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NEVADA OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD

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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, **Complainant,** **vs.** **D&L ROOFING, LLC,** **Respondent.**	**Docket No. LV 23- 2198** **Inspection No. 1603904** FILED July 23, 2024 OSH REVIEW BOARD By: Karen Kennedy

DECISION OF THE BOARD, FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

This case arose out of a self referral. *See,* State's Exhibit 1, p. C4. Nevada OSHA went to the job-site and witnessed three employees working on the edge of a canopy roof without fall protection. *See,* State's Exhibit 1, pp. C29, C60, C61. The reported violation occurred at the Laughlin River Lodge located at 2700 South Casino Drive, Laughlin, Nevada. *See,* State's Exhibit 1, pp. C10 - C14. As a result of this self-referral, OSHA Safety Specialist, Jeffery Yatteau conducted an inspection of the reported location. *See,* State's Exhibit 1, p. C10. The inspection resulted in the issuance of a citation for a violation of 29 CFR 1926.501(b)(10). *See,* State's Exhibit 1, pp. C30 - C37.

The matter came before the Nevada Occupational Safety and Health Review Board (the Board) for hearing on February 14, 2024. The hearing was conducted in furtherance of a duly

provided notice. *See,* Notice of Hearing dated September 20, 2023. In attendance to hear the matter and deliberate thereon were Board Chairman Rodd Weber, Board Secretary William Spielberg and Board Members Jorge Macias and Scott Fullerton. *See,* Tr., p. 1.[1] Also present was Tyson Hollis, an alternate Board Member. *See Id.* As there were five members of the Board present to decide the case, with at least one member representing management and one member representing labor in attendance, a quorum was present to conduct the business of the Board.

Nevada has adopted all Federal Occupational Safety and Health Standards which the Secretary of Labor has promulgated, modified or revoked and any amendments thereto. They are deemed the Nevada Occupational Safety and Health Standards. *See*, NRS 618.295(8). Jurisdiction in this matter is conferred by Chapter 618 of the Nevada Revised Statutes, NRS 618.315.

Salli Ortiz, Esq., counsel for the Chief Administrative Officer of the Occupational Safety and Health Administration of the Division of Industrial Relations of the Department of Business and Industry (hereinafter, the State or Nevada OSHA), appeared on behalf of the Complainant (the State). *See,* Tr., p. 9;1-4. The Respondent (hereinafter, D&L or the Respondent) was represented at the hearing by Justin Zarcone, Esq., the Zarcone Law Group. *See,* Tr., p. 7;19-21. Also present was Charles R. Zeh, Esq., The Law Offices of Charles R. Zeh, Esq., in his capacity as the Board's legal counsel. *See,* Tr., p. 1.

The State issued its Citation and Notification of Penalty (Citation) on June 21, 2022, alleging violations of 29 CFR 1926.501(b)(10). *See,* State's Exhibit 1, pp. C30 - C37. The Citation alleged that the Respondent failed to require its employees to utilize adequate fall protection devices while working at a height in excess of six vertical feet. *See*, State's Exhibit 1, pp. C38 - C48. Citation 1, Item 1, charged a serious violation of 29 CFR 1926.501(b)(10), as stated below:

> At the time of the inspection, CSHO arrived at the job site and observed three employees in plain view not wearing safety harnesses or tied off working on the exterior canopy roof over the entrance to the casino or without other means of fall protection. The employees were performing roofing activities with unprotected sides and edges, which were approximately 17 feet 5 inches in height above the next lower level. Additionally, management and employee interviews confirmed that work was

[1] "Tr." stands for the transcript of the hearing conducted on February 14, 2024, followed by the page and line number where the matter cited can be found.

performed without employees donning personal fall arrest systems on the roof, even though fall protection equipment was accessible on the job site.

On December 14, 2022, the Respondent's Safety Director, Jake Kelsey, sent its notice of intent to contest the Citation. *See,* State's Exhibit 1, p. C49. On December 30, 2022, the State filed and served its Complaint. *See,* State's Exhibit 1, pp. C50 - C54. On May, 5, 2023, Mr. Zarcone answered the Complaint for the Respondent. *See*, State's Exhibit 1, pp. C50- C58. Therein, the Respondent admitted and/or denied the allegations of the State's Complaint. *See, Id.* Further, the Respondent posited certain affirmative defenses. *See, Id.*

At the hearing on the matter, the State offered for admission its Exhibits numbered 1 through 3, consisting of a total of 156 pages. *See,* Tr., pp. 7;22:24, 8;1. The Respondent did not object to the admission of the State's Exhibits,[2] *see, Id.,* and did not offer any exhibits for admission into evidence.

