

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), and (e)
For

Monday, December 29, 2008

10:00 AM

Sacramento, California
&
West Covina, California

TO: Members of the California Occupational Safety and Health Appeals Board

FROM: J. Jeffrey Mojcher, Chief Counsel

DATE: December 19, 2008

RE: Closed Session of the Board on December 29, 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.

DECISIONS OF ADMINISTRATIVE LAW JUDGES:

(Written decision issued by an Administrative Law Judge (ALJ). The decision summarizes the evidence received from the Division of Occupational Safety and 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. CHERNE CONTRACTING CORPORATION, 07-R6D3-0612 THROUGH 0616
2. HUDD DISTRIBUTION SERVICE, INC., 07-R4D2-5367
3. KENYON PLASTERING, INC., 07-R2D5-2512
4. VALLEY CASEWORK, INC., 07-R3D2-4875 AND 4876

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

For December 29, 2008

Page 2

ORDERS OF ADMINISTRATIVE LAW JUDGES:

(Written order issued by an Administrative Law Judge (ALJ) after a pre-hearing conference in which the Division of Occupational Safety and 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. A & R CONSTRUCTION AND DEVELOPMENT, LTD., 08-R4D3-0089 AND 0090
2. ABSSYNIA ME INC DBA SUPER 8 MOTEL, 07-R2D3-1913
3. ACE DRILLING & EXCAVATION, INC., 07-R1D3-1007
4. ALMA FARMS, 08-R4D3-0845 AND 0846
5. AMERICAN CONSTRUCTORS, 07-R4D1-4707 AND 4708
6. AMERICAN METAL FABRICATION, INC., 07-R2D4-5322
7. ANDES CONSTRUCTION INC., 07-R1D4-4607 AND 4608
8. APEX DEVELOPMENT, INC., 07-R4D1-4564
9. ARAMARK UNIFORM SERVICES, INC., 07-R2D1-1135 AND 1136
10. AUTO WEST COLLISION REPAIR, 07-R1D2-3742 THROUGH 3745
11. AYALA BORING, INC., 08-R5D2-1107
12. AZUL APPAREL, INC., 08-R6D2-1551
13. BAKERY EXPRESS OF SOUTHERN CALIFORNIA LLC, 08-R3D1-3862 AND 3863
14. BALFOUR BEATTY RAIL, INC., 08-R4D2-2941
15. J.R. BARTO HTG/AC/SM, 07-R4D3-5063
16. BERGER BROS., INC., 08-R4D3-0843
17. BERKELEY BOWL MARKETPLACE, 08-R1D4-3269
18. BERKELEY UNIFIED SCHOOL DISTRICT – MLK MIDDLE SCHOOL, 07-R1D4-3932
19. BOGLE VINEYARDS, INC., 07-R2D1-4640 THROUGH 4642

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

For December 29, 2008

Page 3

20. BOLTHOUSE FARMS INC., 07-R2D5-4548
21. JIM BURKE FORD, 07-R2D5-4362 THROUGH 4364
22. R & L BROSAMER, INC., 07-R1D2-1506
23. CA CORRECTIONS, 07-R2D5-4380
24. CA CORRECTIONS, 08-R2D5-2192
25. CA CORRECTIONS MIRAMONTE, 08-R2D5-1728 AND 1729
26. CA CORRECTIONS WASCO STATE PRISON CENTER, 07-R4D2-5210
27. CALIFORNIA LUTHERAN UNIVERSITY, 08-R4D5-1238
28. CAL STATE FRESNO, 08-R2D5, 1319 AND 1321
29. CALIFORNIA SURVEYING CORPORATION, 08-R3D1-2195
30. CAN YOU IMAGINE THAT CONFECTIONS, INC., 08-R6D2-2453 THROUGH 2455
31. CENTRAL COAST BERRY FARMS, LLC, 08-R4D2-3078 AND 3788
32. CENTRAL VALLEY CABINET, 08-R2D5-0906
33. CITY OF MENDOTA, 07-R2D5-4373 AND 4374
34. CONCO, 07-R1D2-1768
35. CONTAINER GRAPHICS CORPORATION, 07-R2D4-4851 AND 4852
36. CW NURSERY, 07-R2D5-4862 THROUGH 4862
37. D & S TERMITE CONTROL [A.M.B.D. INC.], 08-R3D2-4393 AND 4394
38. DAVISON IRONWORKS, INC., 08-R2D1-0022
39. DAVISON IRONWORKS, INC., 08-R2D1-0023
40. JACKSON DEAN CONSTRUCTION, INC., 07-R2D3-4081
41. DYANDSON, INC., 07-R2D1-4539 AND 4540

