

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, August 20, 2008**  
**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: August 8, 2008**

**RE: Closed Session of the Board to be held on August 20, 2008**

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.

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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. CALIFORNIA DAIRIES, INC., 07-R6D2-2076 THROUGH 2081
2. COUNTY OF L. A. / DEPT OF PUBLIC WORKS, 07-R4D2-2540
3. HOME DEPOT DISTRIBUTION CENTER #5695, 05-R1D4-1572 AND 1573
4. IMIA, LLC., 07-R6D2-3278 AND 3279
5. MIDWEST ROOFING., INC., 04-R4D1-1625 AND 1626
6. UPS (UNITED PARCEL SERVICE), 07-R3D3-3322

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

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*(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 & P MASONRY CORPORATION, 07-R4D4-3899, AND 3900
2. ACCUBEND INC., 107-R6D2-3825 THROUGH 3832
3. ACTRON MANUFACTURING, INC., 06-R3D3-255 THROUGH 257
4. ADVANCE WASTE SYSTEMS, INC., 07-R4D1-183
5. ALON USA ENERGY CORPORATION DBA, PARAMOUNT PETROLEUM 08-R6D4-1936
6. ANAHEIM HILLS CAR WASH & LUBE, 07-R3D1-4869 THROUGH 4872
7. ARTURO'S FARM LABOR, 07-R2D4-3565
8. AUTOBAHN, 08-R3D2-2382 AND 2383
9. BASKIN ROBBINS, 06-R1D2-3633
10. TOM BESMER CONSTRUCTION, 07-R2D5-0046
11. TOM BESMER CONSTRUCTION, 06-R2D5-4411
12. C. T. COACH WORKS, 08-R3D3-0061
13. CALIFORNIA CHASSIS, 07-R3D1-5036
14. CALIFORNIA SPLENDOR, INC., 08-R3D2-2550 THROUGH 2552
15. CANDY'S AUTO BODY, 08-R6D5-2467 THROUGH 3469
16. CARBRO CORP., 07-R4D1-4442 THROUGH 4444
17. CASTLEWOOD CONSTRUCTION CO. INC., 07-R1D2-0254 THROUGH 0256
18. CEDAR SINAI MEDICAL CENTER, 07-R4D1-1056 THROUGH 1058
19. CONAGRA FOODS, 07-R3D1-5176 AND 5177
20. CONTAINER RECYCLING ALLIANCE, 08-R4D2-0451

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21. CREATIVE TOUCH INTERIORS, INC., 08-R3D3-0062
22. CYGNET STAMPING & FABRICATING, INC., 07-R4D2-2541 AND 2542
23. DESA FMI INC., 08-R3D1-0170
24. DPR CONSTRUCTION, INC., 07-R1D2-4076 AND 4077
25. DRILL TECH DRILLING AND SHORING, INC., 06-R5D1-4860
26. ELLISON TECHNOLOGIES, 08-R4D3-2627
27. ETTER & SONS CONSTRUCTION, INC., 07-R1D4-3541 THROUGH 3544
28. EXXON MOBIL CORP., 07-R3D5-311 AND 312
29. FANTASY EATERY, INC., 07-R4D2-3813
30. FITCH PLASTERING CORP., 07-R3D5-1302
31. J. FLORES, CONSTRUCTION INC., 07-R1D2-3003
32. FOOD 4 LESS, 08-R4D2-0206 THROUGH 0208
33. G & G CONSTRUCTION CO., 07-R2D5-5169
34. G S BROTHERS, INC., (GS NURSERY), 07-R3D5-4037
35. GHILOTTI CONSTRUCTION COMPANY INC., 06-R1D5-4931 THROUGH 4933
36. GILL ONIONS, 07-R6D4-3224 THROUGH 3225
37. CITY OF GLENDALE, 08-R4D2-0085
38. GOLDEN AG PAYROLL SERVICE, 08-R6D5-1948
39. GOLDEN STATE FOODS, CORPORATION, 06-R6D2-4307 THROUGH 4311
40. GOLDEN WEST FARM LABOR CONTRACTOR, INC., 08-R6D5-1814
41. GRANITE CONSTRUCTION COMPANY, 07-R5D1-1463
42. GRANITE CONSTRUCTION COMPANY, 06-R5D1-2384
43. GRAY INDUSTRIES INC., 07-R1D1-4298