At the hearing, the State presented the testimony of Mr. Yatteau and Jake Kelsey. *See,* Tr., p. 9;1-4. The Respondent also intended to call Mr. Yatteau and Mr. Kelsey to testify. *See,* Tr., p. 8;12-23.

FINDINGS OF FACTS

1. The Respondent is a Nevada Limited Liability Company based in Las Vegas, Nevada. *See,* State's Exhibit 1, pp. C2, C3.

2. The job site was in Laughlin, Nevada, at the Laughlin River Lodge. *See,* State's Exhibit 1, pp. C4, C5.

3. At the time of the incident, the Respondent had a general safety policy in effect. *See,* State's Exhibit 2, pp. C89 - C107. The Respondent's policy contained a specific section devoted exclusively to Fall Protection. *See,* State's Exhibit 2, pp. C97 - C107. The Fall Protection section of the Respondent's policy expressly stated:

Fall protection shall be provided to employees engaged in roofing activities on low-

[2]The Board did not expressly admit into evidence the State's Exhibits 1 through 3 consisting of 156 pages. However, as the Respondent did not oppose the admission of the State's exhibits numbers 1 through 3, they are deemed a part of the record.

> slope roofs with unprotected sides and edges six (6) feet or more above lower levels. The type(s) of fall protection needed shall be determined by the Safety Director and Superintendent, and may consist of guardrail systems, safety net systems, personal fall arrest systems, or a combination of a warning line system and safety net system, warning line system and personal fall arrest system, or warning line system and safety monitoring system. On roofs 50 feet or less in width, the use of a safety monitoring system without a warning line system is permitted. *See*, State's Exhibit 2, p. C107.

4. Moreover, the Respondent provided a specific job hazard analysis. *See*, State's Exhibit 2, pp. C114- C123.

5. D&L had a violation of the same regulation 29 CFR 1926.501(b)(10) in 2019 and had paid a penalty for this violation in the amount of $2,275. *See*, State's Exhibit 2, pp. C76-C85.

6. The five employees who were found to have violated the regulation were all members of a crew from Texas. *See,* State's Exhibit 3, p. C112, *see also,* Tr., 83;13-15, 98;4-7.

7. The five member crew had their own roofing company in Texas. Regardless they were hired by D&L in order to do the project in Laughlin, Nevada. *See,* Tr., p. 84;7-12.

8. Micha Winfrey was designated as the lead person or supervisor of the crew while working in Laughlin. *See,* Tr., 118;19-23. However, D&L did not regard him as a foreman. *See,* Tr., 116;4-18. Conversely, the crew members regarded him as their foreman. *See,* State's Exhibit 1, pp. C24, C26, C27. In fact, Micha Winfrey directed the crews' work. *See,* Tr., p. 61;3-20.

9. The contract was to replace all or several portions of the existing roof of the Laughlin River Lodge Casino. *See*, State's Exhibit 1, pp. C59, C60, C67, C68, *see also,* State's Exhibit 3, pp. C124 - C125.

10. The Respondent's general safety plan for the project was to install guardrails at all locations where fall hazards were present. *See,* Tr., p. 72;6-13.

11. The Respondent purchased a new set of guardrails which were installed against the steel structure of the building. *See,* Tr., p. 72;14-21.

12. The specific area where the violation occurred was the roof over the casino's *porte cochere*. *See*, State's Exhibit 1, C60, C61, *see also,* Tr., p. 73;8-17.

13. The edge of the *porte cochere* roof was 17.5 feet above the driveway below. *See*, State's Exhibit 1, pp. C70, C72.

14. The roof over the *porte cochere* was a low sloped roof. *See,* Tr., p. 23;16-20. The pitch was determined to be 3-12 which was 12 percent grade. *See,* State's Exhibit 3, p. C140.

15. There was a large copper decorative piece at the top of this section of roof which did not allow for the installation of any guardrails. *See,* Tr., pp. 72;22-24, 73;1-3.

