

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

December 13, 2023

Rodd Weber (Management)
William Spielberg (Labor)
Frank Milligan (Public at Large)
Jorge Macias (Management)

On December 13, 2023, 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 to take place at the Division of Industrial Relations, 3360 West Sahara Avenue, Suite 175, Las Vegas, Nevada 89102. The Board convened at the Division of Industrial Relations offices located at 3360 West Sahara Avenue, Suite 175, Las Vegas, Nevada 89102. 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.

Chairman Rodd Weber called the meeting to order of the OSH Review Board at approximately 9:02, a.m., on December 13, 2023.

1. Roll Call.

Board members present in Las Vegas were Chairman Rodd Weber, Secretary William Spielberg, and Members Frank Milligan and Jorge Macias. Absent from the meeting was Member Scott Fullerton. As four of the five members of the Board were present for the meeting, including one member representing labor, one member representing the public at large and two members representing management, a quorum was present for the Board to conduct its business on this date.

Also present were Salli Ortiz, Esq., Legal Counsel to the Division of Industrial Relations, and Charles R. Zeh, Esq., 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.
50 West Liberty Street, Suite 950
Reno, Nevada 89501

Division of Industrial Relations
3360 West Sahara Avenue, Suite 175
Las Vegas, Nevada, 89102

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.

There was no public comment offered after commencement of the hearing. Board counsel advised that there was no public comment was tendered through his offices.

3. Contested Case Hearings.

Chairman Weber called this item to be heard. He advised that with the exception of Complete Demo Services, which was continued from the November 8, 2023 hearing of the Board, all other cases previously noticed were either settled or the hearings vacated for this date.

The Chairman then called for the continued hearing of Complete Demo Services, LV 23-2216. The hearing on this date was a continuation of the hearing which commenced on November 8, 2023.

Sally Ortiz, Esq., appeared on behalf of the Complainant, 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. Jack Paripovich, the President of the Respondent, appeared on behalf of the Respondent. Mr. Paripovich is not a lawyer. He appeared as a lay advocate on behalf of the Respondent.

There was a delay in the commencement of the hearing on this matter as Mr. Paripovich's office had miss calendared the commencement of the hearing for December 14, 2023, when it was docketed for December 13, 2023. He was reached by telephone initiated by Board Legal Counsel. Mr. Paripovich stated that he thought the hearing was scheduled to commence on December 14, 2023 and that his staff had placed the matter on his calendar for December 14, 2023. He would, however, come to the hearing before the Board as quickly as he could.

In the interim the Board Chairman took up the matters below out of order.

The Chairman called Item 4. a. The consideration of the Review Board meeting minutes of November 8, 2023. It was moved by Jorge Macias, seconded by William Spielberg to approve

the minutes of the November 8, 2023 meeting as read. **Motion adopted.**

Vote: 4-0.

Then Chairman called Item 4.b.i. to be heard, LV 22-2160, Diaper Fresh Diaper Service dba Bedspread Express for consideration of the proposed settlement of this matter. It was moved by Frank Milligan, seconded by William Spielberg to approve the settlement of this matter as recommended by the Division of Industrial Relations, legal counsel, Salli Ortiz, Esq. **Motion adopted.**

Vote: 4-0.

As Mr. Paripovich was not quite ready yet to proceed as he was gathering, collecting and copying for distribution his proposed exhibits for admission into evidence. The Board called Item 4.b.v., LV 21-2061, The Dillinger Group, LLC dba, The Dillinger. This matter was before the Board to consider whether the draft Decision provided by the Board's Legal Counsel was consistent with the disposition of the case by the Board. It was moved by Jorge Macias, seconded by Frank Milligan, to approve the draft Decision as consistent with the Board's disposition of the case. **The motion was adopted.**

Vote: 4-0.

Board Counsel pointed out that Grant Turner, Esq., Legal Counsel to The Dillinger Group was also in attendance at the hearing.