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44. S. GRIFFIS ELECTRIC INC., 07-R3D3-5047 THROUGH 5049
45. GSL TRANSPORTATION SERVICES, INC., DBA GOLDEN STATE LOGISTICS,  
08-R4D2-0449
46. HARRIS SALINAS REBAR INC., 06-R1D2-3528 AND 3529
47. INTERNATIONAL SURFACING SYSTEMS(FORMERLY BASIC RESOURCES,  
INC., DBA WESTERN STATES SURFACING) 05-R1D5-3259 THROUGH 3262
48. JADE, INC., 08-R4D1-0448
49. JENSON MECHANICAL, INC., 07-R2D2-4021 THROUGH 4023
50. JMS HEATING & AIR CONDITIONING, INC., 07-R4D2-4569
51. JOHN KIM, DBA JOHN'S FASHION INC., 07-R4D1-2963 THROUGH 2965
52. KNACK CONSTRUCTION, 07-R3D2-4877
53. LAUSD-WIMINGTON MIDDLE SCHOOL, 08-R3D5-0067 AND 0068
54. LAWRENCE SEWING CO. INC., 07-R1D1-4113 AND 4114
55. LEKOS ELECTRIC, INC., 07-R3D2-4094
56. LONG BEACH UNIFIED SCHOOL DISTRICT, 07-R3D5-3066 AND 3067
57. JESSIE LORD BAKERY, LLC. 07-R3D5-1188 AND 1189
58. LOWMAN CONST CO., 07-R2D3-3562
59. MAGDALENA PACHECO FLC, 07-R2D4-3309
60. MALCOLM DRILLING CO. INC., 06-R1D1-3852
61. MATT CONSTRUCTION, 07-R4D1-4565
62. MAYER ROOFING, 08-R3D2-2384
63. MCM CONSTRUCTION, INC., 07-R3D3-0654 THROUGH 657
64. MENZIES AVIATION, 06-R4D1-5183 THROUGH 5185
65. MITHRA LIGHTS, INC., 07-R3D5-1190

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66. MONTEREY GOURMET FOODS, INC., 08-R1D2-1286 THROUGH 1290
67. MT. POSO COGENERATION COMPANY, 08-R6D4-2464
68. NATIONAL GEOSUPPORT , INC., 07-R4D2-4566 AND 4567
69. NATIONAL METAL FABRICATORS, 07-R1D2-4806 AND 4807
70. NT2 PRODUCTIONS, 07-R4D1-3351 THROUGH 3353
71. OLD COUNTRY ROOFING COMPANY, 08-R6D5-0119
72. ORANGE COUNTY CONTAINER GROUP, 07-R4D4-2746 THROUGH 2750
73. OTIS ELEVATOR CO, 06-R1D1-3034 and 3035
74. PARAMOUNT FARMS, 07-R4D3-4269
75. PETERSON-DEAN COMMERCIAL INC., 06-R1D4-5031 AND 5032
76. PLUMBING SYSTEMS, INC., 08-R6D5-1815 AND 1818
77. POUK & STEINLE, 07-R4D2-1583
78. PROTECH MINERAL, INC., 08-R5D3-0101
79. RIVER RANCH FRESH FOODS, 08-R6D4-1040
80. MICHAEL ROBERTS CONSTRUCTION, INC., 06-R1D2-3047 AND 3048
81. SAN BERNARDINO STEEL CORP., 05-R3D3-2829 THROUGH 2831
82. SCMS, INC., DBA SERVICEMASTER OF RANCHO CUCAMONGA,  
08-R3D3-0059 AND 0060
83. SELECT PERSONNEL SERVICES, INC., 07-R3D5-917
84. FRANK & ORIANA SILVA DBA FRANK SILVER DAIRY, 07-R2D4-3563 AND  
3564
85. SOLECTRON, 06-R1D2-3698
86. SOUTH VALLEY MUSHROOM INC., 06-R1D2-4195 THROUGH 4201
87. STEINY & COMPANY & BALFOUR BEATTY JV 07-R5D2-5231

