

**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 3, 2014**  
**9:30 A.M.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: August 28, 2014**

**RE: Closed Session of the Board to be held on September 3, 2014  
(Amended pursuant to Government Code section 11125.3)**

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. 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.

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**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.)*

1. ROPLAST INDUSTRIES, INC., 12-R2D3-3709

**PETITIONS FOR RECONSIDERATION:**

1. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895 (ER)
2. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895 (DOSH)
3. 840 THE STRAND, LLC, 13-R3D3-3353 AND 3354
4. MF MILLER COATINGS, INC., 12-R2D1-3488 AND 3489

**DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):**

**ORDERS DISMISSING APPEAL:**

1. ADVANCED RIGGERS AND MILLWRIGHTS, 13-R3D1-2057
2. DOYLE McNATT DBA DOYLE'S BODYWORKS & PAINT SPECIAL,  
13-R6D5-2096
3. PACHECO BROTHRS, INC., 14-R4D7-0353 AND 0354
4. PROVIDIAN STAFFING CORPORATION, 13-R4D4-1863 AND 1864
5. SELECT STAFFING, 13-R3D1-3647

**ORDERS GRANTING LEAVE TO FILE LATE APPEAL:**

**ORDERS DENYING LEAVE TO FILE LATE APPEAL:**

1. BORRMANN METAL CENTER, 14-R4D3-9109
2. CLASSIC BATH DESIGNS INC., 14-R6D2-9104
3. DA YUH DEVELOPMENT, INC., 14-R6D7-9106
4. LANZA VINEYARDS, INC. DBA WOODEN VALLEY WINERY, 14-R2D2-9103
5. BENJAMIN KIMMICH DBA BENJAMIN KIMMICH CONSTRUCTION,  
14-R1D4-9107
6. MERIT FRAMING, 14-R6D2-9108

**MATTERS HELD OVER FROM PREVIOUS MEETINGS:**

*(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)*

1. CAL PAC SHEET METAL, INC., 13-R3D1-0547

**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.)*

1. B & B ROOF PREPARATION, INC., 12-R3D6-2946

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
For SEPTEMBER 3, 2014  
Page 3

2. BELLINGHAM MARINE INDUSTRIES, 12-R2D2-3144 THROUGH 3146
3. CABRILLO ECONOMIC DEVELOPMENT CORP., 11-R4D3-3185 & 3186
4. DOUBLE S. FASHION, INC., 14-R6D5-1751 AND 1752
5. FEDEX GROUND, 13-R3D1-1220
6. HARRIS CONSTRUCTION, 03-R2D5-3914
7. HHS CONSTRUCTION, 12-R3D2-0492-0497
8. KELLY GLOBAL LOGISTICS, INC., 12-R3D5-0014
9. K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375
10. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR,  
08-R2D1-3093 THROUGH 3098
11. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
12. McCARTHY BUILDING CO., INC., 12-R1D4-3458
13. MORROW MEADOWS CORP., 09-R3D3-2295
14. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
15. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
16. O.C. JONES AND SONS, INC. 13-R2D2-0310
17. REPUBLIC FURNITURE MFG., INC., 14-R6D2-9083
18. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
19. ROSENDIN ELECTRIC, INC., 12-R2D1-3028
20. SIERRA FOREST PRODUCTS, 09-R2D5-3979
21. SONIC DRIVE-IN, 12-R2D5-2734
22. TREASURE ISLAND MEDIA, INC., 10-R6D1-1093 THROUGH 1095
23. VICTORY SCREEN PRINTING 12-R3D1-3673 & 3674

24. WC STAFFING INC., DBA WEST COAST STAFFING, 13-R6D2-3522 AND 3523

**LEGISLATION:**

**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. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
2. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-8000820 (03-R1D1-5170)
3. MASCON, INC., 34-2011-80000819 (08-R2D1-4278 AND 4279)
4. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965 (10-0188~0191)
5. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
6. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
7. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
8. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
9. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
10. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
11. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
12. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
13. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
14. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
15. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
For SEPTEMBER 3, 2014  
Page 5

16. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
17. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
18. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332  
(09-R4D5-0459 & 0460)
19. HOME DEPOT USA, INC., BS141301 (10-3284)
20. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
21. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)
22. AC TRANSIT, RG13687314 (08-R1D4-0135)
23. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575  
(12-R5D1-337)
24. BAY AREA RAPID TRANSIT DISTRICT, RG13689346 (09-R2D2-1219 & 1221)
25. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)
26. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
27. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-  
80001749 (2008-R2D1-3414 THROUGH 3418)
28. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)
29. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
30. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056  
THROUGH 3058) (DOSH)
31. LAND O'LAKES PURINA FEED, LLC, RG14715717 (08-R2D4-1843 AND 1844)  
(DOSH)
32. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056  
THROUGH 3058) (3<sup>rd</sup> Party)
33. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817  
(09-R6D2-2238 ~ 2241)
34. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)

35. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
36. BHC FREMONT HOSPITAL INC, RG13731145 (13-R1D2-0204)
37. IRWIN INDUSTRIES, BS14-9634 (12-R4D3-3276 & 3277)
38. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303 THROUGH 1310)
39. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360 THROUGH 3362)

**APPELLATE COURT:**

1. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, C075477, 34- 2011-80000640 (08-R2D1-0027 THROUGH 0030)
2. XL CONSTRUCTION, C074514, 34-2009-80000300 (08-R1D2-1191 THROUGH 1193)
3. SHERWOOD MECHANICAL, INC., D065322, 37-2012-00101466 (08-R3D2-4690 ~ 4693)
4. ORANGE COUNTY FIRE AUTHORITY, G050220, 30-2013-00628178 (CONSOLIDATED)
5. AC TRANSIT, RG13-687314 (08-R1D4-0135)
6. THYSSENKRUPP ELEVATOR CORPORATION, 34-2013-80001456 (11-R2D1-2217 ~ 2219)

**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.)*

1. A BAR AG ENTERPRISES / BARCELLOS, ET AL, 14-R2D4-0531
2. ANCHOR FENCE COMPANY, INC., 14-R6D1-0510 THROUGH 0512
3. ARAMARK FACILITY SERVICE, 14-R3D5-2213
4. A V DECKING, INC. DBA A V METAL DECKING, 14-R3D5-0655

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM

For SEPTEMBER 3, 2014

Page 7

5. BASAW MANUFACTURING INC., 13-R6D2-3938 THROUGH 3941
6. B & B ROOF PREPARATION, INC., 14-R3D1-0178
7. BEST AUTO WHOLESALER INC., 14-R3D2-0035
8. CALIBER INTERIORS, 14-R3D3-0129
9. HUMBERTO A CASTANEDA DBA CASTANEDA PRODUCE, 14-R6D7-0495 THROUGH 0499
7. CA TRANSPORTATION, 13-R2D1-0742
8. CHOICE PAINTING, 13-R4D1-2266 THROUGH 2269
9. CITY OF HUNTINGTON BEACH FIRE DEPT., 14-R3D1-0111
10. COASTAL EMPLOYMENT, INC., 13-R4D4-1722 AND 1723  
COMPLETELY FRESH FOODS INC., 13-R4D4-1722 AND 1723 & 13-R4D4-1724 AND 1725
11. CORNERSTONE PACKING & COOLING, 14-R2D5-0084 AND 14-R2D5-1561
12. C R BRIGGS CORPORATION, 13-R5D3-2032
13. CREATIVE PARTNERS WEST INC., 14-R4D4-1005 AND 1006
14. DARRYL WILSON DESIGN, INC., 14-R4D1-0063 AND 0064
15. DASHER LAWLESS, INC., 13-R4D1-2166 THROUGH 2169
16. DEL TACO #172, 14-R3D1-0085
17. ECOMMERCE INNOVATIONS, 14-R3D5-1579 AND 1580
18. EXACT STAFF, INC., 13-R4D3-3378 & 14-R4D3-0605 THROUGH 0608
19. EXECUTIVE OFFICE CONCEPTS, INC (EOC), 14-R6D2-0434 THROUGH 0440
20. FASHION CLICK, INC., 13-R6D5-3962 AND 3963
21. FTDI WEST INC., 14-R6D2-0052
22. FVO SOLUTIONS INC., 14-R4D1-0039

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
For SEPTEMBER 3, 2014  
Page 8

23. G & C/ APS JV, 14-R2D1-1058 AND 1059
24. GAS & SHOP, 14-R1D1-0980
25. GOODFELLOW TOP GRADE CONSTRUCTION, LLC, 14-R2D2-0559
26. GOLDEN EAGLE AUTOMOTIVE, INC., 14-R6D7-1511
27. GREGG DRILLING & TESTING, INC., 14-R4D1-0391
28. GROCERY OUTLET, INC., 14-R1D3-0202 THROUGH 0207
29. HAL HAYS CONSTRUCTION, INC., 14-R4D4-1881 AND 1882
30. HALIBURTON INTERNATIONAL FOODS, INC., 14-R6D2-1296  
THROUGH 1304
31. HARVEST TIME PRODUCE, 14-R6D2-0493
32. HORIZON PERSONNEL SERVICES, 14-R3D5-0816 AND 0817
33. JAIN IRRIGATION, INC., 14-R2D5-2192 AND 2193
34. JOHN STANLEY PAVING, 14-R3D2-0180
35. LAUSD CABRILLO ELEMENTARY SCHOOL, 14-R3D5-1694
36. LEADING INDUSTRY, INC., 13-R4D3-1340 & 13-R4D3-3448 & 14-R4D3-0735  
THROUGH 0738
37. LEGNON CONSTRUCTION, INC., DBA ADVANCED POOLS, 14-R6D7-0886
38. McCARTHY BUILDING COMPANY, INC., 14-R3D5-0728
39. JOHN McDANIEL DBA DIRT MOVERS, 14-R2D4-1090 THROUGH 1092
40. MDB MANAGEMENT, INC., 13-R4D1-3072
41. MILLCREEK CONSTRUCTION GROUP INC., 14-R2D4-1285
42. MING INTERNATIONAL DBA CARPET SOLUTIONS INC, 14-R3D5-1668  
THROUGH 1670
43. MITSUBISHI ELECTRIC US, INC., 14-R4D1-0145

