

State of California
California Occupational Safety and Health Appeals Board
Minutes of the Public Meeting & Closed Session
Held on January 14, 2026
Sacramento, California
Zoom Platform

Present:

Ed Lowry, Public Member, Chair
Judith Freyman, Management Member
Marvin Kropke, Labor Member
Scott Pease, Executive Officer
Kerry Lewis, Presiding Administrative Law Judge
Sam E. Lucas, Presiding Administrative Law Judge
Aaron Jackson, Chief Counsel
Jeffrey Mojcher, Chief Counsel Emeritus
Brian Nichols, Staff Counsel
Maria Rios, Legal Analyst
Anne Marie Plascencia, Senior Legal Typist
Beth Reiken, Executive Secretary
Ina Fitzgibbon, Office of Director, DIR
Rocio Reyes, Assistant Chief Counsel, DOSH
John Garcia, Staff Counsel, DOSH
Tessa Puetzer, Staff Counsel, DOSH
Dave Wiseman, Staff Counsel, Cal Fire
Kita Banks, Staff Counsel, Cal Fire
Jordan Uter, Worksafe
Matt Smylie, Ford Construction

Notice of remote attendance:

As required by Government Code Section 11123.5, subdivision (d), notice is hereby given that Board member Marvin P. Kropke will be participating remotely pursuant to Government Code Section 11123.2, subdivision (j), paragraph (2), and Board member Judith Freyman will be participating remotely pursuant to Government Code Section 11123.2, subdivision (j), paragraph (1).

Request for remote attendance:

No report.

Minutes of December 18, 2025, Meeting:

(Approve or amend minutes of previous Board meeting.)

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| Action: | The Board voted to approve the minutes for the December 18, 2025, meeting. This was moved by Marvin Kropke. It was seconded by Judith Freyman. The vote was 3-0. |
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New Business:

(The Appeals Board hears and discusses new reports presented by staff.)

Action: No report.

Old Business:

(The Appeals Board hears and/or discusses matters on a follow-up basis.)

Action: No report.

Legislation:

(Review and discuss current legislation which may affect the appeals Board.)

Action: No report.

Chairperson's Report:

(Hear report from the Chairperson on activities and issues affecting the Appeals Board.)

Action: Ed Lowry shared he had met with Chief Deputy Director Adam Romero, to discuss budgets and public record requests. He shared he was very happy with how the Stakeholder's Roundtable Discussion went. Once the transcript is complete, he will have it circulated.

Board Members' Reports:

(Hear reports from Board members on activities and issues affecting the Appeals Board.)

Action: Marvin Kropke and Judith Freyman shared their appreciation to Scott Pease and his team for coordinating the Stakeholder's Roundtable Discussion. They loved the facility, parking was easy, and the AV provided clearer sound quality than previous meetings. They appreciated how the tone of the meeting was respectful and collegial.

Executive Officer's Report:

(Report regarding administrative matters.)

Action: Scott Pease reported there were about 80 attendees at the Stakeholder's Roundtable Discussion. The Board has received HR approval for the SLT candidate and Scott will be presenting an offer to them today. New Attorney III (LT), Brian Nichols, started with the Board this week. The Attorney III position is posted, and interviews are planned for late February. The Attorney I position is posted until 2/6/2026 with interviews planned for the end of February. He will also be posting for the Supervisor I position (formally title SSM I).

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Staff Reports:

(Reports from the Supervising ALJ and the Chief Counsel regarding matters from the Hearing Operations and Legal Units.)

1. Discuss and may take action on proposals for new regulations or proposals for modifications to, or repeal of, existing regulations. In addition, discuss whether any concerns exist with existing regulations.

Action: No report.

2. Ligation Update

Action: Aaron Jackson provided the following updates:
The hearing on the Board's demurrer in The Geo Group (1609228) matter has been moved to March. In the Uber matter (1594663), there is a hearing on Uber's motion to stay set for late January. The Board filed an opposition to the motion on Monday of this week. The Board's motion to demurrer is still on calendar for April 20, 2026. Finally, the Board's reply in the Baldi/Arana (1568252) matter is due on February 2, 2026.

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 adjournment.

Public Comment:

(Public comments will be entertained during discussion of each agenda item of the open meeting.)

