

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, June 16, 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: June 3, 2010**

**RE: Closed Session of the Board to be held on June 16, 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. CHARLIE'S PRIDE MEATS, 09-R6D2-2337 THROUGH 2347
2. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR, 08-R6D5-3466 AND 3467
3. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
4. SUTTERS PLACE, INC. DBA BAY 101, 08-R1D2-3821

**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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1. A & P MASONRY CORPORATION, 10-R3D3-0087 AND 0088
2. ADVANCE BUILDING AND FABRICATION, INC. DBA TILE & GRANITE, 08-R2D3-0699 THROUGH 0701
3. ALGIERE CONSTRUCTION SERVICES, 09-R4D1-3429
4. ALL-BRIGHT ELECTRIC COMPANY, INC., 08-R2D3-2603 AND 2604
5. GUILLERMO AMEZOLA DBA AMEZOLA FARM LABOR, 09-R2D1-2291
6. BAY INSULATION CO., 08-R2D5-1147 AND 1148
7. BEAUMONT JUICE, INC. DBA PERRICONE JUICES, 10-R3D3-0464
8. WILLIAM J. BEDDINGFIELD, JR. DBA UNIVERSAL AUTO BODY, 09-R6D5-3343
9. BORDERS, 09-R2D1-3606 THROUGH 3608
10. BUY FRESH PRODUCE, INC., 09-R4D2-3617
11. CAL ELECTRO, INC., 08-R2D3-0550 AND 0551
12. CALIFORNIA ROOF MANAGEMENT & CONSTRUCTION, INC., 09-R1D4-0925 THROUGH 0929
13. CASILLAS PALLETS, INC., 09-R6D7-3662 THROUGH 3664
14. CASTEEN CONSTRUCTION, INC., 09-R6D5-2714
15. CHAMREN TOUGH DBA P & S AUTO BODY SHOP, 09-R6D5-3698
16. CITY OF MONTEREY, 09-R1D2-0741 THROUGH 0743
17. CITY OF SANTA BARBARA, 09-R4D3-3411 AND 3412
18. CLEARWATER CAR WASH LLC DBA MARINA CLASSIC, 10-R3D1-0530 AND 0531
19. CLOUGHERTY PACKING LLC DBA FARMER JOHN, 09-R4D2-3787 THROUGH 3789
20. CVC CONSTRUCTION CORP., 08-R2D3-2756 AND 2757
21. DWORSKY COMPANIES, INC. DBA DWORSKY LANDSCAPE, SVC., 10-

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22. EARTHBOUND FARMS, INC. FKA NATURAL SELECTION FOODS, 08-R1D2-4027
  23. ENSIGN UNITED STATES DRILLING (CALIFORNIA), INC., 09-R6D3-0020
  24. ENSIGN WELL DRILLING, 09-R2D4-1976
  25. F.D.S. MANUFACTURING COMPANY, 09-R3D6-3449 AND 3450
  26. F. RODGERS CORPORATION, 08-R1D2-3822
  27. LINDA S. FALCONIO, M.D., INC. DBA N. COAST FAMILY HEALTH CENTER, 09-R3D2-3717
  28. HIPOLITO RIVERA FAVILA DBA SUN VALLEY HARVESTING, 09-R4D3-4069
  29. WILLIAM A. FILTER, JR. DBA W.F. ORCHARDS, INC., 08-R2D3-1582
  30. FILTERFRESH COFFEE SERVICE, INC., 10-R1D4-0869
  31. FOXFIRE CONSTRUCTORS, 09-R5D2-4229
  32. FTR INTERNATIONAL, INC., 10-R3D1-0040 AND 0041
  33. GONZALES PALLETS, INC., 09-R6D7-1572 AND 1573
  34. GOODWILL INDUSTRIES OF SOUTHERN CALIFORNIA, 09-R4D2-3455 AND 3456
  35. GRANITE ROCK COMPANY, 09-R5D1-1599
  36. GRIFFITH COMPANY, 09-R4D2-3950
  37. GULFSTREAM AEROSPACE CORP., 08-R3D5-4789
  38. H & S HARVESTING, 09-R2D5-0989 AND 0990
  39. HARRIS METAL WORKS, 09-R2D3-0317
  40. HILL & HILL CONTRACTING, INC., 08-R2D1-3711 AND 3712
  41. HUHTAMAKI CONSUMER PACKAGING – WEST, INC., 09-R4D2-3457 THROUGH 3459

