

**State of California**  
**California Occupational Safety and Health Appeals Board**  
**Closed Session Agenda**

Government Code § 11126 (a), (c)(3), (e) and (f)  
for

Wednesday, March 19, 2025

9:30 a.m.

Sacramento, California

Alternate locations:  
West Covina, California  
&

Held on Zoom

**To: Members of the California Occupational Safety & Health Appeals Board**  
**From: Aaron R. Jackson, Chief Counsel**  
**Date: March 7, 2025**  
**RE: Closed Session of the Board to be held on March 19, 2025**

**Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) 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.)*

There are no Decisions.

**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.)*

1718594      The Camp NR LLC

**Orders Dismissing Appeal:**

1600950      Stanislaus County Sheriff's Department

1698769      Suburban Propane, LP

1664681      The Molecular Mexican Inc.

1715536      Torrance Refining Company LLC

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1671166      Tri-P's Management Corporation

**Orders Denying Leave to File Late Appeal:**

1748421      Aca Taco Inc

1748579      Rolling Frito-Lay Sales, LP

1743025      Valley Pride, Inc.

**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.)*

The following list is intended to inform stakeholders and members of the public of what the Board believes is the issue of most interest to the general public presented in each of the following matters. The issues are listed to assist those interested in research or public information, and not litigation, and are not necessarily or exclusively the only issue or issues presented in each matter. The issues identified are not positions of the Board. Further, the Board may add and decide issues not Included in the list or decide the matter on other grounds, under the authority provided in Labor Code sections 6620 through 6623.18.

1431672      A. Teichert & Son, LLC  
*Whether the cited employer was in violation of lockout/tagout requirements.*

1473644      Amazon.com Services, LLC  
*Whether the employer's training program was in compliance with the applicable safety order.*

1466722      Bragg Investment Company, Inc.  
*Whether the Employer violated the crane operating safety order as alleged while repositioning a crane at a construction site.*

1647115      Concord Farms, Inc.  
*Whether there was good cause for the late appeal.*

1420923      Drill Tech Drilling & Shoring, Inc.  
*Whether the Employer failed to enforce its IIPP as required.*  
*Whether the Employer violated the lockout/tagout requirements of section 3314 as alleged.*

1488312      Indiana Finish Line, Inc.  
*Whether the cited employer established procedures adequate to protect employees from COVID-19.*

1436480      Interline Brands, Inc.  
*Whether the employer violated foot protection standards.*

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- 1371294 KPRS Construction Services, Inc.  
*Whether the employer violated section 1632 as alleged?  
Whether the ALJ's ruling that the Division did not meet its burden of proof regarding the employer's IIPP was correct.*
- 1486257 Kroger Company  
*Whether the cited employer adequately trained employees regarding workplace hazards.*
- 1692964 L & S Framing, Inc.  
*Whether Employer committed the violations alleged in the citations, including alleged violations of section 1704, subdivision (f) [failure to adopt a compliant Code of Safe Practices]; section 1704, subdivision (b)(2) [failure to ensure that nailers and staplers were operated in accordance with manufacturer's recommendations], and section 1704, subdivision (g), 1509, and section 3203 [inadequate safety training on the use of nailers and staplers].*
- 1235941 McCarthy Building Companies, Inc.  
*Whether the Division proved exposure to Valley Fever.*
- 1549611 Metcalf, Inc.  
*Whether Employer committed the violations alleged in the citations, including alleged violations of section 3203, subdivision (a)(6) [failure to correct an unsafe condition]; section 1621, subdivision (b) [failure to provide toeboards on scaffolding]; and (3) section 3276, subdivision (e)(15)(B) [safe use of ladders], and whether Employer established its affirmative defense.*
- 1355061 Republic Electric West, Inc.  
*Whether fall protection requirements apply to the work. Whether the IEAD was established. Whether penalties were duplicative. Whether the Employer exercised reasonable diligence. Whether it was an error to reduce the classification of the violations and reduce the penalties.*
- 1760736 RJS Electric  
*Was the ALJ's Order Denying Late Appeal correctly decided?*
- 1465119 Sun Belt Rentals  
*Whether certain information accepted into evidence was inadmissible hearsay, and whether the evidence supports a finding that Employer violated sections 3203 and 3328, as alleged.*
- 1483438 Sutter Bay Hospitals dba Mills-Peninsula Medical Center

*Was the ALJ correct in granting Employer's appeals of the citations alleging violations of section 342, subdivision (a) and section 5199, subdivision (i)?*

1454931      Tesla, Inc.  
*Whether the ALJ properly affirmed the citations and, if so, whether Employer established the due diligence defense?*

