

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, January 20, 2010**  
**10:00 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: January 7, 2010**

**RE: Closed Session of the Board to be held on January 20, 2010**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

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**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.)*

1. DANIEL'S WOOD LAND, 07-R4D3-3708 AND 3709
2. EIFFEL CONSTRUCTION, INC., 09-R6D5-1655

**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.)*

1. 18362 VENTURA PROPERTY, LLC, 09-R4D3-2413
2. ACCURIDE INTERNATIONAL, INC., 09-R3D6-0640 AND 0641

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3. AERO TECH SERVICES, INC., 09-R3D6-1047 THROUGH 1049
4. ALL SEASON FRAMING CORPORATION, 08-R3D5-5115 AND 5116
5. BLOOMFIELD BAKERS, 09-R3D6-3212
6. BRYDENSCOT METAL PRODUCTS, 09-R6D2-2448 THROUGH 2450
7. CHERNE CONTRACTING CORPORATION, 08-R6D3-1931 THROUGH 1933
8. CHRISTOPHER TODD INCORPORATED DBA REMAX OLSON ASSOC., 09-R4D3-1071
9. CIRCLE PAINT CORPORATION, 09-R4D3-2030 AND 2031
10. COLOR TOUCH PAINTING & DECORATING, 08-R1D1-2748 THROUGH 2750
11. CORRPRO COMPANIES, INC., 08-R4D4-4476 AND 4477
12. EAST BAY MUNICIPAL UTILITY DISTRICT DBA EBMUD, 09-R2D2-1195 AND 1196
13. ENGINEERING FRAMING, 09-R4D2-2160
14. GHILOTTI BROS., INC., 08-R1D5-3346 AND 3347
15. GRANITE CONSTRUCTION COMPANY, 09-R5D2-1305
16. GWP ENTERPRISES, INC. DBA GRANADA WOOD PRODUCTS, 09-R4D3-2389 AND 2390
17. HONEYWELL AEROSPACE, 09-R3D5-2689 THROUGH 2691
18. IRONWOOD MANAGEMENT/IRONWOOD VELVET, LLC, 09-R4D3-2072
19. DAVID & KAREN LANDY DBA LANDY'S CRANE SERVICE, 09-R6D5-1652
20. LOVERDE BUILDERS, INC., 08-R2D1-0967
21. MILLBRAE GLASS LTD. DBA CAPITOL GLASS CO., 09-R1D3-1859
22. JOHN MORRISON, INC., 08-R2D2-3491 THROUGH 3493
23. MPM BUILDING SERVICES, 09-R4D2-1303 AND 1304
24. OLTMANS CONSTRUCTION, 06-R3D3-5383

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25. PAAT KIMMEL DEVELOPMENT, INC., 09-R3D6-3406 THROUGH 3409
26. POUK & STEINLE, INC., 07-R3D3-2415 THROUGH 2418
27. PREMIER EQUIPMENT RENTAL, INC., 08-R4D3-0462 AND 0463
28. RICE ELEMENTARY SCHOOL, 09-R4D5-0995
29. ROWLAND UNIFIED SCHOOL DISTRICT – NOGALES HIGH, 09-R3D6-0881
30. SEEMS MECHANICAL CORP., 09-R3D5-1522
31. VCLAD LAMINATES, INC., 09-R3D3-1867 THROUGH 1870
32. VINTAGE ASSOCIATES, INC. DBA VINTAGE NURSERY, 09-R6D5-1260

**ORDERS OF REMAND:**

1. ADVANCE DISPOSAL CO. & RECYCLING CENTER DBA BESTWAY, 09-R6D5-9212
2. HAMMOND POWER SOLUTIONS, INC., 09-R4D2-1124 AND 1125
3. POWER FREIGHT SYSTEMS, 06-R1D4-3347
4. SUNOPTA FRUIT GROUP, 09-R3D1-9245
5. WINDMILL PROPANE, 08-R2D5-1217 AND 1218

