

**State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS
BOARD**

CLOSED SESSION AGENDA

Government Code § 11126 (a), (c)(3), (e) and (f)

for

Thursday, October 31, 2019

9:30 a.m.

Sacramento, California

&

West Covina, California

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

FROM: J. Jeffrey Mojcher, Chief Counsel

DATE: October 18, 2019

RE: Closed Session of the Board to be held on October 31, 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.)

1255331 CREATIVE COMMUNICATION TECHNOLOGIES, INC.

1308948 GOLDEN STATE BORING & PIPE JACKING, INC.

1242676 UNITED PARCEL SERVICE, INC.

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.)

1199473	FEDEX GROUND
1299594	LEGACY TRANSPORTATION SERVICE, INC.
1089904	STRUCTURES

PETITIONS FOR RECONSIDERATION (Second Review):

1235643	GRANITE CONSTRUCTION CO., INC/GRANITE INDUSTRIAL, INC.
1374116	MIRAMAR SEAFOOD PRODUCTS, INC.
1236440	PAPICH CONSTRUCTION COMPANY, INC.
1274695	PESCADERIA MR. FISH PO, LLC
1184142	PESCADERIA MR. FISH PO, LLC
1367265	PRESTIGE PAINTING CORP

ORDERS DISMISSING APPEAL:

1357982	ARROWHEAD BRASS AND PLUMBING, LLC.
1372873	BFC APPAREL, INC.
1326533	CEDAR FAIR, LP.
1328494	PEOPLEREADY, INC.
1286463	SAMUEL D. WHITE
1356215	VIKING INSULATION CO., INC

ORDERS DENYING LEAVE TO FILE LATE APPEAL:

1405598 DC CONSTRUCTION ENTERPRISES, INC.
1408910 LA ESPIGA DE ORO
1402052 UNION PACIFIC RAILROAD

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.)

1308968 AEG MANAGEMENT OAKLAND, LLC.
1272378 ANDREW HARRISON BARNES
1141604 BOY RACER INC. DBA BURNING ANGEL
(EMPLOYER'S PETITION)
1141604 BOY RACER INC. DBA BURNING ANGEL
(DOSH'S PETITION)
1374985 C & A PETRA, INC.
1246527 CEMEX
316446855 CYBERNET ENTERTAINMENT, LLC, 14-R6D1-0364-0367
1310525 GOLDEN STATE FC, LLC.
1206788 DPR CONSTRUCTION INC. ET AL
1310525 GOLDEN STATE FC, LLC.
1221889 HERBERT ALLEN KELLY
1251604 INTERLINE BRANDS, INC.
1173183 L & S FRAMING, INC.
1237932 SACRAMENTO COUNTY WATER AGENCY
1123110 SINCLAIR CONCRETE, 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)
12. BARNARD IMPREGILO HEALY, JV, (317134021), CPF 17-515575
13. R N R CONSTRUCTION, INC., (1092600) 34-2017-80002632
14. ASHLEY FURNITURE INDUSTRIES, 34-2017-800002750, (1016514)
15. BLUE DIAMOND GROWERS, (1040471)
16. UNITED PARCEL SERVICE, (1158285)
17. NORM WILSON & SONS INC., 19STCP00663 (1116151)
18. ROBINSON MFG., INC., 30-2019-01067631 (1169633)
19. WEST COAST ARBORISTS, 37-2019-00026620 (1180192)
20. NATIONAL RETAIL TRANSPORTATION, INC., 19STCP02623
(1200875)
21. PERFORMANCE TEAM FREIGHT SYSTEMS, 19STCP 02154 (1183505)
22. UNITED PARCEL SERVICE, INC. DBA UPS, 34-2019-80003174
(1116529)
23. SHIMMICK CONSTRUCTION COMPANY, INC., 34-2019-80003191
(1059365)
24. OWENS CORNING ROOFING & ASPHALT, LLC, 19STCP04117
(1063574)
25. ENVIRONMENTAL CONSTRUCTION GROUP, 19STCP02405 (119260)

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. DBA HOME DEPOT #6683,
CIVDS1716416, (1014901)
5. HOME DEPOT, U.S.A., INC. E070417 and RIC1710947 (1011071)
6. UPS GROUND FREIGHT, INC. DBA UPS FREIGHT, BS171910
(1111325)
7. LION FARMS, LLC, MCV075788 (1070258)
8. WALSH/SHEA CORRIDOR CONSTRUCTORS, BS172720 (1093606)
9. PROCESS COOLING INTERNATIONAL 34-2019-80003220 (1232555)

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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| 1350076 | 7 STAR LOGISTICS INC. |
| 1376619 | A & A NETTO FARMS, INC. |
| 1305366 | A-RISING BUILDERS, INC. |
| 1370390 | A-Z CONSTRUCTION ENTERPRISES, INC. |
| 1358007 | ABLE SHEET METAL, INC. |
| 1329247 | AHRENS MECHANICAL |
| 1335910 | AIRTECH INTERNATIONAL, INC. |
| 1338704 | ALBERTO GARCIA CONSTRUCTION SERVICES, INC. |
| 1322614 | AMERICA'S BEST, INC. |
| 1303470 | ANDERSON/LA |
| 1367983 | ARP CONTRACTOR CORP |
| 1366595 | BARONHR WEST, INC. |
| 1396267 | BIOSENSE WEBSTER, INC. |
| 1346630 | BOARDWALK CONSTRUCTION INC. |
| 1393451 | BRIGHVIEW GOLF MAINTENANCE, INC. |
| 1341455 | BROTHERS BEST PRODUCE |
| 1201162 | CALI-CO, INC. |

