

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), (e) and (f)
for
Wednesday, April 8, 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: March 25, 2015

RE: Closed Session of the Board to be held on April 8, 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. ECHO ALPHA, INC., JOHN STAGLIANO, INC; EVIL ANGEL PRODUCTIONS, AND JOHN STAGLIANO, INC. DBA EVIL ANGEL VIDEO, 14-R3D1-0802 THROUGH 0804
2. HERMAN WEISSKER INC., 13-R3D1-3279
3. ROBERT ONWELLER DBA PACIFIC HAULING AND DEMOLITION, 14-R1D4-1087 AND 1088

PETITIONS FOR RECONSIDERATION:

1. STANISLAUS FOOD PRODUCTS CO., 13-R2D4-0572 THROUGH 0574

DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):

1. FLEETLOGIX, INC., 14-R4D1-1252

ORDERS DISMISSING APPEAL:

1. WEST COAST DISTRIBUTION, 14-R4D1-2927 THROUGH 2929

MATTERS INVOLVING LATE APPEALS:

(These are matters such as orders dismissing appeal, orders granting leave to file late appeal and orders denying leave to file late appeal)

1. CA DEPT OF STATE HOSPITALS NAPA, 15-R1D5-0711
2. DOLLAR TREE STORES, INC. DBA DOLLAR TREE #1209, 15-R2D1-9021
3. KRAFT FOODS GROUP, INC., 15-R2D5-0709 AND 0710
4. MANUEL VILLA ENTERPRISES INC. DBA LA PERLA MEXICANA,
15-R2D4-9052
5. RAMIRO LOERA MARTINEZ & ASSOCIATES, 15-R6D5-0895 THROUGH 0898
6. UC REGENTS UC DAVIS, 15-R2D1-9022

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.)

1. GRACIANA TORTILLA FACTORY, 15-R4D3-9010

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)

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4. BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1218 THROUGH 1221 (DOSH)
5. RANDALL JOHN BILLINGTON, 2014-R3D3-9170
6. CALIFORNIA DRYWALL AND PLASTER, INC. dba BEST DRYWALL, 15-R6D5-9018
7. CHEVRON U.S.A. INC., 13-R6D3-0655 THROUGH 0662
8. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
9. INTERNATIONAL PAPER COMPANY, 14-R2D5-1189 THROUGH 1191
10. LANGER FARMS, LLC, 13-R4D7-231 THROUGH 0233
11. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
12. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
13. McCARTHY BUILDING CO., INC., 12-R1D4-3458
14. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
15. GONZALO OLASCOAGA, 13-R6D5-2097 AND 2098
16. ORANGE COUNTY SANITATION DISTRICT, 2013-R3D1-0287
17. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
18. SIERRA FOREST PRODUCTS, 09-R2D5-3979
19. TESORO REFINING & MARKETING, 14-R6D3-9015
20. TREASURE ISLAND MEDIA, INC., 10-R6D1-1093 THROUGH 1095

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. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
3. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
4. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
5. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
6. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
7. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
8. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
9. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
10. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
11. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
12. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
13. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
14. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
15. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
16. HOME DEPOT USA, INC., BS141301 (10-3284)
17. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
18. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)
19. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)
20. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)

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21. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
22. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)
23. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)
24. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
25. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056 THROUGH 3058) (DOSH)
26. LAND O'LAKES PURINA FEED, LLC, RG14715717 (08-R2D4-1843 AND 1844) (DOSH)
27. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056 THROUGH 3058) (3rd Party)
28. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817 (09-R6D2-2238 ~ 2241)
29. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
30. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
31. BHC FREMONT HOSPITAL INC, RG13731145 (13-R1D2-0204)
32. IRWIN INDUSTRIES, BS14-9634 (12-R4D3-3276 & 3277)
33. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303 THROUGH 1310)
34. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360 THROUGH 3362)
35. MORROW MEADOWS CORP., BS151385 (09-R3D3-2295)
36. FEDEX GROUND PACKAGING SYSTEM, INC., CIVDS1415696 (13-R3D1-1220)
37. KEY ENERGY SERVICES, INC., S-1500-CV-283958, EB (13-R4D3-2239 ~ 2242)
38. KDTD, INC. DBA KD DEVELOPMENT, INC., 37-2015-00003550-CU-WM-CTL (14-R3D2-1935 & 1936)