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

For December 29, 2008

Page 4

42. EC LABOR, INC., 08-R3D2-2553
43. EHMCKE SHEET METAL CORP., 08-R3D2-2261 AND 2262
44. ELITE SANDBLASTING, INC., 08-R4D2-3150 THROUGH 3153
45. EMPIRE FARM LABOR CONTRACTING, 06-R2D5-5274
46. EPS INC., DBA EXPRESS PLUMBING, 07-R1D1-2086 AND 2087
47. ERG INTERNATIONAL, 08-R4D5-1239 AND 1240
48. ESCALON PREMIER BRANDS, 07-R2D4-4345 THROUGH 4347
49. EXIDE TECHNOLOGIES – LOS ANGELES BATTERY RECYCLING, 08-R4D2-3842
50. FEDERAL MANUFACTURERS CORP., 07-R6D2-4059 THROUGH 4061
51. FIDEL MERCADO, FLC., 07-R2D4-5323 AND 5324
52. FOOTHILL ORANGE COAST CHEMICAL, 08-R6D4-1799 THROUGH 1809
53. FOXY FOODS, LLC, 07-R1D2-1771 AND 1772
54. FRESNO COUNTY PARKS & RECREATION, 07-R2D5-4375 THROUGH 4377
55. FRESNO LANDSCAPING, INC., 06-R2D5-4357 AND 07-R2D5-1985
56. FRESNO SOLID WASTE DIVISION, 07-R2D5-4234
57. FTR INTERNATIONAL, INC., 08-R4D1-2002 THROUGH 2004
58. GBE STEEL ERECTORS INC., 08-R1D2-0267 THROUGH 0270
59. GO FRESH PRODUCE, INC., 08-R4D1-3528
60. GRANITE CONSTRUCTION COMPANY, 07-R5D1-2448
61. GRANITE CONSTRUCTION COMPANY, 08-R5D1-1241
62. GRANITE CONSTRUCTION COMPANY, 08-R5D1-1534
63. GRANITE CONSTRUCTION COMPANY, 08-R5D1-1918

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

For December 29, 2008

Page 5

64. GRANITE CONSTRUCTION COMPANY, 08-R5D1-2723
65. GRANITEROCK, 07-R1D2-0013
66. HANSON AGGREGATES WEST, INC., 07-R5D1-5067
67. HENRY'S HOLDINGS LLC DBA HENRY'S MARKET
[SMART & FINAL DBA HENRY'S MARKET], 08-R3D2-4212 AND 4213
68. BOB HUDSON LANDSCAPING HAULING & TREE SERVICE, 08-R3D2-2514
69. NI CHING HSIANG FISH FARM, 08-R3D3-0429 AND 08-R3D3-0430
70. INTERNATIONAL PAPER, 08-R2D5-0981
71. INTERNATIONAL PAPER, 08-R4D2-3840 AND 3841
72. JUST TIRES, 08-R3D1-2716
73. KENYON PLASTERING, 06-R2D5-3093
74. KRISTICH MONTEREY PIPE CO., 07-R1D2-4303
75. KROEKER, INC., 07-R1D4-2169
76. LAND 'O' LAKES, 08-R2D5-2777 THROUGH 2779
77. LAUSD – LOVELIA P. FLOURNOY ELEMENTARY SCHOOL, 08-R4D2-3354
78. LENNAR HOMES OF CALIFORNIA, INC., 08-R3D1-2444
79. LIBERTY VALLEY DOORS, INC., 08-R6D1-613 THROUGH 618
80. MMI SERVICES, 08-R6D4-1937
81. MENDOCINO FOREST PRODUCTS CO., LLC, 08-R1D5-0383
82. STEVE MIDKIFF DBA SRM CONTRACTING, 07-R2D1-4326
83. MISSION STEEL, INC., 08-R3D3-3107 AND 3108
84. MORRIS NATIONAL, INC., 08-R4D4-1166 THROUGH 1168

