

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

February 18 and 19, 2026

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 February 18, 2026, at 9:00 o'clock a.m.

The meeting was duly noticed in compliance with the Nevada Open Meeting Law to take place at the Division of Industrial Relations, 2300 West Sahara Avenue, Suite 750, Las Vegas, Nevada 89102. In accordance with the Nevada Open Meeting law, each Board member participating in the meeting either had before him or her 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.

Chairman Macias called Roll Call, the first item on the Agenda to be heard. The Board members present at this time for the hearing consisted of Chairman Jorge Macias, Tyson Hollis, Board Secretary, and Board Members Gled Bautista and Shannon Chambers, constituting the entire Board as currently appointed by the Governor of the State of Nevada.

As all the members of the Board were present and participating on February 18, 2026 and February 19, 2026, 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. and Pete Cladianos, Esq., of 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.
6900 South McCarran Blvd., Suite 2040
Reno, NV 89509

Division of Industrial Relations
2300 West Sahara Avenue, Suite 750
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.

The Chairman called this item to be heard. He advised that there was no public comment originating from the hearing. Board counsel advised that his office had received no public comment

3. Contested Case Hearing.

Board Chairman called this item to be heard. Prior to the hearing, all but two of the contested cases were resolved administratively or continued.

a. LV25-2320 - Las Vegas Paving Corporation.

Accordingly, the Chairman called Las Vegas Paving Corporation to be heard on Oral Arguments for a Motion for Summary Judgment filed on behalf of Las Vegas Paving Corporation (Las Vegas Paving).

Dawn Davis, Esq., of Snell and Wilmer, L.L.P., appeared on behalf of Las Vegas Paving. Pete Cladianos III, Esq., appeared on behalf of the Board and Salli Ortiz, Esq., appeared on behalf of the State.

The parties were given 20 minutes a side to argue their position on the Motion for Summary Judgment brought Las Vegas Paving. Las Vegas Paving was then given 10 Minutes in rebuttal. The Board deliberated and it was moved by Tyson Hollis, seconded by Shannon Chambers, to deny the Motion for Summary Judgment. Motion adopted.

Vote: 4-0

b. LV 25-2383 - Hirschi Companies, LLC

The Chairman then called Hirschi Companies, LLC (Hirschi), to be heard on a Motion to Compel. Mitchell J. Anderson, Esq., of Fisher Phillips, appeared on behalf of Hirschi. Salli Ortiz, Esq., appeared on behalf of the State. The parties were given 20 minutes a side to present their case with respect to the Motion to Compel. As the moving party on the Motion to Compel, Mr. Anderson, for Hirschi, argued first. The question the subject of the Motion to Compel was whether Hirschi was required to seek leave of the Board in order to propound interrogatories to the State in this matter.

Board counsel pointed out that the Board had addressed this question previously in the *Brady Linen Services, LLC*, Docket Nos. LV-18-1941-1943. There, the Board held that a party need not seek leave of the Board before propounding interrogatories to the opposing party.

Both sides argued their positions on this issue. At the conclusion of argument and deliberations by the Board, in the interest of consistency, the Board reaffirmed the decision in *Brady Linen Services, LLC*, relying, in part, upon NAC 618.680 (Scope) for the proposition that under the regulations adopted by the Board to govern matters before it, a party would not be obliged to ask for leave of the Board to order propound interrogatories to the opposing party.

It was so moved by Shannon Chambers, seconded by Jorge Macias, to approve the Motion to Compel brought by the Respondent in this matter. The Board's Order regarding Discovery in the *Brady Linen Services, LLC*, Docket Nos. LV-18-1941-1943, was therefore reaffirmed. The Motion was adopted on the Vote of 4-0.

c. LV 24-2236, Geodis Logistics, LLC

Next, Board Chairman called *LV 24-2236, Geodis Logistics, LLC*, to be heard. This was another Motion for Summary Judgment, filed on behalf of the Respondent, *Geodis*, in this case. In this matter, the Complainant was represented by Salli Ortiz, Esq. *Geodis Logistics, LLC*, was represented by Mitchell J. Anderson, Esq., of Fisher Phillips. The issue here was whether the State Planned Inspection Program removed discretion of staff and management to prosecute claims against the Respondent.

