

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, January 19, 2011**  
**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 6, 2011**

**RE: Closed Session of the Board to be held on January 19, 2011**

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. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 08-R5D1-3455
2. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
3. ALF BURTLESON CONSTRUCTION, 09-R5D1-0184
4. PRISTINE CLEANERS, 10-R4D3-1303 AND 1304
5. SYAR INDUSTRIES, INC., 08-R5D1-3362 AND 3363

**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. ALEXANDER & J. WILLIS CORP. DBA ALEXANDER & WILLIS, 10-R6D2-3117 THROUGH 3119
2. ACAPULCO MEXICATESSEN, 10-R3D6-2172 THROUGH 2176
3. ALL COMMERCIAL LANDSCAPING SERVICE, 08-R2D5-4353 AND 4354
4. ALTA DENA DAIRY, 10-R3D6-2748 AND 2749
5. AMERICAN FOAM FIBER & SUPPLIES, INC., 10-R3D6-2047 AND 2048
6. AMERICAN FOAM FIBER & SUPPLIES, INC., 10-R3D6-2049
7. BAKERSFIELD CENTRAL METAL, INC., 10-R2D5-2140
8. C & H TESTING SERVICE LLC, 10-R6D4-0452
9. CABO YACHTS, A DIVISION OF BRUNSWICK CORP., 10-R3D3-2543 AND 2544
10. CHARLES SCHWAB & CO., INC., 09-R1D1-3512
11. CITY OF LODI ELECTRIC UTILITIES DEPARTMENT, 10-R2D4-1989
12. CITY OF PORT HUENEME PUBLIC WORKS DEPT., 10-R4D3-3375
13. EAST COAST BAGEL, 10-R3D1-3204
14. FERITAGE QUIKN, INC. DBA QUICKI KLEEN CAR WASH, 10-R6D7-2151 AND 2152
15. GEA POWER COOLING, 10-R1D3-1663 AND 1664
16. GLENDALE IRON, INC., 10-R4D1-2408
17. HALL MANAGEMENT CORPORATION, 10-R6D7-2150
18. HANNIBAL INDUSTRIES, INC., 10-R4D2-1917 THROUGH 1919
19. HARRIS REBAR SO. CAL. DIV. HARRIS/ARIZONA, INC., 10-R3D3-3459
20. CARLOS HERNANDEZ DBA R & C PALLETS, 10-R6D5-0377 THROUGH 0379
21. J & S GLASS, 10-R6D2-1340
22. J.B. HUNT TRANSPORT, INC., 10-R4D2-2184

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23. JT2 INTEGRATED RESOURCES, 10-R1D4-2383
24. KEVIN J. BARRY IRON WORKS, 09-R1D3-0764
25. LESLIE'S POOLMART, INC. DBA LESLIE'S SWIMMING POOL SUPPLIES, 10-R4D3-2733
26. M & A AUTOBODY, 10-R4D1-1923
27. MALIBU CONSTRUCTION & DEVELOPMENT, INC., 10-R4D3-0978 THROUGH 0980
28. MAURITSON FARMS, INC., 09-R1D5-3218
29. NORTHERN CA. ROOFING CO. DBA NIR WEST COAST, INC., 09-R6D7-4001
30. PARC SERVICES, INC., 09-R1D4-3547
31. R.B. WELDING, INC., 10-R6D2-1261 THROUGH 1266
32. ROBERT L. NUNLEY CORP., 10-R4D1-1913
33. TIMOTHY J. ROSIO, M.D. DBA ANEW SKIN DERMATOLOGY, 09-R2D1-3192 THROUGH 3198
34. SOUTH COAST WOOD WORKS, INC., 10-R6D2-2682 AND 2683
35. SUBURBAN WATER SYSTEMS, 10-R3D6-2874
36. SUPERIOR QUALITY FOODS, INC., 10-R6D2-2088
37. SYAR INDUSTRIES, INC., 09-R5D1-2455 AND 2456
38. TAYLOR FARMS CALIFORNIA, INC., 09-R1D2-0964 AND 0965
39. TAYLOR FREEZERS OF CALIFORNIA, 09-R1D3-1808
40. THE NEIL JONES FOOD COMPANY DBA SAN BENITO FOODS, 09-R1D2-2391 THROUGH 2393
41. TRU-FORM INDUSTRIES, INC., 10-R3D6-2101 THROUGH 2104
42. TUXFORD MAINTENANCE COMPANY, 10-R4D3-1041 AND 1042
43. VERIZON, 10-R4D1-0598 AND 0599

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44. WEISER FAMILY FARMS, 10-R2D5-2941