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88. STRATA FOREST PRODUCTS INC., DBA PROFILE PLANNING MIL.,  
07-R3D1-3673 THROUGH 3674
89. SWANSON CONSTRUCTION, INC., 08-R3D5-0315
90. SUB-ZERO EXCAVATING, INC., 07-R4D3-3982 AND 3983
91. T A RIVARD, 07-R4D4-1319
92. TANIMURA & ANTLE, 06-R1D2-4108
93. TANIMURA & ANTLE, 06-R1D2-4109
94. TEICHERT AGGREGATES, 06-R5D1-658
95. TEICHERT AGGREGATES, 06-R5D1-1134
96. TEICHERT AGGREGATES, 06-R5D1-1478 AND 1479
97. TILLER CONSTRUCTORS, 08-R4D1-0320 AND 0321
98. UC LOS ANGELES, 08-R4D1-0324 AND 0325
99. USS-POSCO INDUSTRIES, 06-R2D2-4341
100. UNITED NATURAL FOODS, INC., 07-R3D3-3800 THROUGH 3802
101. VISUAL IMAGE CONCEPTS DBA VCI, 08R4D2-0201
102. VITAGOLD BRANDS, 08-R3D2-1981
103. WHITE RESIDENTIAL, INC., 08-R4D3-0754
104. DAE WON FOOD USA INC., 07-R4D1-2782 THROUGH 2786

**ORDERS DISMISSING APPEALS:**

1. ADAN DE LA CRUZ DBA: CALIFORNIA HARVEST CO., 07-R3D2-1544  
AND 1545
2. DEE FASHION, INC., 08-R6D5-0640
3. EL CENTRO CAR WASH, 05-R3D2-3946 AND 3947
4. FORCE FRAMING, INC., 07-R4D1-1576 AND 1577

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5. GALAXIE UNIVERSAL CORP., DBA GAMCO, 06-R6D2-859 THROUGH 865
6. GENCO, 07-R3D3-1562
7. GORDON SAND CO., 06-R5D2-0104
8. HWF CONSTRUCTION, INC., DBA HINESLEY WELDING FABRICATION, 06-R3D3-1605
9. INTEGRA JEANS, INC., 06-R4D1-2827 AND 2828
10. JEB & ASSOCIATES, 07-R4D2-209 THROUGH 211
11. MAXIMUM EXHAUST CLEANING, INC., 06-R3D3-543
12. REICON BUILDERS, INC., 07-R4D1-4902 AND 4903
13. SABA TECHNOLOGIES, 05-R3D1-2521 THROUGH 2524
14. SARIDAKIS CONSTRUCTION, 06-R3D5-4795 THROUGH 4799
15. SAVON WRECKING YARD, 07-R4D4-3732 AND 3724
16. SHELBY FRAMING, 07-R4D3-3481
17. WHITE GLOVE 100% HAND CAR WASH
18. CAROL WIOR, INC., 07-R4D2-2048 AND 2049

**ORDERS DISMISSING LATE APPEALS:**

NONE.

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

1. FOUR SEASONS ROOFING, 07-R1D2-3525

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

NONE

**ORDERS GRANTING APPEALS:**

1. NATIONAL COLD STORAGE, 07-R6D4-2999NONE.

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**STIPULATIONS:**

1. DES ARCHITECT, 06-R1D3-1745
2. KINDER MORGAN ENERGY PARTNERS, LP., 05-R2D4-2013 AND 2014
3. MK & A LLC/CASA RAMOS, 06-R2D3-3094 THROUGH 3098

**PETITIONS FOR RECONSIDERATION:**

*(The Division of Occupational Safety & Health and the Employer each has 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.)*

1. CALIBER PAVING CO. 03-R3D1-3517 & 3518
2. JENSON PRECAST 05-R2D1-2377
3. STEVEN WOODLIEF LATHING & PLASTERING 07-R2D3-2909
4. HUNT BROS. ROOFING 07-R3D1-2324

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

1. AGUILAR CONSTRUCTION, INC., 08-R4D1-9093
2. ANITA'S MEXICAN FOODS CORP., 08-R3D3-9257
3. JACK NATHAN SHAPIRO, III DBA JACK SHAPIRO PAINTING, 07-R1D5-2170
4. ROBS CAR WASH, 08-R6D5-9183

**DECISIONS AFTER RECONSIDERATION (DRAFTS):**

*(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)*

1. A. TEICHERT & SON, INC., A CORPORATION dba TEICHERT AGGREGATES, 04-R5D2-850 AND 851
2. A & C LANDSCAPING, INC., aka A & C CONSTRUCTION, INC., 03-R4D4-4791
3. AC FRAMERS INC., 03-R2D3-3475
4. ASC PROFILES, INC., 06-R2D1-1181
5. BART, 03-R1D1-5170

