

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

June 10, 2026

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

The meeting of the State of Nevada Occupational Safety and Health Review Board was called to order by Chairman Jorge Macias on June 10, 2026, at 9:00 o'clock a.m. The meeting of the Board was noticed for June 10, 2026 and June 11, 2026.

Notice of the meeting was given 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 June 10, 2026 and June 11, 2026, by June 10, 2026. Therefore, it was unnecessary for the Board to hold a meeting on June 11, 2026 as all of the Board's business as noticed was concluded on June 10, 2026.

1. Roll Call.

Chairman Macias called Roll of the Board for the meeting of June 10, 2026. The Board members present were Jorge Macias, Chairman, Tyson Hollis, Board Secretary, and Board Members Gled Bautista and Shannon Chambers. Also, present was Vincent Saavedra, who was recently appointed to the Board as a representative of Labor. Five members of the Board were, therefore, present, including two members on behalf of labor, and two members on behalf of management. Thus, a quorum of the Board was present to conduct 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., both of The Law Offices of Charles R. Zeh, Esq., Legal Counsel to the Board of Review, Charles P. Keller, P.C., and John Lanning, Esq., were also present at various times throughout the conduct of the meeting.

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 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 National Pipeline Contractors, LLC, LV XX-XXXX (Oral Argument re: Restatement of Notice of Contest), and Ignite Teen Treatment LLC, LV 24-2299 (Oral Argument re: Motion for Jury Trial) contested matters for the Board meeting were vacated for reasons including, settlement or withdrawal of the matter.

Board Legal Counsel, Mr. Zeh, advised the Board that with the exception of the two aforementioned cases, National Pipeline Contractors and Ignite Teen Treatment, the remaining cases 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, including Las Vegas Dragon Hotel, LLC dba Alpine Motel (Fatality) LV 21-2094. Las Vegas Dragon will be continued to be heard at the earliest time available that is convenient to the Board and the two parties, the State and Las Vegas Dragon.

Board Counsel then directed the Board's attention to National Pipeline Contractors, LLC dba National Pipeline Contractors (National Pipeline) for a hearing on National Pipeline's motion to permit a late filing of the respondent's notice of contest of the State's citation of the respondent's alleged wrong doing. Charles P. Keller, P.C., of the law firm of Snell & Wilmer L.L.P., traveled from out of state to Nevada to be present for the hearing on this issue for respondent (movant) which was whether a late filing of a notice of contest for the State's citation may be excused to permit the respondent in this case to proceed with a challenge to the merits of the complaint. Salli Ortiz, Esq., appeared on behalf of the State of Nevada. The respondent was given 30 minutes for oral argument of its position that its late filing should be excused. The State was given 30 minutes to oppose the motion for respondent's late filing of its notice of contest. The respondent was then given 10 minutes to reply to the State's opposition to this motion.

The parties availed themselves of the entire amount of time allocated in this case to come before the Board to make their respective arguments in support of or in opposition to the motion to permit a late filing of the notice of a contest in this case. The Board interrogated both sides on the issue of whether the notice of contest that must be given by a respondent to the State in matters before the Board is jurisdictional and, therefore, not subject to equitable tolling or that the notice requirement is not jurisdictional and, therefore, subject to equitable tolling upon proof that might justify a failure to make the 30-day deadline for giving notice of intent to contest. Accordingly, to NRS 618.475(1), governs this issue. It provides:

If, after an inspection or investigation, the Division issues a citation under the provisions of this chapter, it shall, within a reasonable time after the termination of the inspection or investigation, notify the employer by certified mail of the penalty, if any, proposed to be assessed under this chapter and that the employer has 30 calendar days within which to notify the Division that the employer wishes to contest the citation or proposed assessment of penalty. If, within 30 calendar days from the receipt of the notice issued by the Division, the employer fails to notify the Division that the employer intends to contest the citation or proposed assessment of penalty, and no notice is filed by any employee or representative of employees under this chapter within such time, the citation and assessment as proposed shall be deemed a final order of the review board and not subject to review by any court or agency. Upon a showing by an employer of a good faith effort to comply with the abatement requirements of a citation, and that the abatement has not been completed because of factors beyond the reasonable control of the employer, the Division shall issue an order affirming or modifying the abatement requirements in the citation.

