

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

November 12, 2025

Jorge Macias (Management)
Tyson Hollis (Public at Large)
Gled Bautista (Management)
Shannon Chambers (Labor)

The meeting of the State of Nevada Occupational Safety and Health Review Board was called to order by Chairman Jorge Macias on November 12, 2025, at approximately 9:00 o'clock a.m. The first item on the Agenda was Roll Call.

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.

Board members present for the hearing were Chairman Jorge Macias, Tyson Hollis, Gled Bautista and new member Shannon Chambers. 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 participating throughout the meeting were Salli Ortiz, Esq., Legal Counsel to the 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.

During Roll Call, Chairman Macias welcomed Shannon Chambers to the Board as this was her first hearing as a Board Member following her appointment by the Governor to a position on the Board.

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. Election of Chairman and Board Secretary.

Chairman Macias called this item, then, next to be heard, the annual election of Board officers. It was moved by Tyson Hollis, seconded by Gled Bautista, to re-appoint Jorge Macias as Chairman of the Board for the coming year. The motion was adopted on a vote of 4-0. Chairman Macias was re-elected as Chairman of the Board of Review for another one-year term commencing *nunc pro tunc* as of July 1, 2025.

Then, the Board took up the matter of the election of the Board's Secretary. The incumbent Secretary resigned his membership with the Board for work related reasons and reluctantly also resigned his position on the Board as Board Secretary. It was accordingly moved by Gled Bautista, seconded by Shannon Chambers, to appoint Tyson Hollis as the Secretary of the Board for the coming year. The motion was adopted on a vote of 4-0. Tyson Hollis will assume the position of Board Secretary for one-year term, commencing *nunc pro tunc* on July 1, 2025.

3. Public Comment.

Chairman Macias called this item to be heard. There was no public comment offered by any of the participants in the meeting. Chairman Macias then asked if Board Counsel's office had received any public comment. Board Counsel advised that his office had received no public comment prior to the commencement of the meeting.

4. Contested Case Hearings

a. LV 24-2304, Unified Container, LLC.

Chairman Macias then called Unified Container, LLC, LV 24-2304, to be heard.

This matter was before the Board for a deliberation hearing. That is, both parties had presented their cases, respectively, to the Board and then rested. The hearing in this case was first before the Board on March 12, 2025. The Board at that time took up the matter and

deliberated but could not decide the case. Hence, the case was back before the Board for decision. Doug Coon appeared for respondent along with Russell Peterson. Both Mr. Coon and Mr. Peterson are members of the Unified Container, LLC. They were in attendance at the meeting on behalf of Unified Container, LLC. Neither was an attorney. According to Mr. Peterson, they were appearing as lay advocates for Unified Container. Ms. Ortiz and Mr. Zeh were present before the Board on behalf of the State and Board respectively.

The discussion before the Board revolved around the amount of the fine proposed to be levied by the State, given the size of the company, the company's abatement efforts, the cost of the abatement, the timing of the abatement and the size of the fine sought by the State. During the course of the hearing it came out that Unified Container had spent \$18,096.80 on abatement, not counting labor. It was also established that Unified Container promptly and completely abated all of the defects. The fine proposed to be levied by the State in this matter was \$32,076. The cost of abatement and the fine, if paid in full, would then have amounted to \$50,172.80. Taking into account the size of the company (small), the prompt completion of abatement, the cost of the abatement, the prior history with OSHA, and other pertinent factors, the Board concluded that the fine that levied in this matter should have been the difference between the dollar amount the State was seeking to levy as a fine and the cost of the abatement. That difference was the sum of \$13,979.20. It was moved by Gled Bautista, seconded by Tyson Hollis to affirm the violations cited by the State but to set the fine at \$13,979.20. The motion was adopted on a vote 3-0-1 with Shannon Chambers, new to the Board on this matter, abstaining.

Before the vote was taken, it was made clear by the Board members that the State had clearly proven a *prima facie* case in this matter. There was no additional discussion, therefore, on the merits of the claim being brought by the State as liability was thoroughly discussed and established in the Board's deliberations immediately following the hearing on this matter. The amount of the fine was, in turn, the product of the discussion of factors enumerated above.

c. LV 18-1948, Pier Construction.

Chairman then called to be heard Pier Construction, LV 18-1948, for oral argument to consider any objections to the Findings of Fact, Conclusions of Law and Final Order, prepared and proposed by the State of Nevada. The specific issue before the Board was whether the draft Findings of Fact, Conclusions of Law and Final Order prepared by the State were consistent with the Board's written decision reached by and approved by the Board following the hearing on the merits of this matter.