16. On the roof over the *porte cochere*, the Respondent planned to use a flag line and safety monitoring. *See,* Tr., pp. 73;8-12, 75;11-14.

17. The flag line had to be six feet from the edge of the roof. Any employee who crossed the flag line was required to use a personal fall arrest system. *See*, State's Exhibit 1, p. C25, *see also,* Tr., p. 18;7-11.

18. Both flag lines and personal fall arrest system were placed on the roof of the roof of the *porte cochere*. *See*, State's Exhibit 1, pp. C62, C73.

19. On the day of the inspection, June 21, 2022, three individuals were observed on the roof at the edge of the *porte cochere* without fall protection. *See*, State's Exhibit 1, pp. C60, C61.

20. At that time, the flag line was not in use. *See*, State's Exhibit 1, p. C73.

21. After the inspection, the employees stopped working above the *porte cochere.* It is not known whether they continued to work on other parts of the roof where guardrails were installed. *See*, Tr., p. 95;8-14.

22. The inspectors took statements from Micha Winfrey, Jessica Winfrey, Ragelio Hernandez and Ragelio Hernandez Jr., all of whom admitted that they were not wearing a personal fall arrest system while on the *porte cochere* roof. *See*, State's Exhibit 1, pp. C23, C25, C26, C27.

23. On June 24, 2022, Mr. Kelsey retrained the entire crew. *See,* State's Exhibit 1, p. C21. However, none of the employees involved in the violation were reprimanded. *See*, Tr., p. 106;22-24.

24. On July 5, 2022, Mr. Yatteau wrote to Mr. Kelsey to make a document request. Relevant to this incident was request number 16.

> Any employee and management safety and health disciplinary violations for the past two months for the Laughlin River Lodge work site. (If none, please state so in a response letter).

25. No documentation of disciplinary action was supplied for any of the employees involved in the violations. *See,* Tr., p. 46;10-17.

26. On July 14, 2022, Mr. Kelsey supplied a partial response to OSHA's document request. *See,* State's Exhibit 3, p. C147.

27. On July 14, 2022, Scott Byleckie, Compliance Officer with Nevada OSHA wrote to request signed copies of verbal reprimands for Rogelio Hernandez, Rogelio Hernandez, Jr., and Leon Ochoa.[3] *See,* State's Exhibit 3, p. C148.

28. At the hearing held on February 14, 2024, Mr. Yatteau testified regarding the State's calculation of the penalty. *See,* Tr., pp. 30-32. Mr. Yatteau explained that the preliminary penalty amount was $14,502. *See,* State's Exhibit 1, p. C31. The penalty doubled because this was a repeated violation by the Respondent. *See, Id.* The penalty was subject to a 30% reduction as the result of the size of the employer. *See, Id.* Accordingly, the final penalty recommended was $20,303. *See, Id.* The Respondent did not object to any of Mr. Yatteau's testimony regarding the penalty calculation. Further, D&L did not pose any substantive questions regarding the penalty calculation during its cross-examination of Mr. Yatteau. *See,* Tr., pp. C31-C44.

CONCLUSIONS OF LAW

The State is obligated to demonstrate the alleged violation by a preponderance of the reliable evidence in the record. Findings must be based upon the kind of the evidence which responsible persons are accustomed to rely in serious affairs. *William B. Hopke Co., Inc*. 1982 OSHARC LEXIS 302 * 15, 10 BNA OSHC 1479 (No. 81-206, 19820 (ALJ)). Mere estimates, assumptions and inferences fail this test. Conjecture is also insufficient. The Board's decision must be based on consideration of the whole record and shall state all facts officially noticed and relied upon. 29 CFR 1905.27(b). *Armor Elevator Co.*, 1 OSHA 1409, 1973-1974 OHSD ¶ 16, 958 (1973). *Olin Construction Inc. v. OSHARC and Peter J Brenan, Secretary of Labor*, 525 F. 2d 464 (1975).

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[3]The assumption here is that the employee would have signed a receipt for the reprimand even though it was allegedly verbal.

