

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Thursday, March 17, 2016**  
**9:30 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: March 4, 2016**

**RE: Closed Session of the Board to be held on March 17, 2016**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session. Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.

---

**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. GATEWAY PACIFIC CONTRACTORS INC, 10-R2D3-1502 THROUGH 1508

**PETITIONS FOR RECONSIDERATION:**

1. RUSSELL FABRICATION CORP. dba AMERICAN FABRICATION,  
15-R6D2-9008
2. SOLARCITY CORP., 14-R3D2-3707

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

1. KNIGHT TRANSPORTATION PORT SVC., LLC, 15-R3D5-9225

2. LOUIS TANGALASKIS dba ELIAS CONSTRUCTION, 15-R4D1-9236

**ORDERS DISMISSING APPEAL:**

1. JUAN CARLOS MORONES AND GABINO A. MORONES DBA AV AUTO BODY,  
15-R6D5-3737 THROUGH 3739
2. LAMSON ELECTRIC, 15-R4D4-4589 THROUGH 4591
3. S.V. GENERAL CONTRACTORS, INC., 15-R4D3-3530 THROUGH 3532

**ORDER DENYING LEAVE TO FILE LATE APPEAL**

1. CEMEX, INC., 16-R5D1-9033

**MATTERS HELD OVER FROM PREVIOUS MEETINGS:**

*(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)*

**MATTERS PENDING RECONSIDERATION:**

*(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)*

1. BURTECH PIPELINE, INC., 13-R3D2-0830 AND 0831
2. CABRILLO ECONOMIC DEVELOPMENT CORP., 11-R4D3-3185 and 3186
3. CALSTRIP STEEL CORPORATION, 12-R3D6-1998 & 1999
4. CYBERNET ENTERTAINMENT, LLC, 14-R6D1-0364
5. DAVEY TREE SURGERY CO., 13-R3D3-1018 THROUGH 1021
6. EKEDAL CONCRETE, INC., 13-R3D1-0131 THROUGH 0133
7. HERMAN WEISSKER, INC., 13-R3D1-3279
8. JM ENVIRONMENTAL, INC., 15-R2D1-9232
9. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
10. MAGNA TOOL INC., 15-R3D1-9214
11. MASTER CARE WINDOW WASHING, 15-R1D4-9230

12. MDB MANAGEMENT INC., 14-R4D1-2373 AND 2374
13. MORROW-MEADOWS CORP., 12-R4D1-0717 THROUGH 0719
14. OC COMMUNICATIONS, 14-R2D2-0120, 0166 and 0340
15. SIERRA FOREST PRODUCTS, 09-R2D5-3979
16. SHIMMICK CONSTRUCTION CO., INC/OBAYASHI CORP., 11-R3D1-2562  
THROUGH 2570
17. UNITED PARCEL SERVICE, 13-R3D2-2664 and 2665

**LEGISLATION:**

**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. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
2. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
3. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
4. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219  
AND 0220)
5. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
6. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
7. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
8. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
9. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
10. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332  
(09-R4D5-0459 & 0460)

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD

CLOSED SESSION MEMORANDUM

For March 17, 2016

Page 4

11. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
12. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575  
(12-R5D1-337)
13. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
14. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR,  
34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)
15. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)
16. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
17. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817  
(09-R6D2-2238 ~ 2241)
18. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
19. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
20. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360  
THROUGH 3362)
21. FEDEX GROUND PACKAGING SYSTEM, INC., CIVDS1415696 (13-R3D1-1220)
22. KDTD, INC. DBA KD DEVELOPMENT, INC., 37-2015-00003550-CU-WM-CTL  
(14-R3D2-1935 & 1936)
23. HHS CONSTRUCTION, 34-2015-80002052 (12-R3D2-0492 THROUGH 0497)
24. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR,  
15CV-00945 (08-R2D1-3093 ~ 3098)
25. STANISLAUS FOOD PRODUCTS CO., 34-2015-80002087 (13-R2D4-0572 ~ 0574)
26. OLDCASTLE PRECAST, INC., 34-2015-80002167 (13-R3D3-0583)
27. SHIMMICK CONSTRUCTION CO., INC./OBAYASHI CORP., 34-2015-80002204  
(12-R3D1-0781)
28. CHARLES PANKOW BUILDERS, LTD., 34-2015-8000221 (13-R4D1-1759)
29. NATIONAL DISTRIBUTION CENTERS, LP, 12-R6D2-0391
30. TRI STATE STAFFING, 12-R6D2-0378

