

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, January 30, 2008**  
**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 18, 2008**

**RE: Closed Session of the Board on January 30, 2008**

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. ARTHUR J. BREWSTER CORPORATION DBA PRESTIGE KITCHENS INC., 05-R3D5-1005 THROUGH 1007
2. L.A. COUNTY PARKS & RECREATION, 06-R4D3-4650
3. POUK & STEINLE, INC., 06-R3D1-3899
4. 21<sup>ST</sup> CENTURY GUNITE, 05-R4D2-4573
5. WUILLAY PLUMBING INC., 06-R3D3-2270

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**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. ASR CONSTRUCTORS INC., 07-R3D3-4412 THROUGH 4414
2. ADRIENNES GOURMET FOOD INC., 07-R6D2-2995 THROUGH 2998
3. ALAMO EQUIPMENT, 06-R3D2-3411 THROUGH 3413
4. ATHENS SERVICES, 07-R6D2-4176 THROUGH 4178
5. AYALA BORING, INC., 07-R5D2-1322
6. B & E MANUFACTURING CO., 06-R3D1-4746 AND 4747
7. BAS RECYCLING, INC., 06-R3D3-2266 THROUGH 2268
8. BUNTAIN CONSTRUCTION, INC., 06-R2D1-2702
9. CA TRANSPORTATION – DISTRICT 10, 07-R2D1-481 THROUGH 483
10. C&C GARMENT, INC., 07-R1D1-1243
11. CR & R INC., 07-R6D2-4504 THROUGH 4506
12. C R T, INC., 07-R6D2-4501 THROUGH 4503
13. CHIP MASTERS, INC., 07-R4D4-2254 THROUGH 2257
14. CLAREMONT RESORT & SPA, 07-R1D4-2680 AND 2681
15. JIM CLARK & SONS, 06-R3D2-3746 THROUGH 3749
16. CLARK STEEL FABRICATORS INC., 07-R3D5-3069 AND 3070
17. CLOSETMAID CORPORATION, 06-R3D3-3912
18. JERRY COCHRAN, 07-R3D1-2514 THROUGH 2518
19. COMMERCIAL GUTTER INC., 06-R2D1-2703
20. CROWN DISPOSAL, 06-R4D3-3459

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21. CRYSTAL CREAM & BUTTER CO., 07-R2D1-1516
22. CUSTOM WOODWORKS & MANUFACTURING, 06-R6D1-1222 AND 1223
23. D.R. HORTON, 06-R4D3-3241
24. D & T RECYCLING, 06-R4D4-3248 THROUGH 3250
25. DEL MAR DIE CASTING, 07-R4D1-1490
26. DOER MARINE OPERATIONS INC., 06-R1D4-5027 THROUGH 5029
27. DOLLAR TREE STORES, INC., 07-R4D3-4449
28. DOUBLE AA TIRE COMPANY, 07-R3D2-2521
29. ELASCO INC., 06-R3D1-3562 AND 3563
30. EXOPACK, 07-R6D2-1328 THROUGH 1330
31. FIVE STAR GOURMET FOODS, INC., 07-R3D3-1940 AND 1941
32. FORD FRAMING COMPANY, INC., 06-R3D1-300 THROUGH 302
33. FRANKLIN FAMILY AUTO CARE, 07-R2D1-1016 AND 1017
34. GENOA CONSTRUCTION INC., 06-R4D4-4992 THROUGH 4994
35. GOLD COAST MASONRY CONSTRUCTION, 06-R4D3-3939 AND 3940
36. GOLD MINER CAFÉ, 07-R2D1-2510
37. GRANITE CONSTRUCTION COMPANY, 06-R5D3-3595
38. HAMMER DOWN INC., 06-R4D1-4823 AND 4824
39. HEIDELBERG SOUTHWEST CEMENT GROUP DBA LEHIGH SOUTHWEST CEMENT, 07-R2D3-3024
40. HOOD MANUFACTURING, INC., 07-R3D1-2197
41. NORMAN R. HUDSON DBA WINDSOR STUCCO CO., 06-R1D5-1390
42. HUSSMANN CORPORATION, 07-R3D3-5007 AND 5008
43. IMIA, LLC, 07-R6D2-4516