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
For SEPTEMBER 3, 2014  
Page 9

44. MONICO ALLOYS, INC., 14-R3D5-1695 AND 1696
45. MOUNTAIN F ENTERPRISES INC., 13-R2D1-3511
46. MPM BUILDING SERVICES, INC., 13-R4D1-2339
47. NEIL E. SKINNER CO., 13-R4D1-2344
48. NEW CENTRUY BUILDERS & DEVELOPERS INC., DBA NEW CENTURY BUILDERS, 14-R4D1-1185
49. OCEAN BREEZE INTERNATIONAL, 14-R4D7-2310
50. PACIFIC GAS & ELECTRIC CO, 13-R5D1-3589
51. PACIFIC METAL FAB, INC., 14-R2D5-1103
52. PATER DIGNITAS, INC., DBA CARMEL HILLS CARE CENTER, 14-R6D1-1762 THROUGH 1769
53. PETROCHEM, 14-R6D4-0494
54. PHILLIPS 66 COMPANY, 13-R3D5-3337
55. PIERRE BUILDERS, INC., 13-R4D1-0522 AND 0523
56. PITMAN FAMILY FARMS, 14-R2D5-2124 THROUGH 2126
57. PRIMUS BUILDERS, INC., 14-R3D3-2282 THROUGH 2285
58. QUALITY NATURALLY FOODS, INC., 13-R4D4-2578 AND 2579
59. NORMAN ROLFE DBA ROLFE CONSTRUCTION, 14-R2D4-1286 THROUGH 1288
60. ROOFING STANDARDS, INC., 14-R3D3-2197
61. ROS ELECTRICAL SUPPLY AND EQUIPMENT, LLC, 14-R3D2-0668 THROUGH 0671
62. ROYA AND ISAAC MUSIGHI, 12-R4D1-3437 THROUGH 3440
63. SAFEWAY INC., 13-R2D4-3512 AND 3513
64. SHORELINE BUILDERS, INC., 13-R1D3-3639 THROUGH 3641

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
For SEPTEMBER 3, 2014  
Page 10

65. SINCERE ORIENT COMMERCIAL CORPORATION, 13-R4D4-1766 THROUGH 1769
66. SINCLAIR SYSTEMS INTERNATIONAL, LLC., 13-R2D5-2471
67. SKYWEST AIRLINES, INC., 14-R4D1-0065
68. SOUTHCOAST ACOUSTICAL, 13-R4D1-3273 AND 14-R4D1-2169
69. SUNTREK INDUSTRIES, INC., 14-R6D2-0526
70. THE WHITING-TURNER CONTRACTING COMPANY, 13-R4D1-1335 AND 1336
71. TUTOR-SALIBA CORPORATION, 13-R5D1-3181
72. GREG UICHANO DBA WORLDWIDE ALTERNATOR & STARTER OU, 14-R6D7-0502 THROUGH 0504
73. UNITED RIGGERS & ERECTORS, INC., 13-R4D1-0625 THROUGH 0627
74. UNIVERSAL BUILDING MAINTENANCE, LLC., 14-R1D2-0586
75. UNIVERSAL STUDIOS HOLLYWOOD, 14-R4D1-0348 AND 0349
76. VALLEY TOXICOLOGY SERVICE, INC., 14-R2D1-2019
77. VISION ENVELOPE & PRINTING CO., INC. 14-R3D5-0278 THROUGH 0280
78. WILLIAMS SONOMA, INC., 13-R4D4-2124
79. WILCOX CONSTRUCTION, 14-R6D7-0957 THROUGH 0960
80. W.L. BUTLER CONSTRUCTION INC., 14-R2D5-0720
81. WESTERN STATES ROOF SYSTEMS, INC., 13-R4D1-1337 THROUGH 1339
82. WILSON WAY TIRE CO., 14-R6D1-1149

**PERSONNEL:**

*(Issues regarding staff.)*

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

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
For SEPTEMBER 3, 2014  
Page 11

closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.