In this case, the burden is on the State to prove by a preponderance of the evidence, a *prima facie* case against the Respondent. *See*, NAC 618.788(1), *see also, Original Roofing Company LLC v Chief Administrative Officer of the Nevada OSHA,* 442 P. 3d 146, 149 (Nev. 2019). Thus, the State must establish: (1) the applicability of a standard being charged; (2) the presence of a non-complying condition; (3) employee exposure or access to the non-complying condition; and, (4) the actual or constructive knowledge of the employer's violative conduct. *Id.* at 149, *see also, American Wrecking Corp. v. Secretary of Labor,* 351 F.3d 1254, 1261 (D.C. Cir., 2003).

In its *prima facie* case, the State has shown that the standard of 29 CFR 1926.501(b)(10) applied because the Respondent's employees were performing roofing activities on a low sloping roof with unprotected sides and edges and were approximately 17 feet 5 inches in height above the next lower level. *See*, State's Exhibit 1, pp. C4, *see also,* Tr., p. 23;5-20. The State's evidence established that the standard was violated through interviews, testimony and photographs which showed D&L's workers located in the zone of danger but were not wearing personal fall arrest system protection and no guardrails were present. *See*, State's Exhibit 1, pp. C20-C29, C59-C75.

In order to establish employee exposure to a hazard, the Secretary must show that "it is reasonably predictable either by operational necessity or otherwise (including inadvertence), that employees have been, are, or will be in the zone of danger." *See, Stevers Roof Side Remodel, Ltd, Respondent.*, 24 O.S.H. Cas. (BNA) ¶ 1962 at *5 (O.S.H.R.C.A.L.J. Sept. 20, 2013), *citing Fabricated Metal Products, Inc*., 18 O.S.H. Cas. (BNA) ¶ 1072 (O.S.H.R.C. Nov. 7, 1997). Employees are regarded to be in the zone of danger when they are at an elevation of approximately 10 feet above the lower level without fall protective equipment. *See, Stevers* at *6.

The *Stevers* case is analogous, it involves application of 29 CFR 1926.501(b)(13) in residential construction. In *Stevers*, three employees were witnessed taking their breaks on a roof without being attached to their personal fall arrest systems. *See, Id.* at * 2. The necessary ropes were on the roof and in close proximity to the unprotected workers. *See, Id.* at * 2. The employer in *Stevers* believed that fall protection systems only needed to be used when the workers were actively engaged in roofing but not on breaks. *See, Id.* at * 5. In its decision, the Administrative Law Judge

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found that the workers were exposed to the hazard because they were within the zone of danger without fall protection, regardless of the activity in which they were engaged. *See, Id.* at * 6.

In this instance, three employees were witnessed at heights of 17.5 feet above the driveway, without the proper use of fall protection. *See,* State's Exhibit 1, pp. C29, C60, C61. The Respondent's employees conceded that they lacked protection while in the zone of danger. *See,* State's Exhibit 1, pp. C25, C28 .

The Respondent's knowledge can be established by demonstrating "that the employer either knew, or, with the exercise of reasonable diligence, could have known of the presence of the violative condition."*Original Roofing Co., LLC v. Chief Admin. Officer of Occupational Safety & Health Admin*., 135 Nev. 140, 143, 442 P.3d 146, 149 (2019) *quoting Pride Oil Well Serv*., 15 BNA OSHC 1809, 1814 (No. 86-692, 1992). Here, Mr. Silva Sr., was one of two of the foremen on this job. *See,* State's Exhibit 1, p. 22*, see also,* Tr., p. 69;10-23. In fact, he appeared to be the senor level of management on the job because he was in charge of the crew working on the roof. *See,* Tr., pp. 130;14-24, 131;14. Accordingly, the evidence shows the Respondent had direct knowledge of the violative conduct at issue.

That is to say, whether the State showed that the Respondent had actual knowledge of the violation, the Respondent had constructive knowledge of the violation, *i.e.,* that it could have known of the violative condition if it had acted with reasonable diligence. Whether an employer acted with reasonable diligence in identifying a violative condition involves the consideration of several factors, including the employer's obligation to have adequate work rules and training programs, to adequately supervise employees, to anticipate hazards to which employees may be exposed, and to take measures to prevent the occurrence of violations. *Precision Concrete Constr.*, 19 O.S.H. Cas. (BNA) ¶ 1404 (O.S.H.R.C. Apr. 25, 2001) *Pride Oil Well Serv.*, *supra*. At bottom, constructive knowledge is a question of foreseeability. In the absence of adequate training, the administration of discipline or a reasonable degree of oversight, it is foreseeable to the employer that violations might be occurring in the workplace. Hence, the employer should know and be held accountable.