Upon hearing the argument of both parties, with the respondent going first as the movant and the State replying, the Board determined that the notice of intent to contest is jurisdictional and, therefore, not subject to equitable tolling.

Therefore, it was moved by Shannon Chambers, seconded by Gled Bautista, to deny the motion to permit a late filing of the notice of contest and, therefore, to dismiss the case for the want of jurisdiction because NRS 618.475(1) is jurisdictional and not subject to waiver. In this case there was no dispute but the notice of intent was given 14 days late or beyond the 30-day requirement of NRS 618.475(1). Member Saavedra took no part in the disposition of this matter

as he was so new to the Board he had not had the opportunity to review the file and proceed to vote of the disposition of this matter. The motion to deny and dismiss was, therefore, adopted on a vote of 4-0, with all of the remaining members of the Board voting to affirm the Board's determination that the 30-day notice requirement was jurisdictional.

Chairman Macias then called to be heard on oral argument regarding a motion for jury trial, the case of Ignite Teen Treatment, (Teen Treatment) LLC. This case was before the Board upon Teen Treatment's motion for a jury trial, and for the jury to, therefore, be the fact finder in this matter. This matter is before the Board as LV 24-2299. This matter is a continuation of the case from a preceding month where an oral motion to dismiss the case on grounds that in this matter Teen Treatment was entitled to have the matter heard with a jury as the fact finder. As no jury provision had been made, respondent Teen Treatment sought dismissal on the grounds that it was entitled to have the facts determined in this matter by a jury. Following the discussion on this case last month upon the oral the respondent's motion to dismiss on the grounds of entitlement to a jury to be the fact finder in this matter, the Board ordered simultaneous briefs on this issue. The simultaneous briefs were provided by both parties. Salli Ortiz, Esq., represented the State in this matter. John B. Lanning, Esq., represented the respondent. The issue before the Board was whether the State when acting in its government capacity under OSHA has the authority to assign the fact-finding function in an initial adjudication function to an administrative forum or must the State send this case to be heard before a jury as the fact finder in a case of this nature.

The parties were given 30 minutes a side to argue their case in chief. Respondent was also given 10 minutes to argue in reply. It was the respondent's position that, inasmuch as according to the Nevada Constitution, the right to jury trials is to be held inviolate under Nevada Law, when, as here, financial sanctions were sought to be imposed, any contest over the imposition of the sanctions had to be brought before a jury at the initial adjudication stage of the proceedings.

The respondent argued that historically, the imposition of financial sanctions against a party, had to be referred to a jury to discharge the fact-finding function before sanctions might be imposed. Respondent argued that was the case as of the date the State adopted its Constitution where the inviolate language is found and that would have been the case, then, on the date that the State Legislature enacted the OSHA statutory framework which gave rise to the imposition of the financial sanctions sought to be imposed by the State in this case.

The Board disagreed. The Board pointed to the language in the *Atlas* case where U.S. Supreme Court stated:

[T]he cases discussed above stand clearly for the proposition that when Congress creates new statutory "public rights," it may assign their adjudication to an administrative agency with which a jury trial would be incompatible, without violating the Seventh Amendment's injunction that jury trial is to be "preserved" in "suits at common law. See, *Atlas Roofing Co. v. OSHRC*, 430 U.S. 442, 455, 97 S.Ct. 1261 (1977).

The proceeding is unknown to the common law. It is a statutory proceeding. Reinstatement of the employee and payment for time lost are requirements

[administratively] imposed for violation of the statute and remedies appropriate to its enforcement. The contention under the Seventh Amendment [that a jury trial is required] is without merit. *Atlas, supra* at 453, 454.

