

Description	<p>LS-21-002 through -004 Minutes for Hearing Day 3 Baja Concrete USA Corp et. al. Wednesday, June 14, 2023</p> <p>Time: 9:00 a.m. Examiner: Ryan Vancil Assistant: Angela Oberhansly</p> <p>Party Representatives:</p> <p>Alex Larkin, Legal Counsel for the Appellant Baja Concrete USA</p> <p>Nicole Wolfe, Legal Counsel for the Appellant Newway Forming</p> <p>Allen McKenzie, Legal Counsel for the Appellant Antonio Machado</p> <p>Trina Pridgeon, Legal Counsel for the Department, Office of Labor Standards</p> <p>Lorna Sylvester, Legal Counsel for the Department, Office of Labor Standards</p> <p>Witnesses:</p> <p>Raul Alejandro Fiol Martinez</p> <p>Hector Amin Cespedes Rivera</p>
Date	6/14/2023 Location [HXM1810606]

Time	Speake	Note
9:00:23 AM		Examiner opens hearing
9:02:13 AM		Raul Alejandro Fiol Martinez is sworn in
9:02:29 AM		Sylvester begins direct examination of Fiol
9:03:11 AM		Fiol responds
9:07:17 AM		Larkin objects
9:07:22 AM		Sylvester responds
9:07:45 AM		Objection is overruled
9:08:42 AM		Sylvester continues
9:08:45 AM		Fiol responds
9:20:11 AM		Larkin objects
9:20:16 AM		Sylvester responds
9:20:36 AM		Sylvester continues
9:21:30 AM		Larkin objects
9:21:58 AM		Sylvester responds
9:22:20 AM		Objection is overruled
9:22:31 AM		Fiol responds
9:23:56 AM		Fiol continues testimony
9:24:19 AM		Sylvester continues
9:24:30 AM		Fiol responds
9:36:13 AM		Fiol objects
9:36:26 AM		Objection is overruled
9:36:54 AM		Sylvester continues
9:37:08 AM		Fiol responds
9:41:30 AM		Sylvester uses share screen to display City Exhibit 14 and continues direct examination of Fiol regarding it
9:42:40 AM		Fiol responds
9:44:35 AM		Larkin objects
9:44:57 AM		Sylvester responds
9:45:02 AM		Sylvester continues
9:45:33 AM		Fiol responds
9:45:59 AM		Larkin motions to strike testimony
9:46:16 AM		Sylvester responds
9:46:47 AM		Larkin responds
9:47:24 AM		Examiner responds
9:47:50 AM		Larkin responds
9:49:56 AM		Motion is denied
9:50:26 AM		Sylvester continues
9:51:40 AM		Fiol responds
9:54:29 AM		Sylvester motions to admit City Exhibit 14
9:54:51 AM		City Exhibit 14 is admitted as Hearing Exhibit 11
9:55:24 AM		Sylvester continues
9:55:30 AM		Fiol responds

10:00:53 AM	Examiner pauses hearing for a morning break
10:01:10 AM	Examiner resumes hearing
10:16:30 AM	Sylvester continues
10:17:58 AM	Sylvester uses share screen to display City Exhibit 35 and continues direct examination of Fiol regarding it
10:18:14 AM	Fiol responds
10:21:40 AM	Sylvester motions to admit City Exhibit 35
10:23:01 AM	City Exhibit 35 is admitted as Hearing Exhibit 12
10:23:42 AM	Sylvester continues
10:24:00 AM	Fiol responds
10:25:11 AM	Sylvester uses share screen to display Hearing Exhibit 11 and continues direct examination of Fiol regarding it
10:25:49 AM	Fiol responds
10:26:52 AM	McKenzie objects. Larkin joins objection.
10:27:02 AM	Sylvester responds
10:27:29 AM	Examiner responds
10:28:39 AM	Sylvester continues
10:29:12 AM	Fiol responds
10:30:22 AM	Sylvester uses share screen to display Hearing Exhibit 12 and continues direct examination of Fiol regarding it
10:31:01 AM	Fiol responds
10:32:48 AM	Sylvester uses share screen to display Hearing Exhibit 11 and continues direct examination of Fiol regarding it
10:33:40 AM	Fiol responds
10:39:48 AM	Sylvester concludes
10:40:12 AM	Larkin begins cross examination of Fiol
10:40:58 AM	Fiol responds
10:41:44 AM	Larkin uses share screen to display Hearing Exhibit 7 and continues cross examination of Fiol regarding it
10:42:26 AM	Fiol responds
10:45:31 AM	Wolfe objects
10:45:55 AM	Larkin responds
10:46:03 AM	Larkin continues
10:47:47 AM	Sylvester objects
10:47:55 AM	Wolfe joins objection
10:47:58 AM	Larkin responds
10:48:07 AM	Objection is sustained
10:51:24 AM	Larkin continues
10:51:29 AM	Fiol responds
10:56:20 AM	Sylvester objects
10:56:32 AM	Larkin continues
10:56:53 AM	Fiol responds
11:00:13 AM	Larkin uses share screen to display Hearing Exhibit 11 and continues cross examination of Fiol regarding it
11:00:58 AM	Fiol responds

