

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, December 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: November 21, 2014**

**RE: Closed Session of the Board to be held on December 3, 2014**

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.)*

**PETITIONS FOR RECONSIDERATION:**

1. CALIFORNIA ROYALE LLC DBA MONTE VISTA FARMING, 14-R2D4-9149
2. INTERNATIONAL PITA BREAD, INC., 14-R4D1-9153
3. KDTD, INC. DBA KD DEVELOPMENT, INC., 14-R3D2-1935 AND 1936
4. KEY ENERGY SERVICES, LLC, 13-R4D3-2239
5. McGRATH CONTRACTING, INC, 11-R4D1-0274 THROUGH 0276
6. SECURITY PAVING, INC., 13-R4D7-0771 AND 0772

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

1. OC COMMUNICATIONS, INC., 14-R2D2-0120, 0166 AND 0340
2. STARSIDE SECURITY & INVESTIGATION, 14-R3D3-9136

**ORDERS DISMISSING APPEAL:**

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

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

**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.)*

**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 TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895 (ER)
2. A TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895 (DOSH)
3. BAY AREA RAPID TRANSIT DISTRICT, 2009-R2D2-1218 THROUGH 1221
4. CLASSIC BATH DESIGNS, INC., 14-R6D2-9104
5. HARRIS CONSTRUCTION, 03-R2D5-3914
6. HHS CONSTRUCTION, 12-R3D2-0492-0497
7. BENJAMIN KIMMICH DBA KIMMICH CONSTRUCTION, 14-R1D4-9107
8. LANGER FARMS, LLC, 13-R4D7-231 THROUGH 0233
9. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
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. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
14. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
15. SIERRA FOREST PRODUCTS, 09-R2D5-3979
16. TREASURE ISLAND MEDIA, INC., 10-R6D1-1093 THROUGH 1095
17. VICTORY SCREEN PRINTING 12-R3D1-3673 & 3674

**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. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
5. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
6. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
7. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
8. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
9. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)

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10. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
11. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
12. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
13. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
14. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
15. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
16. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
17. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
18. HOME DEPOT USA, INC., BS141301 (10-3284)
19. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
20. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)
21. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)
22. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)
23. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
24. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)
25. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)
26. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
27. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056 THROUGH 3058) (DOSH)
28. LAND O'LAKES PURINA FEED, LLC, RG14715717 (08-R2D4-1843 AND 1844) (DOSH)
29. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056 THROUGH 3058) (3<sup>rd</sup> Party)

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30. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817  
(09-R6D2-2238 ~ 2241)
31. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
32. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
33. BHC FREMONT HOSPITAL INC, RG13731145 (13-R1D2-0204)
34. IRWIN INDUSTRIES, BS14-9634 (12-R4D3-3276 & 3277)
35. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303  
THROUGH 1310)
36. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360  
THROUGH 3362)
37. MORROW MEADOWS CORP., BS151385 (09-R3D3-2295)
38. FEDEX GROUND PACKAGING SYSTEM, INC., CIVDS1415696 (13-R3D1-1220)

**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. AC TRANSIT, A142799, RG13-687314 (08-R1D4-0135)
5. THYSSENKRUPP ELEVATOR CORPORATION, C077115, 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. 1<sup>st</sup> CLASS STAFFING LLC., 14-R3D3-1186

