

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, September 21, 2011**  
**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: September 8, 2011**

**RE: Closed Session of the Board to be held on September 21, 2011**

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. BILL NELSON ENGINEERING & CONSTRUCTION, 06-R2D5-1552 THROUGH 1554
2. COATES, INC. DBA COATES TIRE CENTER, 09-R2D3-1502 AND 1503
3. FOSTER'S WINE ESTATES AMERICA DBA CHATEAU ST. JEAN, 09-R1D5-0842 THROUGH 0844
4. LANE SAFETY CO., INC., 09-R1D5-3125

**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.)*

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1. A PLUS TREE SERVICE, 10-R2D3-3178
2. A-CO TEMPORARY POWER, INC., 10-R4D1-3110
3. AL REY LANDSCAPING, 10-R3D2-3633 AND 3634
4. ALAMILLO REBAR, INC., 09-R1D2-3964
5. ALON USA LP DBA PARAMOUNT PETROLEUM, 10-R2D1-2778
6. ARREOLAS COMPLETE LANDSCAPE SERVICE, 10-R2D1-3626
7. BARRETT BUSINESS SERVICE, INC., 10-R4D1-3669
8. BAY CITIES PAVING & GRADING, INC., 09-R2D4-3481 AND 3482
9. BODEAN COMPANY, INC., 09-R1D5-3284
10. BOYD TRANSPORTATION, INC., 10-R2D3-3774
11. BUSTILLOS BUSINESS GROUP, INC., 10-R3D2-1244 AND 1245
12. C & G FARMS, 10-R3D2-3327 AND 3328
13. C. PALLETS COMPANY, 10-R2D5-3929 THROUGH 3932
14. C. WOLFE INDUSTRIES, INC., 11-R3D6-1025 AND 1026
15. CA. CONSUMER AFFAIRS – AUTOMOTIVE REPAIR, 10-R4D1-2981
16. CALIFORNIA CONCRETE PUMPING, INC. DBA ASSOCIATED CONCRETE PUMPING, 10-R2D1-3623
17. CALIFORNIA STATE PRISON, LOS ANGELES COUNTY, 11-R4D3-0363
18. CARUTHERS RAISIN PACKING CO., INC. 11-R2D5-0954
19. CAST-RITE CORPORATION, 10-R4D1-2177 THROUGH 2179
20. CC SERVICE AUTO BODY REPAIR, 11-R6D7-0337 THROUGH 0339
21. DAMIAN HERRERA CHAVEZ DBA DAMIAN CHAVEZ PALLETS, 11-R6D5-1253 AND 1254
22. CROWNE PLAZA SAN JOSE/SILICON VALLEY, 10-R1D2-3665

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23. CUSTOM QUALITY CONSTRUCTION, INC., 10-R6D5-2992 THROUGH 2994
24. CVS/LONGS DRUG STORES CA LLC DBA CVS PHARMACY STORE #3945,  
10-R2D1-2512
25. CYTEK MANUFACTURING, INC., 10-R6D2-3561 THROUGH 3564
26. D. C. PAINTING, INC., 11-R3D2-0103 AND 0104
27. DA HAE APPAREL, INC. DBA DA HAE APPAREL, 11-R6D5-1467
28. DANIEL CARDENAS CONSTRUCTION, INC., 10-R2D1-3505
29. DAVE & BUSTERS, 10-R2D1-2670 THROUGH 2672
30. PHONG DINH/DUC LY/THANH CHEU DBA V-TECH COLLISION,  
10-R6D7-2705
31. ELITE LINE SERVICES, 11-R1D3-0494 AND 0495
32. ELRO MANUFACTURING CO., 10-R6D2-3426 THROUGH 3428
33. EUROCAR, INC., 11-R3D1-1343
34. FLATIRON, 10-R2D1-3447
35. FOSTER'S WINE ESTATES AMERICAS CO., 10-R1D5-0523
36. GBK CORP. DBA HARDWARE EXPRESS, 11-R2D3-1413
37. HECTOR MANUEL LOPEZ FLC, 09-R2D4-3927
38. HI-Q FASHION PRODUCTION, INC. DBA HI-Q FASHION, 11-R6D5-1471  
THROUGH 1473
39. HOWARD HAIG CONSTRUCTION, 09-R2D5-0209 AND 0210
40. HUGHSON NUT, INC., 10-R2D4-3240
41. IL FORNAIO, 11-R3D6-1013 AND 1014
42. JAJ ENTERPRISES, INC. DBA GRAPHICS, INTL., 10-R4D3-3875 AND 3876
43. JOBBERS MEAT PACKING CO., 11-R6D2-1240 THROUGH 1244
44. KIMBERLY-CLARK WORLDWIDE, 11-R3D1-1572

