

Minutes: Occupational Safety and Health Review Board, May 16, 2024

Call to order

- Board members present: Chair Robert Sogla and board members Christopher Strand and David Lillback; a quorum was met.
- Also present:
 - Erik Johnson, assistant attorney general, counsel for the board;
 - Peggy Charpentier, executive secretary for the board;
 - Bradley Simon, assistant attorney general, attorney for Minnesota OSHA (MNOSHA);
 - Ryan Anderson, attorney for MNOSHA;
 - Aaron Dean, attorney for Mindak Commercial Construction, LLC;
 - Gjebrina Kraus, Mindak Commercial Construction, LLC;
 - Raquel Castillo, R and M Roofing and Exteriors LLC;
 - Miguel Castillo, R and M Roofing and Exteriors LLC;
 - Erik Smith, E and T Cleaning Service LLC; and
 - Ray Smith, E and T Cleaning Service LLC.

Approval of agenda

- Motion to approve the agenda as rearranged by Christopher Strand, seconded by David Lillback. The board voted to unanimously approve the agenda.

Approval of minutes

- Motion to approve the Sept. 9, 2023, minutes by Lillback, seconded by Strand. The board voted to unanimously approve the agenda.

New business

- Commissioner, et al. v. R and M Roofing and Exteriors LLC, federal inspection 318195658
 - Raquel Castillo presented oral argument on behalf of the petitioner.
 - Ryan Anderson presented oral argument on behalf of MNOSHA.
- Commissioner v. E and T Cleaning Service LLC, federal inspection 318180601
 - Erik Smith and Ray Smith presented oral argument on behalf of the petitioner.
 - Ryan Anderson presented oral argument on behalf of MNOSHA.

- Commissioner, et al. v. Mindak Commercial Construction, LLC, OAH docket 82-1901-37716
 - Bradley Simon presented oral argument on behalf of the appellant.
 - Aaron Dean presented oral argument on behalf of the respondent.
- Commissioner, et al. v. Otis Elevator Company, federal inspection 318190766
 - No appearance was made by or on behalf of the petitioner per parties agreement to waive oral argument.
 - No appearance was made by or on behalf of MNOSHA per parties agreement to waive oral argument.
- Commissioner, et al. v. FLN, INC. d/b/a Forest Lake NAPA, federal inspection 318194321
 - No appearance was made by or on behalf of the petitioner.
 - No appearance was made by or on behalf of MNOSHA.

Closed session

Open session

- Commissioner, et al. v. R and M Roofing and Exteriors LLC, federal inspection 318195658
 - Motion to deny petition to vacate by Christopher Strand, seconded by David Lillback. The board voted. The motion passed unanimously.
- Commissioner v. E and T Cleaning Service LLC, federal inspection 318180601
 - Motion to deny petition to vacate by David Lillback, seconded by Christopher Strand. The board voted. The motion passed unanimously.
- Commissioner, et al. v. Mindak Commercial Construction, LLC, Office of Administrative Hearings docket 82-1901-37716
 - Motion to affirm decision of administrative law judge by Christopher Strand, seconded by David Lillback. The board voted. The motion passed unanimously.
- Commissioner, et al. v. Otis Elevator Company, federal inspection 318190766
 - Motion to deny petition to vacate by David Lillback, seconded by Christopher Strand. The board voted. The motion passed unanimously.
- Commissioner, et al. v. FLN, INC. d/b/a Forest Lake NAPA, federal inspection 318194321
 - Motion to grant petition to vacate by Christopher Strand, seconded by David Lillback. The board voted. The motion passed unanimously.

Approval of adjournment

- There was a motion to adjourn by Robert Sogla, seconded by Strand. The board voted unanimously to adjourn and the meeting was adjourned.