11:14:58 AM	Larkin uses share screen to display Hearing Exhibit 12 and continues cross examination of Fiol regarding it
11:15:08 AM	Fiol responds
11:18:11 AM	Larkin continues
11:18:21 AM	Fiol responds
11:29:10 AM	Larkin uses share screen to display Hearing Exhibit 11 and continues cross examination of Fiol regarding it
11:29:22 AM	Fiol responds
11:34:42 AM	Larkin concludes
11:34:53 AM	Wolfe begins cross examination of Fiol
11:35:33 AM	Fiol responds
11:35:53 AM	Wolfe continues
11:35:58 AM	Fiol responds
11:37:52 AM	Wolfe uses share screen to display Hearing Exhibit 12 and continues cross examination of Fiol regarding it
11:38:44 AM	Fiol responds
11:46:24 AM	Wolfe concludes
11:46:34 AM	McKenzie begins cross examination of Fiol
11:47:34 AM	Fiol responds
11:48:35 AM	McKenzie uses share screen to display Hearing Exhibit 11 and continues cross examination of Fiol regarding it
11:50:45 AM	McKenzie uses share screen to display City Exhibit 127 and continues cross examination of Fiol regarding it
11:51:49 AM	Sylvester objects
11:52:21 AM	Larkin joins objection
11:52:23 AM	McKenzie responds
11:52:45 AM	Examiner asks question of McKenzie
11:53:32 AM	McKenzie responds
11:55:41 AM	McKenzie continues
11:56:04 AM	Fiol responds
11:58:14 AM	McKenzie uses share screen to display Hearing Exhibit 12 and continues cross examination of Fiol regarding it
11:58:29 AM	Sylvester objects
11:59:13 AM	McKenzie rephrases question
11:59:39 AM	Fiol responds
12:04:21 PM	McKenzie continues
12:04:42 PM	Fiol responds
12:06:45 PM	Sylvester objects
12:06:51 PM	McKenzie responds
12:07:26 PM	Objection is overruled
12:07:34 PM	McKenzie continues
12:08:07 PM	Fiol responds
12:11:13 PM	McKenzie uses share screen to display City Exhibit 127 and continues cross examination of Fiol regarding it
12:11:15 PM	Sylvester objects

