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

May 13, 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 May 13, 2026, at 9:00 o'clock a.m. The meeting of the Board was noticed for May 13, 2026 and May 14, 2026.

The meeting was duly noticed in compliance with the Nevada Open Meeting Law to take place at the Division of Industrial Relations, offices located at 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.

As the minutes will show, below, the Board was able to conclude all of its business noticed and scheduled for May 13, 2026 and May 14, 2026, by May 13, 2026. It was unnecessary for the Board to hold a meeting on May 14th, 2026 as all of the Board's business as noticed was concluded on May 13, 2026.

1. Roll Call.

Chairman Macias then proceeded to call the Roll for the meeting of the Board. The Board members present were Jorge Macias, Chairman, Tyson Hollis, Board Secretary, and Board Members Gled Bautista and Shannon Chambers. Four members of the Board were present, including one member on behalf of labor and one member on behalf of management. Thus a quorum was present for the Board to conduct its business as duly noticed. Also present at the outset of the meeting were Salli Ortiz, Esq., Legal Counsel for State OSHA, Pete Cladianos, Esq., and Charles R. Zeh, Esq., of The Law Offices of Charles R. Zeh, Esq., Legal Counsel to the Board of Review, and Eric Zimbelman, Esq., Legal Counsel for the Respondent, also present at the outset of the meeting.

The Notice of Meeting was duly provided under Chapter 618 of the Nevada Revised Statutes and in accordance with NRS Chapter 241of 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 room. Board counsel advised that his office had received no public comment. As a result there was no public comment offered at the commencement of the meeting of the Board.

3. Contested Case Hearing.

The Chairman then called this item to be heard. Board Legal Counsel advised that with the exception of DRI Tech, LLC, LV 25-2345, the contested matters on the contested docket for the Board meeting have been vacated for reasons including, settlement or withdrawal of the matter.

Board Legal Counsel, Mr. Zeh, advised that all of the contested matters with the exception of DIR Tech, LLC, were either in the process of settling, had settlement agreements, had withdrawal documents, other documents to review and so the recommendation is to vacate and reschedule, all matters on the contested docket to be heard at the next month's meeting of the Board or beyond. Those cases are:

LV 25-2258, Precise Personnel, LLC dba Precis Staffing Solutions Corporation -
LV 24-2239, MTX Contractors, Inc.
LV 25-2373, Desert Plastering, L.L.C.
LV 25-2346, Desert Framing, LLC
LV 25-2372, Unifirst Corporation dba Unifirst Corporation #351

Board Counsel then directed the Board's attention to DRI Tech, LLC, LV 25-2345 for a contested hearing on the merits. Board Counsel then proceeded to dispense with preliminary matters or housekeeping, starting with the proffering of exhibits for admissions into evidence. The State offered for admission into evidence exhibits 1 and 2, consisting of pages C1 through C153. Mr. Zimbleman appeared on behalf of the Respondent. Respondent offered for admission into evidence exhibits 1 through 6, consisting of pages R0001 through R0541. Ms. Ortiz did not object to the admission of the Respondent's exhibits into evidence. Mr. Zimbleman did not object to the admission into evidence of the State's evidence packet. As a result, the exhibits from the parties were admitted by Board Chairman into evidence without objection.

Both parties waived opening statements. Ms. Ortiz then called her first witness. Before calling her first witness, however, she needed to add in for those who were in attendance that Mr. Jose Perez attended the meeting virtually, online. He is the alternate member for the public position on the Board. The Board also noticed that the one remaining vacant position on the Board, a member of the Public, had now been filled and it is expected that this new member, Vincent Saavedra, will be participating as a duly appointed member of the Board subsequent to the meeting of this date.

Mr. Cladianos then commenced to fill the role as lead Board Legal Counsel for the Dri Tech case.