Action: Members of the public expressed appreciation to the Board for hosting the Stakeholder's Roundtable Discussion. They felt it was well-organized and appreciated everyone who attended.

The Presiding Judges shared that they are reflecting on the feedback received at the Stakeholder's Roundtable Discussion. One change they have already implemented is having the names and descriptions of ALJ Decisions posted on OSHAB's website prior to posting the remediated copies.

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.)

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- 1518442 JT2, Inc.
Action: The Board voted to issue an Order of Reconsideration
It was moved by Judith Freyman.
It was seconded by Marvin Kropke.
The vote was 3-0.
- 1719334 One Source Plumbing & Rooter Inc.
Action: The Board discussed this matter.
- 1628750 Tad Van Nguyen
Action: The Board discussed this matter.

Petitions for Reconsideration:

(The Division of Occupational Safety & Health and the Employer each have 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.)

- 1778959 Chedraui USA Inc.
Action: The Board discussed this matter.
- 1784640 Innovation Construction Inc
Action: The Board voted to issue an Order Extending Time.
It was moved by Ed Lowry.
It was seconded by Marvin Kropke.
The vote was 3-0.
- 1496831 Jose Luis Perez Hernandez
Action: The Board voted to issue a Denial of Petition for Reconsideration.
It was moved by Ed Lowry.
It was seconded by Marvin Kropke.
The vote was 3-0.
- 1692964 L & S Framing, Inc
Action: The Board voted to issue an Order Taking Petition for Reconsideration Under Submission.
It was moved by Marvin Kropke.
It was seconded by Judith Freyman.
The vote was 3-0.

Orders Dismissing Appeal:

- 1805515 D-Line Constructors, Inc.
Action: The Board discussed this matter.

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 authority of Labor Code sections 6620 through 6623.

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| 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 Forest 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 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. |

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Whether the cited employer established procedures adequate to protect employees from COVID-19.

- 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.
- 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.
- 1458699 Primula Mozzarella LLC.
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.
- 1475491 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)?

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- 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 committed a serious accident-related violation of section 3328, subdivision (a).
- 1486176 Tutor Perini Corporation and O&G Industries, Inc.
Whether the Employer committed a serious accident-related violation of section 3328, subdivisions (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. (1568252)
3. Western Oilfields Supply Company, 24WM000169 (1498595)
4. The Geo Group, Inc., 25WM000023 (1609228)
5. Uber Technologies Inc (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. 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 (1300984)
2. Waterproofing and Roofing Solutions, Inc. 24STCP03693 (1690885)

Other Items:

There are no Other Items.

Orders Of Administrative Law Judges:

(Written order 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.)

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| 1843557 | A K Constructors |
| 1793709 | A1 HD Towing, LLC |
| 1683351 | Abdul Hussien |
| 1847722 | Aboona, Inc. |
| 1781762 | Air-Tro, Inc. |
| 1779905 | AK Sun Carwash, Inc. |
| 1819555 | Alisha's Web Print & Mktng LLC |
| 1554290 | Amazon.com Services, LLC |
| 1813538 | American West Aluminum, Inc. |
| 1825459 | Ares Holdings LLC |
| 1764804 | Arnold Hospitality |
| 1817569 | Asacrete, Inc. |
| 1815593 | B & D Geerts Construction, Inc. |
| 1514875 | B-Line Construction, Inc. |
| 1668657 | Bakemark |
| 1799649 | Basalite Building Products, LLC |
| 1813605 | Blaha Construction and Development |
| 1832426 | Blumer Construction Inc. |
| 1789774 | BTX Global Logistics |
| 1679516 | Cal Poly Pomona |
| 1823333 | Caliber Holdings LLC/Caliber Holdings Of California LLC |
| 1767149 | California Department of Conservation |
| 1778361 | Charles Rim |
| 1854922 | City of Eureka |
| 1807385 | CMH Manufacturing West, Inc. |
| 1731339 | Covetrus North America, LLC |
| 1694140 | D.R.Horton, Inc. |
| 1576611 | Davis Development Company, Inc. |
| 1643384 | Dollar Tree Distribution, Inc. |
| 1837917 | Duke Development Inc. |
| 1829623 | EGUSD Elk Grove Elementary School |