The State was represented in this case by Salli Ortiz, Esq. The Respondent, Pier Construction, was represented by Eric Zimbelman, Esq. Board Counsel appeared and advised the Board that the issue before it was not at this stage whether the Board was correct or incorrect in the decision it rendered. Rather, the issue before the Board was whether the State's draft Findings of Facts, Conclusions of Law and Final Order were consistent with the Board's decision disposing of this matter. Whether the Board was correct in its decision in the first place is a matter that would be taken up on appeal should the Respondent feel that strongly about that aspect of this matter. Counsel Zimbelman argued further that the Board's written decision was not only wrong, the Board was in error because its decision was not supported by that portion of

the transcript of the case that recorded the proceedings when the Board Members were deliberating what to do with this matter.

The problem for Respondent with this argument is that the Board's decision is not predicated solely upon that portion of the transcript of the proceedings where the Board members were deliberating the disposition of the case. Rather, the decision which the Board drafted setting forth its position on the case was predicated upon the entire transcript and proceedings before the Board. The question presently before the Board was whether the State's proposed Findings of Fact (FOF) Conclusion of Law (COL) and Final Order (FO) squared with the Board's decision

Respondent's counsel argued also that it was unclear whether the Board actually ever reviewed the Board's decision. Board Counsel informed the Board and the parties that indeed, as reflected in the minutes of the meeting of February 13, 2019, the Board had reviewed the decision, voted to approve the decision, directed Board Counsel to secure the signature of the Board Chairman on the decision and that the signature on the decision could be secured without further review by the Board even if there were clerical mistakes that had to be corrected when the Decision was executed.

Counsel for Respondent also made clear that the Respondent would be appealing if the Board's decision is left intact. He also sought a stay of the Board's decision in the event the Board determined that the State's draft Findings of Fact, Conclusions of Law and Final Order were consistent with Board's decision which was executed by James Halsey, the acting Chairman of the Board at that time.

The Respondent also argued that the Board should take no action concerning this matter because none of the current Board members sat on the Board when the matter was tried and the record was developed in support of the decision. The State argued in response through Ms. Ortiz that the issue was the comparison of State's draft Findings of Fact, Conclusions of Law and Final Order and the Board's written decision. At this stage, only a comparison of the two documents involved is required. It can be made now or at any other time without documents in hand.

It was accordingly moved by Jorge Macias, seconded by Gled Bautista, to approve the State's draft Findings of Fact, Conclusions of Law and Final Order as the Final Order of the Board in this matter as the pleading was consistent with the Board's decision setting forth the rationale for the disposition of this matter. The motion was approved on a Vote was 4-0.

After this vote, the matter of a stay was then taken up by the Board. The Respondent has within 30 days to file a Notice of Appeal if that is the direction that the Respondent intends to take in this matter. Respondent's counsel, therefore, asked the Board for a 30-day stay and then if the matter were taking up on appeal, that the stay remain in force unless and until the matter on appeal is dispensed with by the District Court. Ms. Ortiz was asked if she had any objection to a stay, as proposed, on appeal. She advised, she had no objection. There being no objection to the stay on appeal, it was moved by Shannon Chambers, seconded by Gled Bautista, to approve the uncontested stay on appeal on those terms. The motion was adopted on a vote 4-0.

d. LV 24-2277, Residential Fire Protection dba On Guard Fire Protection.

The Chairman next called to be heard Residential Fire Protection dba On Guard Fire Protection, LV 24-2277. This matter was before the Board on a motion of the State to strike the Respondent's Answer to Citation 1, Item 1, of the Complaint. The motion was made on the grounds that the Respondent's response to Citation 1, Item 1, of the Complaint was based upon settlement discussions and settlement discussions are not a part of, ordinarily, the deliberation of the Board on matters before it. The State, here, simply asks that the Board strike the response to Citation 1, Item 1, and allow the matter to proceed on the merits as to Citation 1, Item 1, and Citation 1, Item 2. The State was represented by Salli Ortiz, Esq., in this matter. The Respondent, Residential Fire Protection dba On Guard Fire Protection, was represented by Bobby Tavakoli, a non-lawyer and President of the company. It was moved by Shannon Chambers, seconded Gled Bautista, to grant the motion to strike the response to Citation 1, Item 1, but to allow the matter to proceed on the merits as to Citation 1, Item 1 and Citation 1, Item 2. The motion was adopted on a vote 4-0.

This case will proceed on the merits as to all citations in the Complaint.

e. LV 25-2390, Selam Market, Inc.

