

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c), (3), and (e)
for
Wednesday, August 1, 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: July 20, 2007

RE: Closed Session of the Board on August 1, 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.

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. BART, 03-R1D1-5170 (7/3/2007)
2. DEBBEE THIBAUT'S AMERICAN COLLECTIBLES, 05-R3D5-3329 THROUGH 3331 (7/2/2007)
3. TOOLANDER ENGINEERING, INC., 04-R6D2-4720 THROUGH 4723 (7/3/2007)

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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. ACH MECHANICAL CONTRACTORS INC., 06-R3D3-1291
2. AGI GEOTECHNICAL, INC., 04-R4D3-3974
3. AG PRO PLUS, 07-R2D5-157 THROUGH 159
4. ADVANCED ELECTRIC, INC., 06-R2D1-3545
5. AIRCRAFT SERVICE INTERNATIONAL GROUP [ASIG], 05-R4D3-2717 THROUGH 2719
6. AMERICAN MEDICAL RESPONSE, COMMUNICATIONS CENTER, 05-R1D3-865
7. ASSEMBLY MASTERS LTD., 07-R2D2-2397
8. AUGUST CONSTRUCTION, 06-R4D2-5085
9. AWARE PRODUCTS, L.L.C., 04-R4D3-4340
10. AYALA BORING, 07-R5D3-341
11. BAS RECYCLING, INC., 06-R3D3-5178 AND 5179
12. BIRRIERIA TEPA, 07-R1D2-1664
13. BISON ENGINEERING, INC., 05-R3D5-2412 THROUGH 2415
14. BLUE COYOTE BAR AND GRILL, 06-R3D3-5174
15. BLUE LINE CONSTRUCTION, 07-R2D1-137
16. BLUE LINX CORP., 07-R3D3-2213
17. BLUEWATER ENVIRONMENTAL SERVICE, 06-R1D1-4674 THROUGH 4676
18. DAVID CASTILLO, FLC, 06-R2D5-475 THROUGH 477
19. CATALINA YACHTS, 07-R6D2-787 THROUGH 790

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20. CATALINA YACHTS, 07-R6D2-791 THROUGH 805
21. CHENOWETH RACING PRODUCTS, INC., 06-R6D2-4394 THROUGH 4399
22. CODEL CO. INC., dba DOUGLAS INTERIORS, 05-R1D5-1575
23. CONCRETE GRIFFIN CONSTRUCTION, 07-R4D3-329
24. CONTROLTECH CLIMATE SYSTEMS, 07-R4D3-2052 THROUGH 2054
25. COSMIC PLASTICS INC., 07-R6D2-2346 THROUGH 2354
26. CRESCENT METAL PRODUCTS, 06-R6D2-3596 THROUGH 3606
27. CRYSTALINER CORP., 07-R6D2-247 THROUGH 251
28. DAWNMARK CONSTRUCTION, 05-R2D3-1892 THROUGH 1895
29. DESIGN BUILD ASSOCIATES, INC., 04-R4D3-4436 THROUGH 4439
30. DREYER'S GRAND ICE CREAM, 05-R4D3-1033
31. ECO RESOURCES, INC., 07-R3D7-1636 THROUGH 1640
32. EL DORADO COUNTY COURTS, 06-R2D1-2692
33. EL DORADO COUNTY COURTS, 06-R2D1-2693
34. FRANKLIN REINFORCING STEEL CO., INC., 04-R4D1-2738 THROUGH 2741
35. FRUIT GROWERS SUPPLY COMPANY, 07-R3D3-1932
36. FRUIT HARVEST, INC., 07-R2D5-294 AND 295
37. BLAS GARCIA dba BLAS TRUCKING, 06-R1D1-5124 AND 5125
38. LUIS GONZALEZ, 06-R3D5-4622 THROUGH 4624
39. GRIMMWAY FARMS, 07-R4D3-1205
40. GYNA, INC., dba BALDWIN PARK HAND WASH, 07-R4D4-340
41. HANSON PERMANENTE, 06-R5D1-660
42. HEIECK SUPPLIES, 05-R2D1-4069 AND 4070

