

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 23, 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: April 11, 2025

RE: Closed Session of the Board to be held on April 23, 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 of Administrative Law Judges.

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

1763124 Michael Muhareb dba Old Mill Cafe

Orders Dismissing Appeal:

1590035 Canoo Technologies, Inc.

1600532 DeYoung Power Systems, Inc.

1634914 Evolution Hospitality, LLC, GF Carneros Tenant, LLC,
subsidiaries of Aimbridge Group Holdings, LP

1728192 Westech Systems, LLC

Orders Denying Leave to File Late Appeal:

1657003 PK Mechanical Systems 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
<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> |
| 1420923 | Drill Tech Drilling & Shoring, Inc.
<i>Whether the Employer failed to enforce its IIPP as required.
Whether the Employer violated the lockout/tagout requirements of section 3314 as alleged.</i> |
| 1488312 | Indiana Finish Line, Inc.
<i>Whether the cited employer established procedures adequate to protect employees from COVID-19.</i> |
| 1436480 | Interline Brands, Inc.
<i>Whether the employer violated foot protection standards.</i> |

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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.

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- 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. Davis Development Company, 34-2020-80003373 (1226084)
2. USA Waste of California, Inc., 34-2022-80003841 (1384029)
3. Angelus Block Co., Inc., CIVSB2417796 (1113026)
4. Hamilton Iron Works, Inc., 24WM000100 (1497263)
5. Arana Residential and Commercial Painting, Inc., 24CV104142 (1568252)
6. Western Oilfields Supply Company, 24WM000169 (1498595)
7. Waterproofing and Roofing Solutions, Inc., 24STCP03693, (1690885)
8. The Geo Group, Inc., 25WM000023 (1609228)
9. Uber Technologies Inc, 30-2025-01462427 (1594663)

Appellate Court:

1. General Dynamics NASSCO, D085662, 37-2023-00024521, (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.)

1752468	2H Farms LLC
1723722	A & E Construction Services
1746292	A Mechanical Systems, Inc.
1759757	Al's Automotive, Inc
1675026	Amazon.com Services LLC
1761631	Ameriguard Security Services, Inc.
1766469	Apple Markets, Inc
1502158	Arborworks, Inc.
1721164	Arctic Glacier U.S.A., Inc.
1730194	Arena Staffing
1635198	Arvato Digital Services LLC
1687588	B.L. Price Co., Inc.
1733753	Beaumont-Cherry Valley Water District
1765753	Bellisi Design and Millwork
1666608	Big Indie Candy, Inc.
1759710	Blazona Concrete Construction, Inc.
1730839	Boonstra Construction Inc.
1789027	Butte County Rice Growers Association
1780002	CA Transportation
1682156	Cal Fire Riverside County Fire Department
1787531	California Franchise Tax Board
1680685	City of Beverly Hills Fire Department

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1637137	Costco Wholesale Corporation, Store #488
1770400	Crawford Bros., Inc.
1753389	Daneco Electric, LLC
1519491	Davey Resource Group, Inc.
1638625	Dolgen California, LLC
1757782	Doughtronics, Inc.
1635473	Duke Pacific Inc
1591404	Dwayne Nash Industries, Inc.
1659598	Eastridge Workforce Solutions
1605124	Eco Logic Brands, Inc.
1745854	Ellingson, Inc.
1757200	Falck Northern California Corp.
1641789	Fred Leyendekker
1690062	Fresh Up Enterprises, Inc.
1694135	Gilwin Co. Inc.
1711803	Henkel US Operations Corporation
1740980	J Coates Builders, Inc
1793240	Jones/Covey Group Incorporated
1618658	L&W Supply Corporation
1601775	Lopez Contractors, Inc.
1571046	Los Angeles Department of Water and Power
1764662	LVE Construction, Inc.
1638214	Mann Packing Co., Inc.
1667516	Martin Marietta Southern California Aggregates
1730890	Mendocino Forest Products

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1768666	Metal Manufacturing Company, Inc.
1773498	Modoc County
1598701	Montebello Container Company, LLC
1752798	NATIONAL COMMUNITY RENAISSANCE OF CALIFORNIA
1496780	Norman Industrial Materials, Inc.
1449883	Northstar Contracting Group, Inc.
1609724	Nutrien AG Solutions
1739239	Oliver & Company, Inc
1652290	Pacific Structures, Inc.
1766308	Phillips 66 Company
1724963	Pipeline Carriers, Inc
1697159	Powers Construction & Engineering, Inc.
1765833	Prestige Striping Services, Inc.
1771147	Pulgarcito Querido Restaurant
1640191	Pulmuone Foods USA, Inc.
1507549	Ralph's Grocery Company
1755351	Reliant Electrical Service, Inc.
1777131	Reyes Coca-Cola Bottling L.L.C.
1794939	Reyes Coca-Cola Bottling, L.L.C.
1737158	Rotoco, LLC
1530810	Saarman Construction, LTD.
1788650	Sacred Tree 365 LLC
1721766	San-Mar Construction Co., Inc.
1776919	Scorpion Scaffolding Inc
1552122	Sharp Memorial Hospital

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1743751	Shenzhen New World Group Co., LTD
1771668	Shiv Investment LLC
1781880	Shoreline Builders, Inc.
1737782	Sierra Grande Roofing, Inc.
1583567	SSA Terminals (Oakland), LLC
1534514	State of California, Dept. of Social Services
1748250	Superior Tile and Stone Works Inc
1779756	Sylvester Roofing Company Inc.
1759030	T M Duché Nut Co, Inc
1761040	The Cleaner Earth Company Inc.
1798906	The Scripps Research Institute

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 adjourn.