The Chairman called this matter to be heard. The matter was before the Board on Selam Market's Motion to Quash the Summons and Complaint. The State was represented in this matter by Salli Ortiz, Esq. Respondent was represented by Samuel Mekonnen, the owner of this family grocery store group. Mr. Mekonnen is not an attorney. He is a lay-advocate representing himself and the family business.

Mr. Mekonnen moved to quash because he claimed based upon NRS 14.020 the manner he was served with the Complaint, he did not have enough time to either find legal counsel or to otherwise marshal a defense of the Complaint before he would be in default. The problem is NRS 14.020 is not pertinent to this issue. NAC 618.707, however, is pertinent. It allows service upon the respondent by personal service or by certified mail, return receipt requested. This was the vehicle the State used to serve Selam Market with the Summons and Complaint in this matter. Inexplicably, the postal service, it appears, effectuated service upon respondent by leaving a copy of the summons and complaint in Mr. Mekonnen's mail box. Fortunately, he discovered it in time to file his Motion to Quash. The State, however, complied with NAC 618.707 and so, therefore, did not fail to serve according to the regulation. The State abided by NAC 618.707. It cannot be held accountable for the Postal Service's failure to follow the rules of governing the delivery of mail.

However, Mr. Mckonnen's Motion to Quash was brought under Rule 12, NRCP, which allows that in the event a motion under Rule 12, NRCP, is denied, the movant is then also entitled to file a responsive pleading within the time allotted for the filing of such a pleading. In this case, the pleading to be filed is an Answer. Under the Administrative Rules of the Board, a party has 15 days within which to file an Answer or otherwise file a responsive pleading to the Summons and Complaint. *See*, NAC 618.749. Given all of these facts, it was moved by Shannon Chambers, seconded by Gled Bautista, to deny the Motion to Quash, but to allow Mr.

Mckonnen 15 days from November 12, 2025 to file an Answer or otherwise file a responsive pleading to the Summons and Complaint, served on file herein. The Motion was adopted on a Vote of 4-0.

5. Administrative Meeting.

a. Approval of previous Review Board meeting minutes of July 9, 2025.

On this item, Ms. Chambers must abstain as she was not a member of the Board at that time. It was moved by Gled Bautista, seconded by Tyson Hollis, to approve the minutes as read. The Motion was adopted on a Vote of 3-0-1. (Chambers abstaining).

b. Review Status Conferences, Contested Case Settlements, Motions, Draft Decisions, for Approval, Rejection, or Amendment and Possible Issuance of Final Orders.

The Chairman then called 5.b., to be heard, namely the review of contested case settlements, motions, draft decisions, *etc.*

i. LV 22-2179, Deco West, Inc.

The Complaint was filed in this matter on June 29, 2022. The settlement documents were received by the Board on March 21, 2025. It was moved by Shannon Chambers, seconded by Gled Bautista, to approve the settlement in this matter as proposed by the Parties. The motion was adopted on a Vote of 4-0. This matter is, therefore, concluded and this matter is hereby dismissed with prejudice, the matter having been settled.

ii. LV 21-2071, Carpino Stone Applications.

The complaint was filed in this matter on September 8, 2020. The Board received the notice of a withdrawal on July 3, 2025. It was moved by Glen Bautista, seconded by Shannon Chambers to approve the Withdrawal of this matter before the Board. The motion was adopted on a Vote of 4-0.

iii. LV 19-1980, Westcor Construction dba Westcor Framing.

The Complaint was filed in this matter on January 22, 2019. The Board received OSHA's Notice of Withdrawal of the Complaint in this matter on August 1, 2025. It was moved by Shannon Chambers, seconded by Gled Bautista, to approve the withdrawal of the Complaint in this matter. The motion was adopted on a Vote of 4-0. This matter is hereby dismissed with prejudice.

iv. LV 25-2334, Woodland Framing, Inc.

The Complaint was filed in this matter on December 6, 2024. The Notice of Withdrawal in this matter was received by the Board on August 8, 2025. OSHA is withdrawing this matter because Woodland Framing, Inc., is dissolved. It was moved by Gled Bautista, seconded by

Shannon Chambers, to approve the withdrawal of this matter based upon the dissolution of the Respondent. The motion was adopted on a Vote of 4-0. This matter is hereby dismissed with prejudice.

v. LV 24-2231, Greenway Industries, LLC

The Complaint was filed in this matter of July 17, 2023. Respondent withdrew its contest of this matter May 14, 2025. It was moved Gled Bautista, seconded by Shannon Chambers, to approve the withdrawal of contest. The motion was adopted on a Vote of 4-0. This matter is hereby dismissed with prejudice.

