

Occupational Safety and Health Review Board meeting minutes – Dec. 6, 2019

Call to order

Present

- Chairman Wayne DeVoe and board members Robert Sogla and Michael Murphy appeared in person. A quorum was met.
- Erik Johnson, assistant attorney general, counsel for the Occupational Safety and Health Review Board (OSHRB)
- Debra Jevne, executive secretary for the OSHRB
- Scott Grosskreutz – assistant attorney general for Minnesota OSHA (MNOSHA)
- Bradley Simon – assistant attorney general for MNOSHA
- Matthew Jobe – attorney for MNOSHA
- Gary Carlson – representative for Gary Carlson Equipment Co.
- Sam Nelson – attorney for Gary Carlson Equipment Co.
- Stuart Johnson – attorney for Gary Carlson Equipment Co.
- Kerry Sherk – representative for Liberty Plumbing Company, LLC

Approval of agenda

There was a motion to approve the agenda by Wayne DeVoe; it was seconded by Michael Murphy. The board voted unanimously to approve the agenda.

Approval of minutes

There was a motion to approve the Sept. 6, 2019, meeting minutes by Robert Sogla; it was seconded by Murphy. The board voted unanimously to approve the minutes.

New business

- Commissioner, et al. v. Gary Carlson Equipment Co., OAH docket 65-1901-34598
 - Sam Nelson presented oral arguments on behalf of the petitioner.
 - Bradley Simon presented oral argument on behalf of MNOSHA.
- Commissioner, et al v. Liberty Plumbing Company, LLC, federal inspection 318137569
 - Kerry Sherk presented oral arguments on behalf of the petitioner.
 - Matthew Jobe presented oral argument on behalf of MNOSHA

- Commissioner, et al v. JJD Companies, LLC, federal inspection 318138385
 - No appearance was made by or on behalf of the petitioner.
 - Matthew Jobe presented oral argument on behalf of MNOSHA.

Closed session

Open session

- Commissioner, et al. v. Gary Carl – A motion to affirm was made by Sogla; it was seconded by Murphy. The board voted unanimously and the motion passed.
- Commissioner, et al. v. Liberty Plumbing Company, LLC – A motion to deny the petition to vacate was made by Murphy; it was seconded by Sogla. The board voted unanimously and the motion passed.
- Commissioner, et al. v. JJD Companies, LLC – A motion to deny the petition to vacate was made by Sogla; it was seconded by Murphy. The board voted unanimously and the motion passed.

Adjournment

A motion to adjourn was made by Sogla; it was seconded by Murphy. The board voted unanimously and the motion passed.