

**Pursuant to Government Code 11125.3, the Appeals Board posts this Amended Agenda
for the September 1, 2010 Closed Session Meeting**

**State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), and (e)
for
Wednesday, September 1, 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: August 19, 2010

RE: Closed Session of the Board to be held on September 1, 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. ARMOUR STEEL CO., 08-R2D4-5145 AND 5146
2. RAUL GONZALEZ CONSTRUCTION DBA SAVORY SOUND, INC., 09-R4D2-4064
3. JUAN LUIS ZAMORA DBA BAJA FLEET SERVICE, 09-R4D2-3644 AND 3665

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

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reconsider or remand the issued order.)

1. A & E MASONRY, 09-R6D7-2602 AND 2603
2. AGRICULTURAL COMPUTERIZED TECHNOLOGIES, 09-R4D3-4020 AND 4021
3. AIRCRAFT SERVICE INTERNATIONAL, 09-R4D1-4164 AND 4165
4. AMERICAN DEMOLITION/CONCRETE CUTTING, INC., 10-R3D1-2194 AND 2195
5. D.E. ANDERSEN, 09-R3D2-4016
6. ANTHONY JAMES CONSTRUCTION CO., INC., 10-R6D7-1187 AND 1188
7. BAKER CORPORATION, 10-R3D3-1577
8. BALANCE CONSTRUCTION, 10-R3D6-0012 AND 0013
9. BANOS DAIRY LP, 08-R2D5-2679
10. B-LINE CONSTRUCTION, INC., 10-R6D7-1376
11. CAPISTRANO FORD, 10-R3D1-1328
12. CAR SOUND EXHAUST SYSTEM, INC., 10-R3D1-0005 AND 0006
13. CARBINE STUDIOS, 10-R3D1-1393
14. CITY OF LONG BEACH WATER DEPT., 10-R3D5-1211 AND 1212
15. CITY OF OAKLAND, 09-R1D4-1096
16. CLEMENT PAPPAS CO., INC., 09-R6D2-3805 THROUGH 3808
17. DR. PEPPER SNAPPLE GROUP, 09-R6D2-4076 AND 4077
18. DR. PEPPER SNAPPLE GROUP, 10-R6D2-0024 AND 0025
19. EAGLE FARMS LLC, 08-R1D2-4194
20. EDGE DEVELOPMENT, 09-R3D1-3712 AND 3713
21. FRUTAROM USA, INC., 10-R3D3-1288 THROUGH 1290

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22. GALLEANO WINERY, 09-R6D2-3386 THROUGH 3389
23. I. E. ARCHITECTURE, 10-R4D1-1807
24. JLG HARVESTING, INC., 10-R2D5-0526
25. KAISER PEMANENTE, 09-R1D4-0962
26. L.A. COUNTY MTA, TRACTION POWER GROUP, 09-R4D1-3593 AND 3594
27. L.A. COUNTY OFFICE OF EDUCATION, 10-R3D6-1857
28. MASTER PLASTICS, INC., 09-R2D2-1864
29. MIDAS, 09-R1D2-1363 AND 1364
30. RON MILINICH DBA MILINICH BODY WORKS, 10-R6D5-1413 THROUGH 1416
31. OIL DRI CORP. OF AMERICA DBA TAFT PRODUCTION CO., 10-R5D2-0920
32. PACIFIC STATES INDUSTRIES DBA REDWOOD EMPIRE SAWMILL, 09-R1D5-0988
33. PARAMOUNT FARMS, INC., 09-R4D3-3989 THROUGH 3991
34. RICH DOSS, INC., 08-R2D1-3002 AND 3003
35. SAN BERNARDINO INTERNATIONAL AIRPORT AUTHORITY/IVDA, 10-R3D3-1395 AND 1396
36. SAN CRISTOBAL DISTRIBUTING, INC., 09-R4D3-0219 AND 0220
37. SAN FRANCISCO – SHERIFF’S DEPARTMENT, 08-R1D1-4569
38. SCHILLING CORP., 09-R3D2-4209
39. SHZ DEVELOPMENT, INC., 09-R4D1-3901
40. SIMI WASH & SERVICE CENTER, 09-R6D7-4093
41. SOLARIS PAPER, INC., 10-R3D6-1084 THROUGH 1086
42. SPEARS CONSTRUCTION CO., 09-R3D2-4056
43. STATE CENTER COMMUNITY COLLEGE DISTRICT, 05-R2D5-1688

