

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

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

for

Thursday, May 7, 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: April 24, 2026

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

1853969	Direct Staffing LLC
1652861	Los Angeles County Probation Department
1235941	McCarthy Building Companies, Inc.
1666933	M.C.M. Construction, Inc
1864915	Spalding Community Services District
1536798	Underground Construction Company, Inc.

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1859532 Weaverville Gas

Orders Dismissing Appeal:

1828162 Fiesta Pacific Products Inc

1739249 Invapharm, Inc.

1803880 Jakks Pacific, Inc.

1745506 M- Rae Engineering Inc.

1589788 Ned Pan, Inc.

Orders Denying Leave to File Late Appeal:

1842156 3Sixty Innovations Inc

1853969 Direct Staffing, LLC

1864915 Spalding Community Service Department

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.

1824578 Allied Express Logistics, Inc.

1573582 CA Department of Corrections & Rehab

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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
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.
- 1446266 Creative Packaging
Whether the employer violated hazard energy control regulations as alleged.
- 1545777 Entact, LLC
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.
- 1644980 Herman Weissker Power, Inc
- 1488312 Indiana Finish Line, Inc.
Whether the cited employer established procedures adequate to protect employees from COVID-19.
- 1518442 JT2, Inc.
How should the term "issue" or "issued" as used in Labor Code section 6317, subdivision (e)(1) be interpreted. How should the notice requirements of Labor Code 6319 be interpreted.
- 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.
- 1692164 L & S Framing, Inc.
- 1642084 Los Angeles County Probation Department
- 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.
- 1469097 Lowe's Home Centers, LLC

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Whether there was exposure to foot injuries from falling objects, crushing, or penetrating actions. If so, whether the employer required appropriate foot protection.

- 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.
- 1458699 Primula Mozzarella LLC.
To whether the Employer's petition for reconsideration was timely.
- 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).
- 1660543 West Coast Drywall & Paint

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)
8. Drill Tech Drilling & Shoring, Inc. N25-1793 (1420923)
9. Metropolitan News Company, 25STCP04455 (1689021)
10. Los Angeles Police Department 25STCP05034 (1599318)
11. L & S Framing, Inc. S-CV-0057345 (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.)

1699773	Access Business Group LLC
1866261	AG Personnel Management, Inc.
1810171	Allstate Marble
1568405	Bakemark USA, LLC

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1848583	Best Quality Tree Service
1824860	Booth Ranches, LLC
1820822	Calhomeco Construction
1807405	Caliber Collision Centers, Inc.
1504589	California Ranch Food Company, Inc.
1833466	Church of Scientology International
1853528	Cinemark USA
1850831	City of Redding
1796616	City of San Jose Department of Transportation
1837651	CMA Painting, Inc.
1701719	Cushman Contracting Corporation
1834518	Details Custom Builders, Inc.
1829722	Diversified Power Corporation
1831249	Dreams for Change, Inc.
1852876	Empire Southwest LLC
1770525	Ever Well Health Systems, LLC
1811255	Fabriquer Design Build LLC
1851477	Feve Chocolates, LLC
1837047	First City Construction
1706392	Full Bore, Inc.
1825098	Granite Rock Company
1838461	Greentek, Inc.
1731480	Griffith Company
1839798	Holland & Herring Manufacturing Inc
1815993	Huberts Homes, Inc.

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1844385	Hurst & Siebert, Inc.
1828705	I & E Lath Mill
1817001	Industrial Door Company, LLC
1840238	J&A Companies Inc
1855825	J.A.M. Industries Inc.
1857042	Landscape Development, Inc
1845420	Lighthouse Exteriors Inc.
1839119	Los Angeles County Department Health Services
1857654	Lucky 7 Management Corp
1862407	Mackney Roofing
1873017	Madsen Roofing & Waterproofing Inc.
1832424	Medford Construction, Inc.
1773154	Michales Stores, Inc.
1808164	Northern Pacific Roofing, Inc.
1829704	NSMG LLC
1658142	O.F.R., Inc.
1393462	Offshore Crane & Service Co.
1851899	Overdrive Energy Solutions
1856270	Pacific Continental Wood Products, Inc.
1791983	Pacific Pallet Exchange Inc
1852867	Prestige Farm Management, Inc.
1832347	Pro Structural, Inc.
1841266	Rainy Day Roofing, Inc.
1829149	Raja Truck Trailer
1753864	Recology Recycle Central Pier 96

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1848769	Sacramento Transfer Inc.
1810568	Senor Granite, Inc.
1853353	Sha Capital, Inc
1844766	Stanford University
1816980	Stephens Mechanical Corporation
1843452	The Center for Early Education
1849461	The Knoll Hotel Napa Valley
1690295	The Save Mart Companies, Inc.
1836701	Total Air Analysis Inc.
1812672	Total Concept Enterprises, Inc.
1723744	Triple I Press, LLC
1870610	United Legwear & Apparel Co.
1609334	United Natural Foods West, Inc.
1829427	Verne Teyler
1770126	Walmart
1830484	Walmart Inc.
1719780	Xebec Building Company, 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.