

Description	<p>LS-21-002, -003, -004 Minutes for Hearing Baja Concrete USA Corp., Newway Forming, Antonio Machado Monday, June 12, 2023</p> <p>Time: 9:00 a.m. Examiner: Ryan Vancil Assistant: Angela Oberhansly</p> <p>Party Representatives:</p> <p>Alex Larkin, for the Appellant, Baja Concrete USA Corp</p> <p>Nicole Wolfe for the Appellant, Newway Forming</p> <p>Allen McKenzie for the Appellant, Antonio Machado</p> <p>Lorna Sylvester for the City, Office of Labor Standards</p> <p>Trina Pridgeon for the City, Office of Labor Standards</p> <p>Laura Gutierrez, Spanish Interpreter</p> <p>Alfred Santos, Spanish Interpreter</p> <p>Witnesses:</p> <p>Jonathan Ivan Parra Ponce</p>
Date	6/12/2023 Location [HXM1810606]

Time	Speake	Note
9:00:30 AM		Examiner opens hearing
9:00:53 AM		Lorna Sylvester for the City, Office of Labor Standards
9:01:09 AM		Trina Pridgeon is present for the City, Office of Labor Standards
9:01:38 AM		Alex Larkin is present for the Appellant, Baja Concrete
9:01:55 AM		Nicole Wolfe is present for the Newway Forming
9:07:06 AM		Allen McKenzie is present for Antonio Machado
9:09:56 AM		Laura Gutierrez, is sworn in
9:11:00 AM		Alfred Santos, is sworn in
9:39:21 AM		Examiner pauses hearing for a short break to reconvene at 10:00 a.m.
10:00:25 AM		Examiner resumes hearing
10:01:22 AM		Examiner addresses motions filed
10:06:28 AM		Sylvester responds
10:07:47 AM		Examiner responds
10:07:57 AM		Sylvester responds
10:09:01 AM		Examiner continues
10:11:23 AM		Sylvester responds
10:12:15 AM		McKenzie responds
10:12:23 AM		Examiner continues
10:13:42 AM		Wolfe responds
10:14:36 AM		Examiner responds
10:14:47 AM		Sylvester responds
10:15:57 AM		Wolfe responds
10:17:49 AM		Examiner responds
10:19:37 AM		City Exhibit 91 is excluded
10:20:05 AM		Examiner continues regarding City Exhibit 132
10:20:18 AM		Wolfe responds
10:20:45 AM		Sylvester responds
10:22:03 AM		City Exhibit 132 is exlcuded
10:22:14 AM		Examiner continues regarding City Exhibit 135
10:22:27 AM		Wolfe responds
10:23:35 AM		Sylvester responds
10:24:28 AM		City Exhibit 135 is excluded
10:24:41 AM		Examiner continues regarding City Exhibit 136
10:24:47 AM		Wolfe responds
10:25:41 AM		City Exhibit 136 is excluded
10:26:15 AM		Sylvester begins opening statement
10:30:52 AM		Sylvester concludes
10:31:21 AM		Larkin begins opening statement
10:34:57 AM		Larkin concludes
10:35:01 AM		Wolfe begins opening statement
10:37:08 AM		Wolfe concludes

10:37:10 AM	McKenzie begins opening statement
10:41:40 AM	McKenzie concludes
10:53:10 AM	Examiner pauses hearing for a short break to reconvene at 11:10 a.m.
11:10:14 AM	Examiner resumes hearing
11:12:20 AM	Jonathan Parra Ponce is called as the City's first witness
11:13:20 AM	Jonathan Parra Ponce is sworn in
11:13:51 AM	Sylvester begins direct examination of Ponce
11:14:22 AM	Ponce responds
11:14:35 AM	Sylvester continues
11:14:45 AM	Ponce responds
11:20:03 AM	Larkin objects
11:20:13 AM	Sylvester responds
11:20:33 AM	Objection is overruled
11:21:53 AM	Sylvester continues
11:21:54 AM	Larkin objects
11:22:26 AM	Sylvester responds
11:22:33 AM	Objection is overruled
11:23:52 AM	Sylvester continues
11:24:20 AM	Larkin objects
11:24:34 AM	McKenzie joins objection
11:24:47 AM	Sylvester responds
11:25:07 AM	Objection is overruled
11:25:36 AM	Sylvester continues
11:25:39 AM	Ponce responds
11:26:23 AM	Larkin objects
11:26:34 AM	Sylvester responds
11:26:54 AM	Larkin responds
11:27:28 AM	Sylvester responds
11:27:55 AM	Objection is sustained
11:28:12 AM	Sylvester continues
11:28:24 AM	Ponce responds
11:28:40 AM	Sylvester continues
11:28:45 AM	Ponce responds
11:30:50 AM	Larkin objects
11:31:08 AM	Sylvester responds
11:31:24 AM	Objection is overruled
11:31:28 AM	Sylvester continues
11:34:16 AM	Larkin objects
11:34:25 AM	McKenzie and Wolfe join objection
11:34:34 AM	Sylvester responds
11:34:43 AM	Objection is overruled
11:34:50 AM	Sylvester continues

