

State of California
Department of Industrial Relations
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), and (e)
for
Wednesday, February 1, 2012
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 20, 2012

RE: Closed Session of the Board to be held on February 1, 2012

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. 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. ALLIED SALES & DISTRIBUTION, INC., 11-R6D2-0480
2. ORECO DUCT SYSTEMS, INC., 11-R6D2-0281 THROUGH 0285
3. ULTIMATE DEMOLITION, INC., 11-R4D3-1017

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. AGUAYO CONTRACTING INC., 10-R6D7-2245 AND 2246

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM**

For February 1, 2012

Page 2

2. AMAY'S BAKERY & NOODLE CO. INC., 11-R4D1-0327 THROUGH 0329
3. AUSTIN CREEK MATERIALS, 11-R5D1-2575 AND 2576
4. AYALA CORPORATION, 11-R6D5-2588
5. BIG BUBBA'S BAD BBQ VISALIA INC., 11-R2D5-0602 THROUGH 0605
6. COMRADIO, INC. DBA COMMERCIAL RADIO & ELECTRONICS,
11-R2D1-0349
7. CARDINAL CORPORATION, 11-R2D1-0731
8. DEAN FOODS CO. DBA WHITE WAVE FOOD CO., 11-R3D6-1698 AND 1699
AND 11-R3D6-2490
9. E.E. HALL, INC., 11-R2D5-0584
10. GIBSON WINE CO., 11-R2D5-0769 AND 0770
11. HINERFIELD-WARD INC., 11-R4D1-0779
12. HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO,
11-R3D3-2939
13. IVY VALERO AUTO SERVICE INC., 11-R6D7-1361
14. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
15. KIRSCHENMAN ENTERPRISES INC., 10-R2D5-2779
16. LA CADENA BUILDING MATERIALS, INC., 11-R3D3-2714 AND 2715
17. L.A. COUNTY SANITATION DIST., 11-R4D3-1649
18. LAUSD-ROSEMONT EARLY EDUCATION CENTER, 11-R4D1-2073
19. LAUSD WESTSIDE COMMUNITY ADULT, 11-R4D1-1120
20. LELAND REBENS DORF, 11-R2D5-0378
21. LUIS A. VALENCIA, 11-R3D6-2464 AND 2465
22. MARICOPA PACKERS, LLP., 11-R4D3-1893 AND 1894
23. M L ELECTRICWORKS, INC., 10-R3D2-3206 AND 3207

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM**

For February 1, 2012

Page 3

24. NABORS WELL SERVICES, 10-R6D4-3386 AND 3387
25. NATIONAL STORES, INC. DBA FALLAS PAREDES, 11-R3D6-1197 AND 1198
26. NAUTILUS GROUP, 11-R4D1-1423
27. NAUTILUS GROUP, 11-R4D1-1425
28. NORTH COAST RESOURCE MANAGEMENT, 11-R2D1-0799
29. N.T.S., INC., 11-R4D3-2239
30. PARAMOUNT FARMS INTERNATIONAL, LLC., 11-R4D3-1272 AND 1273
31. PEARL OF THE EAST, RTC, LP., 11-R3D6-2327
32. PTE CONSTRUCTION CORPORATION, 11-R3D6-2326
33. STEVE DOVALI CONSTRUCTION, INC. 11-R2D5-0527
34. STEVE MURRAY DBA MURRAY FAMILY FARMS, 11-R6D5-2550 AND 2551
35. STANISLAUS FOODS PRODUCTS COMPANY, 11-R2D4-0153 AND 0154
36. SUMMIT ROOFING COMPANY, INC., 10-R2D1-1651 AND 1652
37. TAYLOR & SYFAN CONSULTING ENGINEERS INC., 11-R4D1-1027
38. TEMPCO ENGINEERING, INC., 11-R4D3-2515 THROUGH 2520
39. THE FLAME BROILER., 11-R3D6-2440
40. UNITED PARCEL SERVICE, INC.,
11-R4D2-1028 AND 1029, AND 12-R4D2-0041
41. UNIVERSAL SECURITY & FIRE, INC., 11-R2D1-0457
42. US FOODSERVICE, 11-R6D4-1035 THROUGH 1037

ORDERS DISMISSING APPEALS:

