

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, May 30, 2007**  
**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: May 18, 2007**

**RE: Closed Session of the Board on May 30, 2007**

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. CHELSEA PROPERTY GROUP, 06-R1D5-439 (5/8/2007)
2. TUTOR-SALIBA-KOCK-TIDEWATER, JV, 05-R1D5-292 (5/16/2007)

**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. A-1 PLUMBING, INC., 05-R3D5-3326 THROUGH 3328
2. A.C. SPRAGGINS ENGINEERING & UNDERGROUND INC, 05-R3D3-2823

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3. ADVANCED PACKAGING AND PRODUCTS COMPANY, A CALIFORNIA CORPORATION, 06-R4D1-3929, 07-R4D1-1493 THROUGH 1495
4. ALL ENVIRONMENTAL, INC. dba AEI CONSULTANTS, 06-R1D1-5011
5. ALPINE PASTRY INC., 07-R2D2-1369
6. BP/ARCO PETROLEUM PRODUCTS CARSON, 07-R3D7-578 AND 579
7. BARRON'S TILE, 05-R2D5-1311
8. BAY POLYMER CORPORATION, 06-R1D4-4690 AND 4691
9. JOSEPH T BERTRAND, 07-R4D1-198 THROUGH 201
10. BESTCO ELECTRIC INC., dba BEST ELECTRIC [BEST ELECTRIC INC], 05-R2D5-970 THROUGH 973
11. BEVERLY SAKURA, INC., 06-R6D2-3306 THROUGH 3311
12. CBC FRAMING, INC., 04-R1D2-3497 AND 3498
13. C.F. KENT HOSPITALITY, INC., 06-R4D2-4161 AND 4162
14. CALIFORNIA FRESH FARMS, LLC, 06-R2D4-4127, 06-R2D4-4224
15. CALIFORNIA INSTITUTE OF TECHNOLOGY, 06-R4D2-2855 AND 2856
16. CALTRANS, 06-R1D5-233 AND 234
17. CATALINA YACHTS, 04-R4D3-2236 AND 2237
18. CHAMPION LUMBER COMPANY, 06-R3D3-4042 AND 4043
19. TOM & PERRY CHARTER dba T& P FARMS, 05-R2D3-1292 THROUGH 1295
20. CHEMCRAFT COATINGS TECH dba ALTERNATIVE MATERIALS TECHNOLOGY, 05-R2D3-2086 AND 2087
21. CIVITAF CORPORATION, 06-R1D3-1751
22. CORNERSTONE PLASTER DEVELOPMENT INC., 06-R6D2-4400 THROUGH 4402
23. CORONA CLIPPER, 06-R6D2-2394 THROUGH 2398

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24. CULBERTSON INC dba VALLEY PARTY EQUIPMENT RENTALS, 07-R3D3-1600 AND 1601
25. DELGADO ELECTRIC, INC., 06-R1D1-3995 THROUGH 3997
26. EL BALAZO TAQUERIA, 06-R2D2-5254 AND 5255
27. EL BURRITO MEXICAN FOODS PRODUCTS, INC., 07-R6D2-1086 THROUGH 1088
28. ELEVEN WESTERN BUILDER, 05-R4D1-2249
29. FLYING COLORS, 04-R1D1-4254 AND 4255
30. FOAM MOLDERS & SPECIALTIES, INC., 05-R3D5-2245 AND 2246
31. FORMS AND SURFACES, 05-R4D3-3510 THROUGH 3512
32. G.R. CONSTRUCTION, 06-R2D3-4585 AND 4586
33. GANAHL LUMBER CO., 05-R6D2-565
34. GLENWA, INC., dba COBRA KAYAKS, 06-R2D2-3607 THROUGH 3618
35. GOLDEN OVAL CALIFORNIA, 07-R6D2-935 AND 936
36. GOLDEN OVAL CALIFORNIA, 07-R6D2-937 AND 938
37. HARVEY'S EXCAVATING & HAULING INC., 06-R2D1-5253
38. HERITAGE PAPER CO, 06-R1D4-2667 THROUGH 2669
39. HERMSMEYER PAINTING CO., INC., 05-R2D2-2210
40. HEWITT AND CANFIELD CONSTRUCTION, INC., 07-R4D3-212 AND 215
41. ICO POLYMERS NORTH AMERICA, 07-R3D3-1558
42. IMPAC LOGISTICS SERVICES, 05-R3D5-2686 THROUGH 2689
43. IMPERIAL RUBBER PRODUCTS, INC., 07-R3D3-1047 THROUGH 1050
44. JCJ DAIRY, INC., 06-R2D5-4743 AND 4744
45. JACK FROST ICE SERVICE, 05-R2D5-624

