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**NEVADA OCCUPATIONAL SAFETY AND HEALTH  
REVIEW BOARD**

\* \* \* \* \*

**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,**

**Docket No. LV 22-2177  
Inspection No. 1561210**

**Complainant,**  
**vs.**  
**SOLAR STAR, LLC dba VEGAS SOLAR**  
**Respondent.**

**FILED**  
**December 4, 2024**  
**OSH REVIEW BOARD**  
**By: K Kennedy**

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

This matter arose, on October 26, 2021, while Solar Star, LLC, dba Vegas Solar (Solar Star or the Respondent) was installing solar panels on a residential roof located at 1800 Red Rock Drive, Pahrump, Nevada. *See*, State’s Exhibit 1, p. C3. An unidentified person reported that three of the Respondent’s employees were observed installing solar panels on a roof top at a height of greater than six feet without guardrails or personal fall arrest systems (PFAS). *See, Id.* The unidentified person also took at least two photographs of the unprotected workers. *See*, State’s Exhibit 1, pp. C63, C64. Some or all of these photographs were supplied to Nevada OSHA. *See, Id.*

The matter came on for hearing before the Nevada Occupational Safety and Health Board of Review on November 9, 2022, in furtherance of a notice, duly provided according to law. *See*, Notice of Hearing dated September 10, 2022. Salli Ortiz, Esq., appeared on behalf of the complainant, Chief Administrative Officer of the Occupational Safety and Health

1 Administration, Division of Industrial Relations (the State). *See*, Tr., pp. 12;23-24, 13;1-4.<sup>1</sup>  
2 Stanley Popek, a lay person representative, appeared on behalf of Solar Star. *See*, Tr., p. 8;10-13.

3 In attendance at the September 9, 2021, hearing were Acting Board Chairman William  
4 Speilberg, Board Members Frank Milligan, Jorge Macias and Scott Fullerton. *See*, Tr., p. 1.  
5 There being four members of the Board present to hear this matter with at least one member  
6 representing management and one member representing labor, in attendance, a quorum was  
7 present to hear the matter and conduct the business of the Board. Charles R, Zeh, Esq., The Law  
8 Offices of Charles R. Zeh, Esq., was present as legal counsel to the Board. *See*, *Id*.

9 On April 28, 2022, the Citation and Notification of Penalty (Citation) was issued to the  
10 Respondent alleging certain violations of Federal regulations and Nevada law. Citation 1, Item 1,  
11 charged a serious violation of 29 CFR 1926.501(b)(13), as stated below:

12 Each employee engaged in residential construction activities six (6) feet (1.8 m)  
13 or more above lower levels shall be protected by guardrail systems, safety net  
14 system, or personal fall arrest system unless another provision in paragraph (b) of  
15 this section provides for an alternative fall protection measure. Exception: When  
the employer can demonstrate that it is infeasible or creates a greater hazard to  
use these systems, the employer shall develop and implement a fall protection  
plan which meets the requirements of paragraph (k) of 1926.502.

16 Employees were performing residential construction activities six (6) feet or more  
17 above a lower level, at the north and south end of the residential rooftop with  
unprotected sides and edges. They were not protected from falling by guardrail  
18 systems, safety net systems, or personal fall arrest systems. Employees were  
installing photovoltaic (PV) equipment on the rooftop, working from heights of  
19 up to approximately 14 feet 7 inches without any means of fall protection in  
place. Falling from such heights could result in serious injuries such as broken  
20 bones, head and/or spinal injuries, or death. *See*, State’s Exhibit 1, pp. C41-C52.

21 Citation 1 Item 2 alleged a serious violation of 29 CFR 1926.503(a)(1), as stated below:

22 The employer shall provide a training program for each employee who  
23 might be exposed to fall hazards. The program shall enable each employee  
to recognize the hazards of falling and shall train each employee in the  
24 procedures to be followed in order to minimize these hazards.

25 Solar Star LLC did not ensure that each employee who might be exposed  
to a fall hazard was provided training to enable each employee to  
26 recognize the hazards (sic) of falling and procedures to be followed in  
order to minimize these hazards. Two employees were installing  
27 photovoltaic (PV) equipment on the roof of a single story home at heights

28 \_\_\_\_\_  
<sup>1</sup>“Tr.” stands for the transcript of the hearing conducted on November 9, 2022, followed by the page  
and line number where the matter cited can be found.

