

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, November 4, 2009**  
**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: October 23, 2009**

**RE: Closed Session of the Board to be held on November 4, 2009**

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. BROTHERS THREE DAIRY, 09-R6D2-1249 THROUGH 1254
2. COLICH & SONS/J.R. PIPELINE, J.V., 08-R5D2-5061
3. SECURE HOME IMPROVEMENT, 09-R3D2-0813

**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. ACCEL DRYWALL, INC. DBA RESIDENTIAL WALL SYSTEMS, 09-R4D1-1821

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2. ADVANCED MANUFACTURING AND DEVELOPMENT, INC. DBA METAL FX, 08-R1D5-2646 AND 2647
3. AEND INDUSTRIES, 09-R3D1-3016
4. AERA ENERGY LLC., 09-R6D4-1349
5. AGWOOD MILL& LUMBER, INC., 08-R1D5-2315 THROUGH 2317
6. AGWOOD MILL & LUMBER, INC., 08-R1D5-4732 AND 4733
7. ALLGIRE GENERAL CONTRACTORS, 09-R3D2-1385 AND 1386
8. BLUE LIGHT ENTERPRISES, INC., DBA GLR, 08-R3D5-3718 THROUGH 3721
9. BUTTE BUSINESS SVCS. LLC DBA EXPRESS EMPLOYMENT PRO, 08-R2D1-4684 AND 4685
10. MARIANO CARDENAS, 08-R6D5-4241
11. CEMENT CUTTING, INC., 09-R3D2-1268 AND 1269
12. CHICO SCRAP METAL, INC., 07-R2D3-5304
13. CHICO SCRAP METAL, INC., 07-R2D3-5305 THROUGH 5309
14. CHICO SCRAP METAL, INC., 07-R2D3-5310
15. CHICO SCRAP METAL, INC., 07-R2D3-5311
16. CHUY & SONS LABOR, 09-R3D3-3017
17. COKE FARM, INC., 09-R6D7-2184
18. TOM CONOVER DBA CONOVER'S ANTENNA REMOVAL SERVICE, 09-R2D1-1957 AND 1958
19. COSTCO WHOLESALE CORP., 09-R3D2-0942
20. CUBE COMPANY, INC., 09-R4D1-1009
21. CVC CONSTRUCTION CORP., 08-R2D1-3278
22. DANIEL RODRIGUEZ FLC, 08-R2D5-3950 AND 3951
23. DIMENSIONAL TECHNOLOGIES, 08-R3D2-3204 THROUGH 3206

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24. EAST PLASTERING CO., 08-R3D3-4130
25. ELK GROVE MILLING, INC., 08-R2D1-3585 AND 3586
26. ESPARZA ENTERPRISES, INC., 09-R2D5-0033
27. EXPRESS SERVICES, INC. DBA EXPRESS PERSONNEL SVCS., 08-R2D1-4741  
AND 4742
28. FCI CONSTRUCTORS, INC., 08-R1D2-2219 AND 2220
29. FOOSCO, 09-R3D3-2056 AND 2057
30. FREEDOM FIRE PROTECTION, INC., 08-R2D2-3830
31. G & S ROOFING CO., INC., 08-R2D1-2731
32. GOLDEN STATE HERBS, 08-R3D3-4329
33. HEALTHCARE SECURITY SERVICE GROUP DBA INTER-CON SECURITY,  
07-R2D1-5155
34. IDEO, 08-R1D2-3703 AND 5193
35. JACK'S BODY WORKS, INC., 09-R6D5-2126 THROUGH 2128
36. JC FORD CO., 09-R3D1-2806 AND 2807
37. JUBILANT EARTH NURSERIES, 08-R2D3-3190
38. KIEWIT PACIFIC COMPANY, 08-R5D1-3313
39. KJ WOODS CONSTRUCTION, INC., 08-R1D3-2776
40. L.A.U.S.D. MAINTENANCE AND OPERATIONS AREA 8, 08-R3D5-4470
41. LA CASA BUILDING CONTRACTORS, 09-R6D5-1986 AND 1987
42. LIFETIME CONSTRUCTION SERVICES, INC., 08-R2D1-0684 THROUGH 0687
43. JOSE PERALTA LUBONG, 08-R2D5-4325 AND 4326
44. DAVID LUDLOW DBA D.L. MASONRY, 08-R2D1-0145 AND 0146
45. MARSHALL'S DEPARTMENT STORE, 09-R3D2-0755 AND 0756

