

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), and (e)
for
Wednesday, January 6, 2010
10:00 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: December 23, 2009

RE: Closed Session of the Board to be held on January 6, 2010

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

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. A SEMPRA ENERGY UTILITY VENTURE DBA SDG&E, 09-R3D2-2246
2. CARNICERIA COLIMA, 09-R3D1-1432 AND 1693
3. COUNTY OF NEVADA, 09-R2D1-2287
4. I & R PALLETS, INC., 08-R6D5-4931 THROUGH 4937
5. SUN WORLD INTERNATIONAL, LLC, 08-R6D5-4149
6. WAYNE SMITH, 08-R6D5-4343 AND 4344
7. WEBCOR BUILDERS, 09-R4D1-1302

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For January 6, 2010
Page 2

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. 99 CENTS ONLY STORE #67, 09-R3D6-1465 AND 1466
2. ACTIVE TECHNOLOGIES GROUP, 08-R3D5-3745 AND 3746
3. ALLIED BLENDING & INGREDIENTS, INC., 09-R4D2-1121 AND 1122
4. AMEC GEOMATRIX, INC., 09-R3D5-3134
5. AMERICAN CIVIL CONSTRUCTORS WEST COAST, INC., 08-R3D5-4472 AND 4473
6. AMPAC FINE CHEMICALS LLC, 09-R6D3-0021 THROUGH 0029
7. ARGONAUT CONSTRUCTORS, 08-R1D5-4169
8. ARS ENTERPRISES, 09-R3D6-1815 AND 1816
9. B.R. COHN WINERY, INC., 08-R1D5-5287 THROUGH 5290
10. BELL BROS. STEEL, INC., 09-R6D5-1566 AND 1567
11. BONNINGTON CONSTRUCTION, 08-R1D4-5281 AND 5282
12. BROTHERS DETAIL CENTER – CONCORD, INC., 09-R6D7-2659 AND 2660
13. BENITEZ VELEZ CARRILLO DBA EC LABOR, 08-R6D1-3011
14. CB HARVESTING, LLC, 09-R6D1-2653 AND 2654
15. CITY OF TORRANCE PARK SERVICE DIVISION, 09-R3D5-0816
16. COLUMBIA STEEL, INC., 09-R6D2-1981 THROUGH 1985
17. CRANE DEVELOPMENT, 09-R3D2-2831
18. CROTHALL LAUNDRY SERVICE, INC., 09-R3D6-1206 AND 1207
19. CSI ELECTRICAL CONTRACTORS, 09-R4D3-2161 AND 2162
20. D7 ROOFING SERVICES, 08-R1D2-0124 THROUGH 0127

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For January 6, 2010
Page 3

21. DEAN'S REGRIGERATED TRUCKING, INC. DBA DEAN'S SERVICES, 08-R6D3-1835 THROUGH 1838
22. DEE SIGN COMPANY, 08-R4D3-5051 THROUGH 5053
23. DETAIL A STUDIOS, INC., 08-R1D1-2497 AND 2498
24. ELITE SIDES, INC., 09-R6D2-2809 THROUGH 2813
25. ELK CORPORATION OF TEXAS, 09-R4D3-1446 AND 1447
26. EVERY DOG HAS ITS DAY CARE, INC., 08-R1D4-4454
27. FLEETWOOD FIBRE PACKAGING & GRAPHICS, INC., 09-R3D6-1594 AND 1595
28. FREGOSI CONSTRUCTION, 07-R1D2-2379 THROUGH 2385
29. OPAL FRY AND SON, 09-R4D3-2099 THROUGH 2101
30. GUCHO PLUMBING, 09-R3D2-1906
31. FARIS HADDAD, 09-R4D3-2032
32. HADLEY DATE GARDENS, INC., 09-R6D5-2485
33. HAMILTON PACIFIC, 08-R1D2-2752
34. INTERNATIONAL RECTIFIER, 09-R6D4-3564
35. IRISH FARMS CO., INC., 08-R6D3-3559
36. JACK IN THE BOX, 09-R4D2-1954 AND 1955
37. JFL ELECTRIC, INC., 09-R3D1-3553
38. JOHNSON AND TURNER PAINTING CO., 09-R4D3-1407 AND 1408
39. JUAN GUTIERREZ FARM LABOR CONTRACTOR, 09-R4D2-1139
40. KALEND'S PALLET SERVICES, INC., 09-R6D7-2797 AND 2798
41. KIP CYPRUS, 09-R6D5-1558 THROUGH 1561
42. LANDGREBE LATH & PLASTERING, INC., 08-R1D5-2591 AND 2592
43. LARSE FARMS, 08-R1D2-3123