The Board also noted the provisions of Nevada Law in *Aftercare of Clark County v. Justice Court*, 120 Nev.1, (2004). There, the Nevada Supreme Courts said:

[W]e looked favorably to a Colorado case, *McInerney v. City of Denver*, and held that adoption of Nevada Constitution did not change the practice 'in this country and in England' that violations of municipal ordinances could be tried without a jury. [footnote omitted]. Significantly, the *McInerney* court indicated that the practice 'in this country and in England' was based on the 'common or statutory law [existing] before the adoption' of the Colorado Constitution. [footnote omitted]. As recently as 1965, in *Hudson v. City of Las Vegas*, [footnote omitted] we invoked *McInerney* to again tie Nevada's jury trial right to the jury trial practice 'in this country and in England.'

The operant language is, of course, for the Board that "violations of municipal ordinances could be tried without a jury...." *Aftercare, supra* at 5. The Quotes are off.

Aftercare tracts the case before the Board. That is, the complainant is attempting to enforce a municipal ordinance, the State OSHA statutory framework, enacted to provide a safe employment and safe place of employment. It is, therefore, an ordinance that may be applied and tried without a jury.

Board counsel reminded the Board at the outset that during the previous hearing on Ignite Teen, the State's exhibits were admitted into evidence without objection. They consisted of three exhibits, pages 1 through 433. The Respondent offered no exhibits for admission, advising that it would rely upon the State's exhibits. Neither party offered any additional exhibits at today's hearing.

Accordingly, it was moved by Shannon Chambers, seconded by Gled Bautista, to deny the motion by the respondent, to refer this matter to a jury for a trial on the merits and to allow the Board to proceed with the disposition of this matter. The motion was adopted on a vote of 4 in favor, and 0 against, with member Saavedra abstaining.

This concluded the contested case portion of the Agenda and the Board, through the Chairman, then moved to the administrative side of the Agenda to continue with conduct of the Board's business.

The Chairman then directed the Board to consider the Administrative Items on the Agenda.

4. Administrative Meeting:

a. Approval of previous Review Board meeting minutes of the following dates:

i. March 11 and 12, 2026.

It was moved by Gled Bautista, seconded by Tyson Hollis, to approve the minutes of March 11 and 12, 2026. The motion was adopted on a vote of 4-0.

ii. April 8, 2026.

The minutes were approved as read for April 8, 2026, on a motion by Gled Bautista, seconded Tyson Hollis. The motion was adopted on a vote of 4.0.

iii. April 21, 2026.

It was moved by Gled Bautista, seconded by Tyson Hollis, to approve the minutes as read for April 21, 2026. The motion was adopted on a vote 4-0.

iv. May 13, 2026

It was moved by Gled Bautista, seconded by Tyson Hollis, to approve the minutes for the meeting of May 13, 2026. The motion was adopted on a vote of 4.0.

Then Chairman directed the Board's attention to Item 4, b.

b. Review status conferences, contested case settlements, motions, draft decisions, for approval, rejection, or amendment and possible issuance of final orders.

Mr. Cladianos helped the Board negotiation through these matters beginning with ii, Builders First Source Group.

ii. LV 24-2266, Builders First Source Group of Nevada dba Builders First

It was moved by Shannon Chambers, seconded by Tyson Hollis, to approve the settlement in this matter, affirming the fine of \$15,000. The motion was adopted on a vote of 4-0.

iii. RNO 24-2251, Post Consumers Brand

It was moved by Shannon Chambers, seconded by Tyson Hollis, to approve the settlement in this matter, in the discounted amount of \$7,539. The motion was adopted on a vote of 4-0.

iv. RNO 24-2276 - Dolgen Midwest, LLC dba Dollar General Store #13581

It was moved by Shannon Chambers, seconded by Tyson Hollis, to approve the settlement amount of \$4,218.20, giving a 30% discount. The motion was adopted on a vote of 4-0.

v. RNO 25-2331, V&C Construction

It was moved by Shannon Chambers, seconded by Tyson Hollis, to approve the settlement amount of \$3,946.40, representing a percentage discount of 44%. The motion was adopted on a vote of 4-0.

vi. & vii. LV 24-2294, Cintas Corporation No. 3 and LV 24-2280, Cintas Corporation No. 2.

