

**State of California**  
**California Occupational Safety and Health Appeals Board**  
**Closed Session Agenda**

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

for

Thursday, July 27, 2023

9:30 a.m.

Sacramento, California

West Covina, California

&

Held on Zoom

**To: Members of the California Occupational Safety & Health Appeal Board**

**From: J. Jeffrey Mojcher, Chief Counsel**

**Date: July 14, 2023**

**RE: Closed Session of the Board to be held on July 27, 2023**

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.)*

1569933      L & S Building Materials, 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.)*

There are no Petitions for Reconsideration.

**Orders Dismissing Appeal:**

- 1607872 City of Ontario – Police Department
- 1560633 Rebel AG Service
- 1288181 United Clean Trucks, Inc.

**Orders Denying Leave to File Late Appeal:**

- 1652414 See's Candies, Inc.

**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.)*

The following list is intended to inform stakeholders and members of the public of what the Board believes is the issue of most interest to the general public presented in each of the following matters. The issues are listed to assist those interested in research or public information, and not litigation, and are not necessarily or exclusively the only issue or issues presented in each matter. The issues identified are not positions of the Board. Further, the Board may add and decide issues not included in the list or decide the matter on other grounds, under authority of Labor Code sections 6620 through 6623.

- 1314092 99 Cents Only Store, LLC  
*Whether the employer committed a foot protection violation as alleged.*
- 1431672 A. Teichert & Son, LLC  
*Whether the cited employer was in violation of lockout/tagout requirements.*
- 1538332 Albeco, Inc.  
*Whether denial of motion for late appeal was correct.*
- 1473644 Amazon.com Services, LLC  
*Whether the employer's training program was in compliance with the applicable safety order.*
- 1113026 Angelus Block Co., Inc.
- 1360156 CA Forestry and Fire Protection  
*Whether it was an error to assign a particular ALJ to the matter.*
- 1564732 Calvary Chapel of San Jose dba Calvary Chapel Academy  
*Whether the ALJ correctly excluded evidence from the inspection.*

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- 1490008 Elite MD, Inc.  
*Whether the ALJ's denial of leave to file a late appeal was correct.*
- 1488312 The Indiana Finish Line, Inc.  
*Whether the cited employer established procedures adequate to protect employees from COVID-19.*
- 1436480 Interline Brands, Inc.  
*Whether the employer violated foot protection standards.*
- 1004280 Key Energy Services, LLC  
*This matter was remanded to the Board from the Court.*
- 1486257 The Kroger Company  
*Whether the cited employer adequately trained employees regarding workplace hazards.*
- 1340591 Lennar Corporation  
*Whether Employer committed the violations alleged.*
- 1465354 Natural Alternatives International, Inc.  
*Whether the ALJ erred in dismissing the matter.*
- 1405107 S.C. Anderson, Inc.  
*Whether employer committed the alleged violations.*
- 1291481 Sierra Pacific Forest Products  
*Whether Employer was in compliance with the cited safety order.*
- 1303461 SSA Terminals (Oakland), LLC dba SSA Marine Terminals  
*Whether Employer violated section 3212(a)(2)(A) as alleged.*
- 1594663 Uber Technologies, Inc.

**Matters 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. Ashley Furniture Industries, 34-2017-800002750 (1016514)
2. United Parcel Service, Inc. dba UPS, 34-2019-80003174 (1116529)

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3. Davis Development Company, 34-2020-80003373 (1226084)
4. Southern California Edison, 34-2021-80003580 (1320327)
5. Hill Crane Service Inc., 34-2021-80003744 (1135350)
6. USA Waste of California, Inc., 34-2022-80003841 (1384029)
7. Ranch of the Golden Hawk, 22STCP02302 (1224802)
8. Guy F. Atkinson Construction, LLC, 22STCP03019 (1332867)
9. American Fumigation Services, LLC, 22STCP04305 (1506586)

**Appellate Court:**

1. Interline Brands, Inc., CIVDS2021813 (1251604)
2. L & S Framing, Inc. S-CV-0046603 (1173183)
3. Granite Construction Company, 34-2021-80003634 (1235643)
4. MWL Solutions, C097353, 34-2020-80003549 (1436014)
5. BMC West LLC, 34-2020-80003459 (1399613)
6. Hampton Tedder Electric, 34-2020-80003549 (1233597)
7. RND Contractors, Inc., CIVSB2119442 (1436785)

**Other Items:**

1. New and/or interlocutory petitions for reconsideration not filed in time to be agendized.
2. Categorizing the Board's DARs and Denials on the DIR website.
3. Staff attorneys to provide legal analysis, advice and counsel regarding COVID-19 cases.
4. Discussion of DOSH Proposal to have their eAttorney system interface with OASIS.

