

**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.)

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.

California Occupational Safety and Health Appeals Board  
Minutes of the Public Meeting and Closed Session  
January 14, 2026

**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).

California Occupational Safety and Health Appeals Board  
Minutes of the Public Meeting and Closed Session  
January 14, 2026

**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.)*

California Occupational Safety and Health Appeals Board  
Minutes of the Public Meeting and Closed Session  
January 14, 2026

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.

California Occupational Safety and Health Appeals Board  
Minutes of the Public Meeting and Closed Session  
January 14, 2026

**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.

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.

California Occupational Safety and Health Appeals Board  
Minutes of the Public Meeting and Closed Session  
January 14, 2026

*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)?*

California Occupational Safety and Health Appeals Board  
Minutes of the Public Meeting and Closed Session  
January 14, 2026

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)

California Occupational Safety and Health Appeals Board  
Minutes of the Public Meeting and Closed Session  
January 14, 2026

**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.)*

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

California Occupational Safety and Health Appeals Board  
Minutes of the Public Meeting and Closed Session  
January 14, 2026

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	Gobrands, 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.

California Occupational Safety and Health Appeals Board  
Minutes of the Public Meeting and Closed Session  
January 14, 2026

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.