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM

For March 17, 2016

Page 5

31. CHEVRON U.S.A., N15-2013 (13-R6D3-0655 THROUGH 0662)
32. T & R CONSTRUCTION GROUP, BS159712 (14-R4D3-4120 & 4121)
33. ABM FACILITY SERVICES, INC. dba ABM BUILDING VALUE,  
30-2016-00831661, 12-R3D6-3496 ~ 3498

**APPELLATE COURT:**

1. XL CONSTRUCTION, C074514, 34-2009-80000300 (08-R1D2-1191  
THROUGH 1193)
2. AC TRANSIT, A142799, RG13-687314 (08-R1D4-0135)
3. THYSSENKRUPP ELEVATOR CORPORATION, C077115, 34-2013-80001456  
(11-R2D1-2217 ~ 2219)
4. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, C078953,  
34-2011-80000965, (10-R6D2-0188 THROUGH 0191)

**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. AG MILLWORKS, 15-R6D2-1604 THROUGH 1613
2. AL'S FURNITURE DESIGN, INC., 16-R3D5-0176 THROUGH 0178
3. AMERICAN BUILDING SUPPLY INC, 15-R6D2-3953 THROUGH 3956
4. AMERI-KLEEN INC DBA SANITATION SPECISLISTS,  
15-R4D3-2875 THROUGH 2877
5. ANDREW CHEKENE ENTERPRISES INC DBA A.C. ENTERPRISES,  
15-R1D4- 0001 AND 0002
6. ANGELES BLOCK COMPANY, 14-R3D1-3647 AND 3648
7. ARAKELIAN ENTERPRISES INC DBA ATHENS SERIVCES,  
15-R4D3-2400 AND 2401
8. BARRY'S WINDOW CLEANING, 15-R3D2-0869 AND 0870

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
For March 17, 2016  
Page 6

9. BEMUS LANDSCAPE, INC., 15-R3D1-2258
10. BIRMINGHAM CONTROLS INC., 15-R3D5-3440
11. BETHLEHEM CONSTRUCTION INCORPORATED, 15-R4D7-4802
12. BETTINA FLORES DE CURIEL DBA JANNAI JEANS, 15-R6D5-4272 AND 4273
13. CA DEPT OF CORRECTIONS & REHABILITATION, 15-R2D4-3881  
THROUGH 3883
14. CAPISTRANO UNIFIED SCHOOL DISTRICT, 15-R3D1-2985
15. CA TRANSPORTATION, DISTRICT 6, 15-R4D7-1345
16. CBC FRAMING INC., 15-R4D3-2920
17. CHAMPION SCAFFOLD SERVICES, INC., 14-R1D4-4206
18. CITY AND COUNTY OF SAN FRANCISCO PUC, 16-R1D1-0088
19. CLASSIC SALADS LLC, 15-R1D2-3715 AND 3716
20. COBE CONSTRUCTION INC., 15-R1D2-2786
21. COINER NURSERY, 15-R6D2-2284 THROUGH 2286
22. CONDOR CONSTRUCTION, INC., 15-R1D1-0819 AND 0820
23. CRICKET INC DBA HENSLEY'S AUTO, 15-R6D7-3184
24. CUSTOM FABRICATED METALS LLC, 15-R6D2-3641 THROUGH 3643
25. DECKERS BRANDS, 15-R4D3-3536
26. DEL MONTE FOODS, INC., 15-R2D4-0040
27. DISTRIBUTION ALTERNATIVES INC, 15-R3D3-4794 AND 4795
28. DL FARM MANAGEMENT, 16-R4D3-0388
29. E & J GALLO WINERY, 15-R2D5-0740 THROUGH 0742
30. EXPRESS EMPLOYMENT PROFESSIONALS, 15-R6D1-1821

