

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, November 20, 2013**  
**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: November 8, 2013**

**RE: Closed Session of the Board to be held on November 20, 2013**

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. BODEGA LATINA CORP DBA EL SUPER, 12-R3D6-2545 THROUGH 2547
2. LABOR READY, 13-R3D2-0164
3. THE COCA COLA COMPANY, 11-R2D5-2461

**PETITIONS FOR RECONSIDERATION:**

1. ACE COMMERCIAL PLASTERING, INC., 13-R2D2-9154
2. BODEGA LATINA CORP. DBA EL SUPER, 12-R4D1-3500
3. GARDNER TRUCKING, INC., 12-R3D2-0782

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4. HILL CRANE SERVICE, INC. 12-R4D1-2475 THROUGH 2477

5. STARBUCKS DBA STARBUCKS COFFEE #5867, 12-R3D2-3675 THROUGH 3678

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

1. BERRY'S SAWMILL, INC., 12-R6D1-2331

2. PARS INDUSTRIES, INC., DBA WOODCRAFT COMPANY, 12-R3D2-0321  
AND 0322 WITH 12-R3D2-1852

**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. A-1 PROTECTIVE SERVICES, INC., 10-R1D1-1592

2. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786

3. ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655

4. BAY AREA RAPID TRANSIT DISTRICT, 12-R1D1-3056 THROUGH 3058 (DOSH)

5. BAY AREA RAPID TRANSIT DISTRICT, 12-R1D1-3056 THROUGH 3058  
(THIRD PARTY - SIEU)

6. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239  
THROUGH 2241

7. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563

8. CABRILLO ECONOMIC DEVELOPMENT CORP., 11-R4D3-3185 & 3186

9. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282

10. COFFMAN SPECIALTIES, INC., 10-R3D3-3532

11. COMMERCIAL METAL FORMING, 09-R3D1-1592

12. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960

13. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387

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14. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
15. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
16. DISH NETWORK CAL. SVC. CORP., 12-R4D3-0455
17. EZ MIX, INC., 08-R4D3-1898
18. FERMA CORPORATION, 12-R2D2-1669
19. GMAC ELECTRIC, INC., 13-R6D5-9138
20. HARRIS CONSTRUCTION, 03-R2D5-3914
21. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
22. KANA PIPELINE, INC., 13-R3D3-9108
23. KELLY GLOBAL LOGISTICS, INC., 12-R3D5-0014
24. K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375
25. LA CITY BUILDING AND SAFETY, 13-R4D1-9110
26. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
27. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
28. LION RAISINS, INC., 08-R2D5-2253 AND 2254
29. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
30. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
31. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR,  
08-R2D1-3093-3098
32. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
33. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
34. MORROW MEADOWS CORP., 09-R3D3-2295
35. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791

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36. ONESTOP INTERNET, INC., 11-R4D2-2636 AND 2637
37. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
38. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
39. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
40. PERSONNEL PLUS, INC., 11-R3D5-1302
41. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
42. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
43. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
44. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
45. SIERRA FOREST PRODUCTS, 09-R2D5-3979
46. SILVA TRUCKING, INC., 12-R6D1-1852
47. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
48. SONIC DRIVE-IN, 12-R2D5-2734
49. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
50. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
51. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
52. TL PALVICH CONSTRUCTION, INC., 11-R3D6-1303 THROUGH 1310
53. TRADEMARK CONSTRUCTION CO., INC., 12-R4D1-0096 & 0097

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

1. COUNTY OF MENDOCINO DEPARTMENT OF MENTAL HEALTH,  
13-R1D5-9151

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**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. NEWSTAR FRESH FOODS, LLC, 12-R6D3-3183 THROUGH 3186

**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. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP,  
34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
3. SMUD, 34-2010-80000723 (08-R2D1-4887)
4. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
5. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
6. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965  
(10-0188~0191)
7. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459  
THROUGH 2461)
8. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
9. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 12CV01039  
(07-R2D3-0275)
10. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
11. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)

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12. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
13. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
14. SHERWOOD MECHANICAL, INC., 37-2012-00101466 (08-R3D2-4690 ~ 4693)
15. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
16. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
17. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
18. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
19. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
20. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
21. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
22. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
23. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
24. A. TEICHERT & SON, DBA TEICHERT AGGREGATES, RG12 659881 (10-R5D1-3029)
25. HOME DEPOT USA, INC., BS141301 (10-3284)
26. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
27. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00628178 (10-3667)
28. THYSSENKRUPP ELEVATOR CORP., 34-2013-80001456 (11-2217 ~ 2219)
29. BIG LOTS STORES, INC., 37-2013-00045936 (11-R3D2-1929 ~ 1931)
30. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)
31. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00652023 (12-0439)