1 of up to 14 feet 7 inches without fall protecting training. The employees  
2 were exposed to fall hazards which could result in serious bodily injuries  
3 such as broken bones, head and/or spinal injuries, or death, in the event of  
a fall to the concrete surface below due to their inability to recognize and  
minimize the hazards of falling. *See*, State's Exhibit 1, pp. C28-C32.

4 Citation 2, Item 1, alleged a regulatory violation of NRS 618.987(1), as stated below:

5 If a construction worker other than a supervisory employee fails to present  
6 his or her employer with a current and valid completion card for an  
OSHA-10 course not later than 15 days after being hired, the employer  
shall suspend or terminate his or her employment.

7  
8 At the time of the Inspection, an employee was engaged in construction  
activity and was not in possession of a current and valid completion card  
9 for an OSHA 10-Hour Course. The construction worker had been  
employed beyond 15 days, and failed to present their employer with a  
10 completion card for an OSHA 10-Hour Course. The employer did not  
ensure that a construction worker who had been employed for  
11 approximately 22 days presented an OSHA-10 course completion card  
after employment with the company. *See*, State's Exhibit 1, pp. C33-C36.

12 Citation 2, Item 2, alleged a regulatory violation of NRS 618.987(2), as stated below:

13 If a supervisory employee on a construction site fails to present his or her  
14 employer with a current and valid completion card for an OSHA-30  
course not later than 15 days after being hired, the employer shall suspend  
or terminate his or her employment.

15  
16 At the time of the inspection, a supervisory employee was engaged in  
construction activity and was not in possession of a current and valid  
17 completion card for an OSHA 30-Hour Course. The supervisory  
construction worker had been employed beyond 15 days, and failed to  
18 present their employer with a completion card for an OSHA 30-Hour  
Course. The employer did not ensure that a supervisory construction  
19 worker who had been employed for approximately six years and five  
months presented an OSHA-30 course completion card after employment  
20 with the company. *See*, State's Exhibit 1, pp. C37-C40.

21 On May 31, 2022, the Respondent sent its notice of intent to contest the Citation. *See*,  
22 State's Exhibit 1, p. C53. The Respondent's notice was a cursory response merely disagreeing  
23 with each of the alleged violations. *See, Id.* On June 17, 2022, the State filed and served its  
24 Complaint on the Respondent. *See*, State's Exhibit 1, pp. C54-C61. On or about July 13, 2022,  
25 Mr. Popek answered the Complaint for the Respondent. *See*, State's Exhibit 1, p. C62. Therein,  
26 none of the allegations were denied and no affirmative defenses were posited. *See, Id.* Instead,  
27 Mr. Popek alleged that his efforts to determine the proper abatement requirements were

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1 frustrated by bureaucratic inertia, *i.e.*, his telephone calls referred to multiple offices, none of  
2 which responded to his requests. *See, Id.*

3 At the hearing on the matter, the State offered for admission its Exhibits numbered 1 and  
4 2, consisting of a total of 116 pages. *See, Tr.*, p. 13;2-7. The Respondent did not object to the  
5 admission of the State's Exhibits 1 and 2. *See, Tr.*, p. 18;11-15. The State's Exhibits were  
6 subsequently admitted into evidence. *See, Tr.*, pp. 20;21-24, 21;1-4.

7 The Respondent offered four documents for admission. *See, Tr.*, pp. 15;3-24, 16;1-19.  
8 The first was its Exhibit A consisting of a tax return and the registration of the Respondent's  
9 vehicles. *See, Tr.*, p. 16;1-8. Second, the Respondent's Exhibit B was offered, consisting of an  
10 OSHA 30 card and a pay stub of one of the Respondent's employee's. *See, Id.* Third, the  
11 Respondent's Exhibit C was offered, consisting of its fall protection plan. *See, Tr.*, p. 16;18-23.  
12 The fourth document offered was entitled Document A was offered, and it clarified the  
13 abatement requirements. *See, Id.*

14 The State objected to Document A. *See, Tr.*, p. 20;8-15. The State's objection was  
15 overruled and all of the Respondent's exhibits were admitted into evidence. *See, Tr.*, p. 21;5-8.  
16 Jurisdiction in this matter has been conferred in accordance with Chapter 618 of the Nevada  
17 Revised Statutes.