31. FABRICATION CONCEPTS CORPORATION DBA FABCON,  
15-R3D1-3566 AND 3567
32. GALLEGOS PLASTERING COMPANY, INC., 15-R3D2-2146
33. GEORGE LITTLE INVESTMENTS, INC DBA COLLEGE OAK TOWING,  
15-R2D1-3466
34. GIUMARRA VINEYARDS CORPORATION, 15-R4D7-0594 THROUGH 0595
35. GOLDEN STATE BORING & PIPE JACKING INC., 15-R5D2-2927
36. GOLDEN WEST MACHINE, INC., 15-R4D4-3736
37. HALL MANAGEMENT, CORP., 15-R2D5-4214
38. HCS TRANSPROTATION INC, 15-R3D3-3097
39. HEARTLAND STEEL PRODUCTS WEST, LLC DBA SPACERACK DBA  
HSPW DBA HEARTLAND, 15-R6D1-1707
40. HEARTLAND STEEL PRODUCTS WEST, LLC DBA SPACERACK DBA  
HSPW DBA HEARTLAND, 15-R6D1-1708
41. H&E EQUIPMENT SERVICES, INC., 14-R4D1-2767
42. HENSEL PHELPS, 15-R3D2-2232
43. HERBERT ALLEN KELLY DBA KELLY ROOFING COMPANY,  
15-R2D1-2171 AND 2172
44. HILL CRANE SERVICES INC, 15-R3D3-3096
45. H.L. FOODSERVICE, INC., 15-R3D1-2649
46. IMT PRECISION, INC., 15-R1D4-3483 THROUGH 3488
47. INCOTEC INTEGRATED COATING AND SEED TECHNOLOGY INC.,  
16-R6D1-0031 AND 0032
48. INTERACTIVE MARKETING SERVICES, INC. DBA BROADBAND  
INTERACTIVE, INC., 16-R4D7-0043 AND 0044
49. INTER GLOBAL LOGISTICS, INC., 15-R1D4-4182 THROUGH 4185

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM

For March 17, 2016

Page 8

50. JADA, INC. DBA SIERRA WOODS, successor in interest to SIERRA WOODS, INC., 15-R6D1-4198
51. JALLOS FOOD ENTERPRISES INC DBA VALLARTA SUPERMARKETS, #35, 15-R4D3-3106
52. J. RODRIGUEZ FARM LABOR CONTRACTOR INC., 16-R2D4-0271
53. KNIGHT FARMS, 15-R2D3-4627 AND 4628
54. MANHOLE BUILDERS INCORPORATED, 15-R6D2-0304
55. MB LANDSCAPING & NURSERY INC, 15-R3D5-4411
56. MCKUIN PIPELINE INC, 15-R1D5-4084 AND 4085
57. M G SIMMS PAINTING AND DECORATING, 16-R1D5-0213 AND 0214
58. MOTIVE SYSTEMS ENGINEERING CORP DBA STROPPINI ENTERPRISES, 15-R2D1-4623 AND 4624
59. NEPTUNE SPEED, 15-R3D1-2831
60. NET DEVELOPMENT COMPANY, 15-R3D1-2260
61. NEW INDY OXNARD, LLC, 14-R4D3-3969 AND 3970
62. NORTH COUNTY SAND AND GRAVEL, INC., 15-R3D3-2179
63. NORTHGATE GONZALEZ, LLC DBA NORTHGATE MARKET #12, 15-R3D5-3493 THROUGH 3495
64. O'CONNELL LANDSCAPE MAINTENANCE, INC., 15-R3D1-4549
65. OXNARD PRECISION FABRICATION, INC., 15-R4D3-2439 AND 2440
66. PADILLA CONSTRUCTION COMPANY DBA GARRIS PLASTERING, 15-R3D1-3428 AND 3429
67. PASADENA CONCRETEWORKS, INC., 16-R6D5-0204 AND 0205
68. PCL CONSTRUCTION SERVICES, INC., DBA PCL CONSTRUCTION, 15-R4D4-1399
69. PELCO BY SCHNEIDER ELECTRIC DBA SCHNEIDER ELECTRIC, 16-R2D5-0164 AND 0165

