

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
AMENDED CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), (e) and (f)
for
Thursday, June 27, 2019
9:30 A.M.
Sacramento, California
&
West Covina, California

TO: Members of the California Occupational Safety and Health Appeals Board

FROM: J. Jeffrey Mojcher, Chief Counsel

DATE: June 19, 2019

RE: Closed Session of the Board to be held on June 27, 2019

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session. Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.

DECISIONS OF ADMINISTRATIVE LAW JUDGES:

(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)

1206788 DPR CONSTRUCTION INC. ET AL

PETITIONS FOR RECONSIDERATION:

(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)

1310525 GOLDEN STATE FC, LLC

1310206 MARDAV MANUFACTURING, INC.

1333532 ROBERT L. HORVATH INC. DBA CLAYBORN LAB

1123110 SINCLAIR CONCRETE, INC.

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PETITIONS FOR RECONSIDERATION (Second Review):

1272378	ANDREW HARRISON BARNES
1319149	ANITA'S MEXICAN FOODS CORP
1351545	JOSEPH CROWN CONSTRUCTION, INC.
1269612	PEARL CROP, INC.
1342020	REAL TIME STAFFING SERVICES, LLC
1137088	SOUTHLAND INDUSTRIES
1359495	VICTOR C. GARCIA

ORDERS DISMISSING APPEAL:

1335852	DIRECTV, LLC.
1331154	FIRESIDE HEALTH CARE CENTER
1296194	KAJJ CLEANERS, INC.
1303130	QUALI-T-RUCK SERVICE, INC

ORDERS DENYING LEAVE TO FILE LATE APPEAL:

1355423	CINTAS CORPORATION
1348404	EAGLE NASHER, LLC.
1324980	PARAGON FRAMING INC

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MATTERS PENDING RECONSIDERATION:

(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)

310060629	AC TRANSIT
1195414	ACCO ENGINEERED SYSTEMS
1339143	ACTION PRESSURE WASHING
1347210	AK CORAL CAY TRUST LLC
1195416	ALON KASPI
1180499	ALPHA CONSTRUCTION COMPANY, INC.
1141604	BOY RACER INC. DBA BURNING ANGEL (EMPLOYER'S PETITION)
1141604	BOY RACER INC. DBA BURNING ANGEL (DOSH'S PETITION)
1205214	CALIFORNIA STRUCTURAL CONCEPTS INC.
1246527	CEMEX
316446855	CYBERNET ENTERTAINMENT, LLC, 14-R6D1-0364-0367
1221889	HERBERT ALLEN KELLY
1251604	INTERLINE BRANDS, INC.
1192145	KPRS CONSTRUCTION SERVICES, INC.
1173183	L & S FRAMING, INC.
1201848	PAPICH CONSTRUCTION COMPANY, INC.
1326588	PRO FRAME BUILDERS, INC.
1232555	PROCESS COOLING INTERNATIONAL, INC.
1059365	SHIMMICK CONSTRUCTION COMPANY, INC.

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1298791 TURNER BROADCASTING SYSTEM, INC.
1088791 TUTOR PERINI CORPORATION
1195264 WAL-MART STORES INC. STORE # 1692

LEGISLATION:

PENDING LITIGATION:

(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)

SUPERIOR COURT:

1. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR,
15CV-00945 (08-R2D1-3093 through 3098)
2. OLDCASTLE PRECAST, INC., 34-2015-80002167 (13-R3D3-0583)
3. SHIMMICK CONSTRUCTION CO., INC./OBAYASHI CORP.,
34-2015-80002206 (12-R3D1-0781)
4. CHARLES PANKOW BUILDERS, LTD., 34-2015-8000221
(13-R4D1-1759)
5. MCM CONSTRUCTION, INC., 34-2016-80002312 (13-R1D2-3851-3854)
6. SOLARCITY CORP., 14-R3D2-3707, 34-2016-80002345
7. W.A. RASIC COMPANY, INC., 13-R4D1-1422, 34-2016-80002454
(314863978)
8. OLDCASTLE PRECAST, INC. (34-2017-80002522) 1025083
9. KEY ENERGY SERVICE, LLC 12004280
10. SHIMMICK FCC IMPREGILO JOINT VENTURE DBA SFI, JV,
34-2017-80002562, (1144056)
11. ATKINSON CONSTRUCTION, LP (317386084)