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM**

For January 6, 2010

Page 4

44. MATTCO FORGE, INC., 09-R3D6-1675 THROUGH 1677
45. MONTEREY MUSHROOMS, INC. DBA MUSHROOM FARMS, 09-R6D7-2039
46. MORGAN METALS, INC., 09-R3D6-1678
47. MURAOKA ENTERPRISES, INC., 09-R3D2-3061 THROUGH 3063
48. NORTH AMERICAN ENERGY SERVICES, 08-R6D3-4914 THROUGH 4921
49. NORTHERN CALIFORNIA PAPER RECYCLERS, INC., 09-R1D4-2351 THROUGH 2353
50. O'DONNELL PLASTERING, INC., 08-R1D2-3028
51. PACIFIC GAS AND ELECTRIC COMPANY, DBA PG & E CORP., 08-R1D3-0891 THROUGH 0893
52. POWERHOUSE ENTERTAINMENT, LLC, 09-R6D2-1961 THROUGH 1969
53. PYRAMID HOTEL GROUP DBA CLAIRMONT RESORT AND SPA, 08-R1D4-3976
54. RALEY'S DISTRIBUTION CENTER, 09-R6D3-2753 AND 2754
55. RENO CONTRACTING, INC., 09-R3D1-3490
56. REYNOLDS RESORTS – COSTANOA LLC, DBA COSTANOA, 08-R1D3-2799 AND 2800
57. RIO GRANDE FARM LABOR CONTRACTOR, INC., 09-R4D3-2070
58. SALVADOR RODRIGUEZ DBA RODRIGUEZ LABOR SERVICE, 09-R3D3-3491 THROUGH 3492
59. ROUMIGUIERE VINEYARDS LLC, 08-R1D5-3479 THROUGH 3483
60. SAN DIEGO STEEL HOLDINGS GROUP, INC., BAY AREA REINFORCING, GERDAU AMERISTEEL WC, PARTNERS DBA PACIFIC COAST STEEL, 08-R1D5-2098
61. SARI ART & PRINTING CO., 09-R3D6-1814
62. SCULLY PACKING COMPANY, LLC, 08-R1D5-4681 AND 4682
63. SHEA KENNY JV, 09-R5D3-1208
64. SILVERLINE CONSTRUCTION, INC., 08-R4D4-4268

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM**

For January 6, 2010

Page 5

65. SLATER GENERAL SERVICES, 09-R3D6-1524 AND 1525
66. T.C. WELDING & ENGINEERING, INC., 09-R3D2-3064 THROUGH 3066
67. THE ARMENIAN CAFÉ, INC., 09-R6D5-2635
68. THE PICTSWEET COMPANY, 09-R6D2-3502 THROUGH 3505
69. THE SAN FRANCISCO ZOOLOGICAL SOCIETY, 08-R1D1-4508
70. "THE TAR PIT" HOT MOP SERVICE, 09-R4D1-2515 AND 2516
71. TORIGIANI FARMS, INC., 09-R4D3-1679 and 09-R4D3-3117
72. DAVID TOVALIN, 09-R3D6-1722 AND 1723
73. UC LOS ANGELES – FACILITIES MGMT., 09-R4D1-2299
74. WIMER CONSTRUCTION, INC., 09-R4D5-3327 AND 3328

ORDERS OF REMAND:

1. AHERN RENTALS, INC, 08-R1D4-3031 AND 3032
2. CITY OF POWAY, DEPARTMENT OF PUBLIC WORKS, 09-R3D2-2165 AND 2166
3. HERITAGE OPERATING LP DBA PRO-FLAME, 09-R3D3-1067
4. CARLOS MEZA AND ELIZABETH MEZA DBA CARLOS ON THE RIDGE, 08-R2D3-0696 AND 0697
5. MILLENIUM GENERATION, INC., 08-R4D3-5047
6. MITCHELL ENVIRONMENTAL CONCRETE, 09-R4D5-0147
7. NEW CREATION BUILDERS, 09-R3D1-1460
8. OLSON AND CO. STEEL, 09-R1D4-0876
9. PRIME STEEL, INC., 09-R3D6-1523
10. PRO AM ENTERPRISES, INC. DBA CLOVER ELECTRONICS, 09-R3D5-2027
11. OFFICE DEPOT, INC., 08-R3D1-1718
12. SOUTHWEST TRADERS, INC., 08-R2D4-0710 THROUGH 0712

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For January 6, 2010
Page 6

13. UGO, 09-R4D1-0819 AND 0820

ORDER DISMISSING APPEAL:

1. POWER TECH ENGINEERING, 07-R4D4-5010 THROUGH 5015

ORDERS DENYING LATE APPEALS:

1. F.S. SOUTHWEST WOOD WORKS, INC., 09-R6D5-9309
2. INNOVATIVE DRYWALL SYSTEMS, INC. DBA ALTA DRYWALL, 09-R6D5-9308

ORDER DENYING-DISMISSING APPEAL:

1. MICHAEL MINTON DBA REASONABLE REMODELING, 09-R4D1-9313

ORDERS DENYING LEAVE TO FILE LATE APPEALS:

1. BYCOR, INC., 09-R3D1-9344
2. C.R.S.COMMERCIAL ROOFING, 09-R4D1-9323
3. JOHN I. CASTANIS DBA JOHN'S PLACE RESTAURANT, 09-R6D5-9338
4. EMPLOYMENT SERVICE SOLUTION, INC., 09-R4D2-9345
5. CRAIG ERICKSON DBA ABOVE & BEYOND AUTO BODY & PAINT, 09-R6D5-9341
6. HIPPOLITO RIVERA FAVILA DBA SUN VALLEY HARVEST, 09-R2D4-9343
7. GENERAL PALLETS, 09-R2D4-9339
8. H & L MARINE WOODWORK, INC., 09-R6D2-9335
9. JSL GOOD GROUP, 09-R3D1-9340
10. MACHINE EXPERIENCE & DESIGN, INC., 09-R2D5-9346
11. PROTECH MINERALS, INC., 09-R5D2-9336
12. SM UNIFIED HIGH SCHOOL DISTRICT-CAPUCHINO HIGH SCHOOL, 09-R1D3-9342

ORDERS GRANTING LEAVE TO PROCESS APPEALS AS TIMELY:

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For January 6, 2010
Page 7

1. FIRST CLASS AUTO DETAILING DBA CARLOS A QUIJADA, 09-R6D7-3961 AND 3962
2. SCHETTER ELECTRIC, INC., 09-R2D1-3963

ORDER GRANTING LEAVE TO FILE LATE APPEAL:

1. JAY'S GOURMET RESTAURANT, INC. DBA JAY'S GOURMET, 09-R6D5-4002 AND 4003

STIPULATION:

1. WALMART STORES, INC. DBA WALMART SUPERSTORE #1903, 09-R2D1-2018 THROUGH 2020

PETITIONS FOR RECONSIDERATION:

1. DANIEL SANTOS ESTRADA, 09-R4D3-9251
2. FIRE GUARD CORPORATION, 09-R4D1-9101
3. J C CONSTRUCTION, 09-R3D6-9265
4. RON MILINICH DBA MILINICH BODY WORKS, 09-R6D5-9279
5. RENEWAL BY ANDERSEN DBA DESIGNER SASH INDOOR SYS., INC., 09-R6D2-9290
6. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418

DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):

1. CHORE AUTO WRECKING, 09-R3D2-0605 AND 0606:
2. EAST BAY GLASS COMPANY, 07-R1D4-2563
3. PEN CHANG, 08-R2D4-3102
4. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
5. WEBCOR BUILDERS, INC., 06-R1D1-3030 THROUGH 3032

DECISIONS AFTER RECONSIDERATION (DRAFTS):

(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For January 6, 2010
Page 8

and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)

1. A & C LANDSCAPING, INC. aka A & C CONSTRUCTION, INC., 03-R4D4-4791
2. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
3. AC FRAMERS INC., 03-R2D3-3475
4. AC TRANSIT, 08-R1D4-0135
5. ADVANCE DISPOSAL CO. & RECYCLING CENTER DBA BESTWAY DISPOSAL, 09-R3D3-9212
6. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
7. AHERN RENTALS, INC., 08-R1D4-3031
8. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
9. ANNING-JOHNSON COMPANY, 06-R1D3-1976
10. AVESON EDUCATIONAL COOPERATIVE, 09-R4D2-0337
11. BART, 03-R1D1-5170
12. BIMBO BAKERIES USA, 03-R1D3-5215 THROUGH 5217
13. BIMBO BAKERIES USA, 05-R6D2-856 AND 857
14. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
15. BLF, INC. dba LARRABURE FRAMING, 02-R4D1-4675 THROUGH 4680
16. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445
17. BURTON L. SILVA FARMS, 09-R1D2-1498
18. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
19. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
20. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
21. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For January 6, 2010
Page 9

22. CELTIC SCAFFOLDING, INC., 08-R1D1-1469 THROUGH 1471
23. PEN CHANG, 08-R2D4-3102
24. CHORE AUTO WRECKING, 09-R3D2-0605 AND 0606
25. CITY OF POWAY, DEPARTMENT OF PUBLIC WORKS, 09-R3D2-2165 AND 2166
26. CLINE CELLARS, INC., 08-R1D5-2946
27. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336
28. CNL ROOFING COMPANY, 08-R1D2-1692 AND 1693
29. CORE GENERAL CONTRACTOR, INC. DBA CORE BUILDERS, 08-R1D2-1379
30. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
31. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
32. DAVIS BROTHERS FRAMING, INC., 03-R3D1-114
33. DAVIS BROTHERS FRAMING, INC., 05-R3D3-634 THROUGH 636
34. DESIGN BUILDERS, INC., 08-R4D4-1901
35. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
36. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
37. DUKE PACIFIC, INC., 08-R3D3-574
38. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
39. DUININCK BROS., INC., 06-R4D3-2871
40. DYNALECTRIC, 03-R1D1-4101
41. E. C. U., INC., 09-R3D5-1094 AND 1095
42. EAST BAY GLASS COMPANY, 07-R1D4-2563
43. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
44. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
45. EZ MIX, INC., 08-R4D3-1898

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For January 6, 2010
Page 10

46. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
47. FORTUNA IRON WORKS 06-R2D3-4222
48. FREAS PLASTERING CO., INC., 08-R1D1-1188 AND 09-R1D1-2568
49. G.T. ALDERMAN, INC., 05-R4D3-3513
50. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
51. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
52. GLASS PAK, 03-R2D2-750 AND 751
53. GOLDEN WEST INDUSTRIES, INC., 08-R3D2-3930
54. GRISWOLD INDUSTRIES, 09-R6D2-0981 THROUGH 0984
55. HAMMOND POWER SOLUTIONS, INC., 09-R4D2-1124 AND 1125
56. HARBOR ORNAMENTAL, INC., 09-R3D5-2086
57. HB PARKCO, 07-R4D2-1730 AND 1731
58. HELPMATES STAFFING SERVICES, 05-R3D3-2239
59. HELM & SONS, INC., DBA HELM & SONS AMUSEMENTS, 08-R3D3-3513
60. HERITAGE OPERATING, LP DBA PRO-FLAME, 09-R3D3-1067
61. THE HERRICK CORP., 07-R3D1-495
62. HUSSMAN CORPORATION, 03-R3D1-2939
63. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
64. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
65. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
66. JENSEN PRECAST, 05-R2D1-2377
67. JOHN LAING HOMES, 04-R3D1-194 AND 195
68. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For January 6, 2010
Page 11