18 At the November 9, 2022, hearing the State presented the testimony of OSHA  
19 investigator Eric Hall. *See, Tr.*, pp. 22-47. Solar Star presented the testimony of its owner, Mr.  
20 Popek. *See, Tr.*, pp. 48-55. Before any witnesses were called, Mr. Popek informed the Board he  
21 was not denying any of the substantive allegations or positing any affirmative defenses. *See, Tr.*,  
22 p. 47;21-23. Instead, the Respondent requested a reduction in the assessed penalties. *See, Tr.*, pp.  
23 54;12-24, 55;1-10.

## 24 **FINDINGS OF FACT**

25 On October 26, 2021, three Solar Star employees, Hansel Stinson, Robert Tait and Mr.  
26 Popek, were installing solar panels on the roof of a residence located in Pahrump, Nevada. *See,*  
27 State's Exhibit 1, pp. C19-C22, C63, C64. No guardrails were present and none of the employees  
28 were using PFAS. *See, Id.* Mr. Popek was the supervisor on this job. *See, Tr.*, p. 25;20-22. Mr.

1 Tait was the installer of the solar panels on the roof of the residence. *See*, State's Exhibit 1, p.  
2 C20. That day, Mr. Tait installed approximately 30 of the panels. *See, Id.* Mr. Tait estimated that  
3 he spent 9 hours on the roof of that residence. *See*, State's Exhibit 1, p. C20. Mr. Stinson was  
4 the crew's helper. *See*, State's Exhibit 1, p. C22. Mr. Stinson estimates that he spent about 4  
5 hours as part of the installation of the solar panels. *See, Id.* Messrs. Popek, Tait and Stinson were  
6 all of the Respondent's employees working on that residence on the date of incident.

7 Every side of the roof was at a height which required fall protection. The north end of the  
8 roof was 14 feet 7 inches above the ground. *See*, State's Exhibit 1, pp. C66, C67, *see also*, Tr.,  
9 pp. 32;20-22. The east end of the roof was 7 feet 10 inches above the ground. *See*, State's  
10 Exhibit 1, pp. C68, C69, *see also*, Tr., p. 33;2-9. The southeast end of the roof was 7 feet 10  
11 inches above the ground. *See*, State's Exhibit 1, pp. C70, C71, *see also*, Tr., p. 33;10-18. Adding  
12 to the risk of a fall, the solar panels with which employees were working were large, 4 feet by 6  
13 feet. *See*, Tr., p. 28;12-13.

14 This job was intended to be completed in a single day and the Respondent's employees  
15 had to add in the travel time to and from Pahrump. Accordingly, the employees were subject to  
16 time restraints on the job. *See*, State's Exhibit 1, p. C19, *see also*, Tr., p. 26;8-11. To deal with  
17 the time restraints, neither of the workers on the roof utilized PFAS. *See*, State's Exhibit 1, pp.  
18 C19-C22. During the course of this work, an unidentified person photographed the Respondent's  
19 employees working at heights in excess of 6 feet without PFAS. *See*, State's Exhibit 1, pp. C63,  
20 C64. These photographs were provided to Nevada OSHA by the unidentified person. *See Id., see*  
21 *also*, Tr., pp. 31;17-21, 32;1-4.

22 On November 3, 2021, Mr. Hall inspected the company's warehouse located at 4560  
23 Arville Street, Unit C20, Las Vegas, Nevada. As part of that inspection, Mr. Hall was shown the  
24 Respondent's collection of PFAS. *See*, State's Exhibit 1, p. C65.<sup>2</sup> On November 15, 2021, Mr.  
25 Hall obtained a statement from Mr. Popek. *See*, State's Exhibit 1, p. C19. Therein, Mr. Popek  
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27 <sup>2</sup>This equipment consisted of a Guardian Fall Protection - Temper Anchors, Guardian Fall Protection  
28 - iSafe Body Harness, Sala Fall Protection Harness, Upgear - 6 foot lanyard, Miller - 6 foot lanyard, FSP -  
Self retracting lifeline, 3M Protecta - Self retracting lifeline. *See*, State's Exhibit 1, p. C65.