45. WINDSOR QUALITY FOOD COMPANY LTD. DBA WINDSOR FOODS, 10-R3D3-2944 AND 2945

**ORDER DENYING LEAVE TO FILE LATE APPEAL:**

1. BLOOMFIELD BAKERS DBA LOVIN OVEN, 10-R6D2-9293

**ORDER DENYING-DISMISSING LATE APPEAL:**

1. RATTO BROS., INC., 10-R6D3-9291

**STIPULATIONS:**

1. KIEWIT PACIFIC COMPANY, 10-R5D1-1213 AND 1214

2. MOUNTAIN VIEW AG SERVICES, 08-R2D5-4174 THROUGH 4176

3. SUTTER HOME WINERY, INC., 09-R1D5-3703 & 3704

**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. ALZATI BUILDING CORPORATION, 10-R6D5-9257

2. GONZO CONSTRUCTION, 09-R3D1-4279

3. MASCON, INC., 08-R2D1-4278 & 4279

4. STEVE MURRAY DBA MURRAY FAMILY FARMS, 10-R3D2-9262

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

*If the Appeals Board votes to deny a Petition for Reconsideration, the Legal Unit drafts a letter of denial to the petitioner. The draft correspondence is then reviewed and approved for signature or not approved for signature by the Board.*

1. SMURFIT STONE CONTAINER, 10-R3D3-9245

2. VEL-PACKER, 10-R6D5-9255

**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*

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*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
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. CLINE CELLARS, INC., 08-R1D5-2946
20. COMMERCIAL METAL FORMING, 09-R3D1-1592
21. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387

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22. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
23. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
24. DESIGN BUILDERS, INC., 08-R4D4-1901
25. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
26. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
27. DUKE PACIFIC, INC., 08-R3D3-574
28. DUININCK BROS., INC., 06-R4D3-2871
29. DYNALECTRIC, 03-R1D1-4101
30. E. C. U., INC., 09-R3D5-1094 AND 1095
31. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS, 09-R6D2-2325 THROUGH 2332
32. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
33. EZ MIX, INC., 08-R4D3-1898
34. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
35. FORTUNA IRON WORKS 06-R2D3-4222
36. G.T. ALDERMAN, INC., 05-R4D3-3513
37. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
38. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
39. GOLDEN WEST INDUSTRIES, INC., 08-R3D2-3930
40. HARBOR ORNAMENTAL, INC., 09-R3D5-2086
41. HB PARKCO, 07-R4D2-1730 AND 1731
42. HELM & SONS, INC., DBA HELM & SONS AMUSEMENTS, 08-R3D3-3513
43. THE HERRICK CORP., 07-R3D1-495
44. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736

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45. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
46. JENSEN PRECAST, 05-R2D1-2377
47. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
48. KELLY SERVICES, INC., 06-R1D2-1024
49. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
50. LA MINA CANTINA, 09-R2D5-0039
51. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
52. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
53. LION RAISINS, INC., 08-R2D5-2253 AND 2254
54. L N I CUSTOM MANUFACTURING, 10-R6D2-9154
55. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
56. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
57. MARINE TERMINALS, 08-08-R6D2-1920
58. MARTIN J. SOLIS, DBA SOLIS FARM LABOR, 08-R2D1-3415
59. MELMARC PRODUCTS, INC., 09-R3D1-2878
60. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
61. MOOREFIELD CONSTRUCTION, INC., 10-R3D5-9207
62. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583
63. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
64. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
65. PARKER-HANNIFIN CORPORATION, 08-R2D4-2508
66. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
67. POUK & STEINLE, INC., 09-R3D3-0491

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68. R & L BROSAMER, INC., 03-R1D5-4832
69. RAMON ARANDA dba I & R PALLETS, 10-R6D5-9053
70. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730
71. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
72. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
73. SANTA PAULA HARVESTING, 09-R4D3-0510 THROUGH 0514
74. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
75. SELECT REMEDY, 08-R2D5-0048 THROUGH 0050
76. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
77. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
78. SMUD, 08-R2D1-4887 THROUGH 4889 (filed by DOSH)
79. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
80. STACY & WITBECK, INC., 05-R1D1-1142
81. SUNOPTA FRUIT GROUP, 09-R3D1-9245
82. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
83. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT AGGREGATES, 04-R5D2-850 AND 851
84. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650 AND 2651
85. UKIAH FORD-LINCOLN=MERCURY, INC., 06-R1D5-2256 AND 2557
86. UNITED PARCEL SERVICE, 07-R3D3-3322
87. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
88. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
89. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710

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**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)
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. FRESNO PRODUCE, CO., INC., 10CECG02394 (10-R6D1-9064)
13. MISSION FLAVORS AND FRAGRANCE, INC., 34-2010-80000599 (05-R6D2-  
1139)
14. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047  
(07-R5D1-3611)
15. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-  
80000640 (08-R2D1-0027 THROUGH 0030)

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16. EMERSON RUSSELL MAINTENANCE CO., RG-10543219 (08-R1D4-4167)
17. SMUD, 34-2010-80000723 (08-R2D1-4887)
18. CAL ENERGY OPERATING CORP., 34-2010-80000735 (09-R3D2-3675 & 3676)

**COURT OF APPEAL**

1. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)
2. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)

**PERSONNEL:**

*(Issues regarding staff.)*

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