

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), and (e)
for
Wednesday, April 18, 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: April 6, 2007

RE: Closed Session of the Board on April 18, 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. GOLDENWEST LAUNDRY, 04-R3D1-781 THROUGH 784
2. LA COUNTY INTERNAL SERVICES, 03-R4D3-4600 AND 05-R4D3-281
3. NICK'S LIGHTHOUSE, 05-R1D1-3086

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. ARCHITECTURAL GLASS & ALUMINUM CO., 05-R1D4-1065

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2. ANGELICA TEXTILE SERVICES, INC. #33, 05-R3D3-2965 AND 2966
3. ARPEGGIO, 06-R4D4-3799 AND 3800
4. BAXTER BIOSCIENCE, 06-R4D3-3786
5. BAY CON, INC., 06-R6D1-2387 THROUGH 2389
6. BAY CONSTRUCTION, INC., 04-R6D2-3708 AND 3709
7. JOE BERTRAND, 06-R3D5-4284 AND 4285
8. BIG 5 SPORTING GOODS, 06-R1D2-1174
9. BLAIR ELECTRIC, 06-R2D5-4736
10. BURNETT AND SON MEAT CO INC, 06-R6D2-4894 AND 4895
11. CABLE MOORE, INC, 04-R6D1-4472 THROUGH 4479
12. CALIFORNIA SCENIC LANDSCAPE, 05-R3D2-1696
13. CASTLEROCK DEVELOPMENT, 05-R4D3-48
14. CERTIFIED ALLOY PRODUCTS, 04-R3D5-4409
15. COAST ALUMINUM & ARCHITECTURAL, INC., 04-R1D4-3561 THROUGH 3563
16. CONRAD CONCRETE INC., 06-R4D2-3222 THROUGH 3224
17. COURY ENTERPRISES, INC., 06-R4D3-5198
18. DBA STERLING WINDOW PRODUCTS, 04-R6D2-2995 THROUGH 3005
19. FIRST TRANSIT, 06-R4D2-3219
20. FRED LINDBERG, M.D., 06-R4D3-4068 THROUGH 4071
21. CITY OF FRESNO POLICE DEPARTMENT, 06-R2D5-4741
22. GLOBE PLASTICS, 06-R6D2-4876 THROUGH 4878
23. GRUETT TREE COMPANY, INC., 04-R6D2-4111 AND 4112
24. HALEY INDUSTRIAL COATINGS, 05-R4D2-1624 AND 1625

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25. HANMAR CORPORATION HERMANN'S METAL SPINNING, 06-R4D2-3450 THROUGH 3453
26. HARRIS-SALINAS REBAR INC., 05-R1D4-866
27. INNOVATIVE STEEL ERECTORS, INC., 06-R2D1-440 AND 441
28. INTERSTATE BRANDS, MILLBROOK DIVISION, 05-R6D2-760 THROUGH 768
29. J.S. ROOFING, 06-R4D3-4437 THROUGH 4440
30. JET PLASTICS, 06-R4D2-1102 THROUGH 1107
31. LANDGREBE LATH & PLASTERING, INC., 05-R1D5-2896 THROUGH 2898
32. LIBERTY PACKAGING AND EXTRUDING INC., 06-R4D2-3217 AND 3218
33. LIBERTY VALLEY DOORS, 05-R1D5-1857
34. MANILA ORIENTAL MARKET, 05-R1D3-2612 AND 2613
35. MESA BOOGIE, 05-R1D5-3 THROUGH 5
36. MITSUBISHI WAREHOUSE, 04-R4D2-2399 THROUGH 2402
37. STEVEN J. MORROW dba CJ WITT, 06-R2D3-3374 THROUGH 3376
38. PB CRANE, INC., dba ALL AMERICAN CRANE MAINTENANCE, 06-R4D4-4081
39. PRIMO POWDER COATING & SANDBLASTING, INC., 06-R3D1-2219 AND 2220
40. ROSS DISTRIBUTION CENTER, 07-R3D3-507 AND 508
41. SAN FRANCISCO CHRONICLE, 04-R1D4-3246 AND 3247
42. SCOTT HINTON GENERAL CONTRACTOR, 06-R2D3-3377 AND 3378
43. SIERRA PACIFIC ROOFING, 06-R4D2-1639
44. SUNDOWNER OF CALIFORNIA, INC., 06-R2D1-3871
45. THOMASELLI CONSTRUCTION, 05-R2D1-2627