12:11:58 PM	McKenzie responds
12:12:59 PM	Examiner responds
12:13:20 PM	Objection is overruled
12:13:47 PM	McKenzie continues
12:14:39 PM	Fiol responds
12:15:20 PM	Sylvester objects
12:16:14 PM	McKenzie responds
12:16:38 PM	Examiner responds
12:18:56 PM	McKenzie continues
12:19:29 PM	Sylvester objects
12:19:39 PM	McKenzie responds
12:19:58 PM	Examiner responds
12:20:12 PM	Objection is sustained
12:20:32 PM	McKenzie continues
12:21:01 PM	Fiol responds
12:23:46 PM	McKenzie uses share screen to display Hearing Exhibit 12 and continues cross examination of Fiol regarding it
12:25:40 PM	Fiol responds
12:29:20 PM	McKenzie concludes
12:29:54 PM	Sylvester begins redirect examination of Fiol
12:30:23 PM	Fiol responds
12:30:50 PM	Sylvester uses share screen to display Hearing Exhibit 11 and continues redirect examination of Fiol regarding it
12:31:41 PM	Fiol responds
12:35:22 PM	Sylvester uses share screen to display Appellant Newway Exhibit 2 and continues redirect examination of Fiol regarding it
12:35:49 PM	Larkin objects
12:35:57 PM	Sylvester responds
12:36:18 PM	Objection is overruled
12:36:25 PM	Sylvester continues
12:36:30 PM	Fiol responds
12:37:41 PM	Sylvester uses share screen to display City Exhibit 34 and continues redirect examination of Fiol regarding it
12:38:09 PM	Fiol responds
12:39:58 PM	McKenzie objects
12:40:05 PM	Sylvester responds
12:40:37 PM	Examiner responds
12:41:03 PM	Sylvester continues
12:41:08 PM	McKenzie objects
12:41:22 PM	Objection is sustained
12:41:42 PM	Sylvester continues
12:41:50 PM	Larkin objects
12:41:57 PM	Wolfe joins objection

12:42:02 PM	Sylvester responds
12:42:08 PM	Objection is sustained
12:42:26 PM	Sylvester continues
12:42:35 PM	Fiol responds
12:47:11 PM	Sylvester motions to admit City Exhibit 34
12:47:49 PM	Larkin objects
12:48:28 PM	McKenzie joins objection
12:48:56 PM	Sylvester responds
12:49:33 PM	City Exhibit 34 is admitted as Hearing Exhibit 13
12:50:43 PM	Sylvester concludes
12:51:08 PM	Examiner pauses hearing for a lunch break
2:15:47 PM	Examiner resumes hearing
2:17:16 PM	Sylvester begins direct examination of Rivera
2:18:35 PM	Rivera responds
2:20:37 PM	Sylvester uses share screen to display City Exhibit 17 and continues direct examination of Rivera regarding it
2:21:32 PM	Rivera responds
2:23:21 PM	Sylvester motions to admit City Exhibit 17
2:23:42 PM	McKenzie objects
2:24:32 PM	Sylvester responds
2:25:37 PM	McKenzie responds
2:26:11 PM	Examiner responds
2:28:14 PM	Sylvester responds
2:28:55 PM	City Exhibit 17 is admitted as Hearing Exhibit 14
2:29:31 PM	Sylvester continues
2:31:12 PM	Rivera responds
2:37:43 PM	Larkin objects
2:38:00 PM	Sylvester responds
2:39:00 PM	Objection is overruled
2:40:17 PM	Sylvester continues
2:40:20 PM	Rivera responds
2:46:43 PM	Sylvester uses share screen to display Hearing Exhibit 12 and continues direct examination of Rivera regarding it
2:47:05 PM	Rivera responds
2:51:22 PM	Sylvester uses share screen to display Hearing Exhibit 14 and continues direct examination of Rivera regarding it
2:52:21 PM	Rivera responds
2:54:49 PM	Sylvester uses share screen to display Appellant Baja Concrete Exhibit 102 and continues direct examination of Rivera regarding it
2:56:34 PM	Larkin objects
2:56:53 PM	Sylvester responds
2:57:24 PM	Larkin objects. Wolfe joins objection.
3:00:47 PM	Objection is overruled