After considerable debate back and forth, it was finally moved by Gled Bautista, seconded by Shannon Chambers, to deny the Motion on grounds that there were many unresolved issues and questions such that there remained a genuine dispute over material facts of the case as explained by Tyson Hollis, in particular, the Chairman and the rest of the Board members for that matter. It was moved by Gled Bautista, seconded by Shannon Chambers, to deny the Motion for Summary Judgment. The motion was adopted upon a vote of 4 in favor of denial and 0 in favor of the Motion. The case is remanded back to the Board for further testimony. The matter is to be promptly re-set for hearing.

d. RNO 25-2333, Sierra Nevada Excavation LLC.

The Chairman then called Sierra Nevada Excavation LLC, to be heard. Before the Board was a Demand for a Jury Trial, in this case.

During the commencement of the hearing on this matter, the Board was informed that the State had settled LV 24-2274, M Com, Inc.

After Sierra Nevada Excavation, this left only one the contested docket LV 24-2299, Ignite Teen Treatment, LLC, and possibly LV 24-2275, Western Contracting, Inc., to be heard on their merits. The State informed the Board, however, that Western Contracting, Inc., has settled and the documents should be in the Board's hands by this coming Friday, February 20, 2026. Western Contracting, Docket No. LV 24-2275 was pended from today's hearing. The Board, thus, turned its attention to RNO 25-2333, Sierra Nevada Evacuation, LLC.

This case arose before the Board because Respondent made a Demand for a Jury Trial in this matter. No Motion was made, only a demand for jury trial. Accordingly, the Board issued an Order setting Oral Argument on simultaneous briefs from the parties on the issue of the Jury Demand. The record is clear, the Parties were served with the Order requiring simultaneous briefs on the issue. The same Order set out the hearing date on the merits of this Demand for Jury Trial on February 18, 2026. *i.e.*, this case was set to be heard on this date on the merits of the simultaneous briefs. The Respondent, however, failed to submit a Brief on its entitlement, if any, to a jury trial as Ordered by the Board. Additionally, Respondent failed to appear at the time and place of the hearing ordered by the Board to consider the Demand for a Jury Trial on this date. Board Counsel directed the Board's attention to NAC 618.743, which provides that a party who fails to file any pleading when due may constitute a waiver of the right to further participate in the proceedings. NAC 618.743.

The Board was particularly concerned, given that this Jury Demand would amount to a major paradigm shift in the manner in which the Board conducts business. Accordingly, it was moved by Shannon Chambers to reject the Respondent's demand for a jury trial under the 7th Amendment to the United States Constitution by reason of Respondent's failure to submit, as ordered by the Board, with Complainant, simultaneous briefs on Respondent's demand for a jury trial and to waive Respondent's further participation in this case for failure to appear before the Board on the demand for a jury trial as ordered and duly notice by the Board. See, NAC 618.743. The Motion was seconded by Tyson Hollis. The Motion was adopted on a Vote of 4-0. The Respondent's demand for a Jury trial IS HEREBY DENIED.

b. LV 25-2383, Hirschi Companies, LLC

Next, the Chairman called this matter to be heard. This matter is before the Board for Oral Argument upon Respondent's Motion to Compel discovery. Hirschi Companies, LLC (Hirschi) had propounded interrogatories to the State. The State did not answer any of the interrogatories, objecting on the grounds that discovery by interrogatories requires special permission from the Board to pursue them as he had from the Board. The State took the position that special reasons for allowing interrogatories to be propounded are first required and that they were not forth coming in this matter.

Based upon precedent set by the Board in the *Brady Linen Services, LLC*, Docket Nos. LV-18-1941-1943, cases, the Board had previously ruled that special permission is not required of a party to propound interrogatories as the regulations governing practice before the Board provide that the Nevada Rules of Civil Procedure apply NRS 618.680 (Scope). Pursuant to Rule 33, NRCP, interrogatories may be propounded without leave of the Court, first being secured, and that, therefore, a party appearing before the Board on a contested matter is not required to pursue interrogatories by first seeking leave of the Board before interrogatories may be propounded. Mitchell J. Anderson, Esq., of Fisher Phillips, appeared before the Board on behalf of the Respondent. He argued otherwise. It was moved by Shannon Chambers, seconded by Jorge Macias, to approve the Motion to Compel discovery, by requiring the State to respond to the interrogatories propounded by Respondent in this matter. The motion was adopted upon a Vote of 4 in favor and 0 against. The Motion to Compel Discovery was granted.