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

For December 29, 2008

Page 6

85. NABORS WELL SERVICES, 08-R6D4-2665 NELSON CUSTOM TILE, 06-R2D5-2204
86. NELSON CUSTOM TILE, 06-R2D5-2204
87. NEW UNITED MOTORS MANUFACTURING, INC., 07-R1D4-3232
88. NUMMI, 05-R1D4-3413 AND 3414
89. P & L CONCRETE PRODUCTS, INC., 07-R2D4-4351 AND 4352
90. PALISADE BUILDERS, INC., 07-R1D1-3524
91. JOHN PLANE CONSTRUCTION, INC., 07-R1D4-1252 THROUGH 1255
92. PLASTIC INDUSTRIES, 08-R3D1-2481
93. PRIME WIRE & CABLE, INC., 07-R6D2-4782 THROUGH 4785
94. R & W CONCRETE CONTRACTOR, INC., 08-R1D1-0511
95. R.S.R. STEEL FABRICATION, INC., 08-R3D3-0576 THROUGH 0578
96. RC CONCRETE, 07-R1D3-2885 AND 2886
97. REBE, INC., 07-R6D5-5456 AND 5457
98. REITER BROS, INC., 08-R4D3-0847
99. E. ROZAKIS RESTORATION, 07-R2D3-4342
100. RSA DESIGN, INC., 08-R6D2-1535 THROUGH 1538
101. S & S DRYWALL, 07-R2D2-3941 AND 3942
102. S.F. RECYCLING AND DISPOSAL, INC., 07-R1D1-2802 AND 2803
103. SA RECYCLING LLC, 08-R3D1-2255 AND 2256
104. SAFEWAY, INC., 07-R1D1-2085
105. SAN MARCOS IRON WORKS, INC., 08-R3D2-4361 AND 4362
106. SASCO, 08-R4D1-3300 AND 3301

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

For December 29, 2008

Page 7

107. SATURN OF CERRITOS, 08-R3D5-1074 THROUGH 1076
108. SELECT BUILD NOR CAL, 07-R2D1-3550 AND 3551
109. SELECT STAFFING, 08-R3D1-0985 AND 0986
110. SHULTZ STEEL COMPANY, 07-R4D2-5211 AND 5212
111. HARRY SINGH & SONS, 08-R3D2-2984
112. SODEXO, 08-R4D1-4041 AND 4042
113. SOS CRANE & TRUCKING, 08-R4D3-1527
114. SOUTHCOAST CABINET, 07-R4D4-0775
115. SOUTH PLACER ROOFING COMPANY, INC., 07-R2D1-3763
116. TACO SURF, 08-R3D2-2594
117. TECHNI-CAST CORPORATION, 08-R4D2-3353
118. A TEICHERT & SON, INC., DBA TEICHERT AGGREGATES, 07-R5D1-5066
119. A TEICHERT & SON, INC., DBA TEICHERT AGGREGATES, 08-R5D1-0612
120. A TEICHERT & SON INC., DBA TEICHERT AGGREGATES, 08-R5D1-0768
121. A TEICHERT & SON INC., DBA TEICHERT AGGREGATES, 08-R5D1-2740
122. TREE ISLAND INDUSTRIES DBA USA WIRE, 08-R3D3-0435 AND 0436
123. US TRADES LLC, 08-R1D5-0381 AND 0382
124. UTILITY TREE SERVICE, INC., 07-R2D3-1914
125. VACA VALLEY ROOFING, INC., DBA OLD COUNTRY ROOFING,
07-R1D4-4309 AND 4310
128. VALMONT GEORGE INDUSTRIES, INC., 08-R4D2-2595 THROUGH 2597
129. VENTURA FOODS LLC, 08-R4D4-1017 THROUGH 1020
130. VISTA UNIVERSAL, INC., 08-R1D5-0139 AND 0140