11:34:57 AM	Ponce responds
11:40:00 AM	McKenzie objects
11:40:05 AM	Wolfe and Larkin join objection
11:40:15 AM	Sylvester responds
11:40:38 AM	Objection is overruled
11:40:47 AM	Sylvester continues
11:41:01 AM	Ponce responds
11:44:55 AM	Larkin objects
11:45:48 AM	Sylvester continues
11:45:51 AM	Ponce responds
11:46:49 AM	Larkin objects
11:47:08 AM	Sylvester responds
11:47:42 AM	Objection is overruled
11:47:59 AM	Sylvester continues
11:48:21 AM	Ponce responds
11:49:41 AM	Wolfe objects
11:49:47 AM	McKenzie joins objection
11:49:52 AM	Sylvester responds
11:50:40 AM	Objection is overruled
11:51:08 AM	Sylvester continues
11:51:30 AM	Ponce responds
11:51:55 AM	Larkin objects
11:52:13 AM	Objection is overruled
11:52:23 AM	Ponce responds
11:53:02 AM	Sylvester continues
11:53:15 AM	Ponce responds
11:55:16 AM	Sylvester uses share screen to display City Exhibit 130 and continues direct examination of Ponce about it
11:56:30 AM	Ponce responds
11:56:52 AM	Larkin objects
11:57:08 AM	Wolfe and McKenzie joins objection
11:57:53 AM	Sylvester responds
11:58:00 AM	Objection is sustained
11:58:56 AM	Sylvester continues
11:59:13 AM	Ponce responds
12:02:49 PM	Sylvester uses share screen to display City Exhibit 145 and continues direct examination of Ponce about it
12:03:57 PM	Ponce responds
12:04:22 PM	Sylvester continues
12:04:30 PM	Ponce responds
12:06:39 PM	Sylvester uses share screen to display City Exhibit 130 and continues direct examination of Ponce about it
12:07:42 PM	Ponce responds
12:09:59 PM	Sylvester continues

12:10:07 PM	Ponce responds
12:14:51 PM	Larkin objects
12:14:58 PM	McKenzie joins objection
12:15:14 PM	Sylvester rephrases question
12:15:39 PM	Ponce responds
12:15:54 PM	Sylvester continues
12:16:02 PM	Ponce responds
12:23:34 PM	Sylvester uses share screen to display City Exhibit 23 and continues direct examination of Ponce about it
12:24:14 PM	Ponce responds
12:24:52 PM	Sylvester motions to admit City Exhibit 23
12:30:06 PM	City Exhibit 23 is admitted as Hearing Exhibit 1
12:32:51 PM	Examiner pauses hearing for a lunch break to reconvene at 2:00 p.m.
2:00:32 PM	Examiner resumes hearing
2:01:57 PM	Sylvester uses share screen to display Hearing Exhibit 1 and continues direct examination of Ponce about it
2:02:41 PM	Ponce responds
2:03:37 PM	Sylvester continues
2:03:47 PM	Ponce responds
2:05:55 PM	Sylvester uses share screen to display Hearing Exhibit 1, pg. 00667, and continues direct examination of Ponce about it
2:06:29 PM	Ponce responds
2:08:18 PM	Sylvester uses share screen to display Hearing Exhibit 1, pages 00663 - 00666, and continues direct examination of Ponce about it
2:09:12 PM	Ponce responds
2:12:16 PM	Sylvester continues
2:12:27 PM	Ponce responds
2:17:52 PM	Larkin objects
2:18:14 PM	Sylvester responds
2:18:19 PM	Objection is overruled
2:18:26 PM	Sylvester continues
2:18:39 PM	Ponce responds
2:20:55 PM	Sylvester uses share screen to display Hearing Exhibit 1 and continues direct examination of Ponce about it
2:21:45 PM	Ponce responds
2:22:57 PM	Sylvester uses share screen to display Hearing Exhibit 1, pg. 00652, and continues direct examination of Ponce about it
2:23:34 PM	Ponce responds
2:25:20 PM	Sylvester uses share screen to display Hearing Exhibit 1, pg. 00653, and continues direct examination of Ponce about it
2:25:52 PM	Ponce responds