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42. INLAND WESTERN LARKSPUR LLC, 08-R1D5-3799
43. JAMES ISLAND PLASTERING, INC., 08-R1D2-3124
44. JAMES M. SOMMERVILLE, INC., 09-R1D2-0705 AND 0706
45. JOSIASSEN FARMS, INC., 08-R2D3-0810 THROUGH 0812
46. JSO, INC. AMERICAN'S LABOR SUPPLY, 09-R6D5-3600
47. JUANITA FOODS, INC., 09-R6D2-3337 AND 3338
48. TAKAAKI KOYAM DBA DAIKOKUYA, 09-R4D1-4286
49. LA FITNESS, 10-R3D1-0949
50. LAWSON MECHANICAL CONTRACTORS, 08-R2D1-1387
51. LOS ANGELES COUNTY USC MEDICAL CENTER, 09-R4D2-3140 AND 3141
52. LUPPEN & HAWLEY, INC., 08-R2D1-1827
53. BENJAMIN MAGANA, 09-R4D2-3454
54. MALIER CONTRACTORS, INC., 09-R2D3-1588 AND 1589
55. MASONRY BY HODGE, 09-R2D5-1515 AND 1516
56. MCD SJC, INC., 10-R3D1-0425
57. McKINNON LUMBER CO., INC., 09-R1D2-0999
58. MELKONIAN FARMS, 08-R2D5-1052 THROUGH 1056
59. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 08-R5D1-1774
60. MICHELS CORPORATION DBA MICHELS PIPELINE CONSTRUCTION, 08-R5D1-3058
61. MODOC CO. ROAD DEPT., 08-R2D3-4425
62. NUMERO UNO ACQUISITIONS LLC, 09-R4D2-3786
63. OAKLEY O STORE, INC., 10-R3D1-0424
64. PACIFIC NEON, 08-R2D1-2656

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65. PALM VILLAGE RETIREMENT COMMUNITY, 09-R2D5-1590 AND 1591
66. PARKHOUSE TIRE SERVICE, INC. STORE #204, 09-R3D3-3493 AND 3494
67. PARSEC, INC., 09-R4D2-3954
68. PIONEER NURSERY, 07-R2D5-5328
69. RON PORTER DBA LASSEN VINA RANCH, 09-R2D3-0769
70. QUIKRETE OF SOUTHERN CA. LLC, 09-R4D3-4228
71. R & L BROSAMER, INC., 08-R1D3-3476 AND 3477
72. RMA LAND CONSTRUCTION, 09-R3D6-3522 AND 3523
73. ROBERT RODRIGUEZ DBA STAR BODY & FRAME, 09-R6D7-3939
74. ROSA MONDRAGON FLC, 08-R6D5-3996 THROUGH 3998
75. S. J. GIRGOLLA CONSTRUCTION CO., INC. 09-R4D2-3324 AND 3325
76. SACRAMENTO BUILDING PRODUCTS, 08-R2D1-2306
77. SACRAMENTO RIVER WALNUT HULLING LLC, 10-R6D7-0386
78. SAFEWAY, INC., 10-R2D1-0207
79. SECO PACKING LLC, 08-R1D2-3731
80. SIERRA PACIFIC INDUSTRIES, 09-R2D3-0479
81. SIERRA PACIFIC INDUSTRIES, 09-R2D1-2540
82. SOLARIS PAPER, INC., 09-R3D6-4018 AND 4019
83. SOUTH BAY LANDSCAPING, 10-R3D1-0356
84. SPECTRUM SENSORS & CONTROLS, INC., 08-R2D1-3927
85. ST. FARM, 09-R6D5-3530 THROUGH 3536
86. STERICYCLE, INC., 09-R1D4-0620 THROUGH 0622
87. STEVE ARMSTRONG CONSTRUCTION, 09-R4D3-1918 THROUGH 1920

