

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, June 24, 2009**  
**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: June 12, 2009**

**RE: Closed Session of the Board to be held on June 24, 2009**

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. FRANK BUTLER DBA PRESTIGE BUILDING SERVICES, 08-R4D1-4902 THROUGH 4904
2. VIKING CONSTRUCTION CO., 07-R2D5-2404 AND 2405
3. XL CONSTRUCTION, 08-R1D2-1191 THROUGH 1193

**DECISION AND ORDER ON MOTION FOR SANCTIONS:**

1. A.TEICHERT & SON, INC., DBA TEICHERT AGGREGATES, 08-R5D1-1242

**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. 3 BRAND CATTLE CO., 08-R2D5-1586 AND 1587
2. AA AUTOMOTIVE PERSONNEL SERVICES, INC., 08-R4D3-2693 AND 2694 and 09-R4D3-1711
3. AADLEN BROS. AUTO WRECKING DBA SAMSON AUTO SALVAGE, 09-R4D2-0247 AND 0248
4. ACE METAL SPINNING, 09-R6D2-0249 AND 0250
5. ADVANTAGE METAL PRODUCTS, INC., 08-R1D2-2221 THROUGH 2223
6. ANITA'S MEXICAN FOODS CORP., 09-R6D2-1020 THROUGH 1029
7. DAN AVILA & SONS, 08-R6D5-3560
8. BELCO CABINETS, INC., 07-R2D4-3772 THROUGH 3780
9. BENNER METALS, INC., 09-R6D2-1285 AND 1286
10. BROWARD BROS., INC., 08-R2D1-0391
11. BUCCANEER DEMOLITION, INC., 07-R1D1-3740
12. CHEVRON N.A. EXPLORATION & PRODUCTION, 07-R2D5-1152 THROUGH 1154
13. CITY OF RICHMOND LIBRARY, 07-R2D2-1525
14. COCA COLA BOTTLING COMPANY, 08-R2D5-0555
15. COCA COLA BOTTLING COMPANY OF SOUTHERN CALIFORNIA, 09-R6D2-1469
16. DUANE COFFMAN DBA DC PAINTING, 07-R2D5-4367 THROUGH 4370
17. COMERICA BANK, 08-R2D1-0680
18. COMMERCE TEMPORARY STAFFING SERVICES, LLC, 08-R4D4-2698
19. CONNECT TELEVISION, INC., 08-R3D5-2681

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20. CONNECT TELEVISION, INC., 09-R3D5-1068
21. CORPORATE GRAPHICS, 08-R4D4-2330
22. DCS (DURAZO CONSTRUCTION SERVICES), 08-R4D3-4562 AND 4563
23. DEE ENGINEERING, INC., 09-R6D2-1622 AND 1623
24. A. GEO. DIACK, INC., 09-R6D2-1393 THROUGH 1395
25. DOLORES CANNING CO., INC., 09-R6D2-0306
26. DRILL TECH DRILLING & SHORING, INC., 08-R5D1-0611
27. DSA PHOTOTECH, 08-R3D5-3075 THROUGH 3077
28. DURAZO CONSTRUCTION SERVICES, 08-R4D3-1916 AND 1917
29. EAGLE MARINE SERVICES, LTD., 09-R6D2-0883 AND 0884
30. EASTSIDE LRT CONSTRUCTORS, 08-R5D2-4378
31. FIESTA FASHIONS, 09-R4D1-0299
32. DAN FITZGERALD DBA CON TEC DEVELOPMENT, 09-R4D1-0357 AND 0358
33. FOXFIRE CONSTRUCTORS, 08-R5D3-2452
34. GL VENEER, INC., 09-R6D2-1624 THROUGH 1627
35. GMC ROOFING & BUILDING PAPER PRODUCTS, INC., 08-R4D3-3055 AND 3056 and 09-R4D3-0736
36. GOLDEN STATE DRILLING, 08-R6D4-2923 AND 2924
37. GRIMMWAY FARMS, INC., 08-R4D5-4230
38. G. GROSSLIGHT CONSTRUCTION, INC., 08-R4D3-4813
39. MITT GUGGIA ENTERPRISES DBA PEA SOUP ANDERSONS, 08-R4D3-4074 AND 4075
40. HOLLYWOOD CAR WASH, 08-R4D1-5182 THROUGH 5185
41. HORNBURG JAGUARS, INC., 09-R1D4-1644