2:26:01 PM	Sylvester concludes direct examination of Ponce
2:26:24 PM	Larkin begins direct examination of Ponce
2:26:50 PM	Ponce responds
2:27:30 PM	Larkin uses share screen to display Hearing Exhibit 1 and continues direct examination of Ponce about it
2:29:21 PM	Ponce responds
2:32:04 PM	Sylvester objects
2:32:12 PM	Larkin rephrases question
2:32:48 PM	Ponce responds
2:33:27 PM	Larkin continues
2:33:42 PM	Ponce responds
2:40:27 PM	Sylvester objects
2:40:42 PM	Larkin responds
2:41:23 PM	Examiner interjects
2:42:38 PM	Larkin continues
2:44:56 PM	Ponce responds
2:46:00 PM	Examiner interjects
2:46:23 PM	Ponce responds
2:48:05 PM	Larkin continues
2:48:16 PM	Ponce responds
2:50:16 PM	Examiner interjects
2:51:41 PM	Larkin continues
2:51:52 PM	Ponce responds
2:56:33 PM	Sylvester objects
2:56:36 PM	Objection is sustained
2:56:43 PM	Larkin continues
2:56:59 PM	Sylvester objects
2:57:12 PM	Larkin responds
2:57:30 PM	Objection is overruled
2:57:47 PM	Larkin continues
2:58:52 PM	Ponce responds
3:01:01 PM	Sylvester objects
3:01:14 PM	Larkin responds
3:01:38 PM	Objection is overruled
3:01:48 PM	Larkin continues
3:02:16 PM	Ponce responds
3:03:10 PM	Sylvester objects
3:03:17 PM	Larkin responds
3:03:29 PM	Objection is overruled
3:04:16 PM	Ponce responds
3:05:28 PM	Larkin continues
3:05:56 PM	Ponce responds
3:07:41 PM	Sylvester objects

3:07:50 PM	Larkin responds
3:08:31 PM	Objection is sustained
3:08:54 PM	Wolfe asks question of Examiner
3:09:23 PM	Examiner asks question of Larkin
3:09:35 PM	Larkin responds
3:10:50 PM	Wolfe responds
3:12:04 PM	Examiner responds
3:13:19 PM	Larkin continues
3:14:03 PM	Sylvester objects
3:14:06 PM	Larkin responds
3:15:37 PM	Examiner responds
3:17:05 PM	Larkin continues
3:17:09 PM	Ponce responds
3:20:51 PM	Larkin uses share screen to display Appellant Baja Concrete Exhibit 158 and continues direct examination of Ponce about it
3:21:12 PM	McKenzie objects
3:22:03 PM	Wolfe joins objection
3:22:08 PM	Larkin responds
3:23:48 PM	Objection is overruled
3:24:42 PM	Larkin continues
3:27:26 PM	Ponce responds
3:28:32 PM	Larkin motions to admit Appellant Baja Concrete Exhibit 158
3:28:43 PM	McKenzie objects
3:29:55 PM	Wolfe joins objection
3:30:40 PM	Larkin responds
3:32:27 PM	Objections are overruled
3:32:37 PM	Appellant Baja Concrete Exhibit 158 is admitted as Hearing Exhibit 2
3:34:05 PM	Examiner pauses hearing for an afternoon break until 3:50
3:50:18 PM	Examiner resumes hearing
3:50:23 PM	Larkin concludes direct examination of Ponce
3:50:37 PM	Wolfe begins direct examination of Ponce
3:51:15 PM	Ponce responds
3:52:15 PM	Wolfe continues
3:52:49 PM	Ponce responds
3:59:10 PM	Sylvester objects
3:59:18 PM	Larkin joins objection
3:59:25 PM	Wolfe responds
3:59:58 PM	Sylvester objects to Wolfe response
4:00:44 PM	Larkin responds
4:00:53 PM	Examiner responds
4:01:01 PM	Second objection is overruled