1 indicated that he was Solar Star's owner and that he had worked there for 6 years. *See, Id.*  
2 Despite his executive position with the Respondent and his time on the job, Mr. Popek did not  
3 possess an OSHA 30 card. *See, Id.* Mr. Popek's failure to obtain an OSHA 30 card appears to be  
4 the result of his misunderstanding of the requirement. He believed that OSHA 30 cards are only  
5 required for companies which have 10 or more employees on a job. *See, Id.* Mr. Popek also told  
6 the investigator that he was currently working on a written fall protection program. *See, Tr., p.*  
7 *26;12-17.* Further, Mr. Popek told the investigator that he discusses safety topics and rules with  
8 the Respondent's employees. *See, State's Exhibit 1, p. C19, see also, Tr., p. 25;10-19.* Mr.  
9 Popek stated that he was considered the foreman at the Pahrump job site and was responsible for  
10 safety at the job site. *See, State's Exhibit 1, p. C19.* On that day, Mr. Popek had observed his  
11 employees working on the roof for a period of up to 7 hours. *See, Id.*

12 On November 3, 2021, Mr. Tait provided his statement to the OSHA investigator. *See,*  
13 *State's Exhibit 1, pp. C20, C21.* Mr. Tait indicated that he had worked for Solar Star for three  
14 years. *See, Id.* Mr. Tait confirmed that he was not using a PFAS on the date of incident. *See, Id.*  
15 Further, he stated that he was present when the photographs, aforementioned, were taken. *See,*  
16 *Id.* He confirmed Mr. Popek's statement that they were rushing because this was a one day job  
17 with significant travel time to and from the job site consuming time on the job. *See, Id.* On  
18 November 3, 2021, Mr. Stinson also provided a statement to the OSHA investigator. *See, State's*  
19 *Exhibit 1, p. C22.* Mr. Stinson identified himself in one the photographs. *See, Id.*

20 At the November 9, 2022, hearing Mr. Hall testified to the calculation of the penalties for  
21 each of the alleged violations. *See, Tr., pp. 43-46.* The penalty amounts were a function of the  
22 gravity of the violation and probability of injury from the violation. *See, Id.* Regarding Citation  
23 1, Item 1, the State determined that the gravity was high because two employees were exposed to  
24 the possibility of serious injury. *See, Tr., pp. 43;2-24, 44;1-8.* The base penalty was then  
25 calculated to be \$13,653. *See, State's Exhibit 1, p. C24, see also, Tr., p. 44;9-15.* The base  
26 penalty was reduced by 80% as the result of the limited number of the Respondent's employees  
27 and its lack of previous violations. *See, Tr., p. 44;17-20.* The amount of the discount was \$9,967,  
28 resulting in a final penalty assessment of \$3,686. *See, Id.*

1           Regarding Citation 1, Item 2, the State determined that the gravity was high because two  
2 employees were exposed to the possibility of serious injury. *See*, Tr., p. 45;4-7. The base penalty  
3 was then calculated to be \$13,653. *See*, State’s Exhibit 1, pp. C28, 29. The base penalty was  
4 reduced by 80% as the result of the limited number of the Respondent’s employees and its lack  
5 of previous violations. *See*, Tr., p. 44;17-20. The amount of the discount was \$9,967, resulting in  
6 a final penalty assessment of \$3,686. *See*, *Id.*

7           Regarding Citation 2, Item 1, the State determined that this was a regulatory violation  
8 because it was a record keeping matter. *See*, Tr., p. 45;8-16. The gravity was moderate as a result  
9 of the combination of severity and the probability of injury. *See*, Tr., pp. 45;17-24, 46;1-3. The  
10 base penalty was then calculated to be \$1,095. *See*, State’s Exhibit 1, p. C33, *see also*, Tr., p.  
11 46;4-6. However, the base penalty was reduced by 80% as the result of the limited number of the  
12 Respondent’s employees and its lack of previous violations. *See*, Tr., p. 46;4-10. The amount of  
13 the discount was \$960, resulting in a final penalty assessment of \$135. *See*, *Id.* Citation 2, Item 2,  
14 was calculated exactly the same way, yielding another discount of \$960 and an assessed penalty  
15 of \$135. *See*, Tr., p. 46;15-18.

16           The Respondent did not object to any of Mr. Hall’s testimony regarding the penalty  
17 calculations. Further, Star Solar did not cross-examination Mr. Hall regarding any of the penalty  
18 calculations or the discounts applied.

19           When the Respondent had the opportunity to present its case, Mr. Popek admitted to the  
20 liability with regard to the allegations. “I realize there was (sic) violations.” *See*, Tr., p. 47;21-24.  
21 Regardless, Mr. Popek’s purpose in attending the hearing was to seek a reduction of the amount  
22 of the penalty assessments. *See*, Tr., p. 47;21-24. Mr. Popek provided two reasons for which a  
23 reduction in the penalty amount would be appropriate. The first was that he had made multiple, 15  
24 to 20 calls to OSHA, to attempt to set up an informal review. *See*, Tr., pp. 52;10-24, 53;1-3.  
25 Second, he claimed that the penalty would be 20% of the company’s total revenue for the last  
26 year. *See*, Tr., pp. 54;12-18, 55;2-4.