In this instance, the State presented evidence which showed that State Roofing did not

utilize reasonable diligence to identify the potential for the violation of the regulation when measured by the factors from *Precision Concrete*. The State provided analysis of each of these factors below. The evidence reveals that State Roofing was aware that fall prevention was an important part of its business. The Respondent's Health and Safety Program specifically addressed fall protection. *See,* State's Exhibit 2, pp. C100 - C107. This Program provided specifics for the use of guardrails, personal fall arrest systems and warning line systems. *See, Id.* Further, Mr. Kelsey issued the safety equipment to the crew and reviewed its use with them. *See,* Tr., pp. 84;13-24, 85;1-17, 89;18-24, 90;1-6.

Despite this understanding of the risks, D&L failed to provide adequate supervision. The Respondent ignored that this was a new crew which were, in effect, strangers to Respondent's management. *See,* Tr., p. 83;11-18. The crew was trained in Las Vegas about three months before the OSHA inspection. *See,* State's Exhibit C27. After the training, the crew was sent to Laughlin. *See,* Tr., p. 87;2-9. This crew was allowed to work in an area with minimal supervision. *See,* Tr., pp. 76;22-24, 77;1;14. Three individual managers went to this job site weekly. *See, Id.* Correspondingly, there were at least two days of each week when none of D&L's manager visited the job site. *See, Id.* As Mr. Kelsey explained:

> Mr. Zarcone: All right. And you said there were inspections that take place from yourself or superintendents; is that correct?
>
> Mr. Kelsey: Yes, correct.
>
> Mr. Zarcone: And how often were those inspections happening?
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> Mr. Kelsey: So I went every week, once a week. Each of the two superintendents went separately. We always made sure we went on separate days. And so the three of us would go down on three separate days, and then there was a constant stream of phone calls on actually all the days. But the other days, we would have them report. They would send me photos of stuff and we would go over what we were doing for that day.
>
> Mr. Zarcone: So there was either a superintendent or safety inspector there at least three days a week every week?
>
> Mr. Kelsey: Yes, correct. Yeah, on-site, yeah. I mean, here in Vegas, every job gets hit every day. But, yeah, there it was almost every day. *See,* Tr., pp. 89;14-24, 90:1-6.

Evidence shows that the Respondent failed to anticipate that its employees would venture

into the zone of danger without fall protection. The area where the employees were found to be working without fall protection was unique. D&L could not install guardrails, its favored fall protection method, s*ee,* Tr., p. 72;14-17, because of the copper decorative piece located there. *See,* Tr., pp. 72;22-24, 73;1-3.

On the *porte cochere* roof, the plan was to use a flag line and safety monitoring. *See,* Tr., pp. 73;8-12, 75;11-14. The flag line had to be six feet from the edge. Any employee who crossed it was required to use a personal fall arrest system. *See*, State's Exhibit 1, p. C25, *see also,* Tr., p. 18;7-11. On the day of the inspection, the flag line was taken down in order to remove some metal flashing from the parapet wall. *See,* State's Exhibit 1, p. C27, *see also,* Tr., p. 56;12-28.

The Respondent also failed to take measures to prevent the occurrence of violations. In this instance, D&L failed to reprimand any of the employees who were involved in the instant violation. *See,* Tr., p. 106;11-24. The employees' statements indicate that all of them were working on the *porte cochere* roof without fall protection for a period of three hours and forty-five minutes. *See,* State's Exhibit 1, pp. C23, C25, C28. Of particular concern was Micha Winfrey the designated foreman. Mr. Winfrey's violation should have been dealt with because he was the team lead and a safety monitor. *See,* State's Exhibit 1, pp. C20, C27, *see also,* Tr., pp. 15;1-6, 19;19-23.