**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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1640269 A & A Ready Mixed Concrete, Inc.  
1578564 AAHS Enterprises, Inc.  
1629708 Acampo Machine Works  
1584002 Adobe Soil & Structures Engineering Contractors  
1308968 AEG Management Oakland, LLC.  
1585687 AI Industries, LLC  
1597163 Amazon.com Services, LLC  
1670462 AMPARO PEREZ LANDSCAPING SERVICES  
1486307 Arthex California, Inc.  
1648577 Autobahn Automotive, Inc.  
1535511 Badger Rentals, Inc.  
1623990 Bay Cities Tin Shop, Inc.  
1604616 BCMP North, LLC  
1646910 Big Horn Park, LLC  
1610922 Blue Wave Car Wash, LLC  
1637248 Boba Time Inc.  
1505655 California Department of Corrections and Rehabilitation  
1615907 Capra Environmental Services, Corp.  
1559858 Century 26 Construction, Inc.  
1571688 Cepheid  
1549084 CES Cleaning Contractors, LLC  
1592636 City of Anaheim, Anaheim Convention Center  
1652044 City of Los Angeles, Department of Public Works  
1602436 City of Pasadena – Water and Power  
1592180 Closet World, Inc.  
1614693 Complete Drywall Interiors, Inc.  
1643369 Coombs Service Group  
1537056 Cotti Foods Corporation  
1600875 County of San Bernardino Fire Protection  
1632136 Cream Co. LLC  
1605319 Cutting Edge Modular, Inc.  
1649782 CW Electrical, Inc.  
1540912 D C R Construction, Inc.  
1639332 Dale Canfield Construction, Inc.  
1551186 DBC Printing, Incorporated  
1598299 Del Sol Harvesting, LLC.  
1610323 Delta Star, Inc.  
1601822 DH Liu Construction  
1478848 Dole Fresh Vegetables, Inc.  
1646627 Dr. Well, Water Well Services, Inc.  
1644829 Eckert Cold Storage Company  
1616949 Elson Electric Holdings, Inc.  
1549282 F C Landscape, Inc.  
1620872 FBR Designs, Inc.  
1646905 Fierro's Distributor Food Service, Inc.  
1639194 Forno Bravo, LLC

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1358493	FRC, Inc.
1637310	Glendale Unified School District
1486548	Gruma Corporation
1515484	Hanson Iron, Inc.
1595700	Staff Solutions, Inc.
1614675	Jimenez Mexican Foods, Inc.
1478167	KEI-AI Los Angeles Healthcare
1600016	Kellermeyer Bergensons Services, LLC
1527115	La Mar Industries, Inc.
1530022	LF Staffing Services, Inc.
1639307	Lopez 214, Inc.
1447088	Mova Stone, Inc.
1610003	Mui Chang Chac dba Mui Chang Farm
1647333	National Auto Parts-Oakland, LLC
1602653	Nereo Farms
1605610	Neri Insurance Agency
1513951	New Hope Elementary School District
1599715	Northgate Gonzalez, LLC
1546289	Northrop Grumman Systems Corporation
1515500	O.F.R., Inc.
1521037	Pacific Farm Management, Inc.
1517632	Pacific States Industries, Inc.
1565103	Pacifica Hospital of the Valley Corporation
1606338	Phillips 66 Company
1582384	PIH Health Whittier Hospital
1610045	Pitman Enterprise USA, LLC
1502192	Pridestaff, Inc.
1654359	Quality Naturally! Foods, Inc. 1476202 RALPHS #222
1519623	Rancho Custom Builders
1581909	Real Signs/Sign Factory, LLC
1610259	Regency Plumbing & Piping, Inc.
1598696	Rika Corporation
1522196	Ronpak, Inc.
1592829	Royal Plywood Company, LLC
1616926	Safelite Fulfillment, Inc.
1621610	San Jose Fire Department
1581032	Saticoy Lemon Association
1496686	Seafood City Supermarket – North Hills
1648719	SGH, Inc.
1580337	Simon Vander Woude, an Individual and Christine Vander
1625245	Standard Southern Corporation
1661749	Starwest Botanicals, LLC
1624844	Sutter Buttes Manufacturing, LLC
1505783	Target Constructors, Inc.
1520595	Target Corporation
1541487	Taylor Farms Retail, Inc.

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1425171	TENCO Poultry Systems, LLC
1324643	Tesla, Inc.
1476813	Tesla, Inc.
1465440	Tesoro Refining & Marketing Company, LLC
1486713	The Habit Restaurants, Inc.
1500171	The Permanente Medical Group
1578495	The Santa Lucia Preserve Company
1596011	Thiel's Tire, LLC
1498955	Timberworks Construction, Inc.
1640597	Tirehub, LLC
1586616	Top It Off Bottling, LLC
1604980	Total Paper and Packaging, Inc.
1540377	Turner Construction Company
1641080	United Pavement Maintenance, Inc.
1577365	Universal Television, LLC
1472702	US Foods, Inc.
1639539	Valdez Painting, Incorporated
1503534	Wickman Development & Construction
1624866	Woodland Wood Preservers, LTD

**Personnel:**

*(Issues regarding staff.)*

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