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12. BARNARD IMPREGILO HEALY, JV, (317134021), CPF 17-515575
13. R N R CONSTRUCTION, INC., (1092600) 34-2017-80002632
14. ELECTRICAL SYSTEMS & INSTRUMENTATIONS, INC. (316695469)
15. UNITED PARCEL SERVICE, BS171154 (315347864)

16. ASHLEY FURNITURE INDUSTRIES, 34-2017-800002750, (1016514)
17. UPS GROUND FREIGHT, INC. DBA UPS FREIGHT, BS171910,
(1111325)
18. BULKLEY & ASSOCIATES, LLC, CV43751 (1052467)
19. BLUE DIAMOND GROWERS, (1040471)
20. UNITED PARCEL SERVICE, (1158285)
21. BRAGG COMPANIES, DBA BRAGG CRANE SERVICE,
HG18930741 (1157108)
22. NORM WILSON & SONS INC., 19STCP00663 (1116151)
23. ROBINSON MFG., INC., 30-2019-01067631 (1169633)
24. WEST COAST ARBORISTS, 37-2019-00026620 (1180192)

APPELLATE COURT:

1. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
2. NOLTE SHEET METAL, INC., 16CE CG03592
(14-R6D8-2888 through 2783)
3. VENTURA COASTAL, F077267 (317808970)
4. HOME DEPOT, U.S.A., INC. 48C1710947 (1011071)
5. AVALON BAY COMMUNITIES, INC., G056506, 30-2016-00872036
(317232965)

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6. HOME DEPOT, U.S.A. INC. DBA HOME DEPOT #6683,
CIVDS1716416, (1014901)
7. HOME DEPOT, U.S.A., INC. E070417 and RIC1710947 (1011071)
8. UPS GROUND FREIGHT, INC. DBA UPS FREIGHT, BS171910
(1111325)

ORDERS OF ADMINISTRATIVE LAW JUDGES:

(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)

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| 1263324 | A. VIDOVIK CONSTRUCTION, INC. |
| 1368740 | AEROTEK, INC. |
| 1341975 | AF GOMES, INC. |
| 1113172 | AFAKORI INC. DBA AAF STEEL STRUCTURAL |
| 1334833 | AIR CONTROL SYSTEMS, INC. |
| 1342963 | ALL-COAST FOREST PRODUCTS, INC. |
| 1123384 | ALSTON CONSTRUCTION COMPANY, INC. |
| 1347015 | ALTA CARE CENTER, LLC. |
| 1369775 | ANAMAR WINDOWS MFG., INC. |
| 1356008 | AUTO PERFECTION GROUP, INC. |
| 1335882 | B P CABINETS, INC. |
| 1346698 | BAMCORE, LLC. |
| 1318868 | BERRY GLOBAL |
| 1378919 | BONANZA CONCRETE, INC. |
| 1380609 | BROWN CONSTRUCTION, INC |
| 1356156 | BYRNES AND KIEFER COMPANY |
| 1014490 | CALIBER AUTO TRANSFER OF MIRA LOMA INC |
| 1322702 | CASUAL PERFORMANCE, INC. |
| 1324246 | CITY OF CONCORD |
| 1347456 | CITY OF PASADENA, FIRE DEPARTMENT |
| 1287813 | CITY OF WHITTIER ADMINISTRATIVE SERVICES DEPT. |
| 1344067 | CYDNEY ORTZOW PAINTING |