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42. ICENOGEL-IMR, JOINT VENTURE, 06-R2D2-1033 THROUGH 1037
43. INTEGRITY REBAR PLACERS, 08-R4D3-3657
44. CHESTER ALAN JENSEN & SONS CONSTRUCTION CO., INC., 09-R4D2-0322
45. K & H FARMS, LLC / HAL ROBERTSON FARMS, LLC, 07-R2D4-4669
46. KAHN AIR CONDITIONING, 08-R4D3-3541
47. KEENAN HOPKINS SUDER & STOWEL CONTRACTORS, INC., 07-R2D1-3864
48. KERMAN CO-OP GIN & WAREHOUSE, INC., 08-R2D5-1495
49. LAIRD CONSTRUCTION CO., INC., 08-R3D3-2320 AND 2321
50. ERIC LARSON INDIVIDUAL DBA ERIC'S CAR WASH, 08-R2D3-1310  
THROUGH 1312
51. LIDESTRI FOODS, INC., 07-R2D5-5030
52. LONG BEACH COMMUNITY COLLEGE DISTRICT, 08-R3D5-2738
53. LOS ANGELES COUNTY OF EDUCATION, BARRY J. NIDOFF JUVENILE  
HALL SCHOOL, 08-R4D3-4301
54. M G REMEDIATION, INC., 07-R1D1-3412 THROUGH 3414
55. MAJESTIC WOOD WORKS, INC., 09-R6D2-0829 THROUGH 0831
56. MARIN COUNTY FIRE DEPARTMENT, 08-R1D5-2999 AND 3000
57. MAVERICK CONSTRUCTION, INC., 08-R4D1-5186 AND 5187
58. JOHN MORRISON, INC., 08-R1D4-1382 AND 1383
59. TIM MUELLER AND KATHERINE CAMPBELL DBA RIVERDOG FARM, 08-  
R2D1-1709 AND 1710
60. MYWI FABRICATORS, 09-R6D2-1282 THROUGH 1284
61. NATIONAL COMMUNITY RENAISSANCE, 08-R4D3-4440
62. NEWTON CONSTRUCTION, 08-R4D3-4050
63. NORTHERN CALIFORNIA POWER AGENCY, 08-R6D3-3115

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64. OCAT, INC., 07-R2D4-2912 AND 2913
65. ONTARIO ICE & COLD STORAGE, INC., 09-R6D2-0081 THROUGH 0084
66. PACHECO BROTHERS SERVICES, 08-R4D3-3632 AND 3633
67. PACIFIC DUCT, INC., 08-R3D3-3073 AND 3074
68. PACIFIC ICE, INC., 08-R6D2-5129 THROUGH 5132
69. PACIFIC SCIENTIFIC ENERGETIC MATERIALS COMPANY (CALIFORNIA),  
INC., 07-R6D3-2662 THROUGH 2667
70. PONCE FARM LABOR AG SERVICES, 08-R2D4-0402 THROUGH 0404
71. POSO RIDGE, 08-R4D3-3079 THROUGH 3081
72. PRIME TIME SIGNS, 07-R2D5-2110
73. QUEBECOR WORLD, 07-R2D4-4670
74. RAYMOND INTERIOR SYSTEMS – NORTH, 08-R2D1-1715
75. REX MOORE ELECTRICAL, 04-R2D1-1088
76. ROMINGER BROTHERS FARMS, INC., 08-R2D1-0147 AND 0148
77. SACRAMENTO CONTAINER CORPORATION, 08-R2D1-0679
78. FERNANDO G. SANCHEZ DBA SANCHEZ FARM LABOR, 07-R2D1-5003
79. SANCO PIPELINES, 08-R1D2-3853 AND 3854
80. SANTA CLARA VALLEY WATER DISTRICT, 08-R1D2-0376
81. TIM SHANNON CONSTRUCTION, INC., 07-R2D4-2402
82. SIERRA PACIFIC LATH & PLASTER, INC., 07-R2D1-1359 AND 07-R2D1-3411
83. SISKIYOU CO. ADMINISTRATIVE OFFICE, 08-R2D3-0903
84. SISKIYOU COUNTY SHERIFF'S DEPARTMENT, 08-R2D3-0904
85. WALTER C. SMITH CO., INC., 07-R5D1-4918
86. SRG CONSTRUCTION, 08-R4D5-4478 AND 4479