Before the Board got to the point of passing upon the exhibits being offered for admission into evidence by the parties, it was pointed out that the Respondent did not follow the procedure for the handling of exhibits for admission into evidence. The Respondent failed to provide nine copies of the exhibit package, one copy for each Board member, one copy for opposing counsel, one copy for the record and one copy for Ms. Ortiz. This was to be handled at the outset of the hearing.

A discussion ensued then as to what to do with this matter given that Respondent did not produce exhibits as required by notification of this meeting served upon the Respondent and given that Respondent intended to offer exhibits into evidence. Secretary Hollis, however, suggested that the Board recess the meeting for an hour or so to give the Respondent the opportunity to produce for the Board members and opposing counsel a copy of the evidence packet being offered into evidence without objection from the State. Chairman Macias then ordered a 15 minute recess to give him the opportunity to discuss with Board Legal Counsel how to handle this situation.

A 15 minute recess was taken. The Board then reconvened. The Chairman advised that the Board would move on to the remaining items on the Agenda for the meeting while Mr. Zimbleman's offices gathered Respondent's exhibits and emailed them to the hearing so that the witness, Ms. Ortiz and the Board members would have in their possession emailed copies of the exhibit packet being offered up by the Respondent in this matter.

This was the solution to the Respondent’s failure to comply with the notification requirements spelled out in the Order Vacating and Rescheduling Contested Hearing dated October 18, 2025, and, therefore, the Board Chairman having recalled the meeting to order, took out of order and commenced to hear the Administrative portion of the meeting as noticed. Chairman Macias called to be heard for the Administrative meeting for consideration Item 4.a., approval of the previous Board meeting Minutes for February 18/19, 2026. It was moved by Shannon Chambers, seconded by Gled Bautista to approve the Minutes of the Board for the meeting of February 18 and February 19, 2026. The Motion was adopted on a vote of 4 in favor and 0 against.

The Chairman moved the Board to consider the Administrative items on the agenda, pending the arrival of Respondent's evidentiary packet on the Contested Docket for the first contested case on the Docket, Dri Tech Corporation, LV 23-2345. The State's evidence packet consists of two exhibits, pages C1 through C153. And for Respondent, their exhibits 1 through 11 consisted of pages 1-541. Before beginning, however, with the hearing on the merits, there was one more procedural/housekeeping matter to address. That is, Respondent apparently filed two answers to the complaint. Mr. Zimbleman advised the parties and the Board that he intended to rely only upon the original answer filed in this action. That is the respondent's first line of defense in this case.

Having straightened that out, the parties were able to proceed to hear the DRI Tech matter. Both parties waived opening statements and Ms. Ortiz was directed to call her first witness, which she did. Pending the production of the Respondent's evidence packet, Chairman Macias then directed the Board's attention to Item 4.b. the review of status conferences, contested case settlements, motions, draft decisions, for approval, rejection, or amendment and possible issuance of final orders. The disposition of these matters are to be informed by the content of the proceedings before the Board. The Chairman then called Item 4.b.

i. LV 25-2307, Caliber Holdings dba Caliber Collision Centers.

For each of these matters, Board Counsel, Mr. Zeh, advised that absent any objection or questions regarding settlement of each of these matters before the Board, a motion to approve the settlement would be in order. It was moved by Secretary Tyson Hollis, seconded by Shannon Chambers to approve the settlement of Caliber Holdings in this matter. For Caliber Holdings, the Complaint and Summons were filed on July 1, 2024. The Answer was filed on July 11, 2024. The Complaint prayed for relief of $990. The settlement amount was proposed to be $990. It was moved by Tyson Hollis, seconded by Shannon Chambers to approve the proposed settlement in this matter. The motion was unanimously adopted 4-0, with no votes against the Motion.

ii. RNO 24-2244, US Foods, Inc.

Chairman Macias called this matter next for hearing. The Complaint was filed in this matter on September 29, 2023. The Answer was filed on October 17, 2023. The prayer for relief was for no dollar amount and the settlement amount was for no dollar amount. Board Counsel advised that unless there is an objection or a question regarding this proposed settlement, a motion to approve would be in order. It was moved by Shannon Chambers, seconded by Gled Bautista, to approve the settlement. The motion was adopted with 4 voting in favor and no votes against the motion.

iii. RNO 24-2245, US Foods, Inc.

