

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, May 2, 2007**  
**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: April 20, 2007**

**RE: Closed Session of the Board on May 2, 2007**

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. GLAD ENTERPRISES, INC., dba PETALUMA SPEEDWAY, 05-R1D5-293 AND 294 (4/5/07)
2. HALABY RESTORATIONS INC., 06-R3D1-2222 AND 2223 (4/16/07)
3. PETERSON BROTHERS CONSTRUCTION, 04-R4D2-45 THROUGH 47 (4/17/2007)

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**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. AARP FOUNDATION SCSEP PROJECT SITE #068, 06-R2D1-3069
2. ALPHA ELECTRIC SERVICE, 04-R4D3-1322 AND 1323
3. ARCATA GARBAGE CO., INC., 06-R6D1-5221 THROUGH 5224
4. B & B FRAMING, INC., 06-R3D3-5173
5. BAYVIEW VINEYARDS CORPORATION, 06-R1D5-5036 AND 5037
6. BERYL LOCKHART ENTERPRISES INC. dba LEON KRAUS DRILLING, 07-R4D2-926 AND 927
7. BRADLEY COMPONENT SUPPLIES, INC., 05-R4D2-663 AND 664
8. BRADLEY COMPONENT SUPPLIES, INC., 06-R4D2-3220 AND 3221
9. CALIFORNIA COMMERCIAL POOLS, INC., 05-R1D4-1853
10. CAPITAL DRYWALL INC., 04-R4D2-3597
11. CIVIL WORKS CORPORATION, 06-R4D4-4173 AND 4174
12. CLOROX PRODUCTS MANUFACTURING CO., 07-R3D7-410
13. COMMODITY SALES CO., 07-R6D2-89 AND 90
14. D.H. WILLIAMS CONSTRUCTION, INC., 06-R2D1-5043 AND 5044
15. DSS RESOURCES, 05-R3D3-2327
16. DELBIAGGIO CONSTRUCTION, INC. dba DCI BUILDERS, 06-R2D3-5048
17. DELICATO FAMILY VINEYARDS, 06-R2D4-1780 THROUGH 1782
18. DUFFIELD ELECTRIC BOAT CO, 07-R6D2-99 THROUGH 105
19. ECKLES AUTO BODY INC., 06-R4D4-4995
20. ELIXIR INDUSTRIES, 06-R2D1-5041

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21. FITCH & COOK COMMUNITIES, 06-R2D1-4405
22. FOXCONN ADVANCED TECHNOLOGY, INC., 06-R3D1-3406
23. GOLDEN EMPIRE TOWING, 06-R2D5-3891
24. GRIJALVA CONTRACTORS, 05-R2D5-787 AND 788
25. GRUPO LATINO, INC., 06-R3D5-2812 AND 2813
26. HANSON PERMANENTE CEMENT INC., 06-R5D1-4996 AND 4997
27. HOME IMPROVEMENT KING, 04-R4D3-2423
28. HOWARD ROOFING CO., INC., 03-R3D3-950 AND 951
29. ITW SPACE BAG, 06-R3D2-2752
30. IMPACT FINISH, INC., 06-R2D5-3394
31. JASON COLBERT CONSTRUCTION, 06-R2D3-5049 AND 5050
32. JESUS L. QUINTERO, INC., 06-R1D2-3340
33. JOE BOLEN PLASTERING, 05-R2D3-4244 AND 4245
34. KDS PLUMBING, INC., 06-R1D2-3336
35. KEN THOMPSON INC., 04-R5D3-3682
36. KIMBER PALLETS, 06-R2D5-4521 AND 4522
37. RON VANDER KOOI dba VANDER KOOI DAIRY, 06-R2D5-3382 THROUGH  
3386
38. LEWIS & SONS CONSTRUCTION, INC., 05-R6D2-4318 AND 4319
39. LEWIS & SONS CONSTRUCTION, INC., 05-R6D2-4320 AND 4321
40. LONG BEACH UNIFIED SCHOOL DISTRICT: BURROUGHS ELEMENTARY  
SCHOOL, 03-R3D5-5070
41. LOS ALTOS FOOD PRODUCTS INC., 04-R4D4-911 AND 912
42. LOS ANGELES COATING, INC., 06-R4D2-3214 THROUGH 3216

