

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

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

Wednesday, May 7, 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 25, 2025
RE: Closed Session of the Board to be held on May 7, 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.)

1360156 CA Forestry and Fire Protection

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.)

1632835 Beverly Hills Sculpture LLC

1777880 Valley Sun Products, Inc.

Orders Dismissing Appeal:

There are no Orders Dismissing Appeal.

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> |
| 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> |
| 1371294 | KPRS Construction Services, Inc.
<i>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.</i> |
| 1486257 | Kroger Company
<i>Whether the cited employer adequately trained employees regarding workplace hazards.</i> |

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted April 25, 2025

- 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.
- 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. USA Waste of California, Inc., 34-2022-80003841 (1384029)
2. Angelus Block Co., Inc., CIVSB2417796 (1113026)
3. Hamilton Iron Works, Inc., 24WM000100 (1497263)
4. Arana Residential and Commercial Painting, Inc., 24CV104142 (1568252)
5. Western Oilfields Supply Company, 24WM000169 (1498595)
6. Waterproofing and Roofing Solutions, Inc., 24STCP03693, (1690885)
7. The Geo Group, Inc., 25WM000023 (1609228)
8. Uber Technologies Inc, 30-2025-01462427 (1594663)
9. Employbridge Holding Company, 25CHCP00143 (1499137)

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.)

- | | |
|---------|--|
| 1790808 | A-Tech Auto Repair |
| 1678841 | Allied Universal Security Services Universal |
| 1505628 | Baymarr Constructors, Inc. |
| 1764873 | Brinker International, Inc. |

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted April 25, 2025

1668819	California Erectors, Inc.
1753015	CB Manufacturing Company Inc.
1769609	Ceenbee LLC
1752322	Classic Farms, LLC
1756170	Comfort California Inc.
1626041	County of Los Angeles, Department of Parks and Recreation
1777178	County of Riverside
1777435	Crain Marketing, Inc.
1756709	Crown Energy Services, Inc.
1570629	De La Cruz Farm Labor Contracting
1714151	Farmers' Rice Cooperative
1686965	Fassberg Construction Company
1544440	Ford Motor Company
1775900	Golden Valley Grape Juice and Wine, LLC
1686839	Hot Line Construction, Inc.
1733159	Housing Consortium of the East Bay
1682811	Industrial Service Oil Company Inc
1657689	Jaj Roofing
1722748	JJR Management Services Inc.
1768993	John F. Otto, Inc.
1464143	Kashi Organization, Inc.
1762381	Landscape Development Inc.
1672850	Lombardo Diamond Core Drilling Company, Inc
1665161	Maas Brothers, Inc.
1771132	Mark Nicholson, Inc

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted April 25, 2025

1591312	Meridian Building Services, Inc.
1793010	MGA Research Corporation
1784672	Modern Classic Automotive Inc.
1773134	Mr. Emin Gharibian
1727169	Nordstrom, Inc.
1792239	Ontrac Logistics, Inc.
1626299	Pak 'N Save Foods
1734102	Peninsula Tile and Marble, Inc.
1685113	R & I Marble and Granite
1770703	RB Hospitality Inc.
1762041	Recology Yuba-Sutter
1760189	Remo Incorporated
1662623	Ricker Thermline, Incorporated
1633057	S. Stamoules, Inc.
1778159	Sierra Valley Painting Inc
1496932	Silverado Contractors, Inc.
1547113	Silverado Contractor, Inc.
1764891	Sim Donuts, LLC
1416858	Simple Container Solutions
1766690	Smokehouse Pet Products Inc.
1735534	So Cal Manufactured Housing
1514697	Southern California Gold Products, Inc
1775959	Styro Shapes Lath Plaster & Foam
1738589	T-Y Nursery, Inc.
1732013	Tesla Energy Operations Inc

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted April 25, 2025

1693211	Tolead Logistics US Inc.
1761578	Truesdell Corporation of California, Inc.
1779940	Twin Cities Tree Service
1465462	U.S. Granite Corporation
1616032	Valley of the Sun Cosmetics, LLC
1724554	Vantage Vehicle International, Inc.
1554020	Ventura Foods, LLC
1731611	Vortex Industries LLC
1786270	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 adjourn.