In spite of the evidence of the Respondent's constructive knowledge of the violative conduct, it argued that the violation was not foreseeable. Mr. Zarcone argued that the crew was a roofing company on its own. *See,* Tr., pp. 39;16-23, 83;11-18. All of its members were qualified to serve as safety monitors. *See,* Tr., p. 76;18-21. Further, the crew had been operating for three months without issue, subject only to weekly review by Mr. Kelsey and two other superintendents. *See,* Tr., pp. 91;3-12, 100;1-24, 101;1-5. These arguments did not hold sway with the Board because they did not address the specific risk posed by working on the *porte cochere* roof. As Chairman Weber explained:

> Mr. Kelsey should have known that at a particular date in the schedule they were going to begin work on the canopy or at least that section where they couldn't have put up guardrail and therefore, there's an obligation to maybe have more oversight at that point when you know it's a unique hazard. You know that there's no guardrails. You know that now we are at higher risk because of the fact we are using a less protective system, *i.e.,* safety monitor system. Chairman Weber, *See*, Tr., p. 154;2-10.

The simple fact of the matter is, the Respondent was headquartered in Las Vegas. The site of the job was Laughlin, Nevada, 99 miles from headquarters. The crew was new to Respondent. Inspection and supervision of the Laughlin job was sporadic. There were days each week where there was no supervision from headquarters the entire day or for days. *See* Tr., pp. 76;22-24, 77;1-14, 89;18-24, 90;1-6.

The bottom line is the Respondent left a crew to their own devices, to complete the re-roofing job. Leaving the crew to their own devices, as shown by the State, it becomes highly foreseeable that safety short cuts may well occur. Constructive knowledge of the safety missteps of the crew is shown. *See, Original Roofing* at 143. The knowledge prong of a *prima facie* case is proven by the State.

The Board then considered the record as a whole, weighing the Respondent's positive actions against its lack of clear work rules and inadequate supervision of its employees. After evaluation of the evidence, the Board finds and concludes by a preponderance of the evidence that D&L did not require its employees to utilize adequate fall protection as mandated by 29 CFR 1926.501(b)(10). The Citation in this matter must be affirmed. 29 CFR 1926.501(b)(10) was violated, the *prima facie* case reveals.

ORDER

It was moved by Board Member Macias to uphold the violation with the recommended penalty in the amount of $20,303. *See,* Tr., p. 155;23-24. The motion was seconded by Board Member Fullerton. *See,* Tr., p. 156;1-2. The motion was approved upon a vote of four in favor and one in opposition. *See,* Tr., p. 156;7-14. Accordingly, the State OSHA Board of Review hereby upholds the citation and fine assessed against D&L Roofing in the amount of $20,303. *See*, *Id.*

On July 10, 2024 the Board convened to consider adoption of this Decision combined with the Findings of Fact and Conclusions of law, as written or as modified by the Board, as the decision of the Board.

Those present and eligible to vote on this question consisted of the 4 current members of the Board, to-wit, Chairman Jorge Macias, Board Secretary William Spielberg and Members Scott

Fullerton and Public Alternate Tyson Hollis. Upon a motion by Scott Fullerton, seconded by William Speilberg, the Board voted 4-0-1 (Milligan abstaining as he was not present during the hearing on the merits), to approve this Decision of the Board as the action of the Board and to authorize Chairman Jorge Macias, after any grammatical or typographical errors are corrected, to execute, without further Board review this Decision on behalf of the Nevada Occupational Safety and Health Review Board. Those voting in favor of the motion either attended the hearing on the merits or had in their possession the entire record before the Board upon which the decision was based.

On July 10, 2024 this Decision is, therefore, hereby adopted and approved as the Final Decision of the Board of Review.

IT IS SO ORDERED.

Dated this 23rd day of July, 2024.

NEVADA OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD

By: */s/Jorge Macias*
Jorge Macias, Chairman

NOTICE: Pursuant to NRS 233B.130, any party aggrieved by this Final Order of the Nevada Occupational Safety and Health Review Board may file a petition for judicial review to the District Court within thirty (30) days after service of this order.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Law Offices of Charles R. Zeh, Esq., and that on this date I served the attached document, *Decision and Order of the Board, Findings of Fact and Conclusion of Law, and Final Order,* on those parties identified below by placing an original or true copy thereof in a sealed envelope, certified mail/return receipt requested, postage prepaid, placed for collection and mailing in the United States Mail, at Reno, Nevada:

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Dated this 23rd day of July, 2024.

/s/Karen Kennedy
Employee of
The Law Offices of Charles R. Zeh, Esq.

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