4:02:03 PM	Wolfe responds
4:02:20 PM	Examiner responds
4:04:49 PM	Wolfe continues
4:05:14 PM	Ponce responds
4:08:55 PM	Sylvester objects
4:09:21 PM	Wolfe responds
4:09:47 PM	Sylvester responds
4:10:30 PM	Wolfe withdraws question
4:10:38 PM	Wolfe continues
4:10:55 PM	Ponce responds
4:11:45 PM	Wolfe concludes
4:11:57 PM	McKenzie begins cross examination of Ponce
4:13:02 PM	Ponce responds
4:14:19 PM	McKenzie continues
4:14:37 PM	Ponce responds
4:20:20 PM	Sylvester objects
4:20:35 PM	McKenzie responds
4:20:50 PM	Objection is sustained
4:21:14 PM	McKenzie rephrases question
4:21:27 PM	Ponce responds
4:22:27 PM	McKenzie continues
4:22:34 PM	Ponce responds
4:23:46 PM	McKenzie uses share screen to display Hearing Exhibit 2 and continues cross examination of Ponce about it
4:25:01 PM	Ponce responds
4:28:13 PM	Sylvester objects
4:28:26 PM	McKenzie responds
4:28:34 PM	Objection is overruled
4:28:55 PM	McKenzie continues
4:29:05 PM	Ponce responds
4:30:11 PM	Sylvester objects
4:30:15 PM	Objection is overruled
4:30:27 PM	McKenzie continues
4:30:43 PM	Larkin objects
4:30:48 PM	Objection is overruled
4:30:56 PM	Ponce responds
4:31:36 PM	Sylvester objects
4:31:44 PM	Larkin joins objection
4:32:46 PM	Objection is overruled
4:33:06 PM	McKenzie continues
4:33:50 PM	Sylvester objects
4:33:59 PM	Larkin joins objection
4:34:06 PM	Objection is sustained

4:34:42 PM	Larkin objects
4:34:58 PM	McKenzie responds
4:35:10 PM	Examiner responds
4:36:02 PM	McKenzie continues
4:36:32 PM	Ponce responds
4:37:54 PM	Larkin objects
4:37:58 PM	Objection is sustained
4:38:09 PM	McKenzie continues
4:38:20 PM	Ponce responds
4:38:52 PM	Larkin objection
4:39:02 PM	McKenzie continues
4:39:23 PM	Sylvester objects
4:39:38 PM	Larkin joins objection
4:39:44 PM	McKenzie responds
4:40:38 PM	Larkin responds
4:41:50 PM	Sylvester responds
4:42:49 PM	McKenzie responds
4:44:28 PM	Examiner responds
4:44:53 PM	Objection is overruled
4:45:39 PM	McKenzie uses share screen to display City Exhibit 134 and continues cross examination of Ponce about it
4:47:51 PM	Ponce responds
4:49:00 PM	Sylvester objects
4:49:16 PM	Larkin joins objection
4:49:26 PM	McKenzie responds
4:50:21 PM	McKenzie continues
4:50:48 PM	Larkin objects
4:51:21 PM	McKenzie responds
4:51:32 PM	Larkin responds
4:52:14 PM	McKenzie responds
4:53:14 PM	Examiner asks question of Ponce
4:53:24 PM	Examiner responds
4:55:41 PM	McKenzie continues
4:55:48 PM	Ponce responds
4:57:11 PM	Sylvester objects
4:57:43 PM	Objection is overruled
4:58:01 PM	McKenzie continues
4:58:20 PM	Ponce responds
4:59:23 PM	Sylvester objects
4:59:28 PM	McKenzie responds
4:59:39 PM	Objection is overruled
5:00:02 PM	McKenzie continues
5:00:10 PM	Ponce responds

5:00:28 PM	Examiner closes hearing
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