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. AFFORDABLE SERVICES, INC., 14-R4D4-0616
2. AG4 TRUCKING, 14-R2D1-0140 THROUGH 0143
3. AL LOWE CONSTRUCTION, INC., 14-R6D5-2462
4. ALUM-ALLOY COMPANY INC., 14-R6D2-3711 THROUGH 3714
5. AMI REPAIR #1 DBA PRECISION AUTOMOTIVE INC., 15-R6D7-0064
6. ANTHONY TORRES DEMOLITION CORP, 14-R4D1-3183 AND 3184
7. ARBORWELL, INC., 14-R2D1-2417 AND 2418
8. ARO PISTACHIOS, INC., 14-R2D5-1980 AND 1981
9. ARYZTA LLC DBA LA BREA BAKERY INC., 14-R4D3-4016
10. A TEICHERT & SON, INC. DBA TEICHERT ROCK PRODUCTS, 15-R5D1-0569
11. ATLAS VINEYARD MANAGEMENT, INC., 14-R1D5-3246
12. JAMES BALDWIN DBA LYON'S MUFFLER & BRAKE, 14-R6D5-2793 AND 2794
13. BARRETT BUSINESS SERVICES INC., 14-R4D3-0521
14. BASSANI MANUFACTURING, 14-R3D1-3072 AND 3073

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15. BAYLESS ENGINEERING & MANUFACTURING, 14-R4D3-3098 THROUGH 3099
16. BIG BAD WOLF CONSTRUCTION, INC., 14-R1D4-2265 AND 2266
17. BONERTS INC. DBA BONERTS FOODS, 14-R3D1-3069 THROUGH 3071
18. BREADMASTERS ARA-Z INC., 14-R4D4-1924 AND 1925
19. BRIAN HOBBS ROOFING, INC., 14-R2D5-1439
20. CA FORESTRY AND FIRE PROTECTION DBA CAL FIRE, 13-R3D3-0581 AND 0582
21. CALIDAD INC., 14-R6D2-3297 THROUGH 3304
22. CALIFORNIA INSTITUTE OF TECHNOLOGY, 15-R3D3-0026
23. CAMBRO MANUFACTURING, 14-R4D4-0430 THROUGH 0432
24. CANTECA FOODS INC., 15-R2D1-0621
25. CAPITAL CORRUGATED, INCORPORATED, 14-R2D1-2628 AND 2629
26. CASCADE DRILLING, LP, 14-R4D4-2856
27. CENTRAL VALLEY LABOR, LLC, 14-R2D4-3156
28. CHAMPION SCAFFOLD SERVICES, INC., 14-R1D4-2059
29. CHUA & SONS CO., INC. DBA RELIABLE TAPE PRODUCTS, 14-R4D1-1510
30. CITY OF GLENDALE DBA GLORIETTA PARK PUMP STATION, 14-R6D4-1229
31. CITY OF LOMA LINDA FIRE DEPARTMENT, 14-R3D3-3936
32. CLOSET WORLD, 14-R6D2-2345 THROUGH 2350
33. SERGIO COLIN & SYLVIA VALDEZ DBA SC PALLETS, 14-R2D4-3375 THROUGH 3377
34. COMFORT INDUSTRIES INC., 14-R6D2-2454 THROUGH 2458
35. COMMERCIAL OUTDOOR ADVERTISING, INC., 14-R4D4-3315 AND 3316