Combined with LV 24-2280, Cintas Corporation No. 2, LV 24-2294, it was moved by Shannon Chambers, seconded by Tyson Hollis to approve the cases simultaneously with combined fine of \$0 and a discount of 100%. As part of the settlements, respondent agreed to offer Hepatitis B vaccines to all employees. The motion was adopted on a vote of 4-0.

viii. & ix. RNO 22-2165 & RNO 20-2166 Battleborn Patriot Inc. dba Duds N Suds of Reno

Another combined settlement, it was moved by Shannon Chambers, seconded by Tyson Hollis, to approve the combined settlement of these two cases. The fine amount was \$2,633. The discounted amount was \$658. The discount percentage was 25%. The motion was unanimously adopted on a vote of 4-0.

x. LV 23-2210, Cooper Roofing & Solar, Inc.

It was moved by Shannon Chambers, seconded by Tyson Hollis, to approve the settlement of this matter. The proposed fine was \$13,435. The settlement amount was \$0. The discount amount was the entire amount of the fine of \$13,435. The discount was 100%. The motion was adopted on a vote of 4-0.

xi. RNO 24-2240, RSCVA dba Reno-Sparks Convention Center

The penalty assessed in this matter was \$140,630. The settlement amount was \$101,253.60. The discounted amount was \$39,376.40. The discount percentage was 28%, on this matter. It was moved by Gled Bautista, seconded by Tyson Hollis, to approve the settlement in the amount of \$101,253.60. The motion was adopted on a vote 4-0.

xii. RNO 22-2173, AZZ Galvanizing - Reno, LLC

The penalty assessed in this matter was \$28,671. The fine for the settlement amount was \$17,000. The discount percentage was 41%. It was moved by Shannon Chambers, seconded by Tyson Hollis, to approve the settlement. The motion was adopted on a vote of 4-0.

xiii. RNO 25-2314, Walmart, Inc.

The penalty assessed in this matter was \$8,643. The fine for the settlement amount was \$6,050. The discounted amount was \$2,533, representing a discount percentage of 30%. It was

moved by Gled Bautista, seconded by Tyson Hollis, to approve the settlement in the amount of \$2,533. The motion was adopted on a vote of 4-0.

- xiv. RNO 21-2056 & xv. RNO 21-2057. A dual settlement again for Hotel Nevada and Gambling Hall, Ltd. dba Hotel Nevada & Gambling Hall.

No answer has been filed in these matters. It was alleged in the complaint for RNO 21-2056, 4 Serious violations of health with a fine of \$20,648 and in the complaint for RNO 21-2057, 1 Serious and 4 Other-than-Serious violations of safety, with a fine of \$5,072. It was moved by Shannon Chambers, seconded by Tyson Hollis, to approve the combined amount of \$15,432 for these matters, representing a percentage deduction of 40%. The motion was adopted on a vote of 4-0.

- xvi. RNO 24-2301 & xvii. RNO 24-2303, Fedex Ground Package System, Inc.

It was moved by Gled Bautista, seconded by Tyson Hollis, to approve settlement in these two cases combined the fine of \$7,779 and a settlement amount of \$7,779, meaning that the fine was reduced to \$0.

- xviii. LV 21-2107 - Unique Upholstery

No answer was filed in this matter. There were 5 serious violations of Federal regulations and a proposed fine of \$16,135. The proposed fine of \$16,135 was reduced to \$0 with a discount of 100% of \$16,135. No reason was given for the withdrawal. It was moved by Shannon Chambers, seconded by Tyson Hollis, to approve the settlement on a vote of 4-0.