1486176      Tutor Perini Corporation and O&G Industries, Inc.  
*Whether Employer committed a serious accident-related violation of section 3328, subdivision (a).*

**Matters 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. United Parcel Service, Inc. dba UPS, 34-2019-80003174 (1116529)
2. Davis Development Company, 34-2020-80003373 (1226084)
3. Hill Crane Service Inc., 34-2021-80003744 (1135350)
4. USA Waste of California, Inc., 34-2022-80003841 (1384029)
5. Angelus Block Co., Inc., CIVSB2417796 (1113026)
6. Hamilton Iron Works, Inc., 24WM000100 (1497263)
7. Arana Residential and Commercial Painting, Inc., 24CV104142 (1568252)
8. Western Oilfields Supply Company, 24WM000169 (1498595)
9. Waterproofing and Roofing Solutions, Inc., 24STCP03693, (1690885)
10. The Geo Group, Inc., 25WM000023 (1609228)

**Appellate Court:**

1. General Dynamics NASSCO (1300984).

**Other Items:**

There are no Other Items.

**Orders of Administrative Law Judges:**

*(Written orders 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.)*

1615001	A. Teichert & Sons, Inc.
1504675	A1 Roof Management & Construction, Inc., An Almaz USA
1675534	AEJ Trust Properties
1650234	American Airlines, Inc.
1506586	American Fumigation Services, LLC
1761345	Apptek Inc.
1613357	Aramark Uniform & Career Apparel, LLC
1740319	Atkore- Unistrut Construction
1612883	Aus Decking, Inc.
1657467	Basalite Building Products LLC
1719965	BCM Service & Engineering, Inc.
1552834	Bergelectric Corp.
1774572	BTV Construction Inc.
1625315	Building Worx, Inc.
1508346	Building Zone Industries, LLC
1424908	C.Overaa & Co.
1565231	CA Corrections & Rehabilitation, Office of Correctional Safety
1599950	CA Forestry and Fire Protection- San Luis Obispo
1632248	CA Forestry and Protection
1771448	Carlton Senior Living LLC
1772879	Caro Nut Company
1695293	Central Valley Meat Co., Inc.

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1724952	City of Burbank
1744989	City of Lemoore
1773509	Corwood Car Wash, Inc.
1625205	Costco Business Center
1622754	D L Long Landscaping, Inc.
1733199	Diamond Gloves
1528440	FedEx Ground Package System, Inc.
1640972	FedEx Ground Packaging Systems
1776954	Goodwill Industries of Orange County, CA
1561878	Griffith Company
1733310	Hoffmeyer Company, Inc.
1744771	Jose David Diaz
1717901	Korbel Champagne Cellars
1693649	KV Structures, Inc.
1764631	Lucchesi Builders Inc.
1751812	Mandrell's Body and Paint Shop Inc.
1720939	Martin Marietta Northern California Aggregates, LLC
1592819	MCA Remodeling, Inc.
1755910	Mike O'Brien Specialized Hauling, Inc.
1607232	Mitsui-Soko (U.S.A.) Inc.
1659572	N.M.N Construction, Inc.
1775292	Neil's Controlled Blasting, L.P.
1591796	Pacific Coast Container
1673884	Pacific Gas and Electric Company
1672437	Pacific West Builders, Inc.

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1752801	Par La Vina, LLC
1766294	Riffe International Inc.
1721434	RJL Labor Services, Inc
1596313	Ruiz Food Products, Inc.
1645148	Safran Cabin Inc.
1582383	San Antonio Regional Hospital
1716395	San Francisco Bay Window Cleaning
1740151	Savemart Companies
1651069	Seals Construction, Inc.
1636104	Service by Medallion
1646623	SFUSD- Washington High School
1729615	Shipyard Staffing LLC
1770539	Show Ready, Inc.
1366500	Solpac Construction, Inc.
1511675	State of California Department of Public Health Licensing
1600218	Sunrun, Inc.
1760724	System Displays, Inc.
1560846	Taylor Farms Pacific, Inc.
1752128	TDH Construction Inc. DBA Foothill Painting and Drywall
1767852	Tenco Solar Inc
1752673	The Key of California, LLC
1553893	Tidalwave Enterprises, Inc.
1693225	Tolead Logistics US Inc.
1655887	Top Cabinets, Inc.
1711554	Unified Parking Services Inc.

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1597803	Unified Rentals, Inc.
1706749	Walmart Neighborhood Market #3133
1753786	Williams-Sonoma Direct, Inc.
1736855	Xtreme Pallets Inc

**Personnel:**

*(Issues regarding staff.)*

Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.