

VOSHA REVIEW BOARD SPECIAL MEETING MINUTES

6 Baldwin Street, Montpelier, VT 05633

March 2, 2022

The VOSHA Review Board (VRB) Meeting began at 2:04 P.M. and was attended by Leigh Keyser Phillips (Chair), Benjamin R. O'Brien (Member) Mark J. Gregoritsch (Board Member who joined the meeting at 2:11 P.M. and Carolyn Desch (Clerk). Also in attendance during the meeting was incoming Review Board Chairperson Gary McQuesten. In addition, Alan Rome, Hearing Officer, acting as a consultant on the Kingsbury Discretionary Review was present during case deliberation of the Kingsbury case only.

ADDITIONS OR DELELTIONS TO THE AGENDA

None.

APPROVAL OF MINUTES

RESOLUTION PASSED: After discussion and upon motion made by Benjamin R. O'Brien and seconded by Leigh Keyser Phillips, the Board unanimously voted to approve the October 21, 2021, VRB meeting minutes. - PASSED

CASE DELIBERATION

Upon motion by Benjamin R. O'Brien and seconded by Leigh Keyser Phillips, the Board unanimously voted to adjourn the meeting at 2:09 P.M. for purposes of deliberating over VRB1035 Engineers Construction, Inc. and VRB1029 Kingsbury Companies, LLC. - PASSED

Upon motion by Benjamin R. O'Brien and seconded by Mark Gregoritsch, the Board unanimously voted to reconvene the meeting at 3:05 P.M. - PASSED

A Motion for Oral Argument was filed by the Respondent December 13, 2021. The Review Board agreed that oral argument would facilitate resolution of the issues before the Review Board. Upon motion by Benjamin R. O'Brien and seconded by Mark Gregoritsch, the Board unanimously voted to approve oral argument limited to 30 minutes each as it relates to the procedural issues. - PASSED

The Review Board decided that it will not pursue discretionary review by its own motion pertaining to the Engineers Construction Inc., Hearing Officer decision.

INTRODUCTION OF NEW BOARD CHAIR

Gary McQuesten was introduced to the Review Board. Discussion was around Leigh Keyser Phillips's term would end and Gary's would start. It was decided that the next day March 3, 2022, would be acceptable. Mark Gregoritsch expressed the feelings of the Review Board as to the appreciation for Leigh's dedication, hard work and expertise over the years.

DOCKET REVIEW

Carolyn Desch shared that a new case VRB1042 Charlotte Volunteer Fire and Rescue Services, Inc., with violations related to respirator use, was filed in February. It appears currently that the case is going to settle.

FINANCIALS

The financial were not reviewed at this meeting.

SCHEDULING OF BOARD MEETINGS

No meeting was scheduled at this time. However, Carolyn Desch will be reaching out to the parties

about availability in the last two weeks of March for oral arguments.

ADJOURN

The meeting of the VOSHA Review Board was adjourned at 3:23 P.M.