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46. JERED TUCKER TOWING, 04-R3D2-4281
47. KING KELLY MARMALADE CO., INC., 07-R6D2-352 THROUGH 354
48. KLENTNER-MARQUEZ CONSTRUCTION, 04-R4D1-4285 THROUGH 4289,  
05-R4D1-282 AND 283
49. KNIGHT BUILDING CORPORATION, 06-R2D3-4592
50. LA CREMA INC., 06-R1D5-1249 THROUGH 1254
51. CITY OF LAKEWOOD SHERIFF'S STATION, 06-R3D5-2613
52. LAS VEGAS PAVING CORPORATION, 06-R2D1-4214 THROUGH 4216
53. LIFESTYLE OUTDOOR PRODUCTS, INC. aka SHELLY'S CUSHION, 06-  
R3D3-1088 THROUGH 1090
54. LOS ANGELES PAPER BOX & BOARD MILLS, 06-R4D2-1116 THROUGH  
1120
55. MJ'S PIZZA INC. dba DOMINO'S PIZZA, 06-R1D5-5250
56. McCANN PLASTERING, INC., 05-R2D1-1586 THROUGH 1588
57. MIDWAY DRILLING AND PUMP INC., 04-R4D3-3973
58. MOUNTAIN CASCADE INC, 05-R1D5-945
59. NICHOLS DIAMOND TOOL dba NICHOLS CONCRETE CUTTING, 06-R1D1-  
3038
60. PPI, 04-R4D3-3388 AND 3399
61. PACIFIC SOUTHWEST STRUCTURES, 04-R3D2-4184 AND 4185
62. PERRY C THOMAS CONSTRUCTION, INC., 04-R4D2-3847
63. PORTION PAC, INC., 04-R4D3-3390 AND 3391
64. POTENTIAL INDUSTRIES, INC., 06-R3D5-2814 AND 2815
65. PROCTOR ELECTRIC, 06-R1D3-5024 THROUGH 5026
66. RII PLASTERING INC. dba QUALITY PLASTERING CO., 04-R3D1-1345 AND  
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67. REDWOOD CITY ELECTRIC, 06-R1D2-4191
68. REEDEX, INC., 06-R3D5-3921 THROUGH 3923
69. REINHARDT CONTRACTING, INC., 06-R3D5-4370
70. RESCO PRODUCTS INC., 06-R4D4-4170
71. REYNEN & BARDIS COMMUNITIES, 06-R6D2-3976 AND 3977
72. RICHARDS PLUMBING, 06-R2D5-4360
73. ROSE & SHORE, 05-R4D2-2853 AND 2854
74. ROYAL INDUSTRIES dba ROYAL CABINETS, 06-R6D2-3328 THROUGH 3332
75. SBC, 05-R3D2-521 AND 522
76. SDG ENTERPRISES dba CENTURY WEST PLUMBING, 05-R4D2-3008 AND 3009
77. SADDLEBACK VALLEY GLASS, 06-R3D1-2583
78. SAN FERNANDO PALLET, 04-R4D3-2238 AND 2239
79. SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT, 07-R1D3-622 AND 623
80. SELECT BUILD, 06-R3D1-4362
81. SIERRA CHEMICAL COMPANY, 06-R2D4-4726
82. SIERRA PACIFIC INDUSTRIES, 05-R2D3-2913 THROUGH 2915
83. SPEISS CONSTRUCTION CO. INC., 06-R1D5-1258
84. STOCKTON TRI INDUSTRIES, 06-R2D4-4351 THROUGH 4353
85. TANGLEWOOD CONSTRUCTION, 06-R1D2-2096 AND 2097
86. TARGET CORPORATION, 05-R3D2-2934 AND 2935
87. TEAM INDUSTRIAL SERVICES INC, 05-R3D5-3971
88. THE BOEING CO., 04-R3D7-1168

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89. TIDEWATER CONTRACTORS, INC., 04-R2D3-4519 AND 4520
90. TINTLE, INC. [TRAVIS CABINETS], 06-R2D1-4217 AND 4218
91. TRI-STATE STAFFING, INC., 07-R3D5-967
92. UPLAND CONTRACTING INC., 06-R4D4-4168 AND 4169
93. VACA VALLEY ROOFING INC. dba OLD COUNTRY ROOFING CO., 05-R1D5-3726, 05-R1D5-3882
94. VENT VUE WINDOW PRODUCTS COMPANY, INC., 06-R6D2-4660 THROUGH 4668
95. VINO TEMP, 04-R4D2-4074 THROUGH 4084
96. VORTECH ENGINEERING LLC, 06-R6D2-4998 THROUGH 5000
97. DANG VU dba DONG PHUONG TOFU, 05-R3D5-1705
98. WALTER F. MARKS, INC., 06-R4D1-3443
99. WALTER SCHULZ, JR., INC., dba SCHULZ CONSTRUCTION, 06-R2D1-3360 AND 3361
100. WATSON COMPANIES, INC., 06-R2D1-5039
101. WILLITS TOWING & RECOVERY, 04-R1D5-2319 AND 2320
102. WORKFORCE OUTSOURCING, INC., 05-R3D1-2665
103. JIAN RONG YANG, 06-R4D4-4849 AND 4850

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

1. MEDIC AMBULANCE SERVICE, INC., dba MEDIC AMBULANCE, 07-R2D2-9134

**ORDERS DISMISSING APPEALS:**

*(Written order issued by an Administrative Law Judge disposing of an Employer appeal.)*