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1383214 CALIFORNIA SIERRA EXPRESS, INC.
1350207 CALIFORNIA TRUSFRAME LLC
1373666 CAR SOUND EXHAUST SYSTEM
1376381 CEDARLANE NATURAL FOODS, INC.
1401338 CHANDI INVESTMENTS, INC.
1422373 CHER-AE HEIGHTS INDIAN COMMUNITY
1388698 CITY OF FRESNO, WASTEWATER DIVISION
1411972 CITY OF RIVERSIDE
1395710 COMMERCE TEMPORARY STAFFING SERVICES, LLC
1399437 COMMERCIAL PALLET SERVICE
1214541 CONTROL AIR CONDITIONING SERVICE CORPORATION
1398367 CORONA FUELING & ELECTRIC, INC.
1356887 COUNTRY BUILDERS CONSTRUCTION, INC.
1342656 CROP PRODUCTION SERVICES, INC.
1323876 D A WHITACRE CONSTRUCTION INC.
1107993 DAVEY TREE SURGERY COMPANY
1332813 DBI BEVERAGE - SACRAMENTO
1419898 DEL REY AVOCADO COMPANY
1215242 DGC OPERATIONS LLC
1392905 DONNY CHU CONSTRUCTION, INC.
1370265 DUARTE'S TOWING
1391262 EARLIMART PUBLIC UTILITY DISTRICT
1400438 EL MAHROOSA, INC
1367510 EL SOL ENTERPRISES, INC.
1409864 ELKHORN DAIRY, LLC
1401620 ELM PARK, INC.
1115778 EPI BRENTWOOD DBA ELITE PLUMBING, INC.
1408161 ESSENIUM, INC.
1279275 EXCELSIOR CONSTRUCTION
1373855 FARM LABOR SERVICE OF CENTRAL CAL. INC
1228471 FLAMINGO CONSTRUCTION, INC.

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1390518 FLEETWOOD ALUMINUM PRODUCTS, INC
1329101 FONTAINE WEATHERPROOFING, INC.
1387236 FOSTER POULTRY FARMS
1304884 FROMER, INC.
1335004 GEORGE REED CONSTRUCTION, INC.
1379730 GONZALEZ INC.
1418407 GREENHORN RANCH LLC
1421719 GRID ALTERNATIVES
1361190 HANWHA L&C USA, LLC.
1293915 HENKELS & MCCOY INC.
1328522 HENRY'S HOLDINGS, LLC
1383295 HOME ORGANIZERS
1376772 INNERLINE ENGINEERING, INC.
1368668 JADE, INC.
1348415 JOSEPH CUMISKEY CONSTRUCTION CORPORATION
1400290 LA JOLLA PACIFIC LTD
1324983 LAS LOMITAS ELEMENTARY SCHOOL DISTRICT
1279650 LENDLEASE (US) CONSTRUCTION, INC.
1372786 LINEAGE LOGISTICS, LLC.
1387316 LUCKY CHARM RK INVESTMENTS, LLC
1362406 LYNEER STAFFING SOLUTIONS, LLC
1396290 MAXPOL PRECISION MACHINING, INC.
1369231 MODERN ONE PLASTERING
1337476 MP CORE SELBY RANCH, LLC.
1367500 NMN CONSTRUCTION, INC.
1383233 NORTHEND EQUIPMENT, INC.
1409945 NSI SERVICES, INC.
1395513 OMEGA PRODUCTS INTERNATIONAL
1328052 PMC CONTRACTORS, INC.
1332001 PRECISION SPORTS
1318367 PRIMECO

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1263984 PRO WALL LATHE PLASTER, INC.
1332440 REALTY CENTER MANAGEMENT, INC.
1400804 RICHARD AND SONS, LLC
1399830 ROYALE HEALTH CARE CENTER, INC.
1310097 RUIZ FOODS
1385357 S.J. AMOROSO CONSTRUCTION CO., INC.
1345435 SAN FERNANDO TREE SERVICE, INC.
1378485 SAVY CHAN LY, AN INDIVIDUAL
1320046 SCHAFFNER DAIRY, INC.
1280496 SENTINEL REAL ESTATE CORPORATION
1359552 SETZER FOREST PRODUCTS, INC.
1398465 SILVERADO SENIOR LIVING
1366532 SRAN AG II, INC.
1333188 SUPERIOR CATTLE FEEDERS, LLC.
1305666 SUPERIOR PLASTERING OF CALIFORNIA
1405870 SWINERTON INCORPORATED
1267500 TAYMAN INDUSTRIES, INC.
1403257 TEMSA NORTH AMERICA, INC.
1375308 TORRANCE REFINING COMPANY, LLC.
1347191 TORTILLERIA HERMANOS REYES, INC.
1356666 TRI POINTE HOMES, INC.
1361862 TUTOR PERINI CORPORATION
1318085 UNIFIED FIELD SERVICES CORPORATION
1367136 UNIVERSAL LUMPERS OF CALIFORNIA, INC.
1174776 UPS
1376976 USA VAPE LAB
1386052 W L BUTLER CONSTRUCTION, INC.
1409620 WELLINGTON FOODS, INC.
1368091 WEST COAST PAINTING & DECORATING, INC.
1380878 WORKMAN HOLDINGS, INC
1384911 YD WINDOW INC.

PERSONNEL:

(Issues regarding staff.)

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