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87. STONE TRUSS COMPANY, INC., 08-R6D2-3012 AND 3013
88. SUPERIOR MOLD COMPANY, INC., 09-R3D3-0200 AND 0201
89. TALLEY FARMS, INC., 08-R4D5-4137
90. TITAN ROOFING, 09-R4D1-0015 AND 0016
91. TOMAHAWK BUILDERS, INC., 08-R6D5-5081 THROUGH 5083
92. TRADEMARK COSMETICS, INC. DBA TCI LABORATORIES, 09-R3D3-0943 THROUGH 0945
93. TRIAD SYSTEMS INTERNATIONAL, 08-R4D3-3723
94. VENTURA COUNTY OFFICE OF EDUCATION, 08-R4D3-4708
95. VERMONT CAR WASH, 08-R4D1-5148 THROUGH 5151
96. WBP ASSOCIATES, 08-R4D4-2447 AND 2448
97. HOWARD S. WRIGHT CONSTRUCTION CO., 09-R4D1-0246
98. YOLO COUNTY FLOOD CONTROL-WATER CONSERVATION DISTRICT, 08-R1D5-0678
99. ZORIA FARMS, INC., 07-R2D5-5104 THROUGH 5108

**ORDER AFTER REMAND:**

1. BHANDAL BROS. TRUCKING, INC., 09-R6D1-9060

**ORDERS DISMISSING APPEALS:**

1. CHAMLIAN ENTERPRISES, 08-R2D5-1322 THROUGH 1325
2. CHAMLIAN ENTERPRISES, 08-R2D5-1326 THROUGH 1328
3. CHAMLIAN ENTERPRISES, 08-R2D5-2607
4. CHAMLIAN ENTERPRISES, 08-R2D5-2608 THROUGH 2611
5. CHAMLIAN ENTERPRISES, 08-R2D5-3859
6. CLEAR POINT RESOURCES, 08-R2D1-0683

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7. WADE M. NYE DBA WARD INDUSTRIES, 07-R2D4-3126 THROUGH 3128

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

1. J.A. HILL CORPORATION, 09-R4D4-9144

**STIPULATION:**

1. SAN BERNARDINO ASSOCIATED GOVERNMENT (SANDBAG), 06-R3D3-3567

**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. CANNED FOODS GROCERY OUTLET, 04-R2D1-0951 AND 0952
2. L.B. LOFTS, LLC, 07-R3D5-9452
3. PARADISO MECHANICAL, INC., 06-R1D5-5033
4. R & R FRAMING, 06-R2D1-9143
5. WEBCOR CONSTRUCTION, LP DBA WEBCOR BUILDERS, 07-R1D1-5150
6. WESTERN IMPERIAL 2000 LLC, 07-R3D5-9442

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

1. ALBERTO ARMENTA, 08-R3D1-1282 THROUGH 1284
2. CALIFORNIA DAIRIES, INC., 07-R6D2-2076 THROUGH 2081
3. GREIF, INC., 09-R2D4-9094
4. UPS, 08-R3D3-2049 THROUGH 2051
5. WEBCOR CONSTRUCTION LP DBA WEBCOR BUILDERS, 07-R1D1-5150

**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 LANDSCAPING, INC. aka A & C CONSTRUCTION, INC., 03-R4D4-4791

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2. AC FRAMERS INC., 03-R2D3-3475
3. AC TRANSIT, 08-R1D4-0135
4. AMERICAN REMEDIAL TECHNOLOGIES, 08-R4D2-3154 THROUGH 3156
5. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY  
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
6. ASC PROFILES, INC., 06-R2D1-1181
7. ANNING-JOHNSON COMPANY, 06-R1D3-1976
8. BART, 03-R1D1-5170
9. BIMBO BAKERIES USA, 03-R1D3-5215 THROUGH 5217
10. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
11. BLF, INC. dba LARRABURE FRAMING, 02-R4D1-4675 THROUGH 4680
12. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
13. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
14. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
15. CALIFORNIA FRESH FARMS, 06-R2D4-4127
16. CENTRAL VALLEY CONCRETE, INC., 07-R2D4-1375 THROUGH 1378
17. COLES CARBIDE CORPORATION, 08-R4D3-2012 THROUGH 2014
18. CVS PHARMACY GARFIELD BEACH LLC, 08-R3D1-9368
19. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
20. DAVIS BROTHERS FRAMING, INC., 03-R3D1-114
21. DAVIS BROTHERS FRAMING, INC., 05-R3D3-634 THROUGH 636
22. DESIGN BUILDERS, INC., 08-R4D4-1901
23. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
24. DUKE PACIFIC, INC., 08-R3D3-574