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45. KOOSHAREM CORPORATION DBA SELECT STAFFING, 10-R2D4-1053
46. L.A. CITY WATER & POWER FABRICATORS, INC., 10-R4D3-3766 and 10-R4D3-4004
47. L.H. WOODS & SONS, INC., 11-R3D3-1776 AND 1777
48. LANDMARK LANDSCAPE COMPANY, 11-R4D3-1271
49. LONGVIEW FIBRE PAPER & PACKAGING, INC., 10-R1D4-1275
50. M. SIKDER HOLDINGS, INC. DBA MARINA CAR WASH, 10-R4D1-1802 THROUGH 1804
51. MARK RUBEL CONSTRUCTION, 10-R2D3-3275
52. MCP FOOD, INC. DBA FIRMENICH, INC., 10-R6D2-2849 THROUGH 2858
53. JUAN CARLOS MEDEL, 10-R2D5-3749
54. METRO COMMERCIAL CONSTRUCTION, INC., 11-R4D2-0196 AND 0197
55. MODOC CO. BUILDING DEPT., 08-R2D3-4030
56. MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT, 10-R1D2-1237
57. NOR-CAL VENTURE GROUP, INC. DBA JACK IN THE BOX, 10-R2D4-3397 AND 3398
58. NURSING CARE PROVIDERS, INC., 10-R1D4-0994
59. PACIFIC BELL DBA AT&T, 10-R2D2-0271
60. PACIFIC STEEL CASTING COMPANY, 10-R1D4-1387 THROUGH 1389
61. PAINTCO, INC., 10-R6D7-1323 AND 1324
62. PARENTHOOD PRODUCTION, 10-R4D1-3544
63. PARSODA USA, INC. DBA PACIFICA WHOLESALE TILE & STONE, 11-R3D1-0503
64. PAUL ECKE RANCH, 10-R3D2-1668 THROUGH 1670
65. PRECISION WIRE PRODUCTS, 11-R4D2-0492 and 11-R4D2-0569

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66. PRIORITY STAFFING, INC. DBA PRIORITY STAFFING SERVICES,  
11-R3D5-0889
67. PTS MASONRY, INC., 10-R2D1-3625
68. QYCELL CORPORATION, 11-R3D3-1575 AND 1576
69. RANCHO DEL ORO TOWING, 11-R3D2-0019
70. RAO CONSTRUCTION CO., INC., 10-R2D3-2329
71. REAL MEX FOODS, 11-R4D2-0892 AND 0893
72. RIO FARMS LLC, 11-R6D5-1592
73. ROMI BAGH, INC., 10-R2D5-3628
74. RONALD ROBBINS & BARRY DOWNALL DBA R & R SCAFFOLDING,  
10-R1D1-1024
75. S. F. STATE UNIVERSITY POLICE, 11-R1D1-0455
76. SAN FRANCISCO, CITY & COUNTY OF, 10-R1D3-0199 THROUGH 0202  
and 10-R1D3-0328
77. SANCHEZ BROTHERS CONSTRUCTION, INC., 10-R4D1-3697 AND 3698
78. SERGIO'S PALLET REPAIR, INC., 11-R3D3-1574
79. SHEETMETAL ENGINEERING, INC., 10-R6D2-2798 THROUGH 2800
80. SHREDDING CENTER, INC. DBA RED DOG SHRED, 10-R2D1-3690 AND 3691
81. SIEMANS WATER TECH CORP., 10-R2D3-3741 THROUGH 3743
82. SIERRA DEL ORO DBA SIERRA DEL ORO, 11-R3D2-0105 AND 0106
83. SILVERLINE CONSTRUCTION, 10-R4D1-3077
84. SISKIYOU HOSPITAL, INC. DBA FAIRCHILD MEDICAL CENTER,  
10-R2D1-3581
85. SHRIN CORPORATION DBA COVER KING., 10-R3D1-3630
86. SOUTH SHORE FUMIGATION, INC., 11-R3D1-0095 THROUGH 0097
87. STERLING ENVIRONMENTAL CORPORATION, 10-R1D4-1197