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32. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00651875 (12-0440)
33. AC TRANSIT, RG13687314 (08-R1D4-0135)
34. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575  
(12-R5D1-337)
35. BAY AREA RAPID TRANSIT DISTRICT, RG13689346 (09-R2D2-1219 & 1221)

**APPELLATE COURT:**

1. XL CONSTRUCTION, C074514 (2008-R1D2-1191-1193)

**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. ABILITY AUTO BODY & PARTS, INC., 13-R6D5-2567 AND 2568
2. ACTION HAULING, INC., 13-R4D3-0761 AND 0762
3. ADAMS GRAIN COMPANY INC., 12-R2D1-2633 THROUGH 2637
4. AMERICAN AIRLINES, INC., 12-R4D1-2778
5. A&M SCULPTURED METALS LLC., 13-R6D2-0811 THROUGH 0815
6. BABE FARMS INC., 13-R4D3-0798 AND 0799
7. BARKA NF, INC. DBA LOMA RIVIERA 76, 13-R3D2-1044 THROUGH 1046
8. BARRETT BUSINESS SERVICES INC., 12-R4D3-3079
9. BETTERAVIA FARMS LLC, 13-R4D3-0707
10. B.F. STEEL, INC. 13-R6D5-0479 THROUGH 0483
11. BIO-RAD LABORATORIES, INC., 13-R2D2-3025
12. B-LOVE PAINTING, INC., 13-R2D4-2723

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13. BOB LEONARD & ASSOCIATES, 13-R2D4-2018
14. CALIFORNIA FAMILY FOODS LLC, 13-R2D1-0396 AND 0397
15. CAL WEST ROOFING, INC., 13-R2D4-2657 AND 2658
16. CDC CONSTRUCTION INC., 13-R2D4-2191
17. CERTIFIED INDUSTRIAL FABRICATORS, INC., 13-R6D2-2729  
THROUGH 2731
18. CROWN LIFT TRUCKS, 12-R3D6-3264 AND 3265
19. DATATECH ENTERPRISES, LLC DBA RAGING STALLION STUDIOS,  
13-R6D1-1347
20. DE NOVA HOMES INC., 13-R1D2-2466
21. EAGLE MARINE SERVICES LLC., 13-R6D2-0593 AND 0594
22. ELITE CONSTRUCTION & ENGINEERING, INC., 13-R3D1-2213  
THROUGH 2215
23. ERLANGER DISTRIBUTION CENTER, INC., 13-R6D2-1728 THROUGH 1729
24. FLATIRON WEST, INC., 13-R4D3-0848 THROUGH 0851
25. FOX TRANSPORTATION INC., 13-R3D5-0891
26. FXI, INC., 13-R1D4-1283 AND 1284
27. ARTURO GARCIA, ARTURO AUTO BODY & PAINT, 13-R6D5-2093  
THROUGH 2095
28. GATES & RODRIGUEZ BUILDERS, 13-R4D3-1437
29. JAIME GUZMAN GAYTAN, 13-R6D5-0189
30. GLOBAL BAKERIES, INC., 12-R4D3-3621 AND 3623
31. OLIMPIO MEDINA GONZALEZ, DBA ELITE AG SERVICES, INC.,  
13-R4D7-2782
32. GOODWILL INDUSTRIES OF THE GREATER EAST BAY, INC.,  
13-R1D4-3021 AND 3022

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33. THOMAS LANNY GRAMMER, 12-R1D2-3412 AND 3413
34. GREATWIDE LOGISTICS SERVICES, LLC., 13-R4D4-2270 AND 2271
35. HA EDWARD INC. DBA KITCHEN & BATH FACTORY & CONSTRUCTION,  
13-R6D2-0241 THROUGH 0257
36. HALDEX BRAKE PRODUCTS CORP., 13-R6D2-2069 THROUGH 2073
37. HST LESSEE SAN DIEGO LOP DBA SHERATON SAN DIEGO HOTEL &  
MARINA, 12-R3D2-3682 THROUGH 3785
38. INTERNATIONAL PAPER, 13-R4D3-1850 THROUGH 1853
39. JC WELDING, INC., 13-R6D2-1532 THROUGH 1534
40. JIMMY HENDRICKS CONSTRUCTION, 13-R2D4-2112
41. JOHNSTON AMUSEMENTS, LLC., 13-R2D5-2449
42. JOHNSTON AMUSEMENTS, LLC., 13-R2D5-2450
43. JOHNSTON AMUSEMENTS, LLC., 13-R2D5-2451
44. J PAUL GETTY TRUST, 13-R4D1-0705
45. J R FILANC CONSTRUCTION, 13-R3D2-1038
46. KIDDO'S E3 INC. DBA KIDDO, 13-R6D5-2569 THROUGH 2571
47. KTA CONSTRUCTION, 12-R3D2-1207 THROUGH 1209
48. LA CITY WATER & POWER, 13-R4D3-0856 THROUGH 0858
49. LAKE ELSINORE USD – LAKELAND VILLAGE SCHOOL, 13-R3D3-2605
50. LAMPSON VILLAGE APARTMENTS, 13-R3D1-0487 THROUGH 0491
51. LA POSTA MARKET, INC., 12-R3D2-1812 THROUGH 1814
52. LARRY O CROTHER INC DBA ABC INSULATION & SUPPLY CO,  
12-R2D3-3154
53. LAUSD BRET HARTE PREPARATORY MIDDLE SCHOOL, 13-R3D5-0969