**ORDER DISMISSING APPEAL:**

1. CHANNEL ISLAND LOGISTICS, INC., 09-R4D3-0953

**ORDERS DENYING LEAVE TO FILE LATE APPEALS:**

1. JOHN I. CASTANIS DBA JOHN'S PLACE RESTAURANT, 09-R6D5-9338
2. SELECT PERSONNEL, 09-R4D2-9310
3. SPECTRA WALL SYSTEMS, INC., 09-R4D2-9311

**ORDERS GRANTING APPEALS:**

1. JASON & ALISON BASS DBA SOUTH COUNTY COLLISION CENTER, 08-

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R6D5-3947

**STIPULATIONS:**

1. CENTRAL CALIFORNIA'S WOMEN'S FACILITY – CA CORRECTIONS, 08-R2D5 2102

**PETITIONS FOR RECONSIDERATION:**

1. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963 AND 4964
2. BYONG SEOK CHOI DBA ALLSTATE WATERPROOFING, 08-R4D2-0467
3. TASTY GARDEN BUFFET, 09-R6D5-9305
4. FRANCISCO RAFAEL VALLE, 09-R4D4-9314

**DENIALS OF PETITIONS FOR RECONSIDERATION:**

1. DANIEL SANTOS ESTRADA, 09-R4D3-9251
2. FIRE GUARD CORPORATION, 09-R4D1-9101
3. JC CONSTRUCTION, 09-R3D6-9265
4. RENEWAL BY ANDERSSSEN DBA DESIGNER SASH INDOOR SYS., INC., 09-R6D2-9290

**DECISIONS AFTER RECONSIDERATION (DRAFTS):**

*(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)*

1. A & C LANDSCAPING, INC. aka A & C CONSTRUCTION, INC., 03-R4D4-4791
2. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
3. AC FRAMERS INC., 03-R2D3-3475
4. AC TRANSIT, 08-R1D4-0135
5. ADVANCE DISPOSAL CO. & RECYCLING CENTER DBA BESTWAY DISPOSAL, 09-R3D3-9212
6. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068

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7. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY  
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
8. ANNING-JOHNSON COMPANY, 06-R1D3-1976
9. AVESON EDUCATIONAL COOPERATIVE, 09-R4D2-0337
10. BART, 03-R1D1-5170
11. BIMBO BAKERIES USA, 03-R1D3-5215 THROUGH 5217
12. BIMBO BAKERIES USA, 05-R6D2-856 AND 857
13. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
14. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445
15. BURTON L. SILVA FARMS, 09-R1D2-1498
16. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
17. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
18. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
19. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
20. CELTIC SCAFFOLDING, INC., 08-R1D1-1469 THROUGH 1471
21. PEN CHANG, 08-R2D4-3102
22. CLINE CELLARS, INC., 08-R1D5-2946
23. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336
24. CNL ROOFING COMPANY, 08-R1D2-1692 AND 1693
25. CORE GENERAL CONTRACTOR, INC. DBA CORE BUILDERS, 08-R1D2-1379
26. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
27. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
28. DAVIS BROTHERS FRAMING, INC., 03-R3D1-114
29. DAVIS BROTHERS FRAMING, INC., 05-R3D3-634 THROUGH 636

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30. DESIGN BUILDERS, INC., 08-R4D4-1901
31. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
32. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
33. DUKE PACIFIC, INC., 08-R3D3-574
34. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
35. DUININCK BROS., INC., 06-R4D3-2871
36. DYNALECTRIC, 03-R1D1-4101
37. E. C. U., INC., 09-R3D5-1094 AND 1095
38. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
39. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
40. EZ MIX, INC., 08-R4D3-1898
41. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
42. FORTUNA IRON WORKS 06-R2D3-4222
43. FREAS PLASTERING CO., INC., 08-R1D1-1188 AND 09-R1D1-2568
44. G.T. ALDERMAN, INC., 05-R4D3-3513
45. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
46. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
47. GLASS PAK, 03-R2D2-750 AND 751
48. GOLDEN WEST INDUSTRIES, INC., 08-R3D2-3930
49. GRISWOLD INDUSTRIES, 09-R6D2-0981 THROUGH 0984
50. HAMMOND POWER SOLUTIONS, INC., 09-R4D2-1124 AND 1125
51. HARBOR ORNAMENTAL, INC., 09-R3D5-2086