Then Board Counsel directed the Board's attention to this matter. The Complaint and Summons were filed in this case on September 23, 2023. The Answer was filed on October 17, 2023. The prayer for relief was for damages in the amount of $7,500. The settlement amount was being proposed was for the same dollar amount of $7,500. Absent any question or objection to the settlement, a motion to approve would be in order. It was moved by Shannon Chambers, seconded by Gled Bautista, to approve the motion. The motion was adopted on a vote of 4-0.

iv. LV 25-2368, Blooming Buns Bakehouse

Board Counsel then directed the Board's attention to this matter. The Complaint and Summons were filed on March 21, 2025. The Answer was filed on June 28, 2025. The prayer for relief was the sum of $5,312. The parties settled for the sum of $3,187.20, to dispense with this matter. It was moved by Shannon Chambers, seconded by Gled Bautista, to approve the motion for settlement in the amount of $3,187.20. Four members voted in favor the motion and the motion was adopted on a vote of 4-0.

The Board, through Chairman and Legal Counsel then directed attention to item 4.c. v.-xiii. Each of these items was considered under the heading of status conference. The first matter is First Class Body Shop, LLC.

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

According to Ms. Ortiz, this is a default case and the State is trying to ascertain from Mr. Cladianos what paper work is required to proceed with the case ending in a Default Judgment in this and other matters under this heading. Ms. Ortiz advised that it was time to meet and confer with Mr. Cladianos about the elements of a Default. Once Ms. Ortiz gets clarification on what exactly is needed to fix these Default Judgments such as the instant matter, she will pursue the Default.

The Board then moved on to Nevada Exteriors Ltd. dba Skyline Home and Construction.

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

For this matter, the Complaint and Summons were filed on October 24, 2023. There has been on Answer filed in this matter and no Notice of Intent to take Default. This file is in June of 2025.

The same problem extant here, is also extant in First Class Body Shop. The State and Board Counsel need to resolve with the documents necessary to take a Default that would accommodate a Default Judgment.

Then the Board's attention was directed to vii.

vii. RNO 26-2423, Reno Roofing and Raingutters LLC dba Reno Roofing and Rain Gutters.

The Summons and Complaint were filed on January 30, 2026. The amount of the Complaint was $24,895. No Answer was filed but a Notice of Intent to take Default was filed on May 7, 2026. As with the previous two cases, this matter is pending proper documentation to perfect a Default. That documentation is an open question that needs to be resolved.

viii. RNO 26-2424, Authentic Roofing LLC.

The question arose for Mr. Cladianos to address namely are we putting these items back on the Agenda for the next hearing. The discussion was that is what should happen. These three matters should be re-noticed as a status conference for the meeting in the month of June.

This case was filed January 30, 2026, with a Summons and Complaint. No Answer had been filed. The amount of damages plead in the case was $4,020. A Notice of Intent to take Default is on file as of May 7, 2026. This matter falls under the heading of the treatment to be accorded as is being given the previous three cases.

ix. LV 24-2249, Cambridge Cleaners dba Boston Cleaners.

When this matter was called, Mr. Horace Keith Moo-Young, on behalf of Cambridge Cleaners, insinuated himself without prior notice into the meeting. Mr.Young advised that he was there on behalf of Cambridge Cleaners Corporation. Monica Young is the president and she was also on the phone. Monica Young advised that in her opinion, they had sent an Answer. She also said that they were no longer in business operating the facility and they were seeking a reduction in settlement. Mr. Cladianos then advised that he would like to continue this matter until the next time which would be the June 2026 meeting of the Board, when the Board could hear the entire matter here as a contested case or a request to file a new Answer.