- xix. LV 25-2377 - Highland Poultry, LLC

The proposed fine was \$4,646. The settlement amount was reduced to \$1,809, thereby giving a \$2,837 reduction or a percent reduction of 61%. It was moved by Shannon Chambers, seconded by Tyson Hollis, to approve the settlement in this matter. The motion was adopted on a vote of 4-0.

- xx. RNO 23-2194 - Q&D Construction

In this Q&D matter, the penalty assessed was \$40,203. The settlement was \$18,272.80. This was a discounted amount of \$21,930.20 and a discounted percentage of 55%. It was moved by Gled Bautista, seconded by Tyson Hollis, to approve the settlement in this matter. Vote 4-0.

Chairman Macias directed the Board's attention items xxi. and xxii., Status Conferences.

Chairman Macias took up xxi. LV 18-1952, Westcor Construction.

Mr. Cladianos advised the Board that an Order will be drafted and forth coming for the Board to review and approve.

The Chairman then directed the Board's attention to xxii. LV 19-1990, Sofidel America Corp.

William Curphey, Esq., appeared on behalf of Sofidel. A discussion ensued over the meaning of the remand language. The Chairman gave the counsel for the parties the opportunity to come back with an interpretation of the meaning of the reversal and remand in Sofidel. Mr. Curphey will be notified of the hearing when this matter is taken again within the next 90 days.

The Chairman then directed the Board's attention to Item c., a presentation and discussion of the Board's view of the taking of default and default judgments in cases that come before the Board.

Mr. Cladianos informed the Board that he had met with counsel for the State, Salli Ortiz, Esq., explaining the Board's view of how defaults and default judgments are to be taken in matters before the Board. Mr. Cladianos advised that he and Ms. Ortiz were in agreement as to the process for taking a default and a default judgement. Ms. Ortiz concurred in that comment. Board counsel advised that this was an issue that had been raised for resolution by Shannon Chambers. Board counsel advised further that he had called Ms. Chambers and explained what the Board had done to address this issue and wanted to know that since this was an issue she had raised, whether this approach was met with her approval. She indicated that his approach would satisfy her concerns that she had expressed previously regarding the defaults and default judgments and the Board can, therefore, move on. If this does not resolve the backlog of these kind of matters, the Board can re-visit the issue.

The Chairman then called for Item 4. d., to be addressed.

- a. General Administration and/or procedural issues to be discussed.
 - i. General matters of import to Board members.

It was pointed out that today, this date, was Gled Bautista's birthday and, therefore, the Board members wished him a Happy Birthday and many returns of the date.

The Chairman then concluded there was no further business under Item 4, d, to be addressed by the Board on this date and so the Chairman moved on to Item 4, e., Schedule of hearings on pending cases, calendar, and status reports.

He noted that on several of the dates for the schedule of next meetings of the Board included three days instead of two. The Board concluded once again that the three days, at least for the time being are unnecessary and so, therefore, the third day on this item where three days of hearings are listed should be deleted and no longer appear on the agenda for the Board.

The Board members were reminded that Ms. Chambers would not present for the August 12 and 13, 2026 meeting of the Board. Vincent Saavedra informed the Board that he would be in attendance and prepared to conduct the Board's business for August 12 and 13, 2026. As a result there would be a quorum as at least one labor representative, Vincent Saavedra, who would be in attendance. Therefore, the Board would have a quorum to conduct its business.

Chairman then called Item 5, Public Comment, to be addressed. He advised that there was no public comment offered during the course of the meeting. Board counsel advised that his office had received no public comment during the course of the meeting. There was no public comment, therefore.

6. Adjournment.

The Chairman then called the adjournment item on the Agenda. It was moved by Gled Bautista, seconded Tyson Hollis, to adjourn the meeting. The motion was adopted on a vote of 4-0.

Dated this 8th day of July, 2026.

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

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