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43. MJR ELECTRIC, INC., 06-R1D2-4313
44. MARATHON INDUSTRIES INC., 04-R4D3-1471 AND 1472
45. KEVIN & KELLY McKELLER dba PAUL STOWER AUTOMOBILE & MUFFLERS, 06-R2D3-3368
46. ANTHONY MELLOW dba MELLOW'S NURSERY & FARMS, 06-R1D2-3337 THROUGH 3339
47. MICOM COMMUNICATIONS, 05-R3D3-906
48. NATIONAL WOOD PRODUCT, INC., 06-R3D5-3438 AND 4800
49. NORTH VALLEY AG SERVICES, 04-R2D3-3280 AND 3281
50. NU-WAVE, INC., 05-R3D5-1707 AND 1708
51. OTIS SPUNKMEYER, 05-R4D2-376 AND 377
52. PACIFIC SUPPLY, 05-R2D1-2641
53. PENHALL COMPANY, 06-R1D5-4506
54. RD & D CONSTRUCTION, INC., 06-R2D3-3371 AND 3372
55. RD & D CONSTRUCTION, INC., 06-R2D3-3373
56. REDLANDS UNIFIED SCHOOL DISTRICT-CLEMENT MIDDLE, 07-R3D3-746 AND 747
57. SBM SOUTH, LLC, 05-R2D1-1880
58. SAM'S CLUB, 04-R4D3-1901 AND 1902
59. SKECHERS U.S.A. INC., 04-R3D3-3127 THROUGH 3129
60. SOUTHERN CALIFORNIA EDISON, 05-R3D5-2844 AND 2845
61. SOUTH STATE TOWING, INC., 04-R3D3-1671 THROUGH 1673
62. SPECIALITY INTERNATIONAL, 04-R4D3-2427 AND 2428
63. STUCCO WORKS INC., 06-R2D5-3889 AND 3890

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64. THUNDERBIRD FOREST PRODUCTS, 04-R2D3-3278
65. VIRK FARMS, 06-R2D4-3380
66. WELLINGTON FOODS INC., 06-R6D2-5001 THROUGH 5006
67. WOODTURNING USA, 05-R6D2-1731 THROUGH 1744
68. ZIEMAN MANUFACTURING, 04-R6D2-3793 THROUGH 3798

**ORDER DENYING MOTION TO AMEND, DISMISSING CITATIONS, AND CANCELING HEARING**

1. LEVEL ONE ENG./VAN DYK ENG. CONTRACTORS, INC., 04-R3D3-3133 AND 3134

**ORDER DISMISSING APPEAL**

*(Written order issued by an Administrative Law Judge disposing of an Employer appeal.)*

1. CHEVRON PRODUCTS COMPANY, 05-R3D7-1793 AND 1794
2. GROUND ZERO ENGINEERING, 07-R1D3-9062 THROUGH 9069

**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. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
2. LOS ANGELES COATING, INC., 06-R4D2-3214 THROUGH 3216
3. WOODLAND JOINT UNIFIED SCHOOL DISTRICT, 07-R2D1-9029

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

1. ASW ALLSTATE PAINTING & CONSTRUCTION, INC., 04-R2D2-4381 AND 4382
2. CENTRAL FREIGHT LINES, INC., 07-R2D1-9018 THROUGH 9021
3. HERRON CONSTRUCTION, INC., 06-R3D1-743 AND 744

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4. SAN MARINO PLASTERING, 05-R2D4-2088 THROUGH 2090
5. SELECT PERSONNEL SERVICES, 05-R3D3-2753