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88. SUDWERK RESTAURANT & BREWERY, INC., 10-R2D1-3396
89. SUPERIOR DUCT FABRICATION, INC., 10-R6D2-3300 THROUGH 3310
90. SUTTER COUNTY ANIMAL CONTROL, 10-R2D1-3848
91. SWISS AMERICAN SAUSAGE PROVINA FOODS, INC., 10-R2D4-0814  
THROUGH 0817
92. T.J. MAXX #1146, 10-R4D3-4080 AND 4081
93. TENNYSON ELECTRIC, INC., 10-R1D2-0867
94. TERNO ELECTRICAL CONTRACTORS, 09-R4D1-3643
95. VALLEY UTILITY SERVICES, 09-R1D5-2907
96. WALTER COFFMAN, INC. DBA A STEP ABOVE SCAFFOLD COMPANY, INC.  
11-R6D2-1957
97. WEED CITY – PUBLIC WORKS, 10-R2D3-3627

**ORDER DISMISSING APPEAL:**

1. EDWARD STRALING DBA QUALITY ELECTRICAL SERVICES,  
10-R2D1-2538

**ORDER DISMISSING EMPLOYER'S APPEAL:**

1. ROUNDS LOGGING CO., 10-R2D3-0160 AND 0161

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

1. CALIFORNIA HIGHWAY PATROL ACADEMY, 11-R2D1-9150
2. J & H TREE SERVICES, INC., 11-R4D3-9152
3. JAMES HOOVER & PEGGY HOOVER DBA HOOVER RANCH, 11-R3D3-9133
4. PACIFIC CRANE MAINTENANCE CO., 11-R6D2-9151

**ORDER GRANTING LEAVE TO FILE LATE APPEAL**

1. E AND B FOODS, INC. DBA A & E RESTAURANT, 11-R6D5-2154 AND 2155

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**ORDER AFTER REMAND:**

1. CLINE CELLARS, INC., 08-R1D5-2946

**DECISIONS AFTER REMAND:**

1. CALIFORNIA INTERSTATE EXPRESS, 09-R4D2-3460
2. WINCHESTER CONSTRUCTION, 08-R4D3-4709

**PETITIONS FOR RECONSIDERATION:**

1. BILL NELSON GENERAL ENGINEERING, INC., 09-R2D5-3769 AND 3770
2. CA – PRISON INDUSTRY AUTHORITY, 09-R1D5-2459 THROUGH 2461
3. P G & E CORPORATION DBA PACIFIC GAS & ELECTRIC CO., 11-R4D3-9132
4. ST. JOSEPH HEALTH SYSTEM – SONOMA COUNTY, 10-R1D5-1327

**DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):**

1. AERO-VAC ALLOYS AND FORGE, INC., 11-R3D1-9135
2. GUARDSMARK LLC, 10-R3D1-2675
3. HYDROSCIENCE OPERATIONS, INC., 10-R1D2-0389
4. NASIR JAMAL CHOUDRY DBA INFINITY GENERAL ENGINEERING & DESIGN, 11-R2D1-9112

**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 & C PALLETS, 10-R6D5-1687 AND 1688
2. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
3. AC TRANSIT, 08-R1D4-0135
4. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
5. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068

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6. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY  
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
7. ANNING-JOHNSON COMPANY, 06-R1D3-1976
8. BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1219 AND 1221
9. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
10. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO.,  
09-R6D2-2239 THROUGH 2241
11. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
12. BURRTEC WASTE INDUSTRIES, INC., 10-R3D3-9222
13. BURTON L. SILVA FARMS, 09-R1D2-1498
14. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
15. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
16. CA CORRECTIONS, 08-R2D5-0975 THROUGH 0978
17. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
18. CALIFORNIA INTERSTATE EXPRESS, 09-R4D2-3460
19. SILVIA CASTRO, MIGUEL CASTRO DBA SILVIA CASTRO FLC,  
09-R2D4-1900
20. CITY OF FOSTER CITY, DEPT. OF PUBLIC WORKS, 09-R1D3-4195
21. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336
22. CLINE CELLARS, INC., 08-R1D5-2946
23. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR  
08-R6D5-3466 AND 3467
24. COMMERCIAL METAL FORMING, 09-R3D1-1592
25. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
26. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
27. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038