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44. JEROME'S FURNITURE, 06-R3D2-3142 AND 3143
45. KENDON INDUSTRIES, INC., 06-R6D2-2986 THROUGH 2991
46. KIM'S LANDSCAPE & MAINTENANCE, 07-R3D1-5037 AND 5038
47. KING HENRY'S, INC., 06-R4D3-1649 THROUGH 1652
48. JOE KUNZ COMPANY, 06-R3D1-4414 AND 4415
49. LSI CONSTRUCTION, 06-R4D3-114 AND 115
50. M & R CORPORATION, 07-R6D2-4760
51. MACY'S, 07-R3D2-1692
52. MACY'S, 07-R3D5-3065
53. MAG MANUFACTURING, INC., 06-R3D1-4037
54. MERCER-FRASER COMPANY, 07-R2D3-1144 AND 1145
55. NBC GENERAL CONSTRUCTORS CORPORATION, 07-R2D2-2688
56. NESTLE USA, 07-R6D4-4294 AND 4295
57. NEWPORT EXTERMINATING, 06-R3D1-4752
58. OH DEVELOPMENT INC., 06-R4D1-4825 AND 4826
59. PARAMOUNT FARMS, 05-R4D3-4309 THROUGH 4311
60. PATROL ALARM INC., 07-R4D1-1202
61. R.M. HARRIS, 06-R1D3-729
62. RANCHO CALIFORNIA LANDSCAPING, INC., 06-R4D1-156
63. SANTA CLARITA VALLEY BUILDERS INC., 06-R4D3-5316 AND 5317
64. SEQUOYAH COUNTRY CLUB, 07-R1D4-2682
65. SHAHEEN'S TRUCKING, 07-R4D4-1660
66. TIM SHANNON CONSTRUCTION COMPANY, INC., 06-R6D1-668  
THROUGH 670

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67. SHANNON DIVERSIFIED, 06-R4D1-4531 AND 4532
68. SHUFLEBERGER CONSTRUCTION, INC., 06-R2D3-3721
69. SIERRA CHEMICAL, 07-R2D1-552 AND 553
70. SOUTH PLACER ROOFING COMPANY INC., 07-R2D4-2511
71. SOUTHERN CALIFORNIA PIPELINE CONSTRUCTION CO. INC.,  
06-R3D3-4473
72. SOUTHERN CALIFORNIA PLASTICS, 06-R3D1-3408 AND 3409
73. ST. JOHN, 06-R3D1-3645
74. STEEL SOLUTIONS, 07-R1D2-2562
75. SWINERTON BUILDERS, 06-R3D2-3415 THROUGH 3417
76. THOMAS TIERNEY dba TIERNEY CONSTRUCTION, 07-R4D3-1312 AND 1313
77. CLAUD TOWNSLEY INC. DBA CENTRAL ROOFING, 07-R4D2-1954
78. CLAUD TOWNSLEY INC., DBA CENTRAL ROOFING, 07-R4D2-1955
79. URIMAN INC., 06-R3D1-5067
80. VCI TELECOM DBA: VCI CONSTRUCTION, 06-R4D3-3244 AND 3245
81. VALLEJO CITY UNIFIED SCHOOL DISTRICT – PEOPLE’S HIGH SCHOOL,  
07-R2D2-2103
82. VAN GROUP, INC., 06-R3D3-2791 AND 2792
83. WEST BUILDERS, 06-R4D1-4816 AND 4817
84. WOODLAND WELDING WORKS INC., 07-R2D1-3022 AND 3023
85. YUBA RIVER MOULDING AND MILLWORK INC., 06-R2D3-2578

