

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

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

Wednesday, February 11, 2026

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: January 16, 2026
RE: Closed Session of the Board to be held on January 28, 2026

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.)

1784640 Innovation Construction Inc

1625267 Boulay Construction

Orders Dismissing Appeal:

1108589 Cobalt Construction Company

1762036 Dutch Bros Coffee

1377671 German Machined Products, Inc.

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1755547 Los Cuates Supermercado

Orders Denying Leave to File Late Appeal:

1622740 Esparza Enterprises, Inc.
1833982 Signature Concrete LLC

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.

1296297	Alliance Diversified Enterprises, Inc. Whether Employer committed the violations alleged in the citations, including alleged violations of section 1509, subdivision (b) [failure to adopt code of safe practices]; section 1511, subdivision (b) [failure to survey the worksite]; and (3) section 1541.1 [failure to provide adequate protective system in excavation], and whether the Division established the repeat classification for one of the citations.
1573582	CA Department of Corrections & Rehab Whether several of the ALJ's findings of fact are supported by the record, and whether those findings support the decision.
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>
1446266	Creative Packaging <i>Whether the employer violated hazard energy control regulations as alleged.</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</i>

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other vehicles, and for failure to ensure that employees traveled with the load trailing when the load being carried obstructed forward view.

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

1518442 JT2, Inc.

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.*

1692964 L & S Framing, Inc.

1469097 Lowe's Home Centers, LLC
Whether there was exposure to foot injuries from falling objects, crushing, or penetrating actions. If so, whether the employer required appropriate foot protection.

1529748 Los Angeles Department of Water & Power
Did the Division cite the correct regulation section when it cited Employer for violating 8 CCR 2940.14, and was it established that under the stipulated facts that Employer violated that section?

1581944 Marques General Engineering, Inc.
Whether to permit a post-submission amendment of the citation.

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.

1719334 One Source Plumbing & Rooter Inc.

1458699 Primula Mozzarella LLC.
To whether the Employer's petition for reconsideration was timely.

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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.

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)

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8. Drill Tech Drilling & Shoring, Inc. N25-1793 (1420923)
9. Metropolitan News Company, 25STCP04455 (1689021)
10. Blue Diamond Growers, 34-2018-80003007 (1040471)
11. Los Angeles Police Department 25STCP05034 (1599318)
12. L & S Framing, Inc. (1692964)

Appellate Court:

1. General Dynamics NASSCO, D085662, 37-2023-00024521, (1300984).
2. Waterproofing and Roofing Solutions, Inc. 24STCP03693 (1690885)

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.)

1864831	A C Framers Inc.
1743879	Alameda County Fire Dept.- Maintenance Department
1760432	Alliance AG Labor, LLC
1796284	Alpha Structural Inc.
1823660	Arizona Tile, L.L.C.
1821648	Art of Construction Inc.
1713316	Berkeley Cement, Inc.
1775085	Best Pro Painting, Inc.
1706761	Bluescope Coated Products, LLC
1752482	Brookdale Senior Living Communities, Inc.
1658361	Brookman Protection Services, Inc.
1688702	Café Rio Mexican Grill

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1747440	California Waste Services, LLC
1779375	City of Lemoore
1562209	City of Los Angeles- Department of Water & Power
1691883	Dawit Goitom Fessehaye
1781477	DJ Trans, Inc.
1782217	East Bay Municipal Utility District- Lafayette
1570852	Eastside Packing, Inc.
1829160	Employbridge, LLC
1824795	Erickson Framing CA LLC
1681120	Evolve Realty & Development
1781297	Federal Express Corporation
1847297	Flatiron Dragados West LLC
1553280	Folliott Construction, Inc,
1670990	Foothill Packing, Inc.
1669933	Foust, Heat, Air & Refrigeration, Inc.
1764661	GBC Concrete and Masonry Construction Inc.
1788469	Genlabs Corporation
1797107	Goodfood WS Inc.
1858162	Graphic Packaging International LLC
1696570	GXO Logistics
1766198	Hasz Construction
1789815	ICR Staffing Services, Inc.
1823546	J&H Drilling Co Inc.
1767869	J.D. Miller Construction, Inc.
1835314	Jones Lang Lasalle Americas, Inc.

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1847359	Jose Martinez Tree Service, Inc.
1819215	JR Construction Adviser Inc.
1825982	Kellanova
1749852	Kwan Wo Ironworks Inc.
1826930	Las Montanas Market, Inc.
1727660	Lockheed Martin Corporation
1740324	Madera Framing, Inc.
1833573	Malik Construction Inc.
1744207	Maxim Crane Works, LP
1822944	Meissner Filtration Products, Inc.
1796828	Mercury Plastics Inc.
1742068	Monterey Mushrooms, LLC
1689294	MP Nextlevel of California Inc.
1798649	Omniduct Systems
1766415	Pacific Gas and Electric Company
1758270	Pacific Western Stone Inc
1821274	Plump Jack Winery Estates, LLP
1778222	Prime Works USA Inc.
1832598	Professional Asbestos & Lead Services, Inc.
1721771	Prowest PCM Inc.
1853584	Reyes Coca-Cola Bottling, LLC
1648159	Security Paving Company, Inc.
1603688	Sinanian Development, Inc.
1581738	South Coast Shingle Company
1790027	Summit Line Construction, Inc.

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1795948	Summit Line Construction, Inc.
1715485	TC Transcontinental Packaging Inc.
1518504	Tesla, Inc.
1848673	Tien Enterprise, LLC
1720739	Tight Quarters, Inc.
1620457	United Parcel Service, Inc.
1772555	United Plant Growers, Inc.
1696109	Valley Wide AG Management Inc.
1723991	VCA Animal Hospitals, Inc.
1832177	Vintage Landscape
1793008	Volunteers of America Los Angeles
1791563	Wastexperts, Inc.
1813949	Western Precooling Systems

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.