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

The Complaint was filed in this matter of July 17, 2023. Respondent withdrew its contest of this matter on May 14, 2025. It was moved by Shannon Chambers, seconded by Gled Bautista, to approve the withdrawal of contest. The motion was adopted on a Vote of 4-0. This matter is hereby dismissed with prejudice.

vii. RNO 24-2302, Stellar Snacks LLC.

The Complaint was filed in this matter on June 4, 2023. A settlement agreement was received on August 1, 2025. It was moved by Shannon Chambers, seconded by Gled Bautista, to approve the settlement. The motion was adopted on a Vote of 4-0. This matter is hereby dismissed with prejudice.

viii. LV 24-2255, United Parcel Service, Inc.

The Complaint was filed in this matter on November 29, 2023. Settlement documents were received by the Board on December 24, 2024. It was moved by Shannon Chambers, seconded by Gled Bautista, to approve the withdrawal of contest. The motion was adopted on a Vote of 4-0. This matter is hereby dismissed with prejudice. The matter was settled.

ix. LV 25-2313, RBG, LLC dba Casablanca Resort & Casino.

The Complaint was filed in this matter on August 2, 2024. An Answer was filed on August 14, 2024. Settlement documents were received by the Board on August 14, 2025, resolving this matter. It was moved by Shannon Chambers, seconded by Gled Bautista, to approve the settlement in this matter. The motion was adopted on a Vote of 4-0. This matter is hereby dismissed with prejudice. The case was settled.

x. LV 24-2306, FedEx Ground Package System, Inc.

The Complaint was filed in this matter on June 21, 2024. An Answer was filed July 3, 2024. Settlement documents were received by the Board on August 14, 2025. It was moved by Shannon Chambers, seconded by Gled Bautista, to approve the settlement in this matter. The motion was adopted on a Vote of 4-0. This matter is hereby dismissed with prejudice.

- xi. LV 25-2359, Cintas Corporation No. 2 dba Cintas Corporation.

The Complaint was filed in this matter on January 21, 2025. An Answer was filed on February 12, 2025. The Board received the settlement documents resolving this matter on August 14, 2025. It was moved by Shannon Chambers, seconded by Gled Bautista, to approve the settlement in this matter. The motion was adopted on a Vote of 4-0. This matter is hereby dismissed with prejudice. The case was settled.

The Chairman then called items xii. through xvii., to be heard to-wit Status Conferences for the following matters.

- xii. RNO 25-2349, Maverick, NV LLC

The complaint was filed in this matter on December 31, 2024. No Answer has yet to be filed in this matter. Notice of Appearance of counsel, however, was received by the Board on August 21, 2025. At issue in this case is the sum of \$20,249. Matt Holms, an attorney, appeared on behalf of the Respondent. Ms. Ortiz, Esq., appeared on behalf of the State. Mr. Holms communicated to the Board that his client intended to defend in this matter. The Board Ordered that the Respondent shall have 30 days from the date of this Status Conference to file an Answer or other responsive pleading to the Complaint. If the Respondent fails to file an Answer within the 30 days from November 12, 2025, another Status Conference will be set.

- xiii. RNO 25-2350, Maverick, NV LLC.

The Complaint was filed in this matter of January 7, 2025. No Answer has been filed in this matter. A Notice of Appearance on behalf of the Respondent has, however, been filed in this matter. The issue in this case is the sum of \$177,445. Matt Holms entered an appearance on behalf of the Respondent. Ms. Ortiz, Esq., represents the State. No Answer has been filed. The Board directed that the Respondent shall have 30 days from the dated of this Status Conference to file an Answer or otherwise plead. Failure to file an answer or otherwise plead by 30 days from November 12, 2025, may result in another Status Conference.

- xiv. RNO 25-2367, Prietos Roofing, LLC.

The Complaint was filed in this matter on March 7, 2025. No Answer has been filed or other pleading filed on behalf of the Respondent. A Notice of Intent to Enter Default Judgment was filed on September 15, 2025. No one appeared on behalf of Prietos. It was moved by Gled Bautista, seconded by Shannon Chambers, to give the State 15 days from the date of this hearing to proceed to enter a default. A failure to proceed with a default in the 15-day period may result in a dismissal in this matter. The Motion was adopted on a vote of 4-0. The State is directed to move this case along.

- xv. RNO 21-2056, Hotel Nevada and Gambling Hall, Ltd., dba Hotel Nevada & Gambling Hall.