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1 OSHARC LEXIS 302 \* 15, 10 BNA OSHC 1479 (No. 81-206, 19820 (ALJ)). The Board's  
2 decision must be based on consideration of the whole record and shall state all facts officially  
3 noticed and relied upon. 29 CFR 1905.27(b). *Armor Elevator Co.*, 1 OSHA 1409, 1973-1974  
4 OHSD ¶ 16, 958 (1973). *Olin Construction Inc. v. OSHARC and Peter J Brennan, Secretary of*  
5 *Labor*, 525 F.2d 464 (1975).

6 Pursuant to NAC 618.788, the State carries the burden of proof in demonstrating a  
7 violation of OSHA law by establishing: (1) the applicability of the OSHA regulation; (2)  
8 noncompliance with the OSHA regulation; (3) employee exposure to a hazardous condition; and  
9 (4) the employer's actual or constructive knowledge of the violative conduct. *See, Original*  
10 *Roofing Co., LLC v. Chief Admin. Officer of Occupational Safety & Health Admin.*, 135 Nev.  
11 140, 143, 442 P.3d 146, 149 (2019); *Secretary of Labor v. Atl. Battery Co.*, 16 BNA OSHC  
12 2131, 2135, 1994 WL 682922 (No. 90-1747, 1994).

13 Turning to the individual citations, the State provided evidence supporting its *prima facie*  
14 case for each of the alleged violations. The standard of 29 CFR 1926.501(b)(13) applied because  
15 it deals with employees not utilizing fall protection while working above six feet above a lower  
16 level. *See, State's Exhibit 1*, pp. C20-C22. The Respondent violated the standard. The  
17 Respondent's two employees admitted that they were on the roof for between 4 to 9 hours. *See,*  
18 *Id.* The employees claimed that they did not use fall protection because they were in a rush. *See,*  
19 *Id.* Mr. Popek agreed that the fall protection was not used because the employees were in a rush.  
20 *See, State's Exhibit 1*, p. C19. These same facts show that the Respondent's employees were  
21 exposed to the violative condition.

22 The knowledge element can be established by demonstrating "that the employer either  
23 knew or with the exercise of reasonable diligence, could have known of the presence of the  
24 violative condition." *Original Roofing, supra*, at 143 quoting *Pride Oil Well Serv.*, 15 BNA  
25 OSHC 1809, 1814 (No. 86-692, 1992).

26 In this instance, the State produced evidence that the Respondent had actual knowledge  
27 of a violative condition. Mr. Popek was at the job site, acting as a supervisory employee at the  
28 time that the violative conduct occurred. *See, State's Exhibit 1*, p. C19. Mr. Popek

1 acknowledged that he knew the employees were working on the residence's roof without PFAS.  
2 *See, Id.* Mr. Popek agreed with the employees' statements that this took place because they were  
3 in a rush. *See, Id.*

4 Mr. Popek knows that fall protection is necessary. He provides instruction in fall  
5 protection to the Respondent's employees. *See, State's Exhibit 1, p. C19.* Further, Mr. Popek  
6 understands certain types of PFAS because Solar Star owns some of it. *See, State's Exhibit 1, p.*  
7 *C65.* Accordingly, the State provided evidence in support of its *prima facie* case for Citation 1,  
8 Item 1.

9 The standard for 29 CFR 1926.503(a)(1), applied because it requires employers to have  
10 appropriate fall protection plan training. None of these employees had been trained because the  
11 Respondent did not have a fall training program at the time that the violation occurred. *See, Tr.,*  
12 *p. 26;12-20.* These same facts show that the Respondent's employees were exposed to the  
13 violative condition.

14 In this instance, there is, again, actual knowledge from Mr. Popek. He told the  
15 investigator that he was working on a fall protection program at the time that the citation was  
16 issued. *See, Tr., p. 26;12-20.* In other words, there was not a currently enacted fall protection  
17 plan for training. But, he knew one was required. *See, State's Exhibit 1, p. C19, see also, Tr., p.*  
18 *26;12-17.* Accordingly, the State provided evidence supporting its *prima facie* case of a violation  
19 of this regulation.

