with a courtesy notice of the settlement, and, therefore, the Board was unaware as well as Board Counsel as of the outset of this meeting that case numbers RNO 20-2029 and RNO 20-2028 had both been settled and that no hearing was, therefore, necessary to be conducted on those two matters, because they were resolved. Board Counsel advised that indeed his office had not received any notice officially, or by courtesy that these two cases had been settled and that no preparation was needed as was undertaken for these two matters to be heard on this date. During the course of the hearing on this date, a copy of the settlement documents were handed to Board Counsel.

That concluded then this portion of the Agenda for the meeting of May 14 and 15, 2025.

4. Administrative Meeting.

- a. Approval of previous Review Board meeting minutes for April 9, 2025.

It was moved by Tyson Hollis, seconded by Scott Fullerton, to approve the minutes of the April 9, 2025, as read. **Motion was adopted. Vote: 5-0.**

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

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

- i. LV 24 -2261, Gramercy Bakery, LLC.

The Chairman called this matter to be heard, the review of the draft Decision in Gramercy Bakery, LLC, to determine if the Decision was consistent with the action taken by the Board and, therefore, whether the Decision could be approved as the final decision of the Board. It was moved by Scott Fullerton, seconded by Tyson Hollis, to approve the Decision as drafted by Board Counsel in Gramercy Bakery, LLC, LV 24-2261. **Motion adopted on a Vote of 5-0 in favor of the Motion.**

The Board then proceeded to dispose of the Status Conference for Items 4, iii through x, as follows:

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

The Complaint was filed on July, 17, 2023. A Notice of Intent to Enter Default was received on August 29, 2023. There had been no further action on this matter. It lay dormant. The Board will reconvene on this matter during the July 2025 meeting of the Board. If the matter continues to lay dormant, the case is subject to dismissal, depending upon what occurs at the Board meeting when this matter is called.

- iii. LV 24-2232, Greenway Industries, LLC

The Complaint was filed on July, 17, 2023. A Notice of Intent to Enter Default was received on August 29, 2023, otherwise this matter has been dormant, like the previous Greenway case, LV 24-2231. This matter is set over to the July 2025 meeting of the Board. If this matter continues to lay dormant, it is subject to dismissal based upon the information before the Board.

- iv. LV 24-2237, W.A. Richardson Builder, LLC

The Complaint in this matter was filed August 4, 2023. Since then there has been no action whatsoever taken in this matter. This matter was moved to the bottom of the Agenda because cases that were to be heard today were expected to be heard tomorrow. They are being heard today because the two contested cases were unexpectedly removed from the Agenda at the outset of the meeting. W.A. Richardson was, therefore, recalled at the bottom of the Agenda. Charles Keller, Esq., appeared by phone. Salli Ortiz, Esq., appeared on behalf of the State. She announced the State, agrees to dismiss the Complaint in this matter. Mr. Keller advised that he was satisfied with that disposition. An Order will be entered, dismissing this case with prejudice.

v. LV 24-2242, BJI Investments, LLC dba Alliance Framing Systems

The Complaint was filed on September 11, 2023. No Answer has been filed. This case has been completely dormant before the Board since the filing of the Complaint. Mr. Keller appeared in this matter also by phone. Almost immediately after this matter was called, Ms. Ortiz advised that her client now directs that the Answer need not be filed because the State was withdrawing its claim and dismissing the case. An order of dismissal with Prejudice will be issued as Mr. Keller had no objection to the case being dismissed against his client.

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

The Complaint was filed on October 24, 2023. No Answer has been filed in this matter. This case will be held over to the July 2025 meeting of the Board, subject to dismissal, if the Board is faced with no further activity in this matter.

vii. LV 25-2324, Advance Services, Inc.

The Complaint was filed on October 4, 2024. No Answer or Intent to Take a Default was filed in this matter. Brian Moore, Esq., of Omaha, Nebraska, joined the meeting by phone and advised that he was appearing on behalf of the respondent. He related that according to his file an Answer had been filed in this case. Mr. Ortiz indicated that she did not have an Answer in her file and requested that a copy be provided. It appeared that Mr. Moore had in his file the address of Board Counsel's office on which they had moved a month ago, or so. Mr. Moore was given the address of Board Counsel's new office at 6900 South McCarran Blvd., Suite 2040, Reno, Nevada 89509, as the place where an Answer should be filed in this matter. Mr. Moore indicated that he would take care of this matter immediately after this meeting. The parties are to have until the July 2025 meeting of the Board to file Answer with Board Counsel's office and to provide the Complainant with a copy of the Answer in this matter. If that is accomplished by the July 2025 meeting of the Board, the matter will proceed from there with a date being set for the hearing on the merits of this claim.