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36. CONCRETE EXPRESS, INC., 14-R4D3-3392 AND 3393
37. CONEJO CONSTRUCTION, INC., 14-R6D5-2911 AND 14-D6D5-3029
38. CONTINENTAL WESTERN TRANSPORTATION CO. INC., 14-R3D5-2507 THROUGH 2509
39. CONTROL AIR CONDITIONING CORPORATION, 14-R4D4-2755
40. COPYWORLD, INC., 15-R1D4-0329 THROUGH 0331
41. CR AND SONS, INC., 15-R6D5-0221 THROUGH 0223
42. DAN'S CUSTOM METAL INC., 15-R6D2-0150 AND 0153
43. DAVIS DEVELOPMENT COMPANY, INC., 14-R1D2-3067
44. DCS PLASTERING, INC., 14-R4D1-0840 AND 0841
45. DENOVA HOMES, INC., 14-R1D4-3199 AND 3200
46. DRIVER URBAN, LLC, 14-R1D2-3446
47. DYNAMIC CABINET DESIGNS, 14-R6D2-2963 THROUGH 2966
48. DYNAMIC CABINET DESIGNS, 14-R6D2-2967 THROUGH 2970
49. E.E. HALL, INC., 14-R4D7-2857
50. ELITE GENERAL CONTRACTING, 14-R3D2-0727
51. EROSION CONTROL APPLICATIONS, INC., 12-R3D3-2928 THROUGH 2930
52. EXPRESS GLASS AND MIRROR, INC., 11-R4D1-3235 THROUGH 3238
53. FIRST QUALITY PAINTING, INC., 14-R6D5-2541 AND 2542
54. FULLMER CONCRETE CONSTRUCTION, 14-R4D4-3027
55. GIANT MEDIAL GROUP, INC. DBA DEVIL'S FILM, 15-R3D1-0381 THROUGH 0383
56. GIBSON WINE COMPANY, 13-R2D5-0871 THROUGH 0881
57. GMAC ELECTRIC, INC., 14-R6D5-2791 AND 2792

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58. HARBERT ROOFING INC., 15-R2D3-0566
59. H & R AUTO REPAIR, INC., 15-R6D5-0575 AND 0576
60. JAMES G. GARCIA, INC., 14-R3D3-2621
61. JENSEN MEAT COMPANY INC., 14-R3D2-2956
62. JKD CONSTRUCTION INC., 14-R6D7-3372
63. KEARNY MESA TOYOTA, 14-R3D2-2298
64. KIEWIT INFRASTRUCTURE WEST CO., 13-R5D1-1530 AND 1531
65. KNIGHTS GRAPEVINE NURSERY, INC., 14-R2D1-3719
66. KR BOWEN TRUCKING LLC, 14-R2D1-0681
67. LEADING INDUSTRY / PINNACK, 14-R4D3-2725 THROUGH 2727
68. LIVINGSTON CONSTRUCTION, INC., 14-R6D5-2605 AND 2606
69. TERESA F LOPEZ DBA LOPEZ FIGUEROA FLC, 14-R2D1-1346 AND 1347
70. LOUIDAR LLC DBA MOUNT PALOMAR WINERY, 14-R6D2-0977
THROUGH 0979
71. LUCKY HONG FARM, INC., 14-R4D7-2624 THROUGH 2625
72. M.A. MEDINA FARM LABOR SERVICES, INC., 14-R6D5-2639
73. KEITH GERARD MARTIN & MARY ELLEN MARTIN DBA SHOOTERS
COMPLETE TEXTURE SERVICE, 14-R2D1-3149
74. MIDORI GARDENS DBA MIDORI LANDSCAPE INC., 14-R3D2-2394
75. MILES CONSTRUCTION GROUP, INC., 14-R4D1-2753 AND 2754
76. MODERNICA INC., 14-R6D2-4164 THROUGH 4170
77. MT SAN JACINTO WINT PK DBA PALM SPRINGS AERIAL TRAMWAY,
15-R3D3-0166
78. NATURAL ENVIRONMENTAL PROTECTION COMPANY, 14-R6D5-2640
THROUGH 2647

