

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), (e) and (f)
for
Wednesday, January 7, 2015
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: December 23, 2014

RE: Closed Session of the Board to be held on January 7, 2015

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. ORANGE COUNTY SANITATION DISTRICT, 13-R3D1-0287

2. PORNPROS DBA SSC GROUP LLC., 13-R6D2-1892 THROUGH 1895

PETITIONS FOR RECONSIDERATION:

DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):

1. RYLAND HOMES, 14-R3D2-9164

ORDER AFTER REMAND:

1. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038

ORDERS DISMISSING APPEAL:

1. DIAMOND CONTRACT SERVICES, 14-R4D1-0532
2. MC COMMUNICATIONS INC., 13-R3D2-3318 AND 3319
3. YAN YU DBA SUGAR SPICE CAFÉ, 13-R4D1-2607 AND 2608

ORDERS GRANTING LEAVE TO FILE LATE APPEAL:

ORDERS DENYING LEAVE TO FILE LATE APPEAL:

1. RANDALL JOHN BILLINGTON, 14-R3D3-9170
2. CNK COLLECTION, INC., 14-R6D5-9171
3. SEARS HOLDING COMPANY SEARS, ROEBUCK & CO., DBA SEARS #1288,
14-R2D4-9169

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. A TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895 (ER)
2. A TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895
(DOSH)
4. B.A.R.T., 11-R2D2-3137 THROUGH 3139 (ER)
5. B.A.R.T., 11-R2D2-3137 THROUGH 3139 (DOSH)
6. BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1218 THROUGH 1221
(DOSH)
3. HARRIS CONSTRUCTION, 03-R2D5-3914
4. HHS CONSTRUCTION, 12-R3D2-0492-0497
5. LANGER FARMS, LLC, 13-R4D7-231 THROUGH 0233

6. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
7. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR, 08-R2D1-3093 THROUGH 3098
8. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
9. McCARTHY BUILDING CO., INC., 12-R1D4-3458
10. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
11. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
12. SIERRA FOREST PRODUCTS, 09-R2D5-3979
13. TREASURE ISLAND MEDIA, INC., 10-R6D1-1093 THROUGH 1095
14. VICTORY SCREEN PRINTING 12-R3D1-3673 & 3674

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. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
2. MASCON, INC., 34-2011-80000819 (08-R2D1-4278 AND 4279)
3. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
4. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
5. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
6. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
7. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
8. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)

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9. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
10. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
11. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
12. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
13. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
14. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
15. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
16. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
17. HOME DEPOT USA, INC., BS141301 (10-3284)
18. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
19. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)
20. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)
21. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)
22. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
23. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)
24. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)
25. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
26. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056 THROUGH 3058) (DOSH)
27. LAND O'LAKES PURINA FEED, LLC, RG14715717 (08-R2D4-1843 AND 1844) (DOSH)
28. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056 THROUGH 3058) (3rd Party)

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29. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817
(09-R6D2-2238 ~ 2241)
30. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
31. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
32. BHC FREMONT HOSPITAL INC, RG13731145 (13-R1D2-0204)
33. IRWIN INDUSTRIES, BS14-9634 (12-R4D3-3276 & 3277)
34. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303
THROUGH 1310)
35. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360
THROUGH 3362)
36. MORROW MEADOWS CORP., BS151385 (09-R3D3-2295)
37. FEDEX GROUND PACKAGING SYSTEM, INC., CIVDS1415696 (13-R3D1-1220)

APPELLATE COURT:

1. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, C075477,
34- 2011-80000640 (08-R2D1-0027 THROUGH 0030)
2. XL CONSTRUCTION, C074514, 34-2009-80000300 (08-R1D2-1191
THROUGH 1193)
3. AC TRANSIT, A142799, RG13-687314 (08-R1D4-0135)
4. THYSSENKRUPP ELEVATOR CORPORATION, C077115, 34-2013-80001456
(11-R2D1-2217 ~ 2219)

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. 1st LIGHT ENERGY, INC., 14-R2D4-0121
2. 3rd DISTRICT DAA DBA SILVER DOLLAR FAIR, 14-R2D1-2316
THROUGH 2318
3. 99 CENT ONLY STORES, 14-R4D1-2356