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

The Complaint was filed on October 18, 2024. No Answer has been filed. No Intent to Take Default was filed. This matter is held over to the July 2025 meeting of the Board where, if no action has been taken in the matter and it continues to lay dormant, the Board may entertain a dismissal of this matter based upon the contents of the hearing before the Board.

ix. LV 25-2341, First Class Body

The Complaint was filed on December 6, 2024. No Answer has been filed. No Intent to Take Default was filed. This matter is held over to the July 2025 meeting of the Board where, if no action has been taken in the matter and it continues to lay dormant, the Board may entertain a dismissal of this matter based upon the contents of the hearing before the Board.

x. LV 21-2100 Realty Holdings

The Complaint was filed December 22, 2020. No answer has been filed in this case. Ms. Ortiz advised the Board that she taken the steps to effectuate a Default in this matter. Board Counsel disagreed, advising that she had not followed all of the steps required under Rule 55, NRCP, for taking a default in a case. She may have succeeded in noticing up a default but had not taken the steps to proceed with the Entry of a Default Judgment, which is required to conclude a matter by default. Ms. Ortiz said that she would review the Rule 55 process to determine whether or not in her opinion more was needed to be done to secure a Default Judgment in this matter. Ms Ortiz may explain to the Board at that time why she believes the record in this case supports her belief that all has been done to have a Default Judgment entered.

Board Chairman then directed the Board to the review of Settlement and Withdrawals.

xi. LV 23-2228, Lone Mountain Excavation & Utilities, LLC

The Complaint was filed on June 28, 2023. The Answer was filed August 10, 2023. The State filed a Notice of Withdrawal, filed January 31, 2025. The withdrawal of the complaint is based upon the contents of a settlement agreement which was before the Board. The Board is obliged to review and pass upon the acceptability of settlement agreement. The Board reviewed the Settlement Agreement and it was moved by Scott Fullerton, seconded by Gled Bautista to approve the Settlement Agreement allowing the matter to be withdrawn and dismissed with prejudice. **The Motion was adopted. The vote on the motion was 5-0 in favor of the Motion.** The matter will be withdrawn based upon the settlement agreement and an Order approving this action will be provided the Board for approval by the July meeting of the Board.

xii. LV 23-2197, Paradise Valley Assisted Living, formerly Bridge Assisted Living at Life Care.

The Respondent was represented by Perry Poff, Esq. He appeared by telephone. He is of the law office of Donnell, Melgoza & Scates LLP. This matter was also before the Board for an attempted withdrawal based upon a Settlement Agreement. As indicated, the Board is obligated to review and approve/dispose of settlement agreements. The Complaint sought relief in the amount of \$28,092. The settlement reduced the fine levied to \$14,692.20. The withdrawal is subject to the Board's approval of the settlement agreement which was before the Board as a part of the package before the Board in this case. Perry Poff advised that the Board's Counsel's description of the status of this matter and the action they were seeking accurately stated the matter as it stands before the Board. It was moved by Scott Fullerton, seconded by Tyson Hollis, to approve the Settlement Agreement, thereby, allowing this case to be withdrawn and dismissed with prejudice consistent with the Settlement Agreement. **The Motion was adopted, on a vote of 5-0 in favor of the Motion.**

This concluded the portion of the Agenda for Items 4.b.i - 4.b. xii.

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

- i. General matters of import to Board members.

Chairman Macias called this item to be heard, indicating that his concern was the fact that the June 2025 meeting of the Board will be Scott Fullerton's last meeting and he was unaware that an appointment had been made to replace him. Additionally, there is still a problem with the vacancy of the Alternate slot for this Board. He asked Board Counsel where he should go to bring this to the attention of the authorities to get these positions filled for the Board. Board Counsel suggested that he should contact Victoria Carreon or the Administrative Assistant to the Governor given that the appointments are to be made by the Governor. Jimmy Andrews, from the State, advised that on the Governor's website the vacancy for the Alternate position on been posted but yet not seen any posting yet to fill Scott Fullerton's position. Board Counsel advised that there was no reason why the posting of the position should wait given that June would be Mr. Fullerton's last meeting and given the number of vacancy on the Board as it were. Mr. Andrews said that he would check on the status.

There was no other old or new business to be discussed and nothing further in terms of General Matters of Important to Board members.

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.

None of the Board Members indicated they had conflicts in their scheduled that would prevent them from participating in any of the meetings from June through December of 2025.

5. Public Comment

Chairman Macias then called for Public Comment. There was no public comment originating from the meeting room and Board Counsel advised that his office had received no public comment during the course of the hearing.

6. Adjournment.

Board Chairman called for Item 6 to be heard. It was moved by Tyson Hollis, seconded by Scott Fullerton, to adjourn the meeting. **Motion was adopted on a vote of 5-0.**

Dated this 14th day of May, 2025.

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

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