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1350175	DYNALLOY, INC.
1348697	FISHER FARMS
1316601	FITZ FRESH INCORPORATED
1085615	FRAME TENT INC. DBA CENTRAL TENT
1317340	FULL CIRCLE FARMING, LLC
1358895	FULL STEAM STAFFING, LLC.
1362686	GARY SILVA SR.
1317661	GERALD WANG
1328536	GUMARO'S AUTO REPAIR, INC.
1273635	HARDER MECHANICAL CONTRACTORS, INC.
1341537	HEALTHRIGHT 360
1226633	HENKELS & MCCOY, INC.
1374046	HI-TECH MACHINE SHOP, INC.
1311551	HILL BROTHERS CHEMICAL COMPANY
1339667	I C C, INC.
1221061	INDUSTRIAL COMMERCIAL SYSTEMS, INC.
1285180	INTER-CON SECURITY SYSTEMS, INC.
1374143	JASON TURNER, AN INDIVIDUAL
1386590	JAVIER ESCOBEDO
1212700	JOHN MOURIER CONSTRUCTION, INC
1380269	JOSE PORRAS, AN INDIVIDUAL
1343743	KIEWIT INFRASTRUCTURE WEST CO.
1363967	KODIAK CONCEPTS, INC.
1297085	LAC / RANCHO LOS AMIGOS NATIONAL
1288213	LAIRD TECHNOLOGIES, INC.
1311379	LANDSCAPE DEVELOPMENT, INC.
1320377	LAZY DOG RESTAURANTS, LLC.
1347991	MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
1318548	MARJAN STONE
1368418	MCMILLAN TREE SERVICE
1319336	MINNESOTA MINING & MANUFACTURING COMPANY

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1328219	MOULTON NIGUEL WATER DISTRICT
1332876	NATURAL GREEN LANDSCAPE, INC.
1339669	NATURAL GREEN LANDSCAPE, INC.
1336621	NATURAL GREEN LANDSCAPING & CONSTRUCTION
1308213	OCEAN SPAULDING, INC.
1283290	PACIFIC TANK & CONSTRUCTION, INC.
1250916	PALATIN REMODELING INC
1216410	PDM FOOD SERVICE, INC.
1247519	PHX MANAGEMENT
1333829	PR PLUMBING, HEATING & AIR CONDITIONING, INC.
1370573	PRECISION CONCRETE GROUP, INC.
1373477	PRECISION CONSTRUCTION GROUP, INC.
1316159	R. C. WENDT PAINTING CONTRACTORS
1357336	RANDY HILL CONSTRUCTION, INC.
1346742	RIVERSIDE UNIVERSITY HEALTH SYSTEM
1241243	ROBERT & SANDRA GARCIA FARMING PARTNERSHIP
1305570	SAN GABRIEL TEMPORARY STAFFING SERVICES LLC
1327589	SAPUTO CHEESE USA, INC.
1386282	SIERRA CHEESE MANUFACTURING COMPANY, INC.
1331319	SIERRA PACIFIC INDUSTRIES
1343095	SIERRA PACIFIC INDUSTRIES
1348553	SINCLAIR TELEVISION OF CALIFORNIA, LLC.
1349778	SINCLAIR TELEVISION OF CALIFORNIA, LLC.
1385647	SUNLAND TIRE COMPANY OF LA VERNE, INC.
1355086	SWANER HARDWOOD COMPANY, INC.
1309503	TEXTILE WORLD COLOR MASTER INC
1311919	THROUGH 6
1319064	TOWN & COUNTRY EVENT RENTALS, INC.
1330916	UNIFIED GROCERS, INC.
1182360	VERDUGO MANAGEMENT & INVESTMENT, INC.
1275298	VERTICAL ACCESS INC.

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1382024	VIDAURRE HOLDINGS, INC.
1374036	VJPD, INC.
1342308	W E O'NEIL
1213089	WEST COAST ARBORISTS, INC.

PERSONNEL:

(Issues regarding staff.)

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