

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), and (e)
for
Wednesday, July 7, 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 24, 2010

RE: Closed Session of the Board to be held on July 7, 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.

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. SUNRISE GROWERS FROZSUN FOODS, 09-R4D3-2850
2. S & S SERVICES, 08-R2D1-2131 AND 2132
3. WOOD DESIGN AND ART, 09-R4D3-2071

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. 24 HOUR FITNESS WORLDWIDE DBA 24 HOUR FITNESS, 08-R1D4-3645
2. ALL SEASONS FRAMING CORP., 09-R3D1-3442

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3. ARTE DE MEXICO, INC., 09-R4D3-3988
4. C & T METAL SUPPLY CO., 10-R6D2-0921 THROUGH 0925
5. C. G. ROXANE WATER COMPANY, 08-R2D5-0298 AND 0299
6. CABRAL ROOFING & WATER PROOFING CORPORATION, 10-R3D3-0286
7. CITY OF SAINT HELENA POLICE DEPARTMENT, 09-R1D5-1061
8. CITY OF SANTA ANA, 09-R3D1-3489
9. CONTROL COMPONENTS, INC., 09-R3D1-3885
10. DICK HANKS FARMS, 08-R2D3-3282
11. DOMINGUEZ FARMS LABOR CONTRACTING, 08-R1D2-4311
12. DXV WATER TECHNOLOGIES, 10-R3D5-1294
13. DYNAELECTRIC, 09-R4D1-3554
14. ENDURA STEEL, INC. DBA SMITH IRONWORKS, 09-R6D2-4172 THROUGH
4179
15. I V WELDING & MECHANICAL, INC., 09-R3D2-3718
16. JHN, INC. DBA COUSTIC-GLO, 10-R4D2-0171 AND 0172
17. KANDI USA, INC., 10-R3D3-1035 AND 1036
18. L & T CONSTRUCTION, INC., 10-R3D1-0532
19. LEKOS DYE & FINISHING, 09-R4D2-3377 THROUGH 3381
20. NORCAL RENTAL GROUP LLC DBA CRESCO EQUIPMENT RENTAL, 09-
R1D4-1500
21. R. R. LEONARD CO., 10-R6D2-1045 AND 1046
22. RANCHO HARVEST, INC., 09-R4D3-3645 AND 3646
23. SELECT STAFFING, 08-R2D5-2510
24. SHERMAN INVESTMENTS DBA MONEY 'N' MORE, 10-R3D5-0918
25. MICHAEL STOKES DBA STOKES FLOORING, 09-R1D5-0232 AND 0233

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26. SUNNY COVE CITRUS LLC, 09-R2D5-1781
27. SUPER A FOODS, INC., 10-R4D2-0047 THROUGH 0049
28. SUPERIOR CASEWORKS, INC., 08-R2D5-2547 THROUGH 2549
29. SUPERIOR CONSTRUCTION, 09-R4D3-4022 THROUGH 4024
30. SYSTEM ONE CHEMICAL LLC, 09-R3D1-4153
31. TAYLOR FARMS CALIFORNIA, INC., 08-R6D3-4660 THROUGH 4665
32. TERRA BELLA NURSERY, INC., 09-R3D2-3443 AND 3444
33. TRI K TRUSS COMPANY, 08-R2D5-1094 AND 1095
34. TOM TUMYAN – INDIVIDUAL, 10-R6D5-0058 THROUGH 0061
35. WELLS CAPITAL MANAGEMENT, 10-R4D1-1087
36. WESTERN DENTAL, 08-R2D5-2509
37. WHALING PACKAGING CO., 10-R3D5-1295 AND 1296

ORDER DISMISSING APPEAL:

1. JOHN O'NEIL & RUSSELL MEEHAN DBA MEEHAN CONSTRUCTION, A PARTNERSHIP, 08-R2D1-1044 THROUGH 1047

ORDER DENYING LEAVE TO FILE LATE APPEAL:

1. JEFF & ANNIE MAIN DBA GOOD HUMUS PRODUCE, 09-R2D1-0140

ORDER ON REMAND DENYING LEAVE TO FILE LATE APPEAL:

1. UNITED PARCEL SERVICE, 10-R1D5-0063

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. BORDERS, 09-R2D1-3606 THROUGH 3608
2. KAP ENGINEERING, INC., 09-R3D6-2064 THROUGH 2069

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3. PACIFIC AMERICAN FISH CO., INC., 10-R4D2-9121
4. VANDENBERGHE CONSTRUCTION, INC., 09-R2D5-4275 THROUGH 4278

DENIAL OF PETITION FOR RECONSIDERATION (DRAFT):