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| 1598000 | Eric F. Anderson, Incorporated |
| 1837954 | Five Keys Schools and Program |
| 1719779 | Ford Spraying, Inc. |
| 1836673 | G M Pavlich Construction, Inc. |
| 1839124 | Gegham Krdikashyan& Harut Boyajyan Granite & Marble |
| 1828647 | Gilbert Goedhart, and Ava Goedhart, Individually |
| 1810110 | Gobrandts, Inc |
| 1743160 | GR Roofing Inc |
| 1659550 | Graham-Prewett, Inc. |
| 1776952 | Griffith Company |
| 1726017 | Guckenheimer Services LLC |
| 1783429 | H & M Logging Inc. |
| 1765776 | H&R Block Tax Services Inc |
| 1845541 | Happy Apple Company A California Corporation |
| 1836108 | Harbert Roofing, Inc. |
| 1832340 | Hardesty & Associates, Inc. |
| 1569319 | Hardwood Specialty Products, Inc. |
| 1756913 | Helix Electric Inc |
| 1838155 | HM. Clause, Inc. |
| 1819235 | Home Pride Construction, Inc. |
| 1819558 | Home Pride Construction, Inc. |
| 1838580 | Humboldt Sawmill Company LLC |
| 1768865 | Industrial Container Services Inc |
| 1795336 | Inter-con Security Systems, Inc. |
| 1796005 | 107 Management, Inc. |
| 1887038 | IStaffing Inc. |
| 1810554 | John Zuppan, Mark Zuppan, and Jake Zuppanm Individually |
| 1777428 | Kemper Sports Management, LLC |
| 1811005 | Kern Ridge Growers, LLC |
| 1651577 | Kitoko Vineyards, LLC |
| 1782226 | Leonardo Countertop Creations |
| 1816358 | Los Angeles Conservative Corp Inc. |
| 1787421 | Los Angeles Unified School District |
| 1718513 | M&S Construction Services Inc. |
| 1781253 | Mariani Nut Company, Inc. |
| 1846457 | McMurray & Sons, Inc. |
| 1575657 | Merz Construction |
| 1647745 | Mesa Energy Systems, Inc. |
| 1766572 | MHA RDR LLC |
| 1777968 | Midtown Plumbing, Inc. |
| 1831601 | National Construction & Remediation Inc. |
| 1746733 | Nice Shot Investments, Inc. |
| 1807372 | North Block Hotel |
| 1601665 | Nutrien Ag Solutions |
| 1728715 | Pacific Gas and Electric Company |
| 1708437 | Pro Safety & Rescue, Inc. |

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| 1717914 | Pro Safety & Rescue, Inc. |
| 1835294 | R. L. Mays Constructions Company Inc |
| 1794947 | R3 Contractors Inc. |
| 1822034 | Rachma Contracting, Inc. |
| 1758713 | Restoration Hardware, Inc. |
| 1407092 | Robert A. Bothman, Inc. |
| 1819242 | San Diego Hotel Company, LLC |
| 1676037 | San Lorenzo Valley Water District |
| 1694258 | Securitas Security Services, USA, Inc. |
| 1778126 | Skanska USA Civil West California District Inc. And Traylor Bros. |
| 1810845 | Superior VW Automotive Repair |
| 1595359 | Sutter Bay Hospitals |
| 1729992 | Sutter Bay Hospitals |
| 1699972 | T-Mobile USA, Inc |
| 1841749 | Taft Manufacturing Company |
| 1739747 | Target Corporation |
| 1807650 | Ted's Quality Market |
| 1537575 | Tesla, Inc. |
| 1566582 | Tesla, Inc. |
| 1746420 | Trademark Construction Co., Inc. |
| 1626802 | Tradesmen International, LLC |
| 1829980 | V & I Investments, Inc. |
| 1805565 | Valley Institute of Prosthetics and Orthotics |
| 1737091 | Vart Construction Inc. |
| 1531155 | Ver Sales, Inc. |
| 1744829 | Whittlesey Wallboard, Inc |
| 1823932 | Yourpower, Inc. |

Action: The Board discussed the Settlement Orders issued by the
Administrative Law Judges.

Personnel:

(Issues regarding staff)

The Closed Session adjourned at 10:37 a.m. and the Board returned to the Public Meeting. The Appeals Board incorporated, by reference, its actions in the Closed Session as indicated above. The Board meeting was adjourned at 10:38 a.m.