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46. JESSE B. MENDEZ DBA JAKE'S AUTO BODY, 09-R6D5-1080 THROUGH 1082
47. METAL DRAGON LLC., 08-R1D4-2082
48. MW CONSTRUCTION, INC., 09-R3D2-2503 AND 2504
49. NATIONAL STEEL AND SHIPBUILDING COMPANY, 09-R6D2-2210 AND 2211
50. ORDONES MEXICAN PRODUCTS, 09-R6D5-2278 THROUGH 2280
51. PACIFIC SPLICING AND TESTING, INC., 08-R2D1-0688 AND 0689
52. PARAMOUNT SCAFFOLD, INC., 09-R3D2-0879 AND 0880
53. PASSION FRUIT FARMS, 08-R2D5-3891
54. PUBLIC STORAGE, 08-R3D5-4471
55. Q & D CONSTRUCTION CO., 09-R2D1-0030
56. R & H NORTHERN AGRICULTURAL SVS., INC., 08-R2D1-2646
57. R & H STEEL, INC. DBA H & R STEEL, 09-R6D2-1687
58. RD CONSTRUCTION, 09-R6D5-1079
59. RUSSEL HANDY PAINTING, 09-R6D5-2009
60. SAFEWAY #300-12, 08-R1D2-3184
61. SALVADOR GONZALEZ FLC., 08-R2D1-3622
62. BEATRIZ SANCHEZ INDIVIDUALLY DBA AND SAVANNA HARVESTING, 08-R1D2-3121
63. SQUAW VALLEY SKI CORP., 09-R2D1-2464 THROUGH 2466
64. STERLING ENVIRONMENTAL CORPORATION, 08-R1D3-2093
65. SUNKIST GROWERS, 08-R2D5-4031 AND 4032
66. THE NEVELL GROUP, INC., 09-R3D1-2840
67. ULTRA CLEAN TECHNOLOGY, 08-R1D4-2457 AND 2458

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68. VACA VALLEY ROOFING, INC. DBA OLD COUNTRY ROOFING COMPANY, 07-R2D1-4623
69. WATSON CONTRACTORS, INC., 08-R2D1-0805 AND 0806
70. WESTERN INDUSTRIAL EQUIPMENT MOVERS, INC., 09-R3D5-0857 AND 0858
71. YOUNG'S NURSERY LLC, 09-R6D5-2262

**ORDERS DISMISSING APPEALS:**

1. ER SYSTEMS, INC., 07-R1D5-0841
2. PEN CHANG, 08-R2D5-3102
3. SHAWMUT WOODWORKING & SUPPLY, INC. DBA SHAWMUT DESIGN & CONSTRUCTION, 08-R2D1-2802