Ms. Ortiz then stated that she would like to make it clear on the Record, that sending an email requesting a reduction in a fine is not an Answer to the Complaint and that's why neither Mr. Zeh's office nor my office treated it as an Answer. Further, Mr. Zeh's office is never an appropriate place to send a settlement negotiation request, so that again, makes it not an Answer.

Ms. Ortiz advised further, to Mr. Young, that he could very well submit the Answer or Mr. Young could follow Mr. Cladianos' observation and when it's rescheduled, he can come in and read a statement, however, the Board wants to handle it.

Ms. Ortiz just wants it clear for the Record that there was no Answer ever submitted on this matter.

Mr. Cladianos then, explained for Mr. Young in an Answer, you would not be admitting the allegations of the Complaint.

Then, Mr. Young inserted that he wanted to know, if he sent the document in the form of what he thinks is an Answer directly to Ms. Ortiz, does he have to hand deliver it or what, what's the process?

Ms. Ortiz then advised that the Answer has to be delivered to both, Mr. Zeh's office and to her office and it has to be delivered in a way that is consistent with NRS and the NAC, but, as Mr. Zeh's office always says, we are not allowed to give legal advice to the Parties..

Mr. Zeh then summarized that status with the question of where are we leaning? There is no Answer on file. Ms. Ortiz is in a position to take a Default. In the meantime Cambridge Cleaners has the opportunity to file an Answer if they know what an Answer is. According to Mr. Zeh certainly more than 15 days have lapsed since the filing of the Complaint and Summons. The State has the opportunity to file a Default. Cambridge was given 15 business days from the date this Order is served to file an Answer to avoid a Default being taken. Also, if Cambridge is going to file an Answer, it must be by certified mail, return receipt requested. When and if you submit the Answer to Board Counsel's office, don't just mail it, in other words.

x. RNO 25-2379, Western Single Ply-Nevada dba WSP Roofing.

The Board's attention was then directed to this matter for hearing. Dawn Davis, Esq., appeared for Western Single Ply-Nevada and Colleen Platt, Esq., participated in Las Vegas on behalf of the State.

The parties explained that they have been in discussions to resolve this matter without a hearing and this is just set for a status conference, it is an RNO case so it would be calendared in August, the next Reno set for hearing. Respondent was asked whether this could be set before August. Ms. Davis said that she thought so, we are continuing settlement negotiations.

There are actually two cases being handled by Ms. Davis, for Western Single Ply. One is RNO 25-2379. The other is RNO 25-2380. Both of these matters will be scheduled for a July status conference in anticipation of having been settled on or about that date.

Mr. Cladianos moved the parties to the next case.

xii. LV 25-2371, JP Sethi Enterprises Inc. dba Doubletree Las Vegas.

Here the Summons and Complaint were filed on April 30, 2025. An Answer was filed on May 14, 2025. The matter is before the Board by virtue of a *sua sponte* Order for a status conference issued on April 4, 2026. This is another Default matter. The Parties will file in the correct documents for a Default, according to Ms. Ortiz, once documents needed to perfect a Default are determined.

Mr. Charles "Charley" Hamamjian joined the fray. Charley appeared on behalf of JP Sethi Enterprises and asserts that an Answer was filed in May of 2025. The Parties had conducted an informal settlement conference amongst themselves approximately two weeks ago. There is a discovery issue, namely, the production of the investigation file generated by the State which the

Respondent was seeking and had not been provided yet. The Respondent asked for 60 days to allow Ms. Ortiz's office to get the file and then to continue work through our discovery issues, at which time they could possibly reach a settlement or in a position to have a hearing.

Ms. Ortiz advised that they were not ready for a default at this time but were working through discovery issues and wanted this matter set out 60 days to see if it is resolved and if it's not resolved, then schedule a Contested hearing. This matter is to be picked up again in August 2026. This matter is to be set for a status conference in August.

Mr. Cladianos then, directed Board's attention to xiii. LV 25-2355, Nevada Gypsum Floors, LLC.

xiii. LV 25-2355, Nevada Gypsum Floors, LLC.