As Paripovich was still not quite ready to proceed, the Chairman called out-of-order the Edward Homes matter. LV 23-2203, Edward Homes, Inc. Plinio Brito was present for this matter. The case was before the Board to consider whether the draft Decision provided by Board Counsel's legal office was consistent with the action of the Board when it disposed of this case. It was moved by Jorge Macias, seconded by Frank Milligan, to approve the draft Decision as consistent with the Board's disposition of the case. **The motion was adopted.**

Vote: 4-0.

The Board then took up out-of-order also, the Brady Linen matter, LV 18-1941, Brady Linen Services, LLC. No one appeared on behalf of Brady Linen although timely served with notice of consideration of this matter on this date's agenda. The same question was involved with this matter, whether the draft Decisions prepared by the Board's Legal Counsel was consistent with the Board's

disposition of this case. It was moved by Jorge Macias, seconded by Frank Milligan, to approve the draft Decision as consistent with the Board's disposition of the this case. **The motion was adopted.**

Vote: 4-0.

By this time, Mr. Paripovich was ready to proceed. The Chairman, therefore, called Item 3.a., LV 23-2216, Complete Demo Services, to be heard on the continuation of the hearing in this matter. Board Counsel recapped that when the matter left off during the last meeting of the Board, the State had offered for admission into evidence its three exhibits C1-C3, pages C1 through C126. Those three exhibits were admitted without objection by Complete Demo through Mr. Paripovich, lay counsel for Complete Demo Service. Mr. Paripovich advised that he had the same 34 pages of one exhibit which he had brought to the meeting in November 2023, regarding this matter. He also had three photographs which were marked R-1, R-2 and R-3, which he offered into evidence, together with the 34 pages previously offered for admission into evidence. Ms. Ortiz had no objection to the admissibility of pages 1 through 34. She objected to the three photographs. The Board Chairman admitted the 34 pages of the exhibit previously offered by Mr. Paripovich on behalf of his business, Complete Demo. The Board Chairman also admitted into evidence exhibits R-1, R-2 and R-3, the three photographs, subject to possible objection during the course of the hearing.

Mr. Paripovich advised that he had no witnesses other than himself. Ms. Ortiz advised that she had one witness, Kenneth Owens, the COSHO for this matter.

The hearing commenced. Ms. Ortiz presented Mr. Owens as her only witness in this case. He was cross examined by Mr. Paripovich and the Board members at the conclusion of Mr. Owens' testimony, Ms. Ortiz rested.

Mr. Paripovich called himself to explain his company's posture and position in this matter. He explained his position on behalf of his company regarding the protection against contamination by asbestos of this burned out house trailer matter. He was crossed examined by Ms. Ortiz and Board members questioned him as well. At the conclusion of his presentation, he rested on behalf of his company.

The Board deliberated. It was moved by Jorge Macias, seconded by Frank to sustain the complaint in its entirety, including the fines levied. **The motion was adopted.**

Vote: 4-0.

At the conclusion of the vote, Board Counsel reminded Mr. Paripovich that the hearing, this date, constituted the sole opportunity to present documents, evidence and testimony in support of this company's position in this matter unless convince a Court to reopen the hearing on the facts of the case. Board Counsel pointed out to Mr. Paripovich that during the course of the hearing, the Board Chairman tried to make clear to Mr. Paripovich that this was the time for him to present all of his evidence and testimony in defense of this case as it will be the last opportunity to do so, again, absent a ruling by a Court to reopen the hearing on the facts.

The Chairman then reverted back to the agenda regarding the remaining matters left to be considered, beginning with Item 4.b.ii, Sethi Management; JP Sethi Enterprises, Inc., Docket No. LV 21-2127. It was moved by Frank Milligan, seconded by William Spielberg to approve the settlement in this matter. **The motion was adopted.**

Vote: 4-0.

The Chairman then called Item 4.b.iii. Pacific West Contractors of Nevada, LLC, Docket No. RNO 21-2052 to be heard. It was moved by Frank Milligan, seconded by Jorge Macias, to approve the settlement in this matter. **The motion was adopted.**

Vote: 4-0.