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4. ARAKELIAN ENTERPRISES INC. DBA ATHENS SERVICES, 13-R4D1-1760 THROUGH 1763
5. AV DECKING, INC., 13-R4D1-3430
6. AZTEC PAVING, INC., 14-R3D2-2760
7. BALDWIN CONTRACTING COMPANY INC., DBA KNIFE RIVER CONSTRUCTION, 14-R5D1-3028
8. BIEN PADRE FOODS, LLC, 14-R2D3-2916 THROUGH 2918
9. BOETHING TREELAND FARMS, INC., 14-R4D3-2875
10. BRINDERSON, LP, 14-R6D3-2700 AND 2701
11. CA FORESTRY & FIRE PROTECTION – FOREST FIRE, 13-R2D1-0306
12. CAL-CITY CONSTRUCTION, 14-R4D4-2219
13. CALIFORNIA DESIGNERS CHOICE CUSTOM CABINETS, INC., 14-R6D5-1879 AND 1880
14. CALIFORNIA ROYALE LLC DBA MONTE VISTA FARMING CO., 14-R2D4-2191
15. CAMBLIN STEEL SERVICES, INC., 13-R2D1-0307 THROUGH 0309
16. CAPITOL STEEL PRODUCTS A DIVISION OF SECURITY CONTRACTOR SERVICES INC., 14-R2D1-3701
17. CARPET COLLECTORS, LLC, 13-R2D1-0398 AND 0399
18. CITY OF STOCKTON, DEPT. OF MUNICIPAL UTILITIES, 14-R2D4-0102 AND 0103
19. COAST 2 COAST PLUMBING, INC., 14-R4D1-1791 AND 1792
20. COSTCO WHOLESALE CORPORATION, 13-R4D1-0355 AND 0356
21. C. OVERRA & CO., 13-R2D2-3646
22. CREATIVE COMFORT DESIGNS INC., 14-R6D2-2902 THROUGH 2904
23. CROWN GROUP USA, INC., 14-R6D5-1846 THROUGH 1849

24. CUTTING EDGE WOOD FLOORS, INC., 14-R6D5-2737 AND 2738
25. DENIM-TECH, LLC., 14-R4D1-0687 THROUGH 0689
26. DRILL TECH DRILLING & SHORING INC., 14-R5D2-1718
27. EDISON ELECTRICAL CONTRACTORS INC., 14-R4D4-2032 AND 2033
28. ESPARZA ENTERPRISES, INC., 13-R6D5-3526
29. FAMILY RANCH INC., 14-R2D5-2127
30. FAMILY RANCH INC., 14-R2D5-2210
31. FED EX GROUND PACKAGING SYSTEM, INC., 14-R3D3-2648 AND 2649
32. FIREPLACE FREDDIE, INC., 14-R4D1-0573 THROUGH 0575
33. FOREVER 21 LOGISTICS, LLC., 14-R4D1-2582 THROUGH 2584
34. FOUR H CONSTRUCTION INC., 14-R6D7-2377 AND 2378
35. FINELINE INDUSTRIES, INC., DBA CENTURION, 14-R6D1-0618 AND 0619
36. GARRETT J. GENTRY GENERAL ENGINEERING, INC., 14-R3D3-1691
THROUGH 1693
37. G.M. NORTHRUP CORPORATION, 14-R6D7-2463 AND 2464
38. GOLDEN LINK PLASTIC, INC., 13-R1D4-1285 THROUGH 1288
39. GREEN TREE FARM LABOR SERVICE, 14-R4D7-3458
40. GRAUNSTADT ENTERPRISES DBA DELTA SCRAP & SALVAGE, INC.,
13-R2D22-3821 THROUGH 3823
41. GUIMARRA AND ASSOCIATES BEVERAGE CO., 13-R6D2-2002
THROUGH 2008, AND 14-R6D2-2278 AND 2279
42. HAROLD SMITH & SON INC., 14-R5D1-2259 THROUGH 2262
43. HARRIS FARMS, INC., 14-R2D5-2123
44. HJ VAST INC., 14-R4D4-3294 AND 3295

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45. HOWARD TRAINING CETNER DBA ARC OF STANISLAUS DBA HTC, 14-R6D1-1631 THROUGH 1636
46. HUSSMAN CORP., 14-R4D4-3394
47. IOMLAN CONSTRUCTION SERVICES, INC., 14-R6D7-3063 THROUGH 3065
48. JAMAC STEEL INC., 14-R4D4-3296
49. JETSTREAM CONSTRUCTION, INC., 14-R3D3-1064 AND 1065
50. JOHN LIST CORP. DBA PROTOCAST, 14-R6D2-3442 THROUGH 3443
51. JOHN Q. HAMMONS HOTELS MANAGEMENT LLC., DBA HOLIDAY INN, 14-R2D1-3068
52. J R ENGINEERING, 14-R4D4-1674
53. BIPIN KUMAR, DBA BIG TIRES CO., 14-R2D1-1960
54. L.A. CITY BUILDING & SAFETY, 13-R4D1-3914 AND 3915
55. LA CITY WATER & POWER, 14-R4D1-2437 AND 2438
56. LA CITY WATER & POWER, 14-R4D1-2652 AND 2653
57. L.A. COUNTY METROPOLITAN TRANSPORTATION AUTHORITY – L.A. COUNTY MTA – DIVISION 9, 14-R4D1-0610
58. LA VALENCIA HOTEL, 14-R3D2-2787
59. LITTLE SAIGON NEWS, INC., 14-R3D1-2474 THROUGH 2475
60. PAULINO LOPEZ DBA PAULINO LOPEZ, 14-R6D5-0889 THROUGH 0891
61. PORTS AMERICA, 13-R6D2-3960
62. M-5 STEEL MFG, INC., 13-R4D1-3669 AND 3670
63. MAGIC LAUNDRY SERVICES, INC., 14-R4D4-1400 THROUGH 1401
64. MARS AIR PRODUCTS, 14-R6D2-2772 THROUGH 2776
65. MARUICHI AMERICAN CORP., 14-R4D4-2675 THROUGH 2679
66. MAXICRETE INC., DBA MAXICRETE, 14-R2D2-0369 THROUGH 0372