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25. DYNALECTRIC, 03-R1D1-4101
26. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
27. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
28. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
29. FORTUNA IRON WORKS 06-R2D3-4222
30. G.T. ALDERMAN, INC., 05-R4D3-3513
31. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
32. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
33. GLASS PAK, 03-R2D2-750 AND 751
34. GOLDEN WEST INDUSTRIES, INC., 08-R3D2-3930
35. HB PARKCO, 07-R4D2-1730 AND 1731
36. HELPMATES STAFFING SERVICES, 05-R3D3-2239
37. THE HERRICK CORP., 07-R3D1-495
38. HUSSMAN CORPORATION, 03-R3D1-2939
39. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
40. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
41. JENSEN PRECAST, 05-R2D1-2377
42. JOHN LAING HOMES, 04-R3D1-194 AND 195
43. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
44. KELLY SERVICES, INC., 06-R1D2-1024
45. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-323
46. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
47. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960

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48. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
49. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
50. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
51. HARRY L. MURPHY, INC., 06-R1D2-218 AND 219
52. BILL NELSON GENERAL ENGINEERING & CONSTRUCTION, 06-R2D5-1552  
THROUGH 1554
53. & M INDUSTRIES, 04-R1D5-1597
54. PMR RACE CARS, 03-R3D3-1825
55. POUK & STEINLE, INC., 03-R4D2-1495 AND 1496
56. R & L BROSAMER, INC., 03-R1D5-4832
57. REAL EQUITY DEVELOPMENT, INC., 07-R2D4-4129 AND 4130
58. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
59. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
60. STACY & WITBECK, INC., 05-R1D1-1142
61. STATE CENTER COMMUNITY COLLEGE DISTRICT, 05-R2D5-1688
62. THROUGH 1692
63. DAVID STOUPAKAS DBA DEVORE TRUCKING & AUTO WRECKING, 07-  
R3D3-5185 AND 5186
64. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
65. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT  
AGGREGATES, 04-R5D2-850 AND 851
66. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650
67. AND 2651
68. TEICHERT AGGREGATES, 04-R5D1-2982
69. TRADER DAN'S DBA ROOMS N. COVERS, ETC., 08-R6D2-4978 THROUGH  
4980
70. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2256 AND 2557

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- 71. UNITED PARCEL SERVICE, 07-R3D3-3322
- 72. UPS, 08-R3D3-2049 THROUGH 2051
- 73. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
- 74. 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. HARRIS CONSTRUCTION COMPANY, INC., 07CS00518 (02-3914)
- 2. JERLANE v DIVISION OF OCCUPATIONAL SAFETY & HEALTH, 37-2007-0005631-CU-WM-NC, (01-4344/4345)
- 3. J.F. SHEA CONSTRUCTION, INC. (DOSH V OSHAB), 34-2007-00882187-CU-WM-GDS, (02-801)
- 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. KHS & S CONTRACTORS, 32-2008-00107284-CU-WM-GDS CJC (06-2759)
- 8. ARTHUR J. BREWSTER CORP. dba PRESTIGE KITCHENS, INC., 30-2008-00110573 (08-1121)
- 9. EMPIRE PRO-TECH INDUSTRIES, 37-2008-00091916-CU-WM-CTL (07-2837)
- 10. MENDOTA UNIFIED SCHOOL DISTRICT, 08-CE CG 04 324 (07-3572)
- 11. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
- 12. INTERNATIONAL TRANSPORTATION SERVICE (07-3824)

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13. SOUTHERN CALIFORNIA EDISON COMPANY v CALIFORNIA  
OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD, BS 119297, LOS  
ANGELES SUPERIOR COURT (08-9062)

14. UNITED AIRLINES (SFO), 34-2009-80000256

**APPELLATE COURT:**

1. MURRAY COMPANY, BS112469

2. HARRIS CONSTRUCTION COMPANY, INC. 07CS00518 (02-3914)

**PERSONNEL:**

*(Issues regarding staff.)*

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