The Chairman then called Item 4.b.iv. Cirque Du Soleil (U.S.), Inc., Docket No. LV 22-2168 to be heard. It was moved by Frank Milligan, seconded by William Spielberg, to approve the settlement in this matter. **The motion was adopted.**

Vote: 4-0.

The Chairman then called Item 4.c., Status Conference hearings to be heard, beginning with 4.c.i., RNO 22-2150, MRH Auto-Reno, LLC dba Mountain West Auto for a status conference hearing.

A settlement agreement had been prepared for MRH Auto-Reno, but never set for review and approval by the Board as a bankruptcy intervened and there was a change in legal counsel. Ms. Ortiz advised that the State was interested in pursuing this matter to its conclusion, pointing out that OSH Board matters are not foreclosed from pursuit by a bankruptcy and a change of legal counsel. Ms. Ortiz advised that the State wants to proceed. The direction of the Board was to set this matter for consideration of the proposed settlement agreement.

The Chairman then called Item 4.c.ii., to be heard. Luxe Industries, LLC, Docket No. RNO 21-2125. This matter was also before the Board for a status update primarily from the State. A settlement proposal had been prepared but never formally submitted as a bankruptcy again intervened. Ms. Ortiz advised that the State wants to pursue the settlement to its conclusion, the bankruptcy notwithstanding. The Board concurred that this matter be set for review of the proposed settlement agreement.

The Chairman then called Item 4.c.iii, to be heard, MCA Cheyenne LLC, Docket No. LV 20-2048. Rusty Graff, Esq., appeared on behalf of MCA Cheyenne LLC. The matter was remanded to the parties by the Board to provide a more comprehensive and satisfactory explanation of why the Board should approve the settlement in this matter. The parties were instructed to re-confer and attempt to provide a more satisfactory explanation for the settlement of this case. The parties submitted a new settlement agreement modifying paragraph 6 of the old settlement agreement which was the rationale for settling. Upon review of the revised settlement agreement, it was moved by Jorge Macias, seconded by Frank Milligan to approve the settlement rationale as revised by the parties responsively Board's remand. **The motion was adopted.**

Vote: 4-0. The matter is settled and a final order concluding the matter as settled will issue.

The Board Chairman then called Item 4.d. General Administrative and/or procedural issues to be considered.

Item 4.d.i. General matters of import to Board members. There was no discussion.

Item 4.d.ii. Old and New Business. There was no discussion.

Item 4.d.iii. Discussion of the process by which the Board selects and employs its Legal Counsel. The Board pointed out, again, that the Board decides who will be its legal counsel and that it wanted a resolution of the selection of Board Legal Counsel and the approval of Legal Counsel's contract completed in time for there to be a seamless transition from the old contract to the new contract for the lawyer the Board chooses to represent it as its legal counsel in time to avoid any gap in services. The Board remains adamant that it does not want a repeat of what happened the last time when the current contract was renewed. There was a six month Board hiatus because of the delay, not the fault of the Board, when the Board could not operate as the State struggled through the execution of a new contract with the current Board Legal Counsel. The decision of the Board to keep on the agenda set up in the last meeting of the Board remained unchanged. This matter will remain on the agenda for each of the Board meetings until the Board chooses its legal counsel and the approval of the new contract for the 2025 FYI is affirmed by the Board of Examiners. Member Frank Milligan was adamant that any further delays such as experienced previously should not occur, again.

Chairman then called Item 4.e. to be heard. Because of quorum issues, the Board changed the dates for the January 2024 meeting of the Board to January 17, 2024 and January 18, 2024, in Reno.

5. Public Comment. There was no public comment offered either in person or through Board Legal Counsel's office.
6. Adjournment. It was moved by William Speilberg, seconded by Jorge Macias, to adjourn the meeting. **Motion adopted.**

Vote: 4-0.

At the conclusion of the meeting after adjournment, each of the Board members extended holiday greetings and a healthy and happy New Year to each other, as did Board Legal Counsel on behalf of himself and his office.

Dated this 15th day of February, 2024.

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

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