

**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 22, 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: April 10, 2015**

**RE: Closed Session of the Board to be held on April 22, 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.

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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. LARA LABOR CONTRACTORS, 13-R2D2-3608 AND 3609
2. NATIONAL DISTRIBUTION CENTERS, LP, 12-R6D2-0391
3. PDM STEEL SERVICE CENTERS, INC., 13-R1D3-2446 THROUGH 2448
4. TRI-STATE STAFFING, 12-R6D2-0378

**PETITIONS FOR RECONSIDERATION:**

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

1. GRACIANA TORTILLA FACTORY, 15-R4D3-9010

**ORDERS AFER REMAND:**

1. DOUBLE S FASHION, INC., 14-R6D5-1751 AND 1752
2. OWENS-ILLINOIS GLASS CONTAINER INC., 09-R1D4-2021 AND 2022

**ORDERS DISMISSING APPEAL:**

1. LOS ANGELES DEPARTMENT OF WATER & POWER, 15-R4D7-0080
2. ANGELICA MONIQUE RAMIREZ DBA AMR CONTRACTING, 14-R6D7-3192

**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)*

**ORDERS GRANTING LATE APPEAL:**

1. ABDELLATIF ENTERPRISES INC., 15-R3D1-1048 AND 1049
2. BURLINGAME INDUST. INC DBA EAGLE ROOFING PRODUCTS,  
15-R3D3-1050 AND 1051
3. PETERSEN DEAN INC., 15-R3D1-1045 THROUGH 1047
4. SENH LONG FARM INC., 15-R6D5-1008

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

1. A-1 ROOF MANAGEMENT & CONSTRUCTION, INC., 15-R1D4-9056
2. ALCAUTER INC DBA HEMET AUTO SPA & DETAIL, 15-R3D3-9057
3. C & R FARMS, 15-R3D3-9059
4. HARRIS REBAR NORTHERN CALIFORNIA, INC., 15-R1D4-9058
5. J.M. CABINETS, INC., 15-R6D1-9054
6. JEFFREY TODD KINCAID DBA KINCAID CONSTRUCTION, 15-R6D5-9053
7. LEO AND LILY, 15-R6D5-9055

**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. 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. SIERRA FOREST PRODUCTS, 09-R2D5-3979

18. STANISLAUS FOOD PRODUCTS CO., 13-R2D4-0572 THROUGH 0574
19. 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)

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15. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
16. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
17. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)
18. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)
19. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
20. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)
21. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)
22. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
23. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056 THROUGH 3058) (DOSH)
24. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056 THROUGH 3058) (3<sup>rd</sup> Party)
25. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817 (09-R6D2-2238 ~ 2241)
26. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
27. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
28. IRWIN INDUSTRIES, BS14-9634 (12-R4D3-3276 & 3277)
29. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303 THROUGH 1310)
30. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360 THROUGH 3362)
31. MORROW MEADOWS CORP., BS151385 (09-R3D3-2295)
32. FEDEX GROUND PACKAGING SYSTEM, INC., CIVDS1415696 (13-R3D1-1220)
33. KEY ENERGY SERVICES, INC., S-1500-CV-283958, EB (13-R4D3-2239 ~ 2242)

34. KDTD, INC. DBA KD DEVELOPMENT, INC., 37-2015-00003550-CU-WM-CTL  
(14-R3D2-1935 & 1936)

**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)

**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. ACE COMMERCIAL PLASTERING, INC., 14-R1D3-2572
2. AMERICAN ALUPACK INDUSTRIES LLC., 14-R4D3-4122 AND 4123
3. ANGELUS ALUMINUM FOUNDRY CO., 14-R6D2-4018 THROUGH 4022
4. BAGCRAFT PAPERCON, 14-R4D1-3456 AND 3457
5. CABINETS 2000 INC., 15-R6D2-0014 THROUGH 0018
6. CAL FIRE, 14-R1D2-3082
7. CANYON SPRINGS ENTERPRISES DBA RSH CONSTRUCTION, 14-R3D1-0115  
THROUGH 0117
8. CELL PLUS AUDIO INC. DBA PACIFIC AUDIO, 15-R6D7-0365 AND 0366
9. CENTRAL TRANSPORT LLC., 15-R2D1-0298
10. COMMUNITY FUELS, 14-R2D4-2122
11. CONCORD IRON WORKS, INC., 15-R1D1-0598 THROUGH 0600
12. COOL EARTH SOLAR INC., 14-R6D1-3188

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13. C. RAY CONSTRUCTION, INC., 14-R6D7-4134 THROUGH 4136
14. DOUBLE B DEMOLITION INC., 14-R2D1-1517 AND 1518
15. D & R ELECTRIC, 14-R3D2-2554
16. D.R. HORTON BAY INC., 14-R1D2-4201
17. E H C CONSTRUCTION, 14-R3D2-3494 THROUGH 3497
18. EQUITY LIFESTYLE PROPERTIES INC., 15-R1D5-0038 AND 0039
19. EXOPACK LLC, 14-R4D4-1739 THROUGH 1741
20. EXXON MOBIL, 14-R6D4-4191 THROUGH 4199
21. FRAMING BY SUPERIOR, 14-R3D1-2402
22. FRANKLINS FAMILY AUTO CARE INC., 15-R6D7-0367
23. FRESH HARVEST, INC., 14-R6D7-3008 THROUGH 3010
24. GH WOOD DESIGN LLC, 14-R6D2-3715 THROUGH 3718
25. GLAZING CONCEPTS INC., 14-R3D1-3342 AND 3343
26. HENKELS & MCCOY, INC., 14-R1D2-1268
27. HERNANDEZ'S RELIABLE LATHING, 14-R2D5-2949 AND 2950
28. HOUWELING NURSERIES OXNARD INC., 14-R4D3-3898 AND 3899
29. HURLEY CONSTRUCTION, INC., 14-R1D3-3794 THROUGH 3796
30. INDEPENDENT CONCRETE CUTTING INC., 14-R4D3-1485
31. J.T. MASTERS CONSTRUCTION, INC., 14-R6D7-3834
32. KINGDOM WORLDWIDE WEB OPERATIONS, INC., 14-R3D1-2041 AND 2042
33. KOCH FILTER CORPORATION, 15-R3D3-0213 THROUGH 0215
34. LOS ANGELES WATER & POWER, 14-R2D5-3017
35. CHANG JIE LU DBA D'ARCHITECH INC., 14-R1D2-3773

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36. MARGE CARSON INC., 15-R6D2-0434 THROUGH 0437
37. MITCHELL DEVELOPMENT ENTERPRISES INC., 14-R6D7-2607 AND 2608
38. MONTEREY MUSHROOMS, INC., 14-R1D2-2802
39. NATIONAL EXPRESS TRANSIT, INC., 