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THROUGH 1692

44. SUN DATE LLC, 10-R6D2-1705 THROUGH 1711
45. SURE-FRESH PRODUCE, INC., 09-R4D5-3993 THROUGH 3995
46. THE MILO FOUNDATION, 09-R1D5-0557
47. TST, INC., 09-R6D4-3863 AND 3864
48. HENRY & MARY VARGAS DBA PAPA JOE'S PLACE, 10-R6D7-1125
49. VONS, 10-R3D6-0540
50. JOHN M. WEBSTER DBA JOHNNY'S CUSTOM AUTO BODY, 09-R1D2-273 THROUGH 275
51. WEST CONTRA COSTA U.S.D., NYSTROM ELEMENTARY, 09-R2D2-1780
52. WESTWAY CONSTRUCTION, INC., 10-R4D2-0842
53. WESTWOOD BUILDING MATERIALS COMPANY, 10-R3D5-1636

ORDER DISMISSING APPEAL:

(Written order issued by an Administrative Law Judge disposing of an Employer appeal.)

1. DIEDRICH COFFEE, INC. DBA GLORIA JEAN'S COFFEE, 09-R1D2-1858

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. BARBEGELATA FARMS, 09-R2D4-2083
2. EMERSON RUSSELL MAINTENANCE COMPANY, 08-R1D4-4166 AND 4167
3. SONORA PALLETS, 08-R6D5-3176 THROUGH 3182

DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):

1. ANOTHER PALLET CORP., 10-R6D5-9133
2. PACIFIC MESSENGER RECORDS STORAGE, INC., 08-R3D2-2263 AND 2264
3. S & S SERVICES, 08-R2D1-2131 AND 2132

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4. TERRA BELA NURSERY, INC., 09-R3D2-3444
5. WEBCOR CONSTRUCTION LP, 08-R1D1-2365

ORDERS OF REMAND:

1. CABRAL ROOFING & WATER PROOFING, 10-R3D3-0286
2. CG ROXANNE WATER CO., 08-R2D5-0298 & 0299

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 TRANSIT, 08-R1D4-0135
3. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
4. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
5. ANNING-JOHNSON COMPANY, 06-R1D3-1976
6. AVESON EDUCATIONAL COOPERATIVE, 09-R4D2-0337
7. BART, 03-R1D1-5170
8. BIMBO BAKERIES USA, 05-R6D2-856 AND 857
9. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
10. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
11. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445
12. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239
THROUGH 2241
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

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16. CA CORRECTIONS, 08-R2D5-0975 THROUGH 0978
17. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
18. CALIFORNIA INTERSTATE EXPRESS, 09-R4D2-3460
19. CELTIC SCAFFOLDING, INC., 08-R1D1-1469 THROUGH 1471
20. CLINE CELLARS, INC., 08-R1D5-2946
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

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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
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. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
61. LA MINA CANTINA, 09-R2D5-0039

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62. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
63. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
64. LION RAISINS, INC., 08-R2D5-2253 AND 2254
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. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
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. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730
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

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85. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
86. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
87. STACY & WITBECK, INC., 05-R1D1-1142
88. STENDERUP AG PARTNERS, 09-R6D2-2111 AND 2112
89. SUNOPTA FRUIT GROUP, 09-R3D1-9245
90. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
91. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT AGGREGATES, 04-R5D2-850 AND 851
92. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650 AND 2651
93. TEICHERT AGGREGATES, 04-R5D1-2982
94. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2256 AND 2557
95. UNITED PARCEL SERVICE, 07-R3D3-3322
96. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
97. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
98. 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. JERLANE, 37-2007-00056381-CU-WM-NC (01-4344/4345)
2. JERLANE, 37-2009-00059323-CU-WM-NC (08-1733)
3. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB), 34-2007-00882192-CU-WM-GDS, (01-3261)

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4. BRUTOCO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159 (07-9223)
5. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB) (00-440)
6. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
7. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
8. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
9. WEBCOR CONSTRUCTION LP dba WEBCOR BUILDERS, 34-2009-80000384 (08-R1D2-2499/2500)
10. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
11. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430 (09- 9280/9281)
12. JC CONSTRUCTION, BS124990 (09-9265)
13. FRESNO PRODUCE, CO., INC., 10CECG02394 (10-R6D1-9064)
14. MISSION FLAVORS AND FRAGRANCE, INC., 34-2010-80000599 (05-R6D2-1139)
15. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047 (07-R5D1-3611)

COURT OF APPEAL

1. SOUTHERN CALIFORNIA EDISON, B223828 (BS 119297) (08-9062)
2. HARRIS CONSTRUCTION COMPANY, INC., C060578 (07-CS00518) (05-3914)
*OSHAB appealed Court's judgment vacating the DAR.
3. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)
*WORKSAFE, INC. appealed Court's judgment denying Appellant's attorney fees.

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.)*

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