**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. AC FRAMERS INC., 03-R2D3-3475
2. A & C LANDSCAPING, INC., aka A & C CONSTRUCTION, INC., 03-R4D4-4791
3. AMERIPRIDE UNIFORM 04-R4D2-106 AND 107
4. A. TEICHERT & SON, INC., A CORPORATION dba TEICHERT AGGREGATES, 04-R5D2-850 AND 851
5. BAY AREA SYSTEMS & SOLUTIONS, dba BASS ELECTRIC, 01-R1D3-106
6. BLUE DIAMOND MATERIALS, 02-R5D2-1268
7. BRYDENSOT METAL PRODUCTS, 03-R3D3-3554 AND 3555
8. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
9. CENTRAL VALLEY CONTRACTING, 05-R4D3-2351
10. CALIFORNIA FAMILY FITNESS, 03-R2D1-095 & 096
11. CLUB FRESH, LLC, 06-R2D1-9241 AND 9242
12. COX COMMUNICATIONS, 03-R3D2-1942
13. DADE BEHRING, 05-R2D1-2203
14. DAVIS BROTHERS FRAMING, INC., 03-R3D1-0114
15. E. L. YEAGER CONSTRUCTION COMPANY, INC., 01-R5D3-3261
16. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
17. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
18. GLASS PAK, 03-R2D2-0750 AND 0751

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19. HEARN CONSTRUCTION, INC., 02-R6D1-3533 THROUGH 3536
20. HELPMATES STAFFING SERVICES, 05-R3D3-2239
21. HENSEL PHELPS CONSTRUCTION, 01-R2D1-1618 & 1619
22. HUSSMAN CORPORATION, 03-R3D1-2939
23. ILH CONSTRUCTION, 02-R1D1-4172
24. IRBY CONSTRUCTION, 03-R3D3-2728
25. J. F. SHEA CONSTRUCTION, INC., 02-R5D3-801
26. JERLANE, INC. dba COMMERCIAL BOX AND PALLET, 01-R3D2-4344  
THROUGH 4348
27. JOHN LAING HOMES, 04-R3D1-194 AND 195
28. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323
29. KIMES-MORRIS CONSTRUCTION, 02-R1D4-1204 THROUGH 1209 & 02-1273
30. KNOTT'S BERRY FARM, 01-R3D1-4331 & 4332
31. LONG BEACH CITY COLLEGE, 03-R3D5-2747
32. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
33. MCI WORLDCOM INC., 00-R1D1-440 THROUGH 442
34. McDONALDS #10660, 03-R1D3-4116 & 4117
35. NIBBLELINK MASONRY CONSTRUCTION, 02-R3D3-1399 THROUGH 1401
36. NORTH FORK SPRINGS CONSTRUCTION, 02-R4D1-199 THROUGH 202
37. O& M INDUSTRIES, 04-R1D5-1597
38. PMR RACE CARS, 03-R3D3-1825
39. POUK & STEINLE, INC., 03-R4D2-1495 & 1496
40. RII PLASTERING INC., 02-R3D1-2679
41. SACRAMENTO MUNICIPAL UTILITY DISTRICT, 02-R2D1-1654 THROUGH

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42. SAFEWAY #951, 05-R1D4-1410
43. SILVERCREST WESTERN HOMES, CORP., 03-R2D1-4305
44. STACY & WITBECK INC., 05-R1D1-1142
45. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
46. SUN VALLEY SKYLIGHTS, INC., 03-R4D1-2613 & 2614
47. TEICHERT AGGREGATES, 04-R5D1-2982
48. TRIO METAL, 03-R4D4-0317
49. WESTERN DOOR, 01-R3D1-2827
50. WEST VALLEY CONSTRUCTION COMPANY, INC., 01-R1D2-3017 & 3018

**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. HFS INVESTMENTS, INC., 01CS00981 (96-3079)
2. BLF FRAMING, INC., 04CS01618 (02-1837/38)
3. DESILVA GATES CONSTRUCTION, 05CS00008 (01-2742)
4. INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, LOCAL LODGE 1781; JULIA SMITH, (UNITED AIRLINES dba UNITED AIRLINES SFO SYC), 07CS00331 (00- 2844)
5. WESTERN MILLING, LLC, 06 CE CG 04007 (06- 9039/9040)

**APPELLATE COURT:**

1. C. OVERAA & CO., CO51245 (04CS00570) 01-3560

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**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 Closed Sessions.