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM

For March 17, 2016

Page 9

70. PEREZ PLASTERING DESIGN, INC., 15-R4D3-3659 AND 3660
71. PETERSON SHEET METAL, INC., 15-R6D1-3749 AND 3750
72. PHX MANAGEMENT, INC., 15-R3D2-4702 THROUGH 4706
73. QUALITY FABRICATION INC., 15-R6D2-4436 THROUGH 4443
74. RACK OF GIBRALTAR DBA ATB MATERIAL HANDLING, 15-R3D1-3360  
AND 3361
75. R D FABRICATORS INC, 15-R6D2-3613 THROUGH 3616
76. REN LEI CONSTRUCTION CO INC., 15-R1D1-2115 THROUGH 2125
77. ROBERT BRKICH CONSTRUCTION CORP., 15-R4D3-2921
78. RYAN ENGINEERING INCORPORATED, 15-R1D1-1235
79. SAMBRAILO PACKAGING, 15-R1D2-4074 THROUGH 4079
80. SAPUTO CHEESE USA INC, 15-R2D4-0660 THROUGH 0662
81. SCL GROUP INC DBA CENTURY WINDOW CLEANING, 15-R1D4-4777  
AND 4778
82. SECURITAS SECURITY SERVICES USA, INC., 15-R3D5-4647
83. SOCAL WASTE INC, 15-R4D3-2962
84. SOUTHERN CALIFORNIA EDISON COMPANY, 15-R3D3-1784
85. SRS DISTRIBUTION DBA ROOFLINE SUPPLY & DELIVERY, 16-R2D3-0267
86. STERLING REALTY, 15-R1D4-4275 AND 4276
87. SUNDANCE NATURAL FOODS CO. DBA SUNDANCE ORGANICS, 15-R3D2-  
1960 AND 1961
88. SUN PACIFIC FARMING COOPERATIVE, INC., 15-R2D5-2774 AND 2775
89. TARANTINO LANDSCAPE, INC., 15-R3D1-2899 THROUGH 2902
90. THE BUMPER SHOP INC, 15-R3D5-4648 AND 4649
91. THRIFTY PAYLESS DBA RITE AID, 15-R4D3-2961

92. TIM RAZZARI MOTORS, INC. DBA RAZZARI FORD & MAZADA,  
14-R2D4-4109
93. TJN CONSTRUCTION, INC., 15-R4D3-2712 AND 2713
94. TOTAL EQUIPMENT INC, 15-R3D5-2573
95. TRENCH FREE INC., 16-R1D2-0089
96. T-REX TRUCK PRODUCTS INC DBA T-REX GRILLES, 16-R3D3-0445
97. TURNER CONSTRUCTION COMPANY DBA TURNER CONSTRUCTION,  
15-R3D2-0867 AND 0868
98. UNITED PARCEL SERVICE, INC., 14-R4D3-3863
99. UNIVERSITY OF REDLANDS, 15-R3D3-4734
100. VINOTEMP INTERNATIONAL CORPORATION, 15-R6D2-3537  
THROUGH 3541
101. WESTERLAY ORCHIDS, LP., 16-R6D2-0127 AND 0128
102. WESTERN PROPANE SERVICES INC, 15-R3D1-4403
103. WESTERN TREE NURSERY, INC., 15-R6D1-4118 THROUGH 4120

**PERSONNEL:**

*(Issues regarding staff.)*

Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.