The interrogatories have been propounded. Under Rule 33, NRCP, the State has 30 days to respond to the interrogatories.

d. RNO 25-2333, Sierra Nevada Excavation LLC.

Then Chairman Macias called to be heard the oral argument on the Demand made by Sierra Nevada Excavation LLC for a jury trial on this case. The Board had brought to its attention the *Atlas* case, *Atlas Roofing Co. v. OSHRC*, 430 U.S. 442 (1977). This 1977 case made clear that unless specifically overturned by the Nevada Supreme Court, jury trials are not mandated to decide cases arising out of proceedings before the Board. *Atlas* held that jury trials were not required in proceedings resolving issues involving the Occupational Safety and Health statutory framework initially adopted into law in 1970. It was accordingly moved by Shannon Chambers, seconded by Tyson Hollis, to reject the Demand for a Jury Trial, this case before the Board. The motion was adopted on a vote 4-0, rejecting the claim of the entitlement to a jury trial in matters before the Board involving monetary relief, such as the instant dispute.

4. Administrative Meeting.

a. Approval of previous Review Board meeting minutes of January 14 and 15, 2026.

There being no corrections, additions or omissions to the minutes as drafted by Board counsel, it was moved by Tyson Hollis, seconded by Gled Bautista, to approve the Board minutes for January 14 and 15, 2026, as read.

The motion was adopted on a vote of 4-0.

b. Review status conferences, contested case settlements, motions, draft decisions, for approval, rejection, or amendment and possible issuance of final orders. The disposition of these matters will be informed by the content of the proceedings before the Board.

The items below, items i. through iii, are proposed decisions.

- i. LV 24-2243 - Harber Company, Inc. dba Mountain Cascade of Nevada.

The Chairman called for consideration the written Decision in Harber Company, Inc. dba Mountain Cascade of Nevada. The question here, is whether the written Decision was consistent with the action the Board took when deciding this matter. It was moved by Tyson Hollis, seconded by Gled Bautista, to approve the Decision as read as it is consistent with the action taken the Board in this matter. The motion was adopted on a vote 4-0, in favor of the motion.

- ii. LV 24-2278 - John Bull Builders, LLC.

Next the Chairman called for consideration the written Decision in John Bull Builders, LLC. The same question was involved here, whether the written Decision was consistent with the action the Board took when deciding this matter. It was moved by Tyson Hollis, seconded by Gled Bautista, to approve the Decision as read as it is consistent with the action taken the Board in this matter. The motion was adopted on a vote 4-0, in favor of the motion.

- iii. LV 25-2315 - Staffmark Investment, LLC dba Staffmark.

Next the Chairman called for consideration the written Decision in Staffmark Investment, LLC dba Staffmark. The same question is involved here, whether the written Decision was consistent with the action the Board took when deciding this matter. It was moved by Tyson Hollis, second by Gled Bautista, to approve the Decision as read as it is consistent with the action taken the Board in this matter. The motion was adopted on a vote 4-0, in favor of the motion.

The items below, items iv. through viii. are proposed settlements/withdrawals.

There are four cases that fall under this heading on the Agenda. For each of these cases, the Board was asked to determine whether the Settlement or Withdrawal was consistent with the purposes and function of the Occupational and Safety statutory environment. *See*, NAC 618.773 and NAC 618.833.

- iv. LV 24-2293 - Vegas Fastener Manufacturing, LLC.

The Chairman called to be heard Vegas Fastener Manufacturing, LLC. There being no question or opposition to the proposed disposition of Vegas Fastener Manufacturing, LLC, it was moved by Shannon Chambers, seconded by Gled Bautista, to approve the settlement/withdrawal as written. The Motion was adopted by the vote of 4-0.

- vi. LV 24-2253 - Cirque De Soleil Nevada Newco, Inc.

The Chairman then called to be heard Cirque De Soleil Nevada Newco, Inc. It was moved by Shannon Chambers, seconded by Gled Bautista, to approve the settlement/withdrawal as written. The Motion was adopted by the vote of 4-0.

vii. LV 24-2257 - Atlas Marble and Granite Inc.

Next, the Chairman called to be heard Atlas Marble and Granite Inc. There being no objection or question regarding this item on the Agenda, it was moved by Shannon Chambers, seconded by Gled Bautista, to approve the settlement/withdrawal as written in this matter. The Motion was adopted by the vote of 4-0.

viii. LV 23-2196 - D&L Roofing, LLC.