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2. ACTION PERSONNEL AGENCY, INC., DBA THE STAFFING SOLUTION GROUP, 13-R2D2-2932
3. AKG CONSTRUCTION, INC., 14-R4D1-0513
4. ALCO IRON & METAL CO., 14-R1D4-3359 AND 3360
5. JUAN ALVARADO DBA ALVARADO'S CONSTRUCTION, 13-R4D1-3307 THROUGH 3309
6. APPLIED ROOFING SERVICES, INC., 14-R3D1-1649 AND 1650
7. ARSUAL INVESTMENT, DBA CLASSIC CARWASH, 14-R4D3-1320 THROUGH 1321
8. AVIA INDUSTRIES INC., 14-R4D7-0351 AND 0352
9. BAY SHIP & YACHT CO, 14-R6D1-2117
10. BAY SHIP & YACHT CO, 14-R6D1-2359
11. BAYWOOD GOLF & COUNTRY CLUB, 14-R2D3-3084
12. B & H AUTO REPAIR SHOP, INC., 11-R4D1-1853 THROUGH 1856
13. BIG 5 SPORTING GOODS CORP, 14-R3D3-3345
14. BRADY COMPANY SAN DIEGO INCORPORATED, 13-R3D2-3351
15. BURLEIGH POINT LIMITED DBA SECTOR 9, 13-R3D2-1178 AND 1179
16. CALIFORNIA ACCESS SCAFFOLD, LLC., 14-R4D3-0710 THROUGH 0713
17. CALIFORNIA TRENCHLESS, INC., 14-R2D2-0746 THROUGH 0749
18. CA REHABILITATION, 14-R4D1-1715
19. CEVA LOGISTICS, INC., 14-R4D4-1117
20. CHAVEZ LANDSCAPING, 14-R3D2-1821
21. CITI STAFF SOLUTIONS INC., 13-R3D3-3573 AND 3574
22. CLOUGHERTY PACKING, LLC., [PREVIOUSLY HORMEL FOODS CORP] DBA FARMER JOHN INC., 14-R6D2-0197

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23. CONIFER HEALTH SOLUTIONS, 14-R3D1-1902
24. CORONA MILLWORKS INC., 14-R6D2-1942 THROUGH 1945
25. COSTCO #403 COSTCO WHOLESALE CORPORATION, 13-R3D2-1395
26. COUNTRY BUILDERS CONSTRUCTION, INC., 14-R1D4-3106
27. DAN DRAKE ENTERPRISES, LLC, 13-R6D7-2438 AND 2439
28. DAVID SMITH MASONRY, INC., 14-R1D2-3307
29. BS DENHOY DBA PEACH MOBILE ESTATES, 13-R2D1-3730
30. DOUBLE DIAMOND DAIRY, 13-R2D4-1022 AND 1024
31. DURHAM CONSTRUCTION COMPANY, INC., 14-R2D5-0941
32. EBERHARD, 11-R4D2-2367 THROUGH 2369
33. EBS GENERAL ENGINEERING, INC., 14-R3D1-1614 AND 1615
34. ENVISION PLASTICS, 14-R4D4-2340 THROUGH 2342
35. FRIZE CORPORATION, 14-R4D4-1180 AND 1181
36. GALAXY DESSERTS, 14-R2D2-1348 AND 1349
37. RAUL MARTIN GONZALEZ, 14-R6D5-1989 AND 1990
38. GRANITE CONSTRUCTION COMPANY, 14-R5D1-3016
39. HELM AND SONS, 14-R3D2-3056
40. HISHEAR CORP. DBA LISI AEROSPACE, 14-R3D5-1442 AND 1443
41. HONEYCUTT TEAR-OFF, 13-R4D1-3668
42. HUGO'S CUSTOM SHEET METAL, INC., 14-R6D5-2036
43. IAMM CONSTRUCTION, INC., 14-R6D5-1745 AND 1746
44. J AND R PERRYMAN CONSTRUCTION, INC., 14-R6D5-2003  
THROUGH 2004
45. JBS USA LLC., 14-R4D4-1954 AND 1955