3:01:16 PM	Sylvester uses share screen to display Appellant Baja Concrete Exhibit 102 and continues direct examination of Rivera regarding it
3:01:25 PM	Rivera responds
3:03:58 PM	Larkin objects
3:04:10 PM	Sylvester responds
3:04:36 PM	Examiner responds
3:04:49 PM	Objection is overruled
3:04:59 PM	Sylvester motions to admit Appellant Baja Exhibit 102
3:05:28 PM	Appellant Baja Concrete Exhibit 102 is admitted as Hearing Exhibit 15
3:06:23 PM	Sylvester continues
3:07:28 PM	Rivera responds
3:09:44 PM	Sylvester uses share screen to display Hearing Exhibit 14 and continues direct examination of Rivera regarding it
3:10:05 PM	Rivera responds
3:17:06 PM	Sylvester concludes
3:17:14 PM	Examiner pauses hearing for an aft
3:30:20 PM	Examiner resumes hearing
3:31:07 PM	Larkin begins cross examination of Rivera
3:31:56 PM	Larkin uses share screen to display Hearing Exhibit 10 and continues cross examination of Rivera regarding it
3:32:30 PM	Rivera responds
3:36:45 PM	Larkin uses share screen to display Appellant Baja Exhibit 119 and continues cross examination of Rivera regarding it
3:37:31 PM	Rivera responds
3:39:26 PM	Wolfe objects
3:39:38 PM	Larkin responds
3:39:47 PM	Objection is overruled
3:41:28 PM	Larkin motions to admit Appellant Baja Exhibit 119
3:41:42 PM	Wolf objects
3:41:54 PM	McKenzie joins objection
3:43:17 PM	Larkin responds
3:44:31 PM	Examiner responds
3:44:46 PM	Appellant Baja Exhibit 119 is admitted as Hearing Exhibit 16
3:45:09 PM	Larkin continues
3:45:26 PM	Rivera responds
4:02:31 PM	Larkin concludes
4:02:43 PM	Wolfe begins cross examination of Rivera
4:02:56 PM	Wolfe uses share screen to display Hearing Exhibit 10 and continues cross examination of Rivera regarding it
4:05:57 PM	Rivera responds
4:08:09 PM	Wolfe continues
4:08:25 PM	Rivera responds

4:14:54 PM	Wolfe uses share screen to display Hearing Exhibit 12 and continues cross examination of Rivera regarding it
4:16:30 PM	Rivera responds
4:18:02 PM	Wolfe concludes
4:18:12 PM	McKenzie begins cross examination of Rivera
4:18:33 PM	McKenzie uses share screen to display Hearing Exhibit 12 and continues cross examination of Rivera regarding it
4:19:47 PM	Rivera responds
4:22:16 PM	Sylvester objects
4:22:17 PM	McKenzie responds
4:22:28 PM	McKenzie rephrases question
4:23:01 PM	Rivera responds
4:27:07 PM	Larkin objects. Larkin strikes objection
4:27:24 PM	McKenzie continues
4:27:43 PM	Rivera responds
4:31:08 PM	McKenzie uses share screen to display Hearing Exhibit 8 and continues cross examination of Rivera regarding it
4:31:21 PM	Rivera responds
4:32:29 PM	Sylvester objects
4:32:38 PM	McKenzie responds
4:32:44 PM	Examiner responds
4:33:18 PM	McKenzie rephrases question
4:33:39 PM	Rivera responds
4:35:23 PM	Sylvester objects
4:35:32 PM	McKenzie responds
4:35:41 PM	Sylvester responds
4:35:57 PM	Objection is sustained
4:36:09 PM	McKenzie continues
4:36:12 PM	Rivera responds
4:38:31 PM	McKenzie uses share screen to display Hearing Exhibit 14 and continues cross examination of Rivera regarding it
4:38:38 PM	Rivera responds
4:40:13 PM	McKenzie concludes
4:40:53 PM	Sylvester begins redirect examination of Rivera
4:41:06 PM	Sylvester uses share screen to display Hearing Exhibit 14 and continues redirect examination of Rivera regarding it
4:41:43 PM	Rivera responds
4:44:20 PM	McKenzie objects
4:44:27 PM	Sylvester responds
4:44:47 PM	Objection is overruled
4:44:53 PM	Rivera responds
4:45:03 PM	Sylvester continues
4:45:08 PM	Rivera responds
4:45:51 PM	Wolfe and Larkin jointly object
4:46:10 PM	Examiner responds

4:46:21 PM		Objection is sustained
4:46:26 PM		Sylvester continues
4:46:48 PM		Rivera responds
4:47:05 PM		Sylvester uses share screen to display Hearing Exhibit 12 and continues redirect examination of Rivera regarding it
4:48:52 PM		Sylvester uses share screen to display Hearing Exhibit 14 and continues redirect examination of Rivera regarding it
4:49:27 PM		Rivera responds
4:51:10 PM		Sylvester uses share screen to display Appellant Newway Exhibit 2 and continues redirect examination of Rivera regarding it
4:51:29 PM		Rivera responds
4:55:48 PM		Sylvester concludes
4:59:57 PM		Examiner closes hearing