In this case, the Summons and Complaint were filed on January 24, 2025. The Answer was filed on February 2, 2025. There has been no notice of Intent to take a Default. Ben Bassinger also appeared in this matter on behalf of the Nevada Gypsum. All participating on this item agreed that the status conference on this would give the parties enough time to review or report back to the Board on the status of a settlement. This matter will be set for a status conference in August of 2026.

This concluded the discussion of xiii, except that Colleen Platt asserted that she wanted the Board to know that LV 24-2239, is still on the contested docket though it had been settled.

The Board Chairman called for a 20 minute recess at the conclusions of which, hopefully, the missing evidence packet from the Respondent in Dri Tech, LV 25-2345 will have been delivered so that the Board can proceed with the rest of the Agenda in regular order.

At 10:30 a.m., the Board Chairman called the meeting back to order after a 10 minute recess. The Board returned to the consideration of the contested matter on the docket, namely Dri Tech Corporation, LV 25-2345. The evidence packet for Zimbleman and Dri Tech was present for the Board members and witnesses and Counsel for the Complainant to access. The Board Chairman made sure that there were hard copies printed of all of the Respondent's evidence or at least the evidence, the photographs, which Respondent intends to use. That was, in fact, the case.

The parties were given the opportunity for opening statements. Both parties passed again on giving opening statements. Ms. Ortiz was then told to call her first witness, Jacob Hammock to the stand. He was employed by Nevada for seven years. He is currently a Compliance Officer Supervisor, employed by Nevada OSHA for seven years. He inspected the jobsite the subject of this dispute. He was examined by Ms. Ortiz and crossed examined by Mr. Zimbleman as to what he saw and heard and addressed during the inspection of the premises in response to the complaint lodged against the Respondent employer. Ms. Ortiz then called Francisco Diaz to the stand. Mr. Diaz was employed by DRI Tech and had been employed there for 19 years. He was the foreman at the jobsite the subject of this complaint. He was examined and cross examined by the parties, after which he was excused. Ms. Ortiz then called her third witness, Mr. Eusedio Cuenca, also known as, Eslele Seito Cuenca. He has been with DRI Tech for 17 years. He is currently employed there as a Superintendent and he has been a Superintendent for 7 years. Like Francisco, he was examined and cross examined by counsel for the parties and then excused for the hearing.

Ms. Ortiz had no other witnesses that she was calling to testify.

Mr. Zimbleman was asked if he had witnesses. He advised that he was calling no one to testify. Except for closing arguments, the parties had rested. The Board took a 20 minute recess to give the parties' counsel the opportunity to organize their thoughts for closing arguments. They gave closing arguments after which the Board deliberated. There are three major issues. The first was a fall from approximately 43 feet to the ground. The second was a fall 43 feet to the ground but landing on rebar. The third was the failure to label the manhole covers with the word "hole". The manhole covers themselves were adequate but did not display the label "hole" on the manholes.

There was some concern that the State was double dipping in that a fall of 43 feet was a part of the fall citation charge and the rebar citation. Also, the Board found disconcerting the violation for not labeling the manhole covers "hole" when the manhole covers, themselves, were adequate and would not contribute to a fall or an injury, as the manhole covers were so sturdy that they could withstand an employee walking on the top of a hole with the manhole cover in place.

Additionally, the State gave the Respondent a quick fix discount of 15%. For one of the fall citations but not the other. The State admitted that the quick fix discount should have applied to both citations and, therefore, the State was volunteering to give the discount to both citations. Another issue was whether the Board had the option to adjust by increasing or decreasing the amount of the fine. Board Counsel pointed out that the Board has the capacity to increase or decrease the amount of the fine based upon the facts in evidence and the law governing this case. The Board also has the authority to consider labeling the defense *de minimis* and then adjusting the fine consistent with a finding of *de minimis.*

The double dipping regarding rebar arose because of the observation that if you eliminate the fall, there is no rebar.