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46. JG DEMOLITION & CLEANUP, INC., 14-R6D5-0301 THROUGH 0303
47. J K B CORPORATION, 14-R3D1-3074 AND 3075
48. JOSEPH J. ALBANESE, INC., 14-R1D1-0764
49. JSN INDUSTRIES, 14-R3D1-2024 AND 2025
50. J.T. THORPE & SON, INC., 14-R6D3-3005 THROUGH 3007
51. KAISER PERMANENTE, NORTHRIDGE PHARMACY, 14-R4D3-1838
52. K & M MEAT CO., DBA K & M FOOD SERVICE, 14-R4D1-2490  
THROUGH 2495
53. GUILLERMO A LINARES DBA T AUTO REPAIR, 14-R6D5-0546  
THROUGH 0548
54. LR CENTURY AIRPORT PARKING, LLC DBA JOE'S AIRPORT PARKING,  
14-R4D1-2510
55. LUXFER INC. DBA LUXFER GAS CYLINDERS, 14-R3D3-3434 AND 3435
56. MC FABRICATORS, INC., DBA GLOBAL FABRICATORS, 14-R4D7-2096
57. MIKE'S FARM LABOR, LLC., 14-R4D3-1907
58. MI SO TRADING, INC., 14-R6D5-0690 AND 0691
59. MODERN WASTE SOLUTIONS, INC., 13-R2D1-0009 AND 0010
60. NATIONAL SIGN & MARKETING CORPORATION, 14-R3D3-3268
61. NCM DEMOLITION & REMEDIATION LP, 14-R1D2-1688
62. NEW FRONTIERS NATURAL MARKETPLACE, INC., 14-R6D7-2466  
THROUGH 2468
63. ONNI CONTRACTING (CALIFORNIA) INC., 14-R4D1-1983
64. PACIFIC PENINSULA GROUP, 14-R1D3-1479 THROUGH 1482
65. PAR ELECTRICAL CONRACTORS, INC., 13-R4D3-2767
66. PEVELER'S CUSTOM INTERIORS, INC., 14-R6D2-0576 THROUGH 0582

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67. PHILLIPS 66 COMPANY, 14-R6D4-0883
68. R C AKERS INC., 14-R4D3-2306 AND 2307
69. REDWOOD ELECTRIC GROUP, INC., 14-R1D3-2530
70. JESUS ELIAS RODRIGUEZ DBA PARADISE LANDSCAPE, 14-R6D5-2002
71. SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT, 14-R6D3-2376
72. SAN FRANCISCO STATE UNIVERSITY, 14-R1D1-2352
73. SECURITAS SECURITY SERVICES USA. INC., 14-R4D1-0086
74. SEQUOIA SPRING WATER, 14-R6D2-0664
75. SIMON GOLDEN MOUNTAINS GROUP, INC., 14-R6D5-2518 THROUGH 2523
76. SMART PG, INC., 14-R6D5-0692 THROUGH 0694
77. SOCAL FRAMING, INC., 13-R3D3-3335
78. SPIRAL PAPER TUBE & CORE COMPANY, INC., 14-R4D4-1489  
THROUGH 1491
79. STEVEN E. BERLIN, INC., 14-R1D5-1620 AND 1621
80. SUNSHINE METAL CLAD, INC., 14-R4D7-1241
81. TC CONSTRUCTION CO, INC., 13-R3D2-1918 THROUGH 1920
82. TRAFFIC LOOPS CRACKFILLING, INC., 14-R2D5-1416 AND 1417
83. TRUGREEN LANDCARE, LLC., 13-R4D1-3781
84. UC FARMS, INC., 14-R1D2-2412 AND 2413
85. UNIQUE CONCEPTS INCORPORATED, 13-R3D2-3371
86. UNITED PARCEL SERVICE UPS, 13-R4D4-3073
87. UPPER VALLEY DISPOSAL SERVICES, INC., 13-R1D5-1937 THROUGH 1939
88. CARLOS URIBE DBA GENESIS ROOF REMOVAL, 14-R1D4-2103
89. VALLEY FARM MANAGEMENT, INC., 14-R1D2-2086

90. PHAT THANH VO DBA PHAT'S TOYOTA SPECIALIST, 14-R6D5-0599  
THROUGH 0602
91. VIKING CONSTRUCTION COMPANY, INC., 14-R2D5-1332
92. WAIT ROOFING & SEAMLESS GUTTER INC., 14-R6D7-0239 AND 0240
93. WAREHOUSE DEMO SERVICES, #128, 14-R4D3-2381
94. DEAN WEISZ DBA DEAN WEISZ CONSTRUCTION, 14-R6D7-2543  
THROUGH 2546
95. WESTSTAR TRANSPORTATION, INC., 13-r4D7-1922 AND 1923
96. WILTOR CORP. DBA PACIFIC PACKAGING PRODUCTS, 14-R4D4-1182  
AND 1183

**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.