Then, the Chairman Macias called to be heard D&L Roofing, LLC for possible disposition. The Board had before it the proposed settlement/withdrawal. It was moved by Shannon Chambers, seconded by Gled Bautista, to approve the settlement/withdrawal as written in this matter as the proposal was consistent with the purpose of the Occupational Safety and Health statutory framework. The Motion was adopted by the vote of 4-0. *See* NAC 618.833.

Then, the Chairman called for disposition or a hearing arising out of the Status Conferences itemized and discussed below here, items (ix) through (xiv).

ix. LV 24-2249 - Cambridge Cleaners, Corp.

The Complaint was filed in this matter on October 30, 2023. A notice of Intent to Enter Default was filed January 9th 2024. An application for Entry of Default and Affidavit in Support of Default were filed on June 16, 2025 and a Default Judgment was submitted to the Board on the same date. Respondent's Appeal of Inspection along with Exhibit were logged in on June 18, 2025. A Notice of Status Conference was filed on January 13, 2026, setting this matter for a status conference on February 18, 2026, and if necessary, February 19, 2026. The State was informed that they had taken a default but NOT a default judgment. The State then advised the Board that the State would take care of it.

x. RNO 21-2056 and 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. No Answer or other responsive pleading has been filed in this case. A Notice of Appearance of Counsel for Hotel Nevada and Gambling Hall was received on July 14, 2025 indicating that Alayne Opie of Greenberg Traurig, LLC entered her appearance. Alayne Opie, Esq., appeared on behalf of the Respondent. Salli Ortiz, Esq., appeared on behalf of the Complainant. Ms. Opie believed that both matters were called to be heard. Ms. Opie told the Board that both RNO 21-2056 and RNO 21-2057 were settled by a Global Settlement and that she has not received the settlement agreement yet and it needs to be finalized for both of these matters. Chairman Macias stated that the Board needs to know when these matters are going to be done, because the Board is receiving a lot of pressure to get stuff done. Ms. Ortiz asked for and was granted an extension until the May 13/14, 2026 to get these matters finalized.

- xii. LV 21-2100 - Realty Holdings, LTD dba Halloween Town Pumpkin Patch.

The Complaint was filed in this matter on December 22, 2020. A Notice of Intent to Enter Default was filed July 25, 2022. An Application for Entry of Default and an Affidavit in Support of Application for Entry of Default were filed on January 13, 2025. The Board filed a Default in this matter of March 18, 2025. John Ribbico, a non attorney representative, appeared on behalf of the Respondent. Salli Ortiz, Esq., appeared on behalf of the State. Mr. Ribbico informed the Board that Realty Holdings has been closed for a couple of years now and that his lawyer sent over documentation to the State to show that the corporation has been gone for quite a few years. Ms. Ortiz indicated that the State will be going forward to obtain a default judgment.

- xiii. LV 25-2341 - First Class Body Shop, LLC.

A Notice of Intent to Enter Default was filed July 26, 2025. As of the date of this hearing neither an Application for Entry of Default nor an Affidavit in Support of Application for Entry of Default had been filed. Thus, a default cannot be taken against the Respondent. The Complainant indicated that the proper filings will be provided by the May hearing. This must be calendared to be heard on the default.

- xiv. LV 24-2247 - Nevada Exteriors, Ltd dba Skyline Home and Construction

A Notice of Intent to Enter Default was filed July 26, 2025. As of the date of this hearing neither an Application for Entry of Default nor an Affidavit in Support of Application for Entry of Default had been filed. Thus, the matter is not ripe for a default Judgment to be taken against the Respondent. The Complainant indicated that the proper filings will be provided by the May hearing. This needs to be calendared for a Status Conference during the May, 2026 meeting of the Board.

- xv. LV 21-2094 - Las Vegas Dragon Hotel, LLC dba Alpine Motel.

Chairman deferred until the second day of the hearing the disposition of LV 21-2094, Las Vegas Dragon Hotel, LLC dba Alpine Motel matter.

c. General Administrative and/or procedural issues.

Chairman Macias, then called this matter to be discussed. Chairman advised that he was going to defer further discussion on this matter other than to point out that he has specific proposals to offer when discussion is brought up under this heading of General Administration and/or procedural rules.

4. d. Schedule of hearings on pending cases, calendar and status report.