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

For December 29, 2008

Page 8

131. WATSON ROOFING, INC., 07-R2D2-4843

132. WEBCOR BUILDERS, INC., 07-R1D1-1106 THROUGH 1108

133. WELDELE INVESTMENT CORP. DBA: MICA INDUSTRIES CO., 08-R6D2-1545
THROUGH 1547

134. TAYLOR WOODROW, 08-R3D1-0057

ORDERS DISMISSING APPEALS:

1. A-1 PAINT & BODY, 08-R6D5-9338

2. ALL METALS POLISHING, 08-R4D1-9325

3. ANGELES ANIMAL HOSPITAL, 08-R4D3-9392

4. ARNOLD FARMS, 08-R6D5-9394

5. AVALON BUSINESS PARTNERS LLC DBA OFFSHORE STERIO, 08-R6D5-9411

6. BURKE INDUSTRIES, 08-R1D2-9402

7. CALIFORNIA POOL & CHEMICAL SUPPLY, 08-R3D5-9389

8. SHAUN B. COLEMAN, 08-R1D2-9400

9. MAURICE DUNN DBA MEINEKE CAR CARE CENTER/ECONO LUBE, 08-R2D1-
9406

10. ESPARZA ENTERPRIZES, INC., 08-R4D3-9412

11. EXCEL COMMERCIAL CONSTRUCTORS, 08-R3D2-9409

12. FOWLER LABOR SERVICE, INC., 08-R2D5-9385

13. FOWLER LABOR SERVICES, INC., 08-R2D5-9386

14. FOWLER LABOR SERVICES, INC., 08-R2D5-9387

15. LOS GALLOS AUTO BODY AND PAINT, 08-R6D5-9396

16. JASON MATTHEW GREENE, 08-R1D2-9457

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

For December 29, 2008

Page 9

17. NOGUEZ CONSTRUCTION, 08-R2D4-9408
18. RALPH'S GROCERIES RIVERSIDE WAREHOUSE, 08-R3D3-9388
19. SANTA CLARA COUNTY OFFICE OF EDUCATION, 08-R1D2-9344
20. SEASCAPE SPORTS CLUB, 08-R1D2-9401
21. SELECT PERSONNEL, 06-R2D5-3643
22. SEQUOIA ROOFING CO., INC., 08-R3D2-9410
23. SIMON PROPERTY GROUP, INC., 08-R1D4-9398
24. UNITED AIRLINES, 08-R1D3-9403

ORDERS DENYING LEAVE TO FILE LATE APPEALS:

1. BLUE PINE CONSTRUCTION, 08-R2D4-9447
2. SGN CONSTRUCTION, INC., 08-R2D1-9444
3. W.C. FROELICH, INC., 08-R2D1-9443

STIPULATIONS:

1. D & J FARM MANAGEMENT, 07-R2D5-0646
2. PACIFIC STATES INDUSTRIES DBA REDWOOD EMPIRE SAWMILL,
07-R1D5-625 AND 626
3. PACIFIC STATES INDUSTRIES DBA REDWOOD EMPIRE SAWMILL,
07-R1D5-627 THROUGH 629

PETITIONS FOR RECONSIDERATION:

(The Division of Occupational Safety and 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. ADAPTECH CORPORATION, 06-R3D1-4036
2. A US DECKING, INC., 06-R1D4-9249
3. FRANK M. BOOTH, INC., 06-R2D1-4703

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

For December 29, 2008

Page 10

4. CALIFORNIA TREE RIPE, 08-R2D5-9432
5. LIBERTY BELL ALARM, INC., 07-R2D1-9182
6. STOCKTON TRI-INDUSTRIES, INC., 02-R5D1-4946
7. TRI-STAR DYEING & FINISHING, 08-R3D6-9090

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. AC FRAMERS INC., 03-R2D3-3475
3. ASC PROFILES, INC., 06-R2D1-1181
4. ANNING-JOHNSON COMPANY, 06-R1D3-1976
5. BART, 03-R1D1-5170
6. BIMBO BAKERIES USA, 03-R1D3-5215 THROUGH 5217
7. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
8. BLF, INC. dba LARRABURE FRAMING, 02-R4D1-4675 THROUGH 4680
9. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
10. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
11. CALIFORNIA FAMILY FITNESS, 03-R2D1-95 AND 96
12. CALIFORNIA FRESH FARMS, LLC, 06-R2D4-4127 AND 4224
13. CENTRAL VALLEY CONTRACTING, 05-R4D3-2351
14. COX COMMUNICATIONS, 03-R3D2-1942
15. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