Member Chambers then stated that looking at each citation and looking at the legal authority, she thought the Division proved its case. She thought the issue of the rebar, to Mr. Bautista's point meant it could have been some other company's fault, but she really didn't hear that today. She thought the Division proved what they needed to prove and she thought the citations should be upheld. So she made the motion to uphold the citations issued against DRI Tech Corporation and making the motion she believed that this includes the reduction for the quick fix, reduction that was not included in one of these citations but included for the other.

Board Counsel then, pinned down the issue of the quick fix discount. The total amount of these citations combined was the sum of $10,490. The quick fix discounted 15% which brought the penalty amount of Citation 1, Item 2, from $6,171 to $5,245, and the total fine of $10,490 is, therefore, inclusive of the 15% discount based upon the computer against the $6,171 fine, reduced to $5,245.

The motion died for the want of a second. The Chairman then moved to uphold all three citations. The motion would be to remove the penalty amount from Citation 1, Item 2, based on the fact that's one of those and I am not comfortable either just because of distance, it doesn't look super far so he would uphold Citation 1, Item 1, in its entirety. Citation 1, Item 2, will be upheld with no penalty amount. Citation 2, Item 1, would be upheld in its entirety as well and I don't think that there is the one with quick fix adjustment. Which was the one with the quick fix adjustment. Citation 1, Item 2, was the one with the quick fix so that would be taking care of that quick fix adjustment. The motion was seconded by Gled Bautista. The motion was adopted on a vote of 4-0, meaning Citation 1, Item 1, affirmed, Citation 1, Item 2 was upheld with no penalty amount and Citation 2, Item 1, was upheld in its entirety.

The Chairman then directed attention to the Items still remaining on the Agenda that had not been addressed. They are Item 4.d., Scheduled of hearings on pending cases. Item 4.c., General Administration and/or procedural issues, matters of the import to the Board members. Ms. Chambers said for the record for Mr. Zeh and Ms. Ortiz, I would just like, and I know we spoke about this earlier, I would like to get this Default Judgment process down and maybe provide some information to the Board just so we understand it too, so Ms. Ortiz does all the correct documentation, we can iron out this issue. Board Counsel, Mr. Zeh, advised that this will be taken care of, he was hoping that this can be taken care of today, but it escaped discussion.

Then, Board Counsel said, there are a couple items that need to be discussed. First, apparently the State is thinking that they are relocating the office for where the Board meets in Las Vegas. If that takes place, that is going to result in a considerable amount of work to re-notice and re-schedule matters because many of these cases have already been noticed for hearing at the current location.

Additionally, this is also a serious issue. The Board does not have a live court reporter to provide transcripts of these proceedings. The method being used is itself inadequate because it is inaccurate and in addition, without having a live court reporter, we do not have someone to police the meeting to prevent having two people talking at the same time. Court reporters will stop the proceeding to correct that problem so that we have a complete and accurate transcript. Right now, generally speaking, the transcript is not particularly accurate and creates difficulties in drafting decisions and our orders that need to be addressed.

The relocation of offices is not cast in stone yet. On the issue of transcripts, perhaps the only thing we can do is send correspondence to Victoria Carreon about the Court Reporter situation.

Board Counsel was asked about his contract, for the next year of Board business. He advised that he has been told that all the parties who were supposed to sign the contract, have signed the contract but that the contract still has to go before the Board of Examiners and that has not happened yet.

The Board then took up the issue of the Board meeting for the 9th and 10th of December. It was thought that with the activity that goes on in Las Vegas in the month of December, it would be best to move the Board meeting to Reno and set it for the 9th and 10th of December in Reno, Nevada.

The Board then was directed to Item 5, Public Comment. Board Chairman and Board Counsel advised that there was no Public Comment.

Board Chairman then called for Item 6, Adjournment to be considered. It was moved by Shannon Chambers, seconded by Gled Bautista, to adjourn the meeting. The motion was adopted by a vote of 4-0.

Dated this 10th day of June, 2026.

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

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