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67. MCM POULTRY FARM – NICHOLS EGG RANCH, 14-R3D3-2881 THROUGH 2883
68. MEMO SCAFFOLDING NORWALK, INC., 14-R4D3-0067 AND 0068
69. MENZIES AVIATION USA, INC., 13-R4D1-2340 THROUGH 2343
70. MONARCH PREMIER CONSTRUCTION, 14-R3D1-2087
71. MONARCH VALLEY FARMING, INC., 14-R2D5-1819 AND 1820
72. NEV-CAL CONSTRUCTION, INC., 14-R4D3-2055
73. NORTHGATE GONZALEZ, LLC., DBA NORTHGATE MARKET #2, 14-R3D1-0810 THROUGH 0812
74. ONETO METAL PRODUCTS CORP., 14-R2D1-2118 THROUGH 2120
75. PACIFIC COAST PRODUCERS, 14-R2D3-3033 AND 3034
76. PACKERS SANITATION SERVICES, INC., 14-R3D2-2026
77. PALEO SOLUTIONS, INC., 14-R3D1-2060
78. PANCHO'S APPAREL, INC., 14-R6D5-1605 THROUGH 1609
79. PARKVIEW CHRISTIAN ESTATES DBA PARKVIEW CHRISTIAN ESTATES, INC., 14-R6D1-0753 THROUGH 0757
80. PARRAGUE CONSTRUCTION, INC., 13-R4D1-3257 AND 3258
81. PLUMBING CONCEPTS, INC., 14-R3D1-2424
82. P R PLUMBING HEATING & AIR CONDITIONING INC., 14-R6D7-2862 THROUGH 2864
83. R COOPER ROOFING INC., 14-R6D7-3410
84. REDDING TREE GROWERS CORPORATION, 14-R2D5-2336
85. REULAND ELECTRIC CO., 14-R4D4-1367 THROUGH 1371
86. ROPLAST INDUSTRIES INC., 14-R2D1-1437 AND 1438
87. ROYAL KHYBER ENTERPRISES, INC., DBA ROYAL KHYBER, 14-R3D1-1616

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88. SAN DIEGO GAS & ELECTRIC, 14-R3D1-0312
89. SEASIDE HOME SOLUTIONS, LLC., 13-R3D1-3731
90. SEAVIEW GROWERS, INC., 14-R6D5-2848
91. SELMA PALLET INC., 14-R2D5-0108 AND 0109
92. SMA CONTRACTING, INC., 14-R4D1-2133
93. SOUTH SHORE BUILDING SERVICES, 13-R4D1-3582 THROUGH 3584
94. STEVE DONNER CONSTRUCTION, INC., 14-R3D1-0721 THROUGH 0725
95. STEVE WILLS TRUCKING & LOGGING, LLC., 14-R2D3-2121
96. SUN VALLEY RAISINS, INC., 14-R2D5-2110
97. SW ADMINISTRATORS, 13-R3D1-3171
98. SYMONS EMERGENCY SPECIALITIES, INC., 14-R3D3-1690
99. SYNERGY HEALTH NORTH AMERICA, 14-R2D4-2109
100. T & T IMPROVEMENTS INC., 14-R4D3-0590 THROUGH 0592
101. THERADLSON HOSPITALITY DEVELOPMENT, LLC., 14-R2D1-2209
102. THERMA-FLITE, INC., 14-R2D2-2319 THROUGH 2328
103. TRANSFER CASE EXPRESS, INC., 14-R1D4-3140 AND 3141
104. TRINITY ROOFING, CO., 14-R4D7-1839
105. UNITED AG LABOR SERVICES, INC., 13-R3D2-2787
106. VAL CONSTRUCTION, INC., 14-R4D4-2231 AND 2232
107. VILLA AUTOMOTIVE, 13-R4D7-1956 AND 1957
108. WEATHERFORD ARTIFICIAL LIFT SYSTEMS, INC., 13-R4D7-3931
THROUGH 3934
109. WM. BOLTHOUSE FARMS, INC., 14-R4D7-1940
110. WOOD GROUP PSN, INC., 14-R4D7-1675

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111. AN YEN, MD DBA THE CAPITAL DERMATOLOGY MEDICAL GROUP,
14-R2D1-1754 AND 1755

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.