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88. STREBIN FARMS LA, INC., 10-R6D2-0496 THROUGH 0498
89. TAYLOR SHEA JOINT VENTURE, 10-R5D2-0307
90. TKM PLUMBING, INC., 09-R1D4-0672
91. TPF OPERATIONS II DBA HIGH DESERT POWER PROJECT LLC, 10-R3D3-0461 AND 0462
92. TRI-C MACHINE CORP., 09-R2D1-1358 AND 1359
93. TRIDENT BUILDERS, INC., 09-R1D3-0580 AND 0581
94. TWO CHEFS ON A ROLL, INC., 10-R3D5-0878 AND 0879
95. VALLEY CREST TREE CARE SERVICES, 09-R4D1-3451 THROUGH 3453
96. VALLEY PRIDE, 09-R6D4-2375
97. VANDENBERGHE CONSTRUCTION, INC., 09-R2D5-4275 THROUGH 4278
98. LARRY VILLASENOR DBA VILLASENOR CONSTRUCTION, 09-R3D6-3941
99. VOLT INFORMATION SCIENCES, INC. DBA VOLT SERVICES GROUP, 09-R1D5-0673
100. VT CONSTRUCTION, INC., 10-R3D1-0459 AND 0460
101. WARREN COLLINS AND ASSOCIATES, INC. DBA COLLINS COMPANY, 09-R3D3-3068 THROUGH 3071
102. WESTERN WOOD TREATING, INC., 08-R2D1-2374
103. WOOD 'N' WOOD PRODUCTS OF CA., INC., 09-R6D5-3565 THROUGH 3567
104. WOODBRIDGE IRRIGATION DISTRICT, 09-R2D4-0936 THROUGH 0938

**ORDERS DISMISSING APPEALS:**

1. ADDECCO, INC. BRANCH 5100, 08-R2D1-4312
2. COINSTAR ENTERTAINMENT SVCS., 09-R2D1-2400

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3. ROSEBURG FOREST PRODUCTS, 09-R2D3-0588
4. WESTAFF, INC., 08-R2D4-4755

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

1. AZURELITE, INC. DBA DAE HAN GLASS, 10-R3D1-9117
2. BAKER COMMODITIES, INC., 10-R6D4-9122
3. CELAYA AUTO REPAIR, 10-R1D4-9120
4. EGUILUZ FARMS, 10-R2D4-9123
5. ENRIQUE GONZALES, JR. DBA R.G. AG SERVICE, 10-R4D3-9115
6. KEY STEEL PRODUCTS, INC., 10-R6D2-9116
7. PACIFIC AMERICAN FISH COMPANY, INC., 10-R4D2-9121

**STIPULATIONS:**

1. GUIMARRA VINEYARDS, 07-R2D5-5173 AND 5174
2. SCALED COMPOSITE LLC, 08-R2D5-0556 THROUGH 0559

**ORDER ON REMAND:**

1. R. R. DONNELLEY, INC., 09-R3D3-2201

**ORDER ON RECONSIDERATION:**

1. SAN JOAQUIN HOUSING AUTHORITY, 08-R2D4-4352

**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.)*

1. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
2. PEDRO DIAZ & JOSE BECERRA DBA DIAZ BODY SHOP, 10-R6D7-9108

**DENIAL OF PETITION FOR RECONSIDERATION (DRAFT):**

1. MISSION FLAVORS & FRAGRANCES, INC., 05-R6D2-1139

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**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. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
6. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY  
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
7. ANNING-JOHNSON COMPANY, 06-R1D3-1976
8. AVESON EDUCATIONAL COOPERATIVE, 09-R4D2-0337
9. BART, 03-R1D1-5170
10. BIMBO BAKERIES USA, 05-R6D2-856 AND 857
11. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
12. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
13. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445
14. BURTON L. SILVA FARMS, 09-R1D2-1498
15. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
16. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
17. CA CORRECTIONS, 08-R2D5-0975 THROUGH 0978
18. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
19. CELTIC SCAFFOLDING, INC., 08-R1D1-1469 THROUGH 1471
20. CLINE CELLARS, INC., 08-R1D5-2946