79. NCNR INC., DBA PISCES PRODUCTIONS, 14-R6D1-1963 THROUGH 1973
80. NGUYEN & NGUYEN LLC DBA HONEST ENGINES, 11-R1D2-2602 AND 2603
81. ORANGE ELECTRICAL CONTRACTORS, INC., 14-R3D3-0648
82. OWENS PREMIER, INC. DBA GOURMET LOGISTICS COMPANY,
14-R4D1-1903 THROUGH 1906
83. PACIFIC OPERATORS OFFSHORE LLC., 14-R4D3-2696
84. PCT ENTERPRISES, INC. DBA PRECISION CABINETS & TRIM, 14-R6D1-3508
85. P & J HOSPITAL INC. DBA BELL CONVALESCENT HOSPITAL, 14-R6D2-1803
86. PLANTEL NURSERIES, INC., 14-R6D7-3919 THROUGH 3922
87. PRO CUSTOM AND USA SUNTINT, INC., 15-R6D5-0184 AND 0185
88. PROFESSIONAL CONSULTANT & BUILDER INC., 14-R4D4-2983
89. NATIVIDAD RAMIREZ DBA RAMIREZ TILE, 14-R6D5-2459 THROUGH 2461
90. RENAISSANCE DOOR & TRIM INC., 14-R4D4-2962
91. MARCO RUFO DBA MARCO RUFO, 14-R6D5-2795 AND 2796
92. SAFEWAY INC., 14-R2D4-4200
93. SANDHU BROTHERS FARMS, 14-R2D4-2948
94. SCOTT & STARR WEST, 14-R2D1-0292
95. SEA SHIELD MARINE PRODUCTS INC DBA DIE CAST OF AMERICA,
14-R6D2-2984
96. SECTRAN SECURITY, 14-R4D4-2094 and 2095
97. SENSE, A ROSEWOOD SPA, 15-R1D3-0620
98. SETZER FOREST PRODUCTS, INC., 15-R2D3-0582
99. SHAR-CRAFT, INC., 14-R4D7-2385 THROUGH 2389
100. SHUN LI FHASION, INC., 14-R6D5-1807 AND 1808

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101. SOCAL FRAMING, INC., 14-R3D1-0473
102. SOUTH BAY FOUNDRY INC., 14-R6D2-2515 THROUGH 2517
103. SOUTHLAND/TUTOR PERINI JV, 15-R5D1-0122 THROUGH 0124
104. SOUTHWIND FOODS, LLC, 14-R4D1-2959
105. SPECIALTY PLANTS, INC., 13-R6D5-3077 AND 3078
106. STANDARD FILTER CORPORATION, 14-R6D2-3559 THROUGH 3562
107. STEVE P. RADOS, INC., 14-R2D1-3927
108. ST. MARY MEDICAL CENTER, 14-R3D5-0335
109. SUNEARTH INC., 14-R6D2-4175 THROUGH 4177
110. SUTTER EAST BAY HOSPITALS DBA ABSMC, 13-R1D4-1621
THROUGH 1623
111. SYNERGY PROJECT MANAGEMENT, INC., 14-R2D1-1232
112. TAYLOR FARMS RETAIL INC., 14-R1D2-2702 AND 2703
113. THE COUNTERTOP FACTORY INC., 14-R6D2-3486 THROUGH 3488
114. THE PURPOSE, INC., 15-R6D5-0224 AND 0225
115. UNITED PARCEL SERVICE, CO., 13-R2D1-3458 AND 3459
116. UNITED STAFFING ASSOCIATES, 14-R4D3-3346
117. UNIVERSAL PROTECTION SERVICE, 13-R3D2-3039
118. US INTEC, INC DBA GAF, 14-R2D4-3378
119. US PIPE AND FOUNDRY COMPANY, 15-R6D1-0281
120. RAMIRO VALENCIA DBA SUNNYSIDE TRUCKING, 15-R3D3-0216 AND 0217
121. JIM VOYLES DBA CAL SPEED AND PERFORMANCE, 14-R6D7-4233
THROUGH 4235
122. V-T WEST INC., 14-R6D2-4078 THROUGH 4082

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123. WASTE MANAGEMENT OF ALAMEDA COUNTY, INC., 14-R1D4-1086
124. WEBCOR CONSTRUCTION LP DBA WEBCOR CONCRETE, 14-R1D1-3373
125. WEISER FAMILY FARMS, INC., 14-R6D5-2912
126. WHITE MECHANICAL, 14-R3D1-3162 THROUGH 3163
127. WILLIAM SELF ASSOCIATES, INC., 14-R1D4-3167 THROUGH 3169
128. WM B SALEH CO, 14-R6D7-2626
129. WIRETECH, INC., 14-R4D1-2357
130. YILLIK PRECISION CARBIDES, 14-R6D2-2443 AND 2444

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.