1. GONZALO ROCHA GUERRA DBA VICTORY AUTO BODY,
10-R6D7-2532 AND 2533

ORDERS AFTER REMAND:

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For February 1, 2012
Page 4

1. JOAQUIN DUARTE DBE PROFESSIONAL TREE SERVICE, 09-R3D3-1111

ORDERS DENYING LATE APPEALS:

1. ACCUTECH MFG., INC., 11-R6D2-9002
2. JOE PANZIERA FARM, 12-R6D5-9001

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. ALIKA IKAIKA ENTERPRISES INC. DBA ATTENTION TO DETAILS, INC.,
10-R1D2-1191
2. ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655
3. HOME DEPOT, 10-R3D6-3284
4. SIGN DESIGNS INC., 08-R2D3-4686

DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):

1. SECA EQUIPMENT REMOVAL AND DISMANTLING, INC.
2007-R2D3-0275 THROUGH 0280

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.)

1. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
2. AC TRANSIT, 08-R1D4-0135
3. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
4. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
5. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
6. ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM**

For February 1, 2012

Page 5

7. BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1219 AND 1221
8. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
9. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445
AND 3448
10. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239
THROUGH 2241
11. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
12. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
13. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
14. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
15. COMMERCIAL METAL FORMING, 09-R3D1-1592
16. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
17. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
18. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
19. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
20. DESIGN BUILDERS, INC., 08-R4D4-1901
21. DUININCK BROS., INC., 06-R4D3-2871
22. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
23. DUKE PACIFIC, INC., 08-R3D3-574
24. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS,
09-R6D2-2325 THROUGH 2332
25. EZ MIX, INC., 08-R4D3-1898
26. FORTUNA IRON WORKS 06-R2D3-4222
27. HB PARKCO, 07-R4D2-1730 AND 1731
28. THE HERRICK CORP., 07-R3D1-0495

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM**

For February 1, 2012

Page 6

29. HOME DEPOT, 10-R3D6-3284
30. JENSEN PRECAST, 05-R2D1-2377
31. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
32. L & S CONSTRUCTION, 10-R3D2-1822
33. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
34. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
35. LION RAISINS, INC., 08-R2D5-2253 AND 2254
36. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
37. MARINE TERMINALS, 08-08-R6D2-1920
38. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
39. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
40. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
41. ORANGE COUNTY FIRE AUTHORITY, 10-R3D1-3667
42. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
43. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
44. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
45. P G & E CORPORATION DBA PACIFIC GAS & ELECTRIC CO., 11-R4D3-9132
46. POUK & STEINLE, INC., 09-R3D3-0491
47. RAMON ARANDA DBA I & R PALLETS, 10-R6D5-9053
48. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730
49. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
50. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
51. SDCCD – CONTINUING EDUCATION N C CENTER, 11-R3D2-1196

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM**

For February 1, 2012

Page 7

52. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
53. SHERWOOD MECHANICAL, INC., 08-R3D2-4690 THROUGH 4693
54. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
55. SMUD, 08-R2D1-4887 THROUGH 4889
56. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR,
08-R2D1-3414 THROUGH 3418
57. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
58. SUNRISE GROWERES FROZ SUN FOODS, 09-R4D3-2850
59. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
60. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION,
05-R2D4-2650 AND 2651
61. A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 09-R4D5-0469
AND 0460
62. UNITED PARCEL SERVICE, 07-R3D3-3322
63. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095

LEGISLATION:

(Discussion of pending legislation which may affect the Board).

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, 37-2009-00059323-CU-WM-NC (08-1733)
2. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB),
34-2007-00882192-CU-WM-GDS, (01-3261)
3. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB)
(00-440)

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM**

For February 1, 2012

Page 8

4. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
5. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
6. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
7. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430
(09- 9280/9281)
8. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047
(07-R5D1-3611)
9. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP,
34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
10. SMUD, 34-2010-80000723 (08-R2D1-4887)
11. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
12. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
13. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965
(10-0188~0191)
14. GUILLAUME GRAPEVINE NURSERY, INC., 34-2011-800001010
(08-R2D1-3273)
15. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459 THROUGH
2461)

COURT OF APPEAL

1. JERLANE, INC., D060844 (2007-00056381) (01-4344 and 4345)

PERSONNEL:

(Issues regarding staff)

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