**ORDER DENYING LATE APPEAL:**

1. R & R FRAMING, INC., 09-R2D3-9188

**ORDER DENYING/DISMISSING LATE APPEAL:**

1. JOE E. ROQUE DBA J.R. BODY WORKS, 09-R6D5-9237

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

1. MAMACITA'S RESTAURANT, 09-R6D5-9258
2. ARTURO RODRIGUEZ DBA NUEVA IMAGEN AUTOBODY, 09-R6D5-9261

**ORDER RE: SANCTIONS DISMISSING APPEAL:**

1. SYED A. HUSSAIN, INDIVIDUALLY DBA AL-AZHAR MARKET, 09-R3D2-2153 THROUGH 2155

**ORDER TO SHOW CAUSE WHY SANCTIONS SHOULD NOT BE IMPOSED:**

1. KANG'S PAINTING, 09-R3D2-2668 AND 2669

**PETITIONS FOR RECONSIDERATION:**

1. ADVANCE DISPOSAL CO. & RECYCLING CENTER DBA BESTWAY DISPOSAL, 09-R3D3-9212

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2. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445
3. C. C. MYERS, INC., 08-R1D1-0952 THROUGH 0955
4. DUININCK BROS, INC., 06-R4D3-2871
5. E-Z MIX, INC., 08-R4D3-1898
6. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
7. REX MOORE ELECTRICAL CONTRACTORS & ENGINEERS, 07-R1D4-4314
8. S.A. FRAMERS, INC., 09-R3D2-0262
9. SUN OPTA FRUIT GROUP, 09-R3D1-9245
10. THE PEPBOYS, MANNY, MOE & JACK OF CA., 09-R3D1-1732
11. WORK CREW DIRECT, LLC, 09-R3D3-9166

**DENIALS OF PETITIONS OF RECONSIDERATION (DRAFTS):**

1. HOWARD ROOFING COMPANY, INC., 07-R4D2-2736 AND 2737
2. JOHN ROHRER CONSTRUCTION, INC., 08-R2D4-2759
3. MCM CONSTRUCTION, INC., 09-R2D1-9230

**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. ABACHERLI DAIRY, 08-R3D3-5028
4. AC FRAMERS INC., 03-R2D3-3475
5. AC TRANSIT, 08-R1D4-0135
6. AMERICAN REMEDIAL TECHNOLOGIES, 08-R4D2-3154 THROUGH 3156

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7. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY  
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
8. ARBORICULTURAL SPECIALTIES INC., DBA PROFESSIONAL TREE CARE  
CO., 08-R1D4-0799
9. ANNING-JOHNSON COMPANY, 06-R1D3-1976
10. AVESON EDUCATIONAL COOPERATIVE, 09-R4D2-0337
11. BART, 03-R1D1-5170
12. BIMBO BAKERIES USA, 03-R1D3-5215 THROUGH 5217
13. BIMBO BAKERIES USA, 05-R6D2-856 AND 857
14. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
15. BLF, INC. dba LARRABURE FRAMING, 02-R4D1-4675 THROUGH 4680
16. BURTON L. SILVA FARMS, 09-R1D2-1498
17. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
18. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
19. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
20. CALIFORNIA FRESH FARMS, 06-R2D4-4127
21. CELTIC SCAFFOLDING, INC., 08-R1D1-1469 THROUGH 1471
22. CENTRAL VALLEY CONCRETE, INC., 07-R2D4-1375 THROUGH 1378
23. CITY OF POWAY, DEPARTMENT OF PUBLIC WORKS, 09-R3D2-2165 AND  
2166
24. CLINE CELLARS, INC., 08-R1D5-2946
25. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336
26. CNL ROOFING COMPANY, 08-R1D2-1692 AND 1693
27. COLES CARBIDE CORPORATION, 08-R4D3-2012 THROUGH 2014
28. CORE GENERAL CONTRACTOR, INC. DBA CORE BUILDERS, 08-R1D2-1379

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29. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
30. CVS PHARMACY GARFIELD BEACH, LLC, 09-R3D1-0571
31. CVS PHARMACY GARFIELD BEACH LLC, 08-R3D1-9368
32. D'QUALITY SERVICE, INC., 08-R4D4-3454
33. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
34. DAVIS BROTHERS FRAMING, INC., 03-R3D1-114
35. DAVIS BROTHERS FRAMING, INC., 05-R3D3-634 THROUGH 636
36. DESIGN BUILDERS, INC., 08-R4D4-1901
37. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
38. DUKE PACIFIC, INC., 08-R3D3-574
39. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
40. DUININCK BROS., INC., 06-R4D3-2871
41. DYNALECTRIC, 03-R1D1-4101
42. E C U, INC., 09-R3D5-1094 AND 1095
43. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
44. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
45. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
46. FORTUNA IRON WORKS 06-R2D3-4222
47. FREAS PLASTERING CO., INC., 08-R1D1-1188 AND 09-R1D1-2568
48. G.T. ALDERMAN, INC., 05-R4D3-3513
49. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
50. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
51. GLASS PAK, 03-R2D2-750 AND 751