For December 29, 2008

Page 11

16. DAVIS BROTHERS FRAMING, INC., 03-R3D1-114
17. DAVIS BROTHERS FRAMING, INC., 05-R3D3-634 THROUGH 636
18. DO-ABLE PRODUCTS, 06-R6D2-2998 THROUGH 3007
19. DUKE PACIFIC, INC., 06-R3D3-5157 THROUGH 5177
20. DYNALECTRIC, 03-R1D1-4101
21. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
22. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
23. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
24. FORTUNA IRON WORKS 06-R2D3-4222
25. G.T. ALDERMAN, INC., 05-R4D3-3513
26. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
27. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
28. GLASS PAK, 03-R2D2-750 AND 751
29. HARRY L. MURPHY, INC., 06-R1D2-218 AND 219
30. HELPMATES STAFFING SERVICES, 05-R3D3-2239
31. THE HERRICK CORP., 07-R3D1-495
32. HUDD DISTRIBUTION SERVICE, INC., 07-R4D2-5367
33. HUSSMAN CORPORATION, 03-R3D1-2939
34. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
35. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
36. JENSEN PRECAST, 05-R2D1-2377
37. JOHN LAING HOMES, 04-R3D1-194 AND 195

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

For December 29, 2008

Page 12

38. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
39. KELLY SERVICES, INC., 06-R1D2-1024
40. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-323
41. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
42. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
43. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
44. BILL NELSON GENERAL ENGINEERING & CONSTRUCTION, 06-R2D5-1552
THROUGH 1554
45. O & M INDUSTRIES, 04-R1D5-1597
46. P G & H CONTRACTING, INC., 06-R4D3-1657 AND 1658
47. PHOENIX ONSTRUCTION SERVICES, 08-R4D2-9374
48. PMR RACE CARS, 03-R3D3-1825
49. POUK & STEINLE, INC., 03-R4D2-1495 AND 1496
50. RII PLASTERING INC., 02-R3D1-2679
51. R & L BROSAMER, INC., 03-R1D5-4832
52. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
53. STACY & WITBECK, INC., 05-R1D1-1142
54. STATE CENTER COMMUNITY COLLEGE DISTRICT, 05-R2D5-1688
THROUGH 1692
55. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
56. A. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT AGGREGATES,
04-R5D2-850 AND 851
57. TEICHERT AGGREGATES, 04-R5D1-2982
58. TRIO METAL, 03-R4D4-317

59. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2256 AND 2557
60. UNITED PARCEL SERVICE, 07-R3D3-3322
61. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
62. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802

PENDING LITIGATION:

(If the Division of Occupational Safety and Health or the Employer disagrees with a decision after 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. UNITED AIRLINES DBA UNITED AIRLINES SFO SYC, 07CS00331 (00-2844)
2. HARRIS CONSTRUCTION COMPANY, INC., 07CS00518 (02-3914)
3. JERLANE v DIVISION OF OCCUPATIONAL SAFETY & HEALTH, 37-2007-0005631-CU-WM-NC, (01-4344/4345)
4. J.F. SHEA CONSTRUCTION, INC. (DOSH V OSHAB), 34-2007-00882187-CU-WM-GDS, (02-801)
5. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB), 34-2007-00882192-CU-WM-GDS, (01-3261)
6. BRUTOCO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159 (07-9223)
7. MCI WORLDCOM (DOSH v OSHAB), 34-2008-00006043-CU-WM-GDS (00-440)
8. KHS & S CONTRACTORS, 32-2008-00107284-CU-WM-GDS CJC (06-2759)
9. ARTHUR J. BREWSTER CORP. dba PRESTIGE KITCHENS, INC., 30-2008-00110573 (08-1121)
10. EMPIRE PRO-TECH INDUSTRIES, 37-2008-00091916-CU-WM-CTL (07-2837)

APPELLATE COURT:

1. MURRAY COMPANY, BS112469

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

CLOSED SESSION MEMORANDUM

For December 29, 2008

Page 14

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.)

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