69. JT WINDOWS, INC., 09-R6D2-0693 THROUGH 0698
70. KELLY SERVICES, INC., 06-R1D2-1024
71. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-323
72. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
73. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
74. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
75. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
76. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
77. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
78. MARINE TERMINALS, 08-08-R6D2-1920
79. CARLOS MEZA AND ELIZABETH MEZA DBA CARLOS ON THE RIDGE, 08-R2D3-0696
80. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
81. MILLENIUM GENERATION, INC., 08-R4D3-5047
82. MITCHELL ENVIRONMENTAL CONCRETE, 09-R4D5-0147
83. NEW CREATION BUILDERS, 09-R3D1-1460
84. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583
85. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
86. O & M INDUSTRIES, 04-R1D5-1597
87. OFFICE DEPOT, INC., 09-R3D1-1718
88. OLSON AND CO. STEEL, 09-R1D4-0876
89. PARKER-HANNIFIN CORPORATION, 08-R2D4-2508
90. POUK & STEINLE, INC., 03-R4D2-1495 AND 1496
91. POWER FREIGHT SYSTEMS, 06-R1D4-3347

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For January 6, 2010
Page 12

92. PRIME STEEL, INC., 09-R3D6-1523
93. PROAM ENTERPRISES, INC., 09-R3D5-2027
94. PUSD ALEXANDER HAMILTON ELEMENTARY SCHOOL, 09-R4D2-0784
95. R.A. CAMPBELL, INC., 09-R6D2-1209 THROUGH 1211
96. R & L BROSAMER, INC., 03-R1D5-4832
97. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
98. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
99. SELECT REMEDY, 08-R2D5-0048 THROUGH 0050
100. SOUTHWEST TRADERS, INC., 08-R2D4-0710 THROUGH 0712
101. STACY & WITBECK, INC., 05-R1D1-1142
102. STENDERUP AG PARTNERS, 09-R6D2-2111 AND 2112
103. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
104. SUNOPTA FRUIT GROUP, 09-R3D1-9245
105. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT
AGGREGATES, 04-R5D2-850 AND 851
106. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650
AND 2651
107. TEICHERT AGGREGATES, 04-R5D1-2982
108. UGO, 09-R4D1-0819
109. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2256 AND 2557
110. UNITED PARCEL SERVICE, 07-R3D3-3322
111. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
112. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
113. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For January 6, 2010
Page 13

114. WINDMILL PROPANE, 08-R2D5-1217 AND 1218

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. HARRIS CONSTRUCTION COMPANY, INC., 07CS00518 (02-3914)
2. JERLANE v DIVISION OF OCCUPATIONAL SAFETY & HEALTH, 37-2007-00056381-CU-WM-NC (01-4344/4345)
3. JERLANE V DIVISION OF OCCUPATIONAL SAFETY AND HEALTH, 37-2009-00059323-CU-WM-NC (08-1733)
4. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB), 34-2007-00882192-CU-WM-GDS, (01-3261)
5. BRUTOCO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159 (07-9223)
6. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (00-440)
7. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
8. SOUTHERN CALIFORNIA EDISON COMPANY, BS 119297, LOS ANGELES SUPERIOR COURT (08-9062)
9. UNITED AIRLINES (SFO), 34-2009-80000256
10. XL CONSTRUCTION, SUPERIOR COURT (34-2009-80000300), 08-R1D2-1191 THROUGH 1193
11. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
12. WEBCOR CONSTRUCTION LP dba WEBCOR BUILDERS, 34-2009-80000384 (08-R1D2-2499 AND 2500)

PERSONNEL:

(Issues regarding staff.)

Any matter not completed at this Closed Session may be continued to subsequent meetings.