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52. GOLDEN WEST INDUSTRIES, INC., 08-R3D2-3930
53. GRISWOLD INDUSTRIES, 09-R6D2-0981 THROUGH 0984
54. H. WAYNE LEWIS, INC., DBA AMBER STEEL CO., 09-R3D3-2016 AND 2017
55. HB PARKCO, 07-R4D2-1730 AND 1731
56. HELPMATES STAFFING SERVICES, 05-R3D3-2239
57. HARBOR ORNAMENTAL, INC., 09-R3D5-2086
58. HELM & SONS, INC., DBA HELM & SONS AMUSEMENTS, 08-R3D3-3513
59. HERITAGE OPERATING, LP DBA PRO-FLAME, 09-R3D3-1067
60. THE HERRICK CORP., 07-R3D1-495
61. HUSSMAN CORPORATION, 03-R3D1-2939
62. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
63. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
64. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
65. JC PAPER, 08-R1D4-1823 AND 1824
66. JENSEN PRECAST, 05-R2D1-2377
67. JOHN LAING HOMES, 04-R3D1-194 AND 195
68. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
69. JT WINDOWS, INC., 09-R6D2-0693 THROUGH 0698
70. KELLY SERVICES, INC., 06-R1D2-1024
71. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-323
72. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
73. LARSON STEEL, INC., 08-RID4-4334 AND 4335
74. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960

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75. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
76. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
77. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
78. MILLENIUM GENERATION, INC., 08-R4D3-5047
79. MITCHELL ENVIRONMENTAL CONCRETE, 09-R4D5-0147
80. NEW CREATION BUILDERS, 09-R3D1-1460
81. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583
82. NUTRAMED, INC., 08-R3D3-4546 AND 4547
83. O & M INDUSTRIES, 04-R1D5-1597
84. PMR RACE CARS, 03-R3D3-1825
85. POUK & STEINLE, INC., 03-R4D2-1495 AND 1496
86. PRIME STEEL, INC., 09-R3D6-1523
87. R.A. CAMPBELL, INC., 09-R6D2-1209 THROUGH 1211
88. R & L BROSAMER, INC., 03-R1D5-4832
89. RR DONELLEY, INC., 09-R3D3-2201
90. REAL EQUITY DEVELOPMENT, INC., 07-R2D4-4129 AND 4130
91. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
92. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
93. SELECT REMEDY, 08-R2D5-0048 THROUGH 0050
94. SHANKARA IND. DBA RUSS'S AUTO BODY & REPAIR, 09-R6D5-2135
95. SOUTHWEST TRADERS, INC., 08-R2D4-0710 THROUGH 0712
96. STACY & WITBECK, INC., 05-R1D1-1142
97. STENDERUP AG PARTNERS, 09-R6D2-2111 AND 2112

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98. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
99. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT  
AGGREGATES, 04-R5D2-850 AND 851
100. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650  
AND 2651
101. TEICHERT AGGREGATES, 04-R5D1-2982
102. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2256 AND 2557
103. UNITED PARCEL SERVICE, 07-R3D3-3322
104. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
105. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
106. 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., 07CS00518 (02-3914)
2. JERLANE v DIVISION OF OCCUPATIONAL SAFETY & HEALTH, 07-2009-  
0005631-CU-WM-NC, (01-4344/4345)
3. JERLANE V DIVISION OF OCCUPATIONAL SAFETY AND HEALTH, 07-2009-  
0005932CU-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)

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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

**APPELLATE COURT:**

1. MURRAY COMPANY, BS112469
2. HARRIS CONSTRUCTION COMPANY, INC. 07CS00518 (02-3914)

**PERSONNEL:**

*(Issues regarding staff.)*

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