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43. HOBIE CAT COMPANY, 06-R6D2-3686 THROUGH 3691
44. HOME DEPOT, 06-R3D2-5172
45. HONEYWELL INTERNATIONAL, 06-R6D2-5106 THROUGH 5114
46. HONEYWELL INTERNATIONAL, 06-R6D2-5115 THROUGH 5124
47. HORIZON CONTRACT GLAZING, INC., 05-R2D1-3919 AND 3920
48. HYATT REGENCY CENTURY PLAZA, 06-R4D1-3925 THROUGH 3928
49. IMPERIAL DIE CUTTING, INC., 04-R6D1-1917 THROUGH 1920
50. JACK ANTHONY INDUSTRIES, INC. dba 7 FLAGS CAR WASH, 07-R2D2-2689 THROUGH 2693
51. JASON TOOL & ENGINEERING, INC., 07-R6D2-886 THROUGH 895
52. J. BRIDLE CONTRACTING INC dba ALTON BUILDERS, 07-R3D3-961 AND 962
53. JEFF CORCORAN DRYWALL, INC., 03-R3D3-1709 THROUGH 1710, 03-R3D3-4914 AND 4915
54. J. HELLMAN FROZEN FOOD, 07-R6D2-2487 THROUGH 2489
55. J R CONSTRUCTION CLEANUP, 07-R3D3-306 AND 307
56. KACON, INC., 07-R3D2-165 THROUGH 167
57. KIDS KUTS, 06-R3D2-3904 AND 3905
58. KRAFT FOODS, 06-R3D1-4748
59. KRISPY KREME DOUGHNUT CORPORATION, 07-R1D4-129 AND 130
60. LABOR READY SOUTHWEST, 07-R2D3-652 AND 653
61. LABOR READY SOUTHWEST INC – BRANCH # 1515, 07-R3D3-959 AND 960
62. LAKEVIEW BUILDERS INCORPORATED, 07-R4D3-975 AND 976
63. LEHIGH SOUTHWEST CEMENT COMPANY, 06-R5D1-4305
64. LONG PAINTING COMPANY, 05-R1D1-4045 THROUGH 4050

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65. MCM CONSTRUCTION, INC., 04-R2D1-3567
66. MACARDO FARM LABOR, 06-R2D4-4597 AND 4598
67. MAUER MARINE, INC., 06-R6D2-3483 THROUGH 3486
68. McCARTHY STEEL FABRICATION, INC., 06-R4D3-5094
69. MERIDIAN IQ, 06-R3D3-5074
70. MIDTOWN ROOTER, 06-R4D3-5098 THROUGH 6000
71. NATIONAL SEWING MACHINE, 07-R3D2-300 AND 301
72. NELSON PROPERTIES, 05-R2D5-2091 AND 2092
73. NORTH COAST DRYWALL, INC., 06-R2D3-4024
74. NUMMI, 06-R1D4-5130
75. OMEGA PRODUCTS INTERNATIONAL, 06-R3D3-949
76. 1 800 GREAT AD, 06-R4D3-4453 AND 4454
77. PDQ HEAVY EQUIPMENT RENTAL, 07-R3D3-173
78. PADILLA'S COMPANY INC., 02-R4D1-4423 THROUGH 4425
79. JOHN PAUKULIS, 06-R4D3-5095 AND 5096
80. PETALUMA ACQUISITIONS LLC dba PETALUMA POULTRY, 07-R1D5-134 THROUGH 136
81. PETERSON-DEAN ROOFING, INC., 07-R1D2-1006
82. PETERSON DEAN ROOFING SYSTEMS, 07-R4D3-336 AND 337
83. PORT OF LOS ANGELES, 07-R6D2-1829 THROUGH 1931
84. PRAXAIR, 07-R3D7-2045 THROUGH 2047
85. PRINT, INC., 06-R6D2-2401 THROUGH 2405
86. RBC COMPANY [RICK BROWN CONSTRUCTION CO. INC.], 07-R4D4-983 THROUGH 986

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87. RMR CONSTRUCTION, 07-R1D1-3
88. RSR METAL SPINNING INC., 05-R6D2-3532 THROUGH 3537
89. R.W. LITTLE, 06-R3D2-2228
90. RANGERS DIE CASTING, 06-R4D2-5088
91. RAYMOND L. MILLER EQUIPMENT RENTAL, INC., 06-R2D2-4706
92. RENO CONTRACTING, 05-R3D2-2319 AND 2320
93. REYNOLDS MASON INDUSTRIES, 06-R3D2-4754
94. RIVER RANCH FRESH FOODS, 06-R3D7-4806 THROUGH 4808
95. ROBERT H. LUND D.D.S., INC., 04-R4D3-2424 THROUGH 2426
96. ROD BRADY PAINTING, 05-R4D2-734 AND 735
97. ROHTHEM CUTTING SERVICES, INC., 07-R4D1-65 AND 66
98. S & S FOODS, 07-R4D4-1460 THROUGH 1462
99. SSA TERMINAL [SSA PACIFIC], 05-R6D2-2272
100. DAN SADEK, 06-R3D2-5069
101. S. BRAVO SYSTEMS, INC., 05-R4D2-549 THROUGH 551
102. SIEFRIED FRAMING CONTRACTORS, 06-R2D3-209 AND 210
103. SIERRA PLASTERING, INC., 06-R2D4-5147 AND 5148
104. SLAKEY BROS. INC., 06-R1D4-1387
105. SLAM, LLC., 05-R2D3-2646 THROUGH 2648
106. SOUTHERN CALIFORNIA EDISON COMPANY, 07-R3D3-906
107. SOUTHLAND MICRO SYSTEMS, 06-R3D1-4034 AND 4035
108. STUDIO INSTRUMENT RENTALS, 05-R4D1-916
109. TARGET, 05-R2D1-3658