20 The standard for Citation 2, Item 1, NRS 618.987(1) applied because an OSHA 10 card is  
21 required for construction work. *See, Id.* The standard was violated because Mr. Tait had worked  
22 for the Respondent for more than 15 days without an OSHA 10 card. *See, State's Exhibit 1, p.*  
23 *C16, see also, Tr., p. 40;13-24.* The Respondent admitted for everyone involved that an OSHA  
24 10 card would be appropriate and required. However, Mr. Tait had worked for the Respondent  
25 for three years without one. *See, State's Exhibit 1, p. C16, see also, Tr., p. 40;13-24.* No  
26 explanation was given for this failure. *See, Tr., p. 41;1-13.* Actual knowledge was shown by Mr.  
27 Popek, who knew that OSHA 10 cards are required because he had one. However, the  
28 Respondent did not possess Mr. Tait's OSHA 10 card. *See, State's Exhibit 1, pp. C20, C21.*

1 Here again, the State provided evidence to support its *prima facie* case of a violation of  
2 applicable law.

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4 The standard for Citation 2, Item 2, applied because Mr. Popek himself was the  
5 supervisory employee who did not possess an OSHA 30 card. *See*, Tr., p. 25;23-24. The  
6 standard was violated because Mr. Popek did not have one. *See, Id.* His understanding was that  
7 OSHA 30 cards are required for companies which have 10 or more employees on a job. *See*,  
8 State's Exhibit 1, p. C19. Mr. Popek's understanding was incorrect. An OSHA 30 card is  
9 required for any supervisor on a construction site once that person has worked for the employer  
10 for more than 14 days. *See*, NRS . NRS 618.987(2). So, again the State presented evidence in  
11 support of its allegation that the rule was violated.

12 As a final matter here, the Respondent admitted liability for each of the violations. *See*,  
13 Tr., 47;21-24. The State, by this admission, clearly met its burden of proof.

14 Board Member Fullerton moved to uphold each citation, including the fines assessed and  
15 the abatement requirement. *See*, Tr., p. 63;14-19. The motion was seconded by Member  
16 Milligan. *See*, Tr., p. 63;21-22. The motion was adopted upon a vote of 4 in favor of the motion  
17 and 0 against the motion. *See*, Tr., pp. 63;23-24, 64;1-7. The Board, by this motion, authorizes  
18 the Chairman, Jorge Macias, after any grammatical or typographical errors are corrected in the  
19 Decision, to execute, without further Board review, this Decision on behalf of the Board of  
20 Review.

21 On November 13, 2024 the Board convened to consider adoption of this decision, as  
22 written or as modified by the Board, as the decision of the Board.

23 Those present and eligible to vote on this question consisted of the 3 current members of  
24 the Board, to-wit, Chairman Jorge Macias, Board Secretary William Spielberg and Board  
25 Member, Scott Fullerton. Upon a motion by William Spielberg, seconded by Scott Fullerton, the  
26 Board voted 3-0-2 (Tyson Hollis and Gled Bautista abstaining as they were not members of the  
27 Board or in attendance when the matter was decided), to approve this Decision of the Board as  
28 the action of the Board and to authorize Chairman Jorge Macias, after any grammatical or

1 typographical errors are corrected, to execute, without further Board review this Decision on  
2 behalf of the Nevada Occupational Safety and Health Review Board. Those voting in favor of  
3 the motion attended the hearing on the merits.

4 On November, 13, 2024 this Decision is, therefore, hereby adopted and approved as the  
5 Final Decision of the Board of Review.

6 Dated this 4<sup>th</sup> day of November, 2024.

NEVADA OCCUPATIONAL SAFETY  
AND HEALTH REVIEW BOARD

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8 By: /s/Jorge Macias  
9 Jorge Macias, Chairman

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

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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Law Offices of Charles R.  
3 Zeh, Esq., and that on this date I served the attached *Decision of the Board, Findings of Fact,*  
4 *Conclusions 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:

5 Salli Ortiz, Division Counsel  
6 Division of Industrial Relations  
1886 College Parkway, Suite 110  
Carson City, NV 89706

7 Stan Popek  
8 4560 Arville Street, Suite C-20  
Las Vegas, NV 89103

9 Dated this 4<sup>th</sup> day of December, 2024.  
10

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

14 S:\Clients\OSHA\LV 22-2177, Solar Star, LLC dba Vegas Solar\LV 22-2177 ADA Decision.wpd