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28. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
29. DESIGN BUILDERS, INC., 08-R4D4-1901
30. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
31. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
32. DUKE PACIFIC, INC., 08-R3D3-574
33. DUININCK BROS., INC., 06-R4D3-2871
34. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS,  
09-R6D2-2325 THROUGH 2332
35. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
36. EZ MIX, INC., 08-R4D3-1898
37. FORTUNA IRON WORKS 06-R2D3-4222
38. G. T. ALDERMAN, INC. 05-R4D3-3513
39. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
40. HB PARKCO, 07-R4D2-1730 AND 1731
41. THE HERRICK CORP., 07-R3D1-495
42. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
43. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
44. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
45. JENSEN PRECAST, 05-R2D1-2377
46. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
47. KELSO'S AUTO DISMANTLING AND AUTO SALES, 10-R2D4-0165
48. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
49. L & S CONSTRUCTION, 10-R3D2-1822
50. LA MINA CANTINA, 09-R2D5-0039

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51. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
52. LAST CHANCE, INC. DBA A STAR RECYCLING, 10-R4D3-3468 AND 3469
53. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
54. LION RAISINS, INC., 08-R2D5-2253 AND 2254
55. L N I CUSTOM MANUFACTURING, 10-R6D2-9154
56. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
57. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
58. MARINE TERMINALS, 08-08-R6D2-1920
59. MCM CONSTRUCTION, INC., 10-R4D3-2498 THROUGH 2500
60. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
61. MILLENIUM GENERATION, INC., 08-R4D3-5047
62. MOOREFIELD CONSTRUCTION, INC., 10-R3D5-9207
63. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
64. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583
65. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
66. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
67. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
68. P. G. & E. CORPORATION dba PACIFIC GAS & ELECTRIC CO., 11-R4D3-9132
69. POUK & STEINLE, INC., 09-R3D3-0491
70. R & L BROSAMER, INC., 03-R1D5-4832
71. RAMON ARANDA dba I & R PALLETS, 10-R6D5-9053
72. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730
73. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710

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74. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
75. SANTA ROSE CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
76. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
77. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
78. SMUD, 08-R2D1-4887 THROUGH 4889
79. MARTIN J. SOLIS, DBA SOLIS FARM LABOR, 08-R2D1-3415
80. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR,  
08-R2D1-3414 THROUGH 3418
81. SONORA REGIONAL MEDICAL CENTER, 10-R2D4-0162
82. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
83. SUNOPTA FRUIT GROUP, 09-R3D1-9245
84. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
85. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
86. TEICHERT & SON, INC. A CORPORATION DBA TEICHERT AGGREGATES,  
04-R5D2-850 AND 851
87. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION,  
05-R2D4-2650 AND 2651
88. UNITED PARCEL SERVICE, 07-R3D3-3322
89. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
90. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710
91. WINDSOR CHICO CREEK CARE AND REHABILITATION CENTER LLC,  
10-R2D1-0263

**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.)*

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**SUPERIOR COURT:**

1. JERLANE, 37-2007-00056381-CU-WM-NC (01-4344/4345)
2. JERLANE, 37-2009-00059323-CU-WM-NC (08-1733)
3. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB),  
34-2007-00882192-CU-WM-GDS, (01-3261)
4. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB)  
(00-440)
5. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
6. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
7. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
8. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430  
(09- 9280/9281)
9. FRESNO PRODUCE, CO., INC., 10CECG02394 (10-R6D1-9064)
10. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047  
(07-R5D1-3611)
11. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-  
80000640 (08-R2D1-0027 THROUGH 0030)
12. EMERSON RUSSELL MAINTENANCE CO., RG-10543219 (08-R1D4-4167)
13. SMUD, 34-2010-80000723 (08-R2D1-4887)
14. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
15. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)

**COURT OF APPEAL**

1. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)
2. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)

**PERSONNEL:**

*(Issues regarding staff)*

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