The Chairman then called this matter to be considered. No objection was raised to any of the dates set forth in the Agenda for the hearings commencing March 11/12, 2026 all the way through November 2026. Board Counsel pointed out, however, for the November 2026

hearings, the hearings must be scheduled around November 11, 2026, as that is a holiday and the State staff would be unavailable on that date. This matter will be taken up again in the next meeting of the Board.

5. Public Comment.

Chairman Macias then called for public comment to be heard. Board Counsel pointed out that his office received no public comment during the course of the hearing. The Board Chairman advised that there was no public comment from the hearing chambers.

6. Adjournment.

Chairman Macias then called Item 6, adjournment to be heard. It was moved Gled Bautista, seconded by Shannon Chambers, to adjourn the meeting. The motion was adopted on a vote of 4-0. The remaining items on the Agenda will be picked up and heard by the Board on the following day.

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

February 19, 2026

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 February 19, 2026, at precisely 9:00 o'clock a.m.

The meeting was duly noticed in compliance with the Nevada Open Meeting Law to take place at the Division of Industrial Relations, 2300 West Sahara Avenue, Suite 750, Las Vegas, Nevada 89102. In accordance with the Nevada Open Meeting law, each Board member participating in the meeting either had before him or her all written materials to be considered during the deliberations or was obliged to refrain from voting if not in possession of the materials.

1. Roll Call.

The Board members present at this time for the hearing consisted of Chairman Jorge Macias, Tyson Hollis, Board Secretary, and Board Members Gled Bautista and Shannon Chambers, constituting the entire Board as currently appointed by the Governor of the State of Nevada.

As all the members of the Board were present and participating on February 19, 2026, 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. and Pete Cladianos, Esq., of 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.
6900 South McCarran Blvd., Suite 2040
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This Notice was also timely posted at the following website addresses:

State of Nevada, Department of Business and Industry, Industrial Relations (DIR)
website at <https://dir.nv.gov/Meetings/Meetings>

Nevada Public Notices at <https://notice.nv.gov>

2. Public Comment.

Chairman Macias called this item to be heard. 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.

Chairman Macias then called Item 3, Contested Case Hearings, to be heard by the Board. Board Legal Counsel advised that one of those cases was LV-24-2275 Western Contracting, Inc. and that will be taken up later in the day. The other matter left pending from yesterday's hearing was LV 24-2299, Ignite Teen Treatment, LLC. The Board proceeded to hear this item. Salli Ortiz, Esq., appeared on behalf of the State, the Complainant in this matter. Daniel Lanning, Esq., of the law firm of Hutchings Law Group, appeared on behalf of the Respondent. The Board took up the issue of Exhibits for admission into evidence under this matter first. The State offered a Exhibit package consisting of Exhibits C1 through C3 and pages C1 through C433. Mr. Lanning was asked if he had any objections to the admissibility of the State's evidence packet and he said that he had no objection. Board Chairman Macias then admitted the State's evidence packet without objection.

Mr. Lanning then advised the Board that he had no exhibits to offer and intended to rely during the course of the hearing on the exhibits admitted into evidence from the State. Board counsel advised the parties that they had the opportunity to provide opening statements. Ms Ortiz advised that she had no opening statement as such and waived the same. Mr. Lanning then advised that he had an objection to the proceedings as apposed to an opening statement and he wondered when he should make the objection to the proceedings. Board counsel advised that if he has an objection to the proceedings he needs to make it at the outset. Board Chairman then gave Mr. Lanning the opportunity to pose his objection to the proceedings.

As it turned out Mr. Lanning's objection to the proceedings was a restatement of the Jury Demand that the Board discussed, deliberated and decided upon the day before in the Sierra Nevada Excavation matter Docket No. RNO 25-2333. Mr. Lanning then proceeded to make his

objection on the grounds that in these kinds of cases where substantial dollar amounts/fines or assessments are at issue under Article 7 of the United States Constitution a defending party is entitled to have the matter heard before a jury as the ultimate fact finder in the matter before the Board.

Ms. Ortiz, then despite having no notice from the Respondent of its intent to demand a jury, gave a cogent response to Mr. Lanning's argument. The matter of entitlement to a jury then was argued back and forth amongst Board counsel, the Board and Mr. Lanning. Mr Lanning pointed out that there is a case pending before the Nevada Supreme Court, *Hagen v. Harrison*, Case No. 90455, involving the same issue of whether in a matter such as this, a party is entitled to have a jury be the fact finder in the case, *i.e.*, entitled to a jury trial.