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46. TOP NOTCH METAL PRODUCTS, LLC, 05-R2D1-312 THROUGH 317
47. UNITED PACIFIC WASTE, 06-R6D2-3490 AND 3491
48. VALLI & VALLI (USA), INC., 06-R6D2-2420 THROUGH 2423
49. XENERGY, 05-R3D3-355 AND 356

ORDERS DISMISSING APPEALS:

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

1. ADECCO, 04-R3D3-791
2. STEVE GROCH, 07-R4D1-9072
3. MASTER PLATING, 02-R6D2-3897 THROUGH 3900
4. MASTER PLATING, 02-R6D2- 3901

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. SAN MARINO PLASTERING, 05-R2D4-2088 THROUGH 2090

DENIAL OF PETITION FOR RECONSIDERATION (DRAFT):

1. None

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. BAY AREA SYSTEMS & SOLUTIONS, dba BASS ELECTRIC, 01-R1D3-106
4. BLUE DIAMOND MATERIALS, 02-R5D2-1268

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5. BRYDENSCOT METAL PRODUCTS, 03-R3D3-3554 AND 3555
6. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
7. CENTRAL VALLEY CONTRACTING, 05-R4D3-2351
8. CALIFORNIA FAMILY FITNESS, 03-R2D1-095 & 096
9. COX COMMUNICATIONS, 03-R3D2-1942
10. DAVIS BROTHERS FRAMING, INC., 03-R3D1-0114
11. E. L. YEAGER CONSTRUCTION COMPANY, INC., 01-R5D3-3261
12. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
13. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
14. GLASS PAK, 03-R2D2-0750 AND 0751
15. HEARN CONSTRUCTION, INC., 02-R6D1-3533 THROUGH 3536
16. HELPMATES STAFFING SERVICES, 05-R3D3-2239
17. HENSEL PHELPS CONSTRUCTION, 01-R2D1-1618 & 1619
18. HUSSMAN CORPORATION, 03-R3D1-2939
19. ILH CONSTRUCTION, 02-R1D1-4172
20. IRBY CONSTRUCTION, 03-R3D3-2728
21. J. F. SHEA CONSTRUCTION, INC., 02-R5D3-801
22. JOHN LAING HOMES, 04-R3D1-194 AND 195
23. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323
24. KIMES-MORRIS CONSTRUCTION, 02-R1D4-1204 THROUGH 1209 & 02-1273
25. KNOTT'S BERRY FARM, 01-R3D1-4331 & 4332
26. LONG BEACH CITY COLLEGE, 03-R3D5-2747
27. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960

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28. MCI WORLDCOM INC., 00-R1D1-440 THROUGH 442
29. McDONALDS #10660, 03-R1D3-4116 & 4117
30. NIBBLELINK MASONRY CONSTRUCTION, 02-R3D3-1399 THROUGH 1401
31. NORTH FORK SPRINGS CONSTRUCTION, 02-R4D1-199 THROUGH 202
32. O& M INDUSTRIES, 04-R1D5-1597
33. PMR RACE CARS, 03-R3D3-1825
34. POUK & STEINLE, INC., 03-R4D2-1495 & 1496
35. RII PLASTERING INC., 02-R3D1-2679
36. SACRAMENTO MUNICIPAL UTILITY DISTRICT, 02-R2D1-1654 THROUGH 1656
37. SILVERCREST WESTERN HOMES, CORP., 03-R2D1-4305
38. STACY & WITBECK INC., 05-R1D1-1142
39. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
40. SUN VALLEY SKYLIGHTS, INC., 03-R4D1-2613 & 2614
41. TRIO METAL, 03-R4D4-0317
42. WESTERN DOOR, 01-R3D1-2827
43. 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)

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3. DESILVA GATES CONSTRUCTION, 05CS00008 (01-2742)
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)

APPELLATE COURT:

1. C. OVERAA & CO., CO51245 (04CS00570) 01-3560

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.