**ORDERS DISMISSING APPEALS:**

1. ALUMA SYSTEMS, 05-R3D1-4401 AND 4402

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2. CASCADE CABINET COMPANY INC., 06-R6D1-4166 THROUGH 4168
3. ERA NEW STAR REALTY, 06-R4D4-3252
4. LATINO SANDBLASTING & PLASTERING, 04-R6D2-1251 THROUGH 1264
5. M & L WASTE CONTROL, INC., 05-R4D4-4003 AND 4004
6. PACIFIC DIE CASTING, CORP., 06-R4D2-157 THROUGH 161
7. PLANVIEW EXHIBITS, 05-R1D2-4331 AND 4332
8. WWC WINDOW CLEANING COMPANY, 04-R1D1-4347 THROUGH 4351
9. ZW DRYWALL, 07-R2D1-1015

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

1. ABBOTT VASCULAR DEVICES, 07-R1D3-9566
2. AGS CONSTRUCTION SERVICES, 07-R2D3-9573
3. ALBERTO'S MEXICAN FOOD, 08-R3D1-9583
4. JAMES E. CAIRNES dba SMALL WORLD TREE CO., 07-R1D5-9516
5. CASTRO'S DESIGN, 07-R1D4-9568
6. HOLIDAY LIGHTING DESIGN, 07-R3D3-9453
7. L STREET CAR WAS DETAIL CO., 08-R1D4-9002
8. JOSE OSHOA LABOR SERVICE, 07-R2D5-9519
9. RANCHO SALINAS PACKING, 07-R1D2-9515
10. SO CAL BAKERIES, INC., dba GOLD COAST BAKING CO., 07-R6D2-9581
11. TEMPLE INLAND INC., 07-R2D4-9518
12. MICHAEL DAVID WILCOX dba: WILCOX CONSTRUCTION, 07-R2D3-9517
13. XIN ZHI CHEN, 07-R1D1-9514

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**ORDERS GRANTING APPEALS:**

1. NONE

**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. EXCELLINE FOOD PRODUCTS, INC., 07-R6D2-9491
2. GAUTHIER CONSTRUCTION, 06-R3D2-3564 THROUGH 3566
3. PLASTIC INDUSTRIES, INC., 07-R2D5-9439

**DENIAL OF PETITION FOR RECONSIDERATION (DRAFTS):**

1. RODIN & CO., INC., 05-R4D3-1198 AND 1199

**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. AC FRAMERS INC., 03-R2D3-3475
2. A & C LANDSCAPING, INC., aka A & C CONSTRUCTION, INC., 03-R4D4-4791
3. ASC PROFILES, INC., 06-R2D1-1181
4. AMERIPRIDE UNIFORM 04-R4D2-106 AND 107
5. A. TEICHERT & SON, INC., A CORPORATION dba TEICHERT AGGREGATES, 04-R5D2-850 AND 851
6. BART, 03-R1D1-5170
7. BAY AREA SYSTEMS & SOLUTIONS, dba BASS ELECTRIC, 01-R1D3-106
8. BIMBO BAKERIES USA, 03-R1D3-5215 THROUGH 5217
9. BLF, INC., dba LARRUBURE FRAMING, 02-R4D1-4675 THROUGH 4680

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10. BLF, INC., dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
11. BLUE DIAMOND MATERIALS, 02-R5D2-1268
12. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
13. CALIFORNIA FAMILY FITNESS, 03-R2D1-095 & 096
14. CALIFORNIA FRESH FARMS LLC., 06-R2D4-4127 AND 4224
15. CENTRAL CHEVROLET, 05-R1D4-2615 THROUGH 2618
16. CENTRAL VALLEY CONTRACTING, 05-R4D3-2351
17. COX COMMUNICATIONS, 03-R3D2-1942
18. DADE BEHRING, 05-R2D1-2203
19. DAVIS BROTHERS FRAMING, INC., 03-R3D1-0114
20. DAVIS BROTHERS FRAMING, INC., 05-R3D3-634 THROUGH 636
21. DYNALECTRIC, 03-R1D1-4101
22. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
23. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
24. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
25. GLASS PAK, 03-R2D2-0750 AND 0751
26. GRAND BUILDERS, 07-R4D3-9344
27. HARRY L. MURPHY, INC., 06-R1D2-218 AND 219
28. HEARN CONSTRUCTION, INC., 02-R6D1-3533 THROUGH 3536
29. HELPMATES STAFFING SERVICES, 05-R3D3-2239
30. HUSSMAN CORPORATION, 03-R3D1-2939
31. ILH CONSTRUCTION, 02-R1D1-4172
32. JOHN LAING HOMES, 04-R3D1-194 AND-195