Mr. Lanning relied upon the Laskey case, *United States v. Laskey*, No. 22-5115 (10th Cir. 2024), for the proposition that his client was entitled in a case like this where money damages are at issue to a jury trial to dispose of the case. Board Counsel pointed out the *Atlas* matter, *Atlas Roofing Co. v. OSHRC*, 75-746, Supreme Court of the United States (1977). *Atlas* is a case on all fours with the instant dispute. It is a 1977 case. *Atlas*, clearly held that in matters such as the instant dispute involving a hearing on a case involving a violation of a statutory framework enacted by an administrative body, in matters unique to common law, according to Justice Byron White, the administrative agency creating the statutory framework at issue was entitled to provide a remedy or process for resolving disputes other than by jury.

Mr. Lanning repeated to the Board that there is another case *Hagen v. Harrison*, before the Nevada Supreme Court, Case No. 90455, where this issue is also pending, namely whether a jury trial is warranted or required by the 7th Amendment to the United States Constitution. Board Counsel pointed out that the *Laskey* case clearly did not overturn the *Atlas* decision, leaving intact the holding in *Atlas* that in matters presented to the Board by OSHA, a jury trial is not required. Given the tardy disclosure of the *Hagan* case, the jury trial issue may still be in the air. As a result, the Board decided to defer ruling on the case before it, other than to require simultaneous briefs to be submitted on the question whether under Article 7 of the United States Constitution, a jury trial is required where the administrative agency is pursuing financial relief, such as in this case, where the administrative body created the process other than by jury as the fact finder of the case.

Accordingly, it was moved by Shannon Chambers, seconded by Tyson Hollis, to defer ruling on the merits in this matter. Instead the Board ordered the Parties to submit simultaneous briefs within 30 days of the date of this hearing, namely 30 days from February 19, 2026, on the issue of the right to a jury trial or not as the case may be in proceedings that would otherwise be as a matter of course before the OSH Review Board for disposition. An order will follow.

Following the submission of the simultaneous briefs by the parties, this matter would be set for hearing on Oral Argument for the parties to argue their position on this issue as also stated by the parties in their simultaneous briefs on the issue. The parties are to file and serve their simultaneous briefs according to the rules of service of process regarding pleadings before the Board, namely filing or service by first class certified mail, return receipt requested. Upon receipt of the filing of the simultaneous briefing, the Board will set the matter for a Hearing on

Oral Argument by the parties. The motion was made by Shannon Chambers, consistent with the above recitation, Tyson Hollis seconded the motion. The motion was adopted on a vote of 3-1 with Jorge Macias, Chairman, dissenting.

Board Counsel then took up with the permission of Jorge Macias, Chairman, Las Vegas Dragon Hotel, LLC dba Alpine Motel, Docket No. LV 21-2094. Board Counsel advised the Board that this matter had been pending for quite some time because of the parallel criminal proceeding that was pursued by reason of the same incident that brought the matter to the attention of OSHA. A key witness in both the criminal and civil matters had invoked his Constitutional right to remain silent and the matter was continued for that reason.

The criminal proceedings are concluded. The principle witness is now confined in the Nevada State Prison System.

The State of Nevada was asked what, if anything, it wanted to do with this case. Ms. Ortiz advised the Board that the State wanted to proceed to secure judgment in this matter. Accordingly, the case must be set for a Hearing on the Merits. Board counsel pointed out that the key witness aforementioned, Adolfo Orozco-Garcia, was served in prison with a Notice of this Hearing and will be served with a copy of the Order arising out of the Board's action. He will also be served with the date this matter is set for a hearing on the merits. This concluded the discussion of all of the contested cases left pending to be resolved at a future meeting or meetings of the Board.

Chairman Macias called to be heard Item 5, Public Comment. Board Counsel advised that his office had received no public comment during the pendency of the hearing on this date. Chairman Macias advised that no public comment had been received by the Board during the course of the hearing in Las Vegas.

Chairman Macias then called the next item to be heard, Item 6, adjournment. It was therefore, moved by Gled Bautista, seconded by Tyson Hollis, to adjourn the meeting. Motion adopted on a vote of 4-0.

Dated this 8th day of April, 2026.

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

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