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52. HB PARKCO, 07-R4D2-1730 AND 1731
53. HELPMATES STAFFING SERVICES, 05-R3D3-2239
54. HELM & SONS, INC., DBA HELM & SONS AMUSEMENTS, 08-R3D3-3513
55. THE HERRICK CORP., 07-R3D1-495
56. HUSSMAN CORPORATION, 03-R3D1-2939
57. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
58. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
59. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
60. JENSEN PRECAST, 05-R2D1-2377
61. JOHN LAING HOMES, 04-R3D1-194 AND 195
62. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
63. JT WINDOWS, INC., 09-R6D2-0693 THROUGH 0698
64. KELLY SERVICES, INC., 06-R1D2-1024
65. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-323
66. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
67. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
68. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
69. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
70. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
71. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
72. MARINE TERMINALS, 08-08-R6D2-1920
73. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
74. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583

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75. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
76. O & M INDUSTRIES, 04-R1D5-1597
77. PARKER-HANNIFIN CORPORATION, 08-R2D4-2508
78. POUK & STEINLE, INC., 03-R4D2-1495 AND 1496
79. POWER FREIGHT SYSTEMS, 06-R1D4-3347
80. PUSD ALEXANDER HAMILTON ELEMENTARY SCHOOL, 09-R4D2-0784
81. R.A. CAMPBELL, INC., 09-R6D2-1209 THROUGH 1211
82. R & L BROSAMER, INC., 03-R1D5-4832
83. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
84. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
85. SELECT REMEDY, 08-R2D5-0048 THROUGH 0050
86. STACY & WITBECK, INC., 05-R1D1-1142
87. STENDERUP AG PARTNERS, 09-R6D2-2111 AND 2112
88. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
89. SUNOPTA FRUIT GROUP, 09-R3D1-9245
90. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT  
AGGREGATES, 04-R5D2-850 AND 851
91. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650  
AND 2651
92. TEICHERT AGGREGATES, 04-R5D1-2982
93. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2256 AND 2557
94. UNITED PARCEL SERVICE, 07-R3D3-3322
95. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
96. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
97. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710

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98. WINDMILL PROPANE, 08-R2D5-1217 AND 1218

**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. HARRIS CONSTRUCTION COMPANY, INC., 07CS00518 (02-3914)
2. JERLANE v DIVISION OF OCCUPATIONAL SAFETY & HEALTH, 37-2007-00056381-CU-WM-NC (01-4344/4345)
3. JERLANE V DIVISION OF OCCUPATIONAL SAFETY AND HEALTH, 37-2009-00059323-CU-WM-NC (08-1733)
4. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB), 34-2007-00882192-CU-WM-GDS, (01-3261)
5. BRUTOCO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159 (07-9223)
6. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (00-440)
7. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
8. SOUTHERN CALIFORNIA EDISON COMPANY, BS 119297, LOS ANGELES SUPERIOR COURT (08-9062)
9. UNITED AIRLINES (SFO), 34-2009-80000256
10. XL CONSTRUCTION, SUPERIOR COURT (34-2009-80000300), 08-R1D2-1191 THROUGH 1193
11. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
12. WEBCOR CONSTRUCTION LP dba WEBCOR BUILDERS, 34-2009-80000384 (08-R1D2-2499 AND 2500)

**PERSONNEL:**

*(Issues regarding staff.)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.