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21. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336
22. CNL ROOFING COMPANY, 08-R1D2-1692 AND 1693
23. COMMERCIAL METAL FORMING, 09-R3D1-1592
24. CORE GENERAL CONTRACTOR, INC. DBA CORE BUILDERS, 08-R1D2-1379
25. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
26. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
27. DESIGN BUILDERS, INC., 08-R4D4-1901
28. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
29. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
30. DUKE PACIFIC, INC., 08-R3D3-574
31. DUININCK BROS., INC., 06-R4D3-2871
32. DYNALECTRIC, 03-R1D1-4101
33. E. C. U., INC., 09-R3D5-1094 AND 1095
34. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS, 09-R6D2-2325 THROUGH 2332
35. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
36. EZ MIX, INC., 08-R4D3-1898
37. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
38. FORTUNA IRON WORKS 06-R2D3-4222
39. FREAS PLASTERING CO., INC., 08-R1D1-1188 AND 09-R1D1-2568
40. G.T. ALDERMAN, INC., 05-R4D3-3513
41. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
42. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
43. GLASS PAK, 03-R2D2-750 AND 751

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44. GOLDEN WEST INDUSTRIES, INC., 08-R3D2-3930
45. GRISWOLD INDUSTRIES, 09-R6D2-0981 THROUGH 0984
46. HARBOR ORNAMENTAL, INC., 09-R3D5-2086
47. HB PARKCO, 07-R4D2-1730 AND 1731
48. HELPMATES STAFFING SERVICES, 05-R3D3-2239
49. HELM & SONS, INC., DBA HELM & SONS AMUSEMENTS, 08-R3D3-3513
50. THE HERRICK CORP., 07-R3D1-495
51. HUSSMAN CORPORATION, 03-R3D1-2939
52. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
53. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
54. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
55. JENSEN PRECAST, 05-R2D1-2377
56. JOHN LAING HOMES, 04-R3D1-194 AND 195
57. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
58. JT WINDOWS, INC., 09-R6D2-0693 THROUGH 0698
59. KELLY SERVICES, INC., 06-R1D2-1024
60. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-323
61. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
62. LA MINA CANTINA, 09-R2D5-0039
63. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
64. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
65. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
66. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541

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67. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
68. MARINE TERMINALS, 08-08-R6D2-1920
69. MELMARC PRODUCTS, INC., 09-R3D1-2878
70. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
71. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583
72. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
73. O & M INDUSTRIES, 04-R1D5-1597
74. PARKER-HANNIFIN CORPORATION, 08-R2D4-2508
75. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
76. POUK & STEINLE, INC., 09-R3D3-0491
77. PUSD ALEXANDER HAMILTON ELEMENTARY SCHOOL, 09-R4D2-0784
78. R.A. CAMPBELL, INC., 09-R6D2-1209 THROUGH 1211
79. R & L BROSAMER, INC., 03-R1D5-4832
80. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
81. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
82. SANTA PAULA HARVESTING, 09-R4D3-0510 THROUGH 0514
83. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
84. SELECT REMEDY, 08-R2D5-0048 THROUGH 0050
85. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
86. STACY & WITBECK, INC., 05-R1D1-1142
87. STENDERUP AG PARTNERS, 09-R6D2-2111 AND 2112
88. SUNOPTA FRUIT GROUP, 09-R3D1-9245
89. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT

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90. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650 AND 2651
91. TEICHERT AGGREGATES, 04-R5D1-2982
92. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2256 AND 2557
93. UNITED PARCEL SERVICE, 07-R3D3-3322
94. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
95. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
96. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710

**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., 07-CS00518 (05-3914)  
(Appeal Due Date: June 11, 2010)
2. JERLANE, 37-2007-00056381-CU-WM-NC (01-4344/4345)
3. JERLANE, 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 (DOSH v. OSHAB) (00-440)
7. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
8. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
9. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)

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10. WEBCOR CONSTRUCTION LP dba WEBCOR BUILDERS, 34-2009-80000384  
(08-R1D2-2499/2500)
11. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
12. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430  
(09- 9280/9281)
13. JC CONSTRUCTION, BS124990 (09-9265)

**COURT OF APPEAL**

1. SOUTHERN CALIFORNIA EDISON, B223828 (BS 119297) (08-9062)

**OTHER LEGAL MATTERS**

*(Any legal matter that comes about after the agenda is noticed 10 days in advance of the meeting announcement and that must be acted upon or legal matters pending before the Board requiring specific Board action but do not fall within the above categories.)*

**PERSONNEL** *(Issues regarding staff.)*

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