1. EL MONTE ALLOYS, 04-R4D4-3395 THROUGH 3397
2. EL MONTE ALLOYS, 04-R4D4-3398 THROUGH 3404

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3. MARANATHA INDUSTRIAL CONTRACTOR, 04-R2D3-3277 AND 4271
4. RENAISSANCE RESTORATION OF SAN DIEGO, INC., 04-R4D4-AND 1629, 04-R4D4-2149
5. SCOTT COMPANY OF CALIFORNIA, 04-R4D1-2209 AND 2210
6. STOKES CONSTRUCTION, 04-R2D5-4665 AND 4666
7. TISSURAMA INDUSTRIES, INC., 04-R4D2-3530 THROUGH 3532
8. TWIN PALMS CONSTRUCITON & DESIGN, 04-R3D1-4177 AND 4178
9. WORLD AT WORK STAFFING, INC., 04-R4D1-1453

**PETITION 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. DMC ENGINEERING, 05-R4D3-49

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

1. CAPITOL WASTE, INC., dba CAPITOL DISPOSAL, 07-R2D1-9012
2. LA COUNTY INTERNAL SERVICES, 03-R4D3-4600
3. LOS ANGELES COATING, INC., 06-R4D2-3214 THROUGH 3216
4. NICK'S LIGHTHOUSE, 05-R1D1-3086

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**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. AMERIPRIDE UNIFORM 04-R4D2-106 AND 107
4. A. TEICHERT & SON, INC., A CORPORATION dba TEICHERT AGGREGATES, 04-R5D2-850 AND 851
5. BAY AREA SYSTEMS & SOLUTIONS, dba BASS ELECTRIC, 01-R1D3-106
6. BLUE DIAMOND MATERIALS, 02-R5D2-1268
7. BRYDENSOT METAL PRODUCTS, 03-R3D3-3554 AND 3555
8. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
9. CENTRAL VALLEY CONTRACTING, 05-R4D3-2351
10. CALIFORNIA FAMILY FITNESS, 03-R2D1-095 & 096
11. CLUB FRESH, LLC, 06-R2D1-9241 AND 9242
12. COX COMMUNICATIONS, 03-R3D2-1942
13. DADE BEHRING, 05-R2D1-2203
14. DAVIS BROTHERS FRAMING, INC., 03-R3D1-0114
15. E. L. YEAGER CONSTRUCTION COMPANY, INC., 01-R5D3-3261
16. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
17. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
18. GLASS PAK, 03-R2D2-0750 AND 0751
19. HEARN CONSTRUCTION, INC., 02-R6D1-3533 THROUGH 3536
20. HELPMATES STAFFING SERVICES, 05-R3D3-2239

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21. HENSEL PHELPS CONSTRUCTION, 01-R2D1-1618 & 1619
22. HUSSMAN CORPORATION, 03-R3D1-2939
23. ILH CONSTRUCTION, 02-R1D1-4172
24. IRBY CONSTRUCTION, 03-R3D3-2728
25. J. F. SHEA CONSTRUCTION, INC., 02-R5D3-801
26. JERLANE, INC. dba COMMERCIAL BOX AND PALLET, 01-R3D2-4344  
THROUGH 4348
27. JOHN LAING HOMES, 04-R3D1-194 AND 195
28. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323
29. KIMES-MORRIS CONSTRUCTION, 02-R1D4-1204 THROUGH 1209 & 02-1273
30. LONG BEACH CITY COLLEGE, 03-R3D5-2747
31. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
32. MCI WORLDCOM INC., 00-R1D1-440 THROUGH 442
33. NIBBLELINK MASONRY CONSTRUCTION, 02-R3D3-1399 THROUGH 1401
34. O& M INDUSTRIES, 04-R1D5-1597
35. PMR RACE CARS, 03-R3D3-1825
36. POUK & STEINLE, INC., 03-R4D2-1495 & 1496
37. RII PLASTERING INC., 02-R3D1-2679
38. SACRAMENTO MUNICIPAL UTILITY DISTRICT, 02-R2D1-1654 THROUGH  
1656
39. SAFEWAY #951, 05-R1D4-1410
40. SILVERCREST WESTERN HOMES, CORP., 03-R2D1-4305
41. STACY & WITBECK INC., 05-R1D1-1142
42. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986

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43. SUN VALLEY SKYLIGHTS, INC., 03-R4D1-2613 & 2614
44. TEICHERT AGGREGATES, 04-R5D1-2982
45. TRIO METAL, 03-R4D4-0317
46. WESTERN DOOR, 01-R3D1-2827
47. 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. HFS INVESTMENTS, INC., 01CS00981 (96-3079)
2. DESILVA GATES CONSTRUCTION, 05CS00008 (01-2742)
3. INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, LOCAL LODGE 1781; JULIA SMITH, (UNITED AIRLINES dba UNITED AIRLINES SFO SYC), 07CS00331 (00- 2844)
4. WESTERN MILLING, LLC, 06 CE CG 04007 (06- 9039/9040)

**APPELLATE COURT:**

None

**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 Closed Sessions.