

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 21, 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: January 9, 2015

RE: Closed Session of the Board to be held on January 21, 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. DISNEYLAND RESORT, 13-R3D1-1131 AND 1132

PETITIONS FOR RECONSIDERATION:

DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):

MATTERS INVOLVING LATE APPEALS:

1. SAFEWAY, INC., 14-R2D4-4200

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)
3. B.A.R.T., 11-R2D2-3137 THROUGH 3139 (ER)
4. B.A.R.T., 11-R2D2-3137 THROUGH 3139 (DOSH)
5. BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1218 THROUGH 1221 (DOSH)
6. RANDALL JOHN BILLINGTON, 2014-R3D3-9170
7. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
8. HARRIS CONSTRUCTION, 03-R2D5-3914
9. HHS CONSTRUCTION, 12-R3D2-0492-0497
10. LANGER FARMS, LLC, 13-R4D7-231 THROUGH 0233
11. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
12. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR, 08-R2D1-3093 THROUGH 3098
13. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
14. McCARTHY BUILDING CO., INC., 12-R1D4-3458
15. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
16. ORANGE COUNTY SANITATION DISTRICT, 2013-R3D1-0287
17. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
18. SIERRA FOREST PRODUCTS, 09-R2D5-3979
19. TREASURE ISLAND MEDIA, INC., 10-R6D1-1093 THROUGH 1095
20. 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)
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)

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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)
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. 99 CENTS ONLY STORE, 14-R4D1-2496 AND 2497
2. ABERCROMBIE & FITCH STORES INC., 14-R3D1-2248 THROUGH 2251
3. ACM MACHINING INC., 14-R2D1-1892 THROUGH 1894
4. ADVANCED EROSION SERVICES CORP., 14-R3D3-3765 THROUGH 3768
5. ARTISIC WELDING, INC., 14-R6D2-3604 THROUGH 3612
6. BAGHOUSE & INDUSTRIAL SHEET METAL SERVICES, INC., 14-R3D5-3883
7. RICHARD BROWN DBA RB FIBERGLASS PRODUCTS, 14-R3D5-3437 THROUGH 3438
8. CASS CONSTRUCTION, INC., 14-R4D4-0595
9. CEMEX CONSTRUCTION MATERIALS PACIFIC LLC., 14-R5D3-3045
10. CITY OF HOPE NATIONAL MEDICAL CENTER, 14-R4D4-1542 AND 14-R4D4-4045
11. COBRA ENGINEERING INC., 14-R3D1-3569 AND 14-R3D1-4005 THROUGH 4007

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12. CONSTRUCTION SPECIALTY SERVICE, INC., 13-R4D7-3310 AND 3311
13. COSTCO WHOLESALE CORPORATION, 14-R4D3-2539 AND 2540
14. COSTCO WHOLESALE, 13-R3D2-3415
15. C V WINDOWS & DOORS OF RIVERSIDE, INC., 14-R3D3-1651
16. DAIRY FARMERS OF AMERICA, 14-R4D3-1003 AND 1004
17. FEDERAL EXPRESS CORPORATION, 14-R4D1-3723
18. FOSTER POULTRY FARMS DBA FOSTER FARMS CORPORATION,
14-R2D4-0638 THROUGH 0640
19. GOLDEN STATE LLC DBA AMAZON FULFILLMENT, 14-R3D3-3102
THROUGH 3104
20. GREEN ELEMENT LLC DBA TRIPLE 7 REALTY, INC., 13-R2D2-2320
AND 2321
21. INTERLINE BRANDS, 14-R3D3-3579 THROUGH 3581
22. STEPHEN KOCH DBA K M VINEYARD SERVICES, 14-R1D4-4008
23. LATHAM POOL PRODUCTS INC., 14-R2D1-3925 AND 3926
24. LFP VIDEO GROUP LLC., 14-R3D1-2194 THROUGH 2195
25. LOS ALAMITOS FISH CO DBA THE ORIGINAL FISH CO., 14-R3D1-1418
THROUGH 1420
26. MARINA LANDSCAPE INC., 14-R3D1-3624
27. MARTIN BATTRUD INC., DBA BAXSTRA, 14-R6D2-3473 THROUGH 3481
28. MERCED UNITED SHEET METAL INC., 14-R2D4-0697 AND 0699
29. MILLWORK CONCEPTS INC., 14-R3D3-3935
30. NAKASH ENTERPRISES DBA SHELL GAS STATION, 14-R2D1-2140 AND 2141
31. OLD RANCH CONSTRUCTION, 14-R4D7-1476
32. PACWEST SECURITY SERVICES, 14-R3D5-2958

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33. PARKHOUSE TIRE, INC., 14-R3D5-2870
34. PERFORMANCE HEALTH MEDICAL GROUP, INC., 14-R3D1-2040
35. PROJECT SURVIVAL, 13-R2D5-1634
36. REPET INC., 14-R4D4-2672 THROUGH 2674
37. ROTH WOOD PRODUCTS, LTD., 14-R6D1-2733 AND 2734
38. SIERRA PACIFIC INDUSTRIES, 14-R2D1-0328 THROUGH 0330
39. SNUGTOP, 14-R3D5-3047 THROUGH 3049
40. SONRAY SOLAR, INC. DBA SONRAY CONSTRUCTION, 14-R2D1-2333
41. SOUTHLAND INDUSTRIES, INC., 14-R1D1-3547
42. SOWERS CONSTRUCTION, 14-R4D3-2591
43. STERLING EXPRESS SERVICES, INC., 14-R3D5-2761
44. THE MON-MAY COMPANY INC., 13-R4D3-3237 AND 3238
45. JAKE VERBURG DBA VERBURGE & SON DAIRY, 14-R6D7-3816 AND 3817
46. VISTA PAINT CORPORATION, 12-R3D1-1707 THROUGH 1719
47. BORIS ZAK, DDS. INC DBA SEA BREEZE DENTAL CARE, 14-R4D3-2525 AND
14-R4D3-3193 THROUGH 3198
48. ZPSCO CONTRACTORS, 14-R3D1-2211

PERSONNEL:

(Issues regarding staff.)

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