

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

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

for

Wednesday, April 9, 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 28, 2025**

**RE: Closed Session of the Board to be held on April 9, 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.)*

1602873      White Forest Nursery, Inc.

**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.)*

1660546      AMP United, LLC

1677508      DFA Dairy Brands Fluid, LLC

1762256      Surface Solutions

1763124      Michael Muhareb dba Old Mill Cafe

**Orders Dismissing Appeal:**

1703821      Agro Pack, LLC

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1632663	Chartwell Staffing Solutions
1649308	Elite Rooter San Diego
1688881	Gilton Resource Recovery/Transfer Facility, Inc.
1727665	Glendale Adventist Academy
1627560	Infratel, Inc.
1580703	Lowell Joint School District
1731014	Murphy Industrial Coatings, Inc.
1663480	RD Waldman Construction Inc.
1728000	Trans Freight Enterprises Inc.

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

There are no Orders Denying Leave to File Late Appeal

**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 <i>Whether the cited employer was in violation of lockout/tagout requirements.</i>
1473644	Amazon.com Services, LLC <i>Whether the employer's training program was in compliance with the applicable safety order.</i>
1466722	Bragg Investment Company, Inc. <i>Whether the Employer violated the crane operating safety order as alleged while repositioning a crane at a construction site.</i>
1647115	Concord Farms, Inc. <i>Whether there was good cause for the late appeal.</i>

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- 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.*
- 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.*

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- 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)

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10. The Geo Group, Inc., 25WM000023 (1609228)

11. Uber Technologies Inc (1594663)

**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.)*

1694334	Adrian J Ventura, An Individual
1741906	Advanced T I Inc.
1699131	Air Methods Corporation
1680266	Alpha Polishing Corporation
1623576	American Tire Recycling, LLC
1627510	Androp Packaging, Inc.
1571875	Arco/Murray National Construction Company, Inc.
1530540	Ardenbrook, Inc.
1563914	Artesia Sawdust Products
1603453	Atlantic Solutions Group, Inc.
1697943	Beacon Roofing
1745510	Best Formulations LLC
1604099	Boxed Out, LLC
1781861	Brashear Construction and Concrete Plumbing Inc
1599364	Brightview Landscape Services, Inc.
1752800	Calderon Drywall Contractors Inc.

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1573536	California Department of Corrections and Rehabilitations
1708283	California State University Channel Islands
1745051	Carlton Senior Living LLC
1601345	Cavanaugh Machine Works, Inc.
1600345	Cen Cal Builders & Developers, Inc.
1759438	Champion Cabinets Corporation
1605303	Chrisp Company
1786378	Cirks Construction Inc.
1576602	Contra Costa County- Employment & Human Services
1666278	Costco Wholesale Corporation
1757186	County of Lassen
1675523	Covenant Care California LLC
1761285	Cowboy Roofing Inc
1769602	De Mattei Construction Inc.
1777930	Direct Staffing, LLC
1534409	Duda Farm Fresh Foods
1565976	EDCO Disposal Corporation
1700495	Elliott/Drinkward Construction Inc.
1758765	Euro Pacific Coatings, Inc.
1728559	Evergreen Landscape & Sprinklers Inc.
1720164	FD Thomas, Inc.
1607378	Federal Realty OP, LP
1688582	Ferrocrite Builders Inc.
1747600	Fidel Navarro
1554352	Fresno Surgery Center, LP

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1759393	Garvey School District
1759754	Gary's Radiator Service
1536108	General Dynamics Nassco
1731529	Gonsalves & Santucci, Inc.
1588647	Granite Rock Company
1746414	Great Valley Inc.
1656900	Heritage-Crystal Clean
1777293	Hilfiker Pipe Company
1759658	Hoffman Construction Company of California Inc.
1742175	Hoskins Equipment LLC
1554502	JBI Interiors
1760437	Joseph Crown Construction & Development, Inc.
1756184	Joseph Quinn Inc
1775081	KDC West, LLC
1750262	Lakmann Builders, Inc.
1695792	Lamar Central Outdoor LLC
1775343	Landscape Development, Inc.
1762071	Latino Theater Company
1749873	Local Delivery Service LLC
170332	Lux Builders Group Inc
1544662	M4 Concrete and Drywall
1700800	Madison Window Products
1782035	McCullough Construction Inc
1762673	Mehar Car Wash LLC
1761281	Moto Engineering & Prototype, Inc.

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1692567	MPC General Construction
1660028	MSL Properties, MBK Senior Living
1650497	National Ready Mixed Concrete Co.
1761438	New Carrott Farms, LLC
1735873	Noble Construction Services, LLC
1781870	Northern California Roofing Co.
1778994	O2 Employment Services, Inc.
1729596	Orchard's Tree Service Inc
1750239	Pacific Builders of SLO, Inc.
1751828	Pallet Market, Inc.
1570574	Petersen Builders, Inc.
1723442	PP Tango CA LLC
1580926	Pro-Form Laboratories LLC
1767416	Prospect Medical Holdings, Inc.
1768605	Pyramid for Construction Inc.
1701975	Ramirez Roofing & Gutters, Inc.
1686384	Raymond Velasquez Ground Inc.
1762025	Redding Tile & Stone Works, Inc.
1647838	Restoration Hardware, Inc.
1762287	Salvador Sanchez
1616322	Selma Pallet, Inc.
1569044	Signal Restoration West, Inc.
1677779	Stafford Crane Group
1706962	Stanford Health Care
1692437	Stanislaus Food Products Company

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1771810	Stauts Building Company, Inc
1744435	Steve Urquidez
1559118	Sun-Maid Growers of California
1725468	Swinerton
1765925	Tehama Tire Service Inc
1698219	The Elevator Company
1641369	The Mon-May Company Inc.
1507245	The Von Companies, Inc.
1635510	Therma LLC
1560281	Timberworks Construction, Inc.
1772781	Titan Senquest Management, Inc.
1754205	Treesap Farms, LLC
1592173	United Parcel Services, Inc.
1638660	Universal Building Maintenance, LLC
1615688	UPS
1633063	VCA Animal Hospital
1604962	VCA Animal Hospitals Inc.
1780481	Walmart Inc.
1765488	Walmart, Inc.
1713790	Weber General Engineering Inc.
1776172	Wisoman Foods, 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 adjour