

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

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

Wednesday, September 17, 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: September 5, 2025
RE: Closed Session of the Board to be held on September 3, 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.)

There are no Petitions for Reconsideration.

Orders Dismissing Appeal:

1675024	Elite Stone Group Inc
1759125	Holcomb Engineering Contractors, Inc.
1745466	M&J Design Inc
1477600	Steven Matthew Glenn

Orders Denying Leave to File Late Appeal:

1813590 Capay Farms, 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.

- | | |
|---------|--|
| 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> |
| 1360156 | CA Forestry and Fire Protection
<i>Did the Decision of the Administrative Law Judge properly affirm a violation for failure to wear thermal protection for ears and neck during wildland fire fighting.</i> |
| 1647115 | Concord Farms, Inc.
<i>Whether there was good cause for the late appeal.</i> |
| 1545777 | Entact, LLC
<i>Did the Decision of the Administrative Law Judge properly affirm violations for failure to ensure that employees operated industrial trucks in a safe manner by maintaining a safe distance from other vehicles, and for failure to ensure that employees traveled with the load trailing when the load being carried obstructed forward view.</i> |
| 1488312 | Indiana Finish Line, Inc.
<i>Whether the cited employer established procedures adequate to protect employees from COVID-19.</i> |
| 1371294 | KPRS Construction Services, Inc. |

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted September 5, 2025

*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.*
- 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)?*
- 1703764 The Don Chapin Co., Inc.
*Did the Decision of the Administrative Law Judge properly find
that employees were exposed to the hazard of a failure to
provide a swinging gate or equivalent protection at the entrance
to a ladder opening on a platform.*

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted September 5, 2025

- 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. Arana Residential and Commercial Painting, Inc., 24CV104142 (1568252)
3. Western Oilfields Supply Company, 24WM000169 (1498595)
4. The Geo Group, Inc., 25WM000023 (1609228)
5. Uber Technologies Inc, 30-2025-01462427 (1594663)
6. Employbridge Holding Company, 25CHCP00143 (1499137)
7. Sun Belt Rentals, 25CU041526C (1465119)

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.)

- 1778214 Aberle Concrete, Excavating & Grading, Inc.
- 1796603 AP Global Construction, Inc

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted September 5, 2025

1715984	ASF Clean Team LLC
1812580	B.C. Personnel, Inc.
1754911	Baker Commodities Inc
1689859	Berber Food MFG, Inc.
1569389	Bottling Group LLC
1687251	Burford Farming Company Inc.
1650044	Central Transport LLC
1799689	Clean Harbors Buttonwillow, LLC
1669921	D & J Packing LLC
1704554	D & J Packing LLC
1777938	Diana's Mexican Food Products, Inc.
1712370	Dolan Concrete Construction
1634914	Evolution Hospitality, LLC, GF Carneros Tenant, LLC
1714200	Frito-Lay, Inc.
1788424	Humboldt Sawmill Co, LLC
1814617	KKH Ventures, LLC
1686028	Leonard Roofing Inc
1803580	Los Primos Tires Inc
1679869	Milgard Manufacturing Inc.
1428083	Murray Plumbing and Heating Corporation
1294543	Nationwide Plastic Products Inc
1809979	Nor-Cal Concrete Company
1840367	Nor-Cal Concrete Company
1654750	Olam Farming, Inc
1707414	Olam West Coast, Inc.

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted September 5, 2025

1809691	Optimum, Inc.
1583309	Pacific Asiana, LLC
1745657	Pacific Coast Producers
1758137	Ransom Concrete Construction, Inc.
1828165	RCAT Detailing
ART-202101	Rexford Properties, LLC
1798547	Sequoia Forest Products LLC
1786729	Slarve Construction LLC
1778665	Steve Chinchio
1803276	Surveillance Security Inc
1805595	Swinerton Builders
1716729	Taylor Brothers Architectural Products Inc.
1773792	The HMC Group Cold Storage, Inc.
1615669	The Mochi Ice Cream Company
1771315	Top-Shelf Fixtures, LLC
1525609	Total-Western, Inc.
1627570	Trinchero Family Estates
1638539	United Natural Foods, Inc.
1791060	Valero Refining Company- California
1725770	Vista Steel Company
1567691	Wonderful Pistachios & Almonds, LLC
1759903	Woodmont Real Estate Services L.P.
1671348	XL Construction Corporation

Personnel:

(Issues regarding staff.)

Any matter not completed at this meeting may be continued to subsequent meetings.

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted September 5, 2025

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.