1. PEDRO DIAZ & JOSE BECERRA DBA DIAZ BODY SHOP, 10-R6D7-9108

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. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
2. AC FRAMERS INC., 03-R2D3-3475
3. AC TRANSIT, 08-R1D4-0135
4. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
5. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
6. ANNING-JOHNSON COMPANY, 06-R1D3-1976
7. AVESON EDUCATIONAL COOPERATIVE, 09-R4D2-0337
8. BART, 03-R1D1-5170
9. BIMBO BAKERIES USA, 05-R6D2-856 AND 857
10. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
11. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
12. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445
13. BURTON L. SILVA FARMS, 09-R1D2-1498
14. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
15. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
16. CA CORRECTIONS, 08-R2D5-0975 THROUGH 0978

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17. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
18. CELTIC SCAFFOLDING, INC., 08-R1D1-1469 THROUGH 1471
19. CLINE CELLARS, INC., 08-R1D5-2946
20. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336
21. CNL ROOFING COMPANY, 08-R1D2-1692 AND 1693
22. COMMERCIAL METAL FORMING, 09-R3D1-1592
23. CORE GENERAL CONTRACTOR, INC. DBA CORE BUILDERS, 08-R1D2-1379
24. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
25. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
26. DESIGN BUILDERS, INC., 08-R4D4-1901
27. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
28. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
29. DUKE PACIFIC, INC., 08-R3D3-574
30. DUININCK BROS., INC., 06-R4D3-2871
31. DYNALECTRIC, 03-R1D1-4101
32. E. C. U., INC., 09-R3D5-1094 AND 1095
33. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS, 09-R6D2-2325 THROUGH 2332
34. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
35. EZ MIX, INC., 08-R4D3-1898
36. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
37. FORTUNA IRON WORKS 06-R2D3-4222
38. FREAS PLASTERING CO., INC., 08-R1D1-1188 AND 09-R1D1-2568
39. G.T. ALDERMAN, INC., 05-R4D3-3513

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41. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
42. GLASS PAK, 03-R2D2-750 AND 751
43. GOLDEN WEST INDUSTRIES, INC., 08-R3D2-3930
44. GRISWOLD INDUSTRIES, 09-R6D2-0981 THROUGH 0984
45. HARBOR ORNAMENTAL, INC., 09-R3D5-2086
46. HB PARKCO, 07-R4D2-1730 AND 1731
47. HELPMATES STAFFING SERVICES, 05-R3D3-2239
48. HELM & SONS, INC., DBA HELM & SONS AMUSEMENTS, 08-R3D3-3513
49. THE HERRICK CORP., 07-R3D1-495
50. HUSSMAN CORPORATION, 03-R3D1-2939
51. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
52. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
53. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
54. JENSEN PRECAST, 05-R2D1-2377
55. JOHN LAING HOMES, 04-R3D1-194 AND 195
56. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
57. JT WINDOWS, INC., 09-R6D2-0693 THROUGH 0698
58. KELLY SERVICES, INC., 06-R1D2-1024
59. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-323
60. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
61. LA MINA CANTINA, 09-R2D5-0039
62. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844

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63. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
64. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
65. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
66. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
67. MARINE TERMINALS, 08-08-R6D2-1920
68. MELMARC PRODUCTS, INC., 09-R3D1-2878
69. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
70. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583
71. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
72. O & M INDUSTRIES, 04-R1D5-1597
73. PARKER-HANNIFIN CORPORATION, 08-R2D4-2508
74. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
75. POUK & STEINLE, INC., 09-R3D3-0491
76. PUSD ALEXANDER HAMILTON ELEMENTARY SCHOOL, 09-R4D2-0784
77. R.A. CAMPBELL, INC., 09-R6D2-1209 THROUGH 1211
78. R & L BROSAMER, INC., 03-R1D5-4832
79. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
80. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
81. SANTA PAULA HARVESTING, 09-R4D3-0510 THROUGH 0514
82. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
83. SELECT REMEDY, 08-R2D5-0048 THROUGH 0050
84. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
85. STACY & WITBECK, INC., 05-R1D1-1142

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86. STENDERUP AG PARTNERS, 09-R6D2-2111 AND 2112
87. SUNOPTA FRUIT GROUP, 09-R3D1-9245
88. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT
AGGREGATES, 04-R5D2-850 AND 851
89. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650
AND 2651
90. TEICHERT AGGREGATES, 04-R5D1-2982
91. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2256 AND 2557
92. UNITED PARCEL SERVICE, 07-R3D3-3322
93. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
94. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
95. 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)
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)

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9. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
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.