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6. BAY AREA SYSTEMS & SOLUTIONS, dba BASS ELECTRIC, 01-R1D3-106
7. BIMBO BAKERIES USA, 03-R1D3-5215 THROUGH 5217
8. BLF, INC., dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
9. BLF, INC., dba LARRUBURE FRAMING, 02-R4D1-4675 THROUGH 4680
10. BLUE DIAMOND MATERIALS, 02-R5D2-1268
11. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
12. CALIFORNIA FAMILY FITNESS, 03-R2D1-095 & 096
13. CALIFORNIA FRESH FARMS LLC., 06-R2D4-4127 AND 4224
14. CENTRAL CHEVROLET, 05-R1D4-2615 THROUGH 2618
15. CENTRAL VALLEY CONTRACTING, 05-R4D3-2351
16. COX COMMUNICATIONS, 03-R3D2-1942
17. DADE BEHRING, 05-R2D1-2203
18. DAKOTA COMPANIES UNLIMITED, 05-05-R4D3-392 and 393
19. DAVIS BROTHERS FRAMING, INC., 03-R3D1-0114
20. DAVIS BROTHERS FRAMING, INC., 05-R3D3-634 THROUGH 636
21. DYNALECTRIC, 03-R1D1-4101
22. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
23. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
24. G. T. ALDERMAN, INC., 05-R4D3-3513
25. GENERAL TRUSS CO. INC., 06-R2D1-0783 AND 0784
26. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
27. GLASS PAK, 03-R2D2-0750 AND 0751
28. GOLDEN STATE BORING & PIPE JACKING, INC., 05-R5D2-2359

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29. HARRY L. MURPHY, INC., 06-R1D2-218 AND 219
30. HEARN CONSTRUCTION, INC., 02-R6D1-3533 THROUGH 3536
31. HELPMATES STAFFING SERVICES, 05-R3D3-2239
32. H. M. CONSTRUCTION, INC., 08-R3D2-9007
33. HUSSMAN CORPORATION, 03-R3D1-2939
34. ILH CONSTRUCTION, 02-R1D1-4172
35. INDUSTRIAL MASONRY, INC., 07-R3D2-0735 AND 0736
36. JOHN LAING HOMES, 04-R3D1-194 AND-195
37. KELLY SERVICES, INC., 06-R1D2-1024
38. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323
39. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
40. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA),05-R4D2-2541
41. NAUTICAL ENGINEERING, INC., 06-R6D1-4868 THROUGH 4872
42. BILL NELSON GENERAL ENGINEERING & CONSTRUCTION, 06-R2D5-1552 THROUGH 1554
43. O & M INDUSTRIES, 04-R1D5-1597
44. P G & H CONTRACTING, INC., 06-R4D3-1657 AND 1658
45. PMR RACE CARS, 03-R3D3-1825
46. POUK & STEINLE, INC., 03-R4D2-1495 & 1496
47. RII PLASTERING INC., 02-R3D1-2679
48. R & L BROSAMER, INC., 03-R1D5-4832
49. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
50. STACY & WITBECK INC., 05-R1D1-1142
51. STATE CENTER COMMUNITY COLLEGE DISTRICT, 05-R2D5-1688

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52. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
53. TEICHERT AGGREGATES, 04-R5D1-2982
54. TRIO METAL, 03-R4D4-0317
55. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2556 AND 2557
56. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
57. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802

**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. WESTERN MILLING, LLC, 06 CE CG 04007 (06-9039/9040)
2. UNITED AIRLINES dba UNITED AIRLINES SFO SYC, 07CS00331 (00-2844)
3. HARRIS CONSTRUCTION COMPANY, INC., 07CS00518 (02-3914)
4. JERLANE v DIVISION OF OCCUPATIONAL SAFETY & HEALTH, 37-2007-0005631-CU-WM-NC, (01-4344/4345)
5. J. F. SHEA CONSTRUCTION, INC (DOSH v. OSHAB) 34-2007-00882187-CU-WM-GDS, (02-801)
6. E. L. YEAGER CONSTRUCTION COMPANY, INC., (DOSH v. OSHAB) 34-2007-00882192-CU-WM-GDS, (01-3261)
7. BRUTO CO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159 (07-9223)
8. MURRAY COMPANY, BS112469 (07-9190/9192)
9. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (00-440)
10. KHS & S CONTRACTORS, 00107284

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**APPELLATE COURT:**

NONE

**OTHER LEGAL MATTERS**

*(Any legal matter that comes about after the agenda is noticed 10 days in advance of the meeting announcement and that must be acted upon or legal matters pending before the Board requiring specific Board action but do not fall within the above categories.)*

**PERSONNEL** *(Issues regarding staff.)*

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