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110. TEANY FASHION, 06-R3D5-4625 THROUGH 4628
111. THE MEN'S WEARHOUSE, 05-R4D3-1369 AND 1370
112. UNION FRAMING, INC., 05-R1D2-2372 THROUGH 2374
113. UNITED FOOD GROUP, LLC, 07-R4D2-318 AND 319
114. WESTERN BAGEL BAKING CORP, 04-R4D3-4434 AND 4435
115. WESTERN TUBE & CONDUIT CORPORATION, 07-R3D5-1300
116. WHITING-TURNER CONTRACTING COMPANY, 05-R4D2-1477 THROUGH 1479
117. YANG'S PAINTING COMPANY, 06-R1D1-2084 THROUGH 2092

ORDERS DISMISSING APPEALS:

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

1. KCH INVESTMENTS (K.C.H.) dba SINGLE USE CAMERA RECYCLING, 04-R4D2-3848 AND 3849
2. RON'S PLUMBING, 04-R1D5-3093 AND 3094
3. SOUTHLAND CONSTRUCTION, 05-R3D2-215 THROUGH 217

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. BLF, INC. dba LARRUBURE FRAMING, 02-R4D1-4675 THROUGH 4680
2. CALIFORNIA FRESH FARMS LLC, 06-R2D4-4127 AND 4224
3. PACIFIC STONE DESIGN, INC., 04-R3D1-4280

DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):

1. CBMI CALIFORNIA BLDG. & MAINTENANCE IND., INC., 05-R4D1-2696
2. G & A FIRE PROTECTION, 06-R3D5-2614 AND 2615

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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. 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

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20. HELPMATES STAFFING SERVICES, 05-R3D3-2239
21. HEMMINGSEN CONSTRUCTION CO., INC., 07-R2D3-9277
22. HUSSMAN CORPORATION, 03-R3D1-2939
23. ILH CONSTRUCTION, 02-R1D1-4172
24. J. F. SHEA CONSTRUCTION, INC., 02-R5D3-801
25. JERLANE, INC. dba COMMERCIAL BOX AND PALLET, 01-R3D2-4344
THROUGH 4348
26. JOHN LAING HOMES, 04-R3D1-194 AND 195
27. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323
28. KIMES-MORRIS CONSTRUCTION, 02-R1D4-1204 THROUGH 1209 & 02-1273
29. LONG BEACH CITY COLLEGE, 03-R3D5-2747
30. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
31. MCI WORLDCOM INC., 00-R1D1-440 THROUGH 442
32. NIBBLELINK MASONRY CONSTRUCTION, 02-R3D3-1399 THROUGH 1401
33. O& M INDUSTRIES, 04-R1D5-1597
34. PMR RACE CARS, 03-R3D3-1825
35. POUK & STEINLE, INC., 03-R4D2-1495 & 1496
36. RII PLASTERING INC., 02-R3D1-2679
37. SACRAMENTO MUNICIPAL UTILITY DISTRICT, 02-R2D1-1654 THROUGH
1656
38. SILVERCREST WESTERN HOMES, CORP., 03-R2D1-4305
39. STACY & WITBECK INC., 05-R1D1-1142
40. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
41. SUN VALLEY SKYLIGHTS, INC., 03-R4D1-2613 & 2614

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42. TEICHERT AGGREGATES, 04-R5D1-2982
43. TRIO METAL, 03-R4D4-0317
44. WESTERN DOOR, 01-R3D1-2827
45. 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. BLF FRAMING, INC., 04CS01618 (02-1837/38)
3. DESILVA GATES CONSTRUCTION, 05CS00008 (01-2742)
4. 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)
5. INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, LOCAL LODGE 1781; JULIA SMITH, (UNITED AIRLINES dba UNITED AIRLINES SFO SYC), 07CS00331 (00- 2844)
6. WESTERN MILLING, LLC, 06 CE CG 04007 (06- 9039/9040)
7. IRBY CONSTRUCTION COMPANY, ECU03759 (03-2728)

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APPELLATE COURT:

1. 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 meetings.