

Minutes: Occupational Safety and Health Review Board, Dec. 3, 2021

Call to order

- Board members present: Chairman Wayne DeVoe; board members Robert Sogla and Michael Murphy, who appeared via Microsoft Teams; a quorum was met
- Also present:
 - Erik Johnson, assistant attorney general, counsel for the board;
 - Scott A. Grosskreutz, assistant attorney general, counsel for Minnesota OSHA (MNOSHA);
 - Elizabeth A. Cole, executive secretary for the Occupational Safety and Health Review Board (OSHRB);
 - Deb Jevne, Minnesota Department of Labor;
 - Aaron Dean and Devlan Sheahan, attorneys for Acoustics Associates, Inc.;
 - Ken Alme, chief financial officer for Acoustics Associates, Inc.;
 - Laura Zajac, attorney for MNOSHA;
 - Ali Afsharjavan, attorney for MNOSHA;
 - Jeff Willett, Minnesota Construction Law Services; and
 - Mary Ferrian

Approval of agenda

- A motion was made to approve the agenda; it was approved unanimously.

Approval of minutes

- A motion was made to approve the March 5, 2021, OSHRB meeting minutes; it was approved unanimously.

New business

- Commissioner v. Acoustics Associates, Inc., federal inspection: 318138054
 - Scott A. Grosskreutz presented oral argument on behalf of the appellant.
 - Devlan Sheahan presented oral argument on behalf of the respondent.
- Commissioner v. BrittneyKate Builds, LLC, federal inspection: 318165966
 - Chelsey Durkee presented oral argument on behalf of the petitioner.
 - Laura Zajac presented oral argument on behalf of MNOSHA.

Closed session

Open session

- Commissioner v. Acoustics Associates, Inc., federal inspection: 318138054
 - Motion to deny by Michael Murphy; seconded by Robert Sogla. The board voted and the motion passed.
- Commissioner v. BrittneyKate Builds, LLC, federal inspection: 318165966
 - Motion to grant petition to vacate by Michael Murphy; seconded by Robert Sogla. The board voted and the motion passed.

Approval of adjournment

- A motion to adjourn the meeting was approved unanimously and the meeting was adjourned.