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33. JOHNNY'S AUTOMOTIVE REPAIR, 05-R2D1-4076
34. KELLY SERVICES, INC., 06-R1D2-1024
35. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323
36. KIMES-MORRIS CONSTRUCTION, 02-R1D4-1204 THROUGH 1209 & 02-1273
37. LONG BEACH CITY COLLEGE, 03-R3D5-2747
38. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
39. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA),05-R4D2-2541
40. MCI WORLDCOM INC., 00-R1D1-440 THROUGH 442
41. O & M INDUSTRIES, 04-R1D5-1597
42. PMR RACE CARS, 03-R3D3-1825
43. POUK & STEINLE, INC., 03-R4D2-1495 & 1496
44. RII PLASTERING INC., 02-R3D1-2679
45. R & L BROSAMER, INC., 03-R1D5-4832
46. SACRAMENTO MUNICIPAL UTILITY DISTRICT, 02-R2D1-1654  
THROUGH 1656
47. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
48. STACY & WITBECK INC., 05-R1D1-1142
49. STATE CENTER COMMUNITY COLLEGE DISTRICT, 05-R2D5-1688  
THROUGH 1692
50. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
51. SUN VALLEY SKYLIGHTS, INC., 03-R4D1-2613 & 2614
52. TEICHERT AGGREGATES, 04-R5D1-2982
53. TRIO METAL, 03-R4D4-0317
54. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2556 AND 2557

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- 55. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
- 56. WESTERN DOOR, 01-R3D1-2827
- 57. WEST VALLEY CONSTRUCTION COMPANY, INC., 01-R1D2-3017 & 3018

**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. BRUTOCO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159 (07-9223)
- 2. HFS INVESTMENTS, INC., 01CS00981 (96-3079)
- 3. UNITED ASSOCIATION LOCAL UNION 246, AFL-CIO; IDEPSCA INSTITUTO DE EDUCACION POPULAR DEL SUR DE CALIFORNIA AND CENTRO LEGAL DE LA RAZA, (HARRIS CONSTRUCTION COMPANY, INC.), 07CS00518 (02-3914)
- 4. INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, LOCAL LODGE 1781; JULIA SMITH, (UNITED AIRLINES dba UNITED AIRLINES SFO SYC), 07CS00331 (00- 2844)
- 5. WESTERN MILLING, LLC, 06 CE CG 04007 (06- 9039/9040)
- 6. IRBY CONSTRUCTION COMPANY, ECU03759 (03-2728)
- 7. JERLANE v DIVISION OF OCCUPATIONAL SAFETY & HEALTH, 37-2007-0005631-CU-WM-NC, (01-4344-4345)
- 8. DIVISION OF OCCUPATIONAL SAFETY AND HEALTH v. OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD (J.F. SHEA CONSTRUCTION, INC) 34-2007-00882187-CU-WM-GDS, (02-801)
- 9. DIVISION OF OCCUPATIONAL SAFETY AND HEALTH v. OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD (E. L. YEAGER CONSTRUCTION COMPANY, INC.), 34-2007-00882192-CU-WM-GDS, (01-3261)

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**APPELLATE COURT:**

NONE.

**PERSONNEL** (*Issues regarding staff.*)

NONE.

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