The Complaint was filed in this matter on August 4, 2020. No Answer or other responsive pleading has been filed in this case. Alayne Opie, Esq., appeared on behalf of the

Respondent. Salli Ortiz, Esq., appeared on behalf of the Complainant. At issue is the sum of \$20,648. The parties represented that this matter had been settled but agreement on the verbiage of the settlement agreement had yet to be reached. The Board agreed to set this matter out for a Status Conference, one more time, namely, the next meeting on this Board. Given the length of time this case has been pending, if agreement on the language of the settlement has not been reached by then, the Board will dispense with this matter, *sua sponte*.

- xvi. RNO 21-2057, Hotel Nevada and Gambling Hall, Ltd, dba Hotel Nevada & Gambling Hall.

The Complaint was filed in this matter on August 4, 2020. This is a companion case to RNO 21-2056. Respondent in this matter is also represented by Alayne Opie, Esq. At issue is the sum of \$5,072. No Answer has been filed in this matter either. This matter is also set for a status conference when the Board next meet again in December 2025. As with RNO 21-2056, if agreement on the language of settlement has not been reached as of the December 2025 Board meeting, the Board will dispense with the matter *sua sponte* during the December 2025 meeting of the Board.

- xvii. LV 25-2382, Hirschi Masonry, LLC

The Complaint was filed in this matter on May 5, 2025. An Answer was filed May 20, 2025. Mitchell Anderson, Esq., appeared on behalf of the Respondent. Salli Ortiz, Esq., appeared on behalf of the Complainant. The Respondent in LV 25-2382 has propounded discovery in this matter. The State has objected to the discovery being propounded by Respondent in LV 25-2382. There is, however, a companion case to this matter on file with the Board in LV 25-2383. In both cases, there is a dispute over discovery. In LV 25-2382, no Motion to Compel discovery has been filed. In LV 25-2383, a Motion to Compel discovery has been filed. Case LV 25-2383 is not before the Board at this time. The parties agreed, however, that in LV 25-2382, Respondent has the option to filing a Motion to Compel or proceeding to a contested hearing in this matter. In LV 25-2383, the parties acknowledging that a Motion to Compel has been filed, the pleading cycle for the Motion to Compel in LV 25-2383 will then proceed to a hearing on the merits on the Motion to Compel. Thus, for LV 25-2382, respondent has the option of filing a Motion to Compel. If the case, however, languished, the Board will set the matter for hearing on the merits without waiting for the Respondent to file a Motion to Compel. For LV 25-2383, the parties acknowledge that the Motion to Compel has been filed, the pleading cycle will be allowed to be completed, at which time the Board will set the matter for hearing on the Motion to Compel. If either party in LV 25-2383 allows that matter to languish, the Board will proceed to set the matter for a contested hearing, whether or not the dispute over discovery is resolved.

That concluded the Status Conference portion of the Board meeting and Chairman Macias, then called Item 5.c., General Administration and/or Procedural Issues.

i. General matters of import to Board members.

The Chairman advised that the Board was still short two members, a representative for labor and the alternate member of behalf of the public. Given the two vacancies on the Board, Board membership is thin and quorum issues could, therefore, arise again. Therefore, the Board urges that the two vacancies be filled as soon as possible.

Shannon Chambers advised that she has a pre-existing conflict for the meetings scheduled for February 11 and 12, 2026 and that she would be unavailable essentially from February 9 through February 14, 2026. Otherwise, she had no conflict with meeting in February 2026. The Board meeting for February 2026 must be rescheduled in light of Ms. Chambers' calendar.

ii. Old and New Business.

Other than the calendaring issue above, there was no old or new business. The Board will have to reschedule the February meeting in light of Ms. Chambers' calendar conflict or cancel the February 2026 meeting.

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.

- * **December 10 and 11, 2025 - Las Vegas**
- * **January 14 and 15, 2026 - Reno**
- * **February 11 and 12, 2026 - Las Vegas (Must be changed).**
- * **March 11 and 12, 2026 - Reno**
- * **April 8 and 9, 2026 - Reno**
- * **May 13 and 14, 2026 - Las Vegas**
- * **June 10 and 11, 2026 - Las Vegas**
- * **July 8 and 9, 2026 - to be determined**
- * **August 12 and 13, 2026 - to be determined**
- * **September 9 and 10, 2026 - to be determined**
- * **October 14 and 15, 2026 - to be determined**

6. Public Comment

Chairman Macias then called for public comment. He advised that there was no public comment arising from the participants in the hearing room and Board Counsel advised that his office had received no public comment during the pendency of the Board meeting.

7. Adjournment.

The Board Chairman then called for adjournment of the meeting. It was moved by Shannon Chambers, seconded by Gled Bautista, to adjourn the meeting. Motion was adopted on a vote of 4-0. Meeting adjourned. Happy Thanksgiving!

Dated this 16th day of January, 2026.

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

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