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54. PEDRO A. LOPEZ DBA PEDRO'S SMOG CHECK, 12-R6D5-3767
55. LOS ANGELES DEPT. WATER & POWER, 12-R6D4-2491
56. McWANE, INC., DBA AB&I FOUNDRY, 13-R6D1-2809 AND 2810
57. MERICLE MECHANICAL, INC., 13-R6D4-1088
58. MMC INC., 13-R4D1-0022 THROUGH 0024
59. MN BEST BUY CO., INC, 900131, 13 R6D1-2243 AND 2244
60. MODESTO CITY SCHOOLS/LAKEWOOD ELEMENTARY SCHOOL,  
13-R2D4-2994 THROUGH 2995
61. MR. BUILD ACE AWNING, INC., 13-R6D2-2925
62. NEW PRIDE CORPORATION DBA NPC, 13-R6D1-1247
63. OSCAR FULLER HOLDINGS LLC DBA THE MEAT HOUSE, 13-R3D1-0163
64. PACIFIC CRANE MAINTENANCE CO., 13-R6D2-2498
65. PARSEC, 13-R4D1-0055
66. JUAN M PEREA, 13-R4D1-2710 AND 2711
67. PERFECTION PET FOODS, 13-R2D5-1025
68. PACIFIC BUILDERS OF SLO INC., 13-R6D7-1693 THROUGH 1695
69. PIPEWORX, 12-R4D1-2952 AND 2953
70. POMONA COLLEGE, 12-R3D6-3495
71. PYRAMID LOGISTICS SERVICES, INC., 13-R6D2-2847
72. RAMCO ENTERPRISES LP, 13-R4D3-0026 AND 0027
73. RIGGER ENGINEERING, INC., 12-R4D3-3397 THROUGH 3401
74. RIKA CORPORATION DBA DIVERSIFIED METAL WORKS, 12-R6D5-3766
75. RINCON RECYCLING, INC., 13-R4D3-2413 AND 2414

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76. ROBERTSON'S READY MIX, 13-R3D2-0344
77. ROEJACK ROOFING, INC., 13-R3D2-1581 AND 1582
78. RUBY METALS INC., 13-R3D3-2334
79. SA SERVING LINES INC., DBA GA SYSTEMS INC., 13-R6D2-0174  
THROUGH 0179
80. SGL TECHNIC INC., 12-R4D3-3169
81. SKYHIGH BUILDING MAINTENANCE, INC., 12-R4D1-3117 THROUGH 3118
82. SKYLINE STEEL, INC., DBA ARIZONA SKYLINE STEEL, INC., 13-R1D1-1613
83. SMART & FINAL DISTRIBUTION CENTER, 13-R6D2-1106 AND 1107
84. STARBUCKS DBA: STARBUCKS COFFEE #5867, 12-R3D2-3675  
THROUGH 3678
85. JON STEEL, 13-R3D1-0405 AND 0406
86. STREAMRAY STUDIOS, INC., 13-R6D2-0377 THROUGH 0382
87. SOURCE ONE STAFFING LLC., 13-R3D2-1642
88. SUTTER GENERAL HOSPITAL, 13-R2D1-1554
89. TANDEM DESIGN INC., DBA TANDEM EXHIBITS INC., 13-R6D2-2420  
AND 2421
90. THE CALIFORNIA REDWOOD COMPANY, 12-R2D1-2892 AND 12-R2D1-3122  
AND 3123
91. TILE AND MARBLE CENTER INC., 12-R3D6-2191 AND 2192
92. TOLAR MANUFACTURING CO INC., 12-R6D2-1511 THROUGH 1516
93. T&T MARKETING SERVICES INC., 12-R2D1-2620 THROUGH 2623
94. VALENCIA SHEET METAL., INC. 12-R4D3-0067 AND 0068 & 13-R4D3-0442
95. VINO FARMS INC., 11-R1D5-1495 THROUGH 1497
96. WONDER TOYS CO, INC., 12-R3D6-3106 AND 3107

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97. WORKFORCE OUTSOURCING, 13-R6D2-1230

98. WORKSTATION INDUSTRIES INC., 13-R6D2-3005 THROUGH 3008

**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 adjournment.