

**STATE OF CALIFORNIA
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
MINUTES OF THE PUBLIC MEETING & CLOSED SESSION
Held on April 2, 2014
Sacramento, California**

PRESENT:

Art Carter, Chairperson
Ed Lowry, Member
Judith Freyman, Member
Martin Fassler, Presiding Administrative Law Judge
Kari Johnson, Executive Officer
Jeff Mojcher, Chief Counsel
Autumn Gonzalez, Industrial Relations Counsel
Aaron Jackson, Industrial Relations Counsel
Lee Berlin, Executive Secretary
Theresa McKeever, Staff Services Analyst
Judy Whittall-Lee, Staff Services Manager

MINUTES OF MARCH 19, 2014 MEETING:

(Approve or amend minutes of previous Board meeting)

ACTION: Member Lowry moved that the Board approve the draft minutes of the March 19, 2014 Board Meeting. Member Freyman seconded. The Board voted to approve the draft minutes of the March 19, 2014 Board meeting.

ADMINISTRATIVE MATTERS:

(Information and discussion regarding the general administration of cases pending before the Appeals Board)

EXPEDITED PROCEEDINGS:

(Report on general administration of expedited proceedings)

ACTION: The Board discussed the report, which includes a graphic to contrast the number of Expediting Proceedings with the total number of cases and serious cases received during the timeframe. The Board also discussed the ways that the staff confirms abatement. The report will be posted to the OSHAB website at <http://www.dir.ca.gov/oshab/Expedited-Proceedings-Reports.html>

NEW BUSINESS:

(The Appeals Board hears and discusses new reports presented by staff.)

ACTION: No report.

OLD BUSINESS:

(The Appeals Board hears and/or discusses matters on a follow-up basis.)

DOCUMENT RETENTION POLICY PROJECT:

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

Minutes of the Public Meeting and Closed Session

April 2, 2014

Page 2

ACTION: Staff Services Analyst Theresa McKeever reported that the state archivist requested an additional statement clarifying the reason the Board seeks a new document retention policy. Upon approval, the policy will allow the Board to begin clearing out the stored orders and decisions.

POSTING DECISIONS TO THE WEBSITE PILOT PROJECT:

ACTION: Staff Service Manager Judy Whitall-Lee reported that Decisions of the ALJs are now being posted monthly to the Board's website at http://www.dir.ca.gov/oshab/alj_Decisions.html

RENEWAL OF VTC MAINTENANCE AGREEMENT:

ACTION: The Board agreed to allow the service agreement covering the VTC equipment to lapse. The videoconferencing equipment will continue to be used when necessary, and Chair Art Carter reiterated the Board's commitment to facilitate videoconferencing when required or requested for hearings.

LEGISLATION:

(Review and discuss current legislation which may affect the Appeals Board)

ACTION: No report

CHAIRPERSON'S REPORT:

ACTION: Chair Carter welcomed Aaron Jackson to the Board staff.

BOARD MEMBERS' REPORTS:

(Hear reports from Board Members on activities and issues affecting the Appeals Board.)

ACTION: Member Lowry announced that he has now been on the Board for three years, and extended his thanks to the other Board members and staff members for making it a pleasant experience.

EXECUTIVE OFFICER'S REPORT:

(Report regarding administrative matters)

OASIS PROJECT:

ACTION: EO Johnson said that the OASIS team has made a small revision to the schedule so the vendor can match its deliverables to our expectations. In the meantime, revised work process flows are ready to attach to an RFI to solicit vendors to demonstrate software products that may meet the project's requirements. ALJ Robinson is temporarily dedicated to full-time work on the RFI document and the completion of the OASIS requirement phase.

STAFF REPORTS:

(Reports from the Presiding ALJ and the Chief Counsel regarding matters from the Hearing Operations and Legal Units.)

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

Minutes of the Public Meeting and Closed Session

April 2, 2014

Page 3

ALJ TRAINING FOLLOW UP:

ACTION: Chair Carter said that he was impressed with the presenters on the day he attended the ALJ training session last week. He also asked the staff for feedback on Thursday's presentation from the National Judicial College and for a plan to help the judges continue to implement the best practices discussed during the training. Topics presented at the training sessions included specific writing skills and tips, framing issues and decision structure.

Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.

PUBLIC COMMENT:

(Public comment will be entertained during the discussion of each agenda item of the Open Meeting.)

ACTION: No report.

The Board recessed to its Closed Session.

DECISIONS OF ADMINISTRATIVE LAW JUDGES:

DAVEY TREE SURGERY COMPANY, 13-R3D2-2996

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Member Freyman seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge.

FRANK M BOOTH, INC., 12-R2D3-0601

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Member Freyman seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge.

PETITIONS FOR RECONSIDERATION:

JAMES BALDWIN DBA LYON'S MUFFLER & BRAKE, 14-R6D5-9019

ACTION: Member Lowry moved that the Board vote to accept the Legal Unit's recommendation to grant this Petition for Reconsideration. Member Freyman seconded. The Board voted to accept the Legal Unit's recommendation to grant this Petition for Reconsideration.

ROCKET FARMS HERBS, INC., 13-R3D2-3549 THROUGH 3551

ACTION: Member Lowry moved that the Board vote to accept the Legal Unit's recommendation to deny this Petition for Reconsideration.

Member Freyman seconded. The Board voted to accept the Legal Unit's recommendation to deny this Petition for Reconsideration.

WEST VALLEY CONSTRUCTION, INC., 12-R2D5-3526

ACTION: Member Lowry moved that the Board vote to accept the Legal Unit's recommendation to deny this Petition for Reconsideration. Member Freyman seconded. The Board voted to accept the Legal Unit's recommendation to deny this Petition for Reconsideration.

ORDER DISMISSING APPEAL:

AAA PALLET, INC., 13-R3D2-2085 AND 2086

ACTION: Member Lowry moved that the Board approve this Order Dismissing Appeal from an Administrative Law Judge. Member Freyman seconded. The Board voted to approve this Order Dismissing Appeal from an Administrative Law Judge.

AMENDED ORDER DISMISSING APPEAL:

KEVIN SEMIEN, 13-R1D1-1499

ACTION: Member Lowry moved that the Board approve this Amended Order Dismissing Appeal from an Administrative Law Judge. Member Freyman seconded. The Board voted to approve this Amended Order Dismissing Appeal from an Administrative Law Judge.

ORDER GRANTING LEAVE TO FILE LATE APPEAL:

PAULINO LOPEZ DBA PAULINO LOPEZ, 14-R6D5-0889 THROUGH 0891

ACTION: Member Lowry moved that the Board approve this Order Granting Leave to File Late Appeal of an Administrative Law Judge. Member Freyman seconded. The Board voted to approve this Order Granting Leave to File Late Appeal of an Administrative Law Judge.

MATTERS HELD OVER FROM PREVIOUS MEETINGS:

(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)

BARNARD IMPREGGIO HEALY JV., 14-R5D1-9013

ACTION: Member Lowry moved that the Board vote to accept the Legal Unit's recommendation to deny this Petition for Reconsideration. Member Freyman seconded. The Board voted to accept the Legal Unit's recommendation to deny this Petition for Reconsideration.

MATTERS PENDING RECONSIDERATION:

(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)

AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
BELLINGHAM MARINE INDUSTRIES, 2012-R2D2-3144 THROUGH 3146
BRAD STONER PAINTING, INC., 13-R3D2-9200
BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
CABRILLO ECONOMIC DEVELOPMENT CORP., 11-R4D3-3185 & 3186

CHEVRON PRODUCTS COMPANY, 13-R6D4-3506 AND 3507
CHEVRON PRODUCTS CO., 13-R6D4-0905
CHEVRON PRODUCTS COMPANY, R6D4-2715 AND 2716
CHEVRON PRODUCTS COMPANY, 13-R6D4-1353 THROUGH 1355
CHEVRON U.S.A., 13-R6D4-1536
CHEVRON USA, 13-R6D4-2566
CHEVRON U.S.A., INC, 13-R6D4-1537 THROUGH 1544

ACTION: The Board discussed these matters. Chief Counsel Mojcher recused himself from this discussion.

CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282
COFFMAN SPECIALTIES, INC., 10-R3D3-3532
COMMERCIAL METAL FORMING, 09-R3D1-1592
CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
DISH NETWORK CAL. SVC. CORP., 12-R4D3-0455
FERMA CORPORATION, 12-R2D2-1669
GMAC ELECTRIC, INC., 13-R6D5-9138
HARRIS CONSTRUCTION, 03-R2D5-3914
HHS CONSTRUCTION, 12-R3D2-0492-0497
IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
KELLY GLOBAL LOGISTICS, INC., 12-R3D5-0014
K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375
LABOR READY, 13-R3D2-0164
LA VALENCIA HOTEL, 2013-R3D2-9199
L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR,
08-R2D1-3093 THROUGH 3098
MARCO RUFO DBA MARCO RUFO, 13-R6D5-9217
McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
McCARTHY BUILDING CO., INC., 12-R1D4-3458
MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
MORROW MEADOWS CORP., 09-R3D3-2295

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

Minutes of the Public Meeting and Closed Session

April 2, 2014

Page 6

NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
O.C. JONES AND SONS, INC. 13-R2D2-0310
ONESTOP INTERNET, INC., 11-R4D2-2636 AND 2637

OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
ACTION: The Board discussed this matter.

JIM PARKER, 2014-R4D1-9009
PERSONNEL PLUS, INC., 11-R3D5-1302
ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048

SIERRA FOREST PRODUCTS, 09-R2D5-3979
ACTION: The Board discussed this matter.

SONIC DRIVE-IN, 12-R2D5-2734
STAFFCHEX, 10-R4D3-2456 THROUGH 2458
STARBUCKS DBA STARBUCK'S COFFEE #5867, 12-R3D2-3675 THROUGH 3678
TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
TL PALVICH CONSTRUCTION, INC., 11-R3D6-1303 THROUGH 1310
TRADEMARK CONSTRUCTION CO., INC., 12-R4D1-0096 AND 0097
TREASURE ISLAND MEDIA, INC., 2010-R6D1-1093 THROUGH 1095
VICTORY SCREEN PRINTING 12-R3D1-3673 & 3674

LEGISLATION:

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.)

1. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
2. SMUD, 34-2010-80000723 (08-R2D1-4887)
3. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-8000820 (03-R1D1-5170)
4. MASCON, INC., 34-2011-80000819 (08-R2D1-4278 AND 4279)
5. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965 (10-0188-0191)
6. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459 THROUGH 2461)

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

Minutes of the Public Meeting and Closed Session

April 2, 2014

Page 7

7. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
8. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
9. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
10. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
11. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
12. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
13. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
14. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
15. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
16. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
17. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
18. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
19. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
20. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
21. A. TEICHERT & SON, DBA TEICHERT AGGREGATES, RG12 659881 (10-R5D1-3029)
22. HOME DEPOT USA, INC., BS141301 (10-3284)
23. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
24. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00628178 (10-3667)
25. THYSSENKRUPP ELEVATOR CORP., 34-2013-80001456 (11-2217 ~ 2219)
26. BIG LOTS STORES, INC., 37-2013-00045936 (11-R3D2-1929 ~ 1931)
27. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

Minutes of the Public Meeting and Closed Session

April 2, 2014

Page 8

28. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00652023 (12-0439)
29. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00651875 (12-0440)
30. AC TRANSIT, RG13687314 (08-R1D4-0135)
31. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575
(12-R5D1-337)
32. BAY AREA RAPID TRANSIT DISTRICT, RG13689346 (09-R2D2-1219 & 1221)
33. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)
34. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
35. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749
(2008-R2D1-3414 THROUGH 3418)
36. SHIMMICK-OBAYASHI, 34-2014-80001750 (2008-R3D3-5023 THROUGH 5025)
37. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
38. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056 THROUGH
3058) (DOSH)
39. LAND O'LAKES PURINA FEED, LLC, RG14715717 (08-R2D4-1843 AND 1844)
(DOSH)
40. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056 THROUGH
3058) (3rd Party)
41. SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749, (08-R2D1-3414
THROUGH 3418)

APPELLATE COURT:

1. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, C075477,
34- 2011-80000640 (08-R2D1-0027 THROUGH 0030)
2. XL CONSTRUCTION, C074514, 34-2009-80000300 (08-R1D2-1191
THROUGH 1193)
3. SHERWOOD MECHANICAL, INC., D065322, 37-2012-00101466 (08-R3D2-4690 ~
4693)

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

Minutes of the Public Meeting and Closed Session

April 2, 2014

Page 9

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.)

101 VERTICAL FABRICATION INC., 13-R6D2-1778 THROUGH 1780
ADVANCED ROOFING SERVICES INC., 13-R1D4-3249
AFFORDABLE HARBOR VIEW WINDOW CLEANING, INC., 13-R3D1-1932
AMAZON'S LANDSCAPING, 13-R2D2-2111
AMERICAN PROMOTIONAL EVENT, INC. DBA TNT FIREWORKS,
14-R3D3-0343 THROUGH 0346
AMERICAN TILE & BRICK VENEER INC., 13-R4D1-3552 AND 3553
AMESBURY GROUP DBA BANDLOCK CORP., 13-R4D4-0417 THROUGH 0419
AMESBURY GROUP DBA BANDLOCK CORP., 13-R4D4-0517
ASEPTIC SOLUTIONS USA, 13-R3D3-0838
ATRIUM CORPORATION DBA SUPERIOR WINDOWS & DOORS, 13-R4D4-1447
BETTER CONSTRUCTION & DESIGN, INC., 13-R3D5-2794 AND 2795
CHRIS CADELLA, 13-R2D5-3083 AND 3084
CENTRAL ROOFING COMPANY, 14-R2D2-0682 AND 0683
CHINA PACIFIC CO., INC., 13-R6D2-2202
COMPU-AIRE INC., 13-R6D2-3794 THROUGH 3800
COUNTRY HILLS HEALTH CARE CENTER, 13-R6D2-3846
DAVEY TREE SURGERY, 13-R3D3-1313 AND 1314
D & D CONSTRUCTION SPECIALITIES, 12-R4D1-3501 THROUGH 3503
DRILL TECH DRILLING & SHORING, INC., 13-R5D2-2200 AND 2201
ECON, INC., 13-R6D5-2091 AND 2092
EXCLUSIVELY DOORS, INC., 13-R1D1-0538
EXPRESS SERVICES, INC. DBA EXPRESS EMPLOYMENT PROFESSIONALS,
13-R2D1-3842 AND 3843
FASHION 26 FOR ALL, 13-R4D1-1758
FIRST LIGHT PROPERTY MANAGEMENT, INC., 13-R3D5-3256
GABRIEL CONTAINER, CO., 13-R4D4-2869 THROUGH 2873
GARY MADDOX CONSTRUCTION, INC., 13-R6D5-2009 AND 2010
GBC CONCRETE & MASONRY, 13-R4D1-0020 AND 0021
GENERAL VENEER MANUFACTURING COMPANY, 13-R3D5-1652 AND 1653
GERAWAN FARMING, 13-R2D5-3278
G & P AG MANAGEMENT, INC., 13-R2D5-3449 THROUGH 3452
GUADALUPE RAMIREZ DBA CALI FRAMES & UPHOLSTERY, 14-R6D5-0284
THROUGH 0287 AND 14-R6D5-0800 AND 0801
HARRIS & BRUNO MACHINE CO INC DBA HARRIS & BRUNO INTERNATIONAL,
13-R2D1-2075 AND 2076
SOCHY HILEL DBA SOSHY HILEL, 13-R6D5-1973 AND 1974
HONEYVILLE GRAIN, INC., 13-R4D4-1602 AND 1603
HYDRIL COMPANY DBA TENARIS COMPANY, 13-R4D7-0361 AND 0362
JUANITA'S FOOD, 13-R3D5-1052 AND 1053

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

Minutes of the Public Meeting and Closed Session

April 2, 2014

Page 10

LA ROCQUE BETTER ROOFS, INC., 13-R3D1-1990
LAUSD VERMONT ELEMENTARY, 13-R4D1-3324
CARLOS LOPEZ, 13-R3D3-0693 THROUGH 0695
MIRAMONTES CONST CO., INC., 13-R4D4-0223 THROUGH 0225
MITCHELL ENVIRONMENTAL CONCRETE, INC., 13-R4D1-0843 THROUGH 0847
NATIONAL DIVERSIFIED SALES, 13-R2D5-2933
NAVA ENTERPRISES, INC., 14-R6D2-0005 THROUGH 0008
NEWBURY PARK TREE SERVICE, INC., 13-R4D3-2775
NISSIN INTERNATIONAL TRANSPORT USA, INC., 13-R6D2-2999 THROUGH 3001
O M CONTRACTING, INC, 13-R3D3-1838
OWENS-BROCKWAY GLASS CONTAINER INC, 13-R2D2-3677
PACIFIC HYDROTECH, 13-R3D2-1991 AND 1992
PACIFIC-WEST BUILDERS, INC., DBA IDAHO PACIFIC WEST, 12-R4D6-3280
PETERSEN-DEAN INC., 14-R1D2-0098
PRECISION CONSTRUCTION & DESIGN INC., 13-R6D7-2515 AND 2516
PRIME WHEEL CORPORATION, 13-R3D5-3340 AND 3341
PSR WEST COAST BUILDERS, INC., 13-R1D4-3360
RIVERSIDE COUNTY REG MED CNTR CORONA FAMILY CARE CENTER,
13-R3D3-2262
SFDPH TOM WADDELL HEALTH CENTER, 14-R1D1-0341
SMART & FINAL STORES, LLC., 13-R4D4-1463 THROUGH 1466
SOMOCO LABOR SUPPLY INC., 14-R1D2-0018
SULLY MILLER CONTRACTING COMPANY, 13-R3D5-1840
TMSO INC., DBA USA GASOLINE, 13-R3D3-1710
T & R LUMBER CO., INC., 13-R6D2-1676 AND 1677
VELORIA DL CONTRACTING, INC., 13-R4D7-2947
VELORIA FARM LABOR CONTRACTOR, 13-R4D7-0770
WASTE MANAGEMENT OF SOUTHERN CALIFORNIA DBA WASTE
MANAGEMENT, 12-R4D3-3584 THROUGH 3586

ACTION: Member Lowry moved that the Board approve these Orders of Administrative Law Judges. Member Freyman seconded. The Board voted to approve these Orders of Administrative Law Judges. Orders with asterisks are deemed approved as amended.

PERSONNEL:

(Issues regarding staff)

ACTION: No report.

The Closed Session was adjourned at 12:13 p.m. and the Board returned to the Public Meeting. The Appeals Board incorporated by reference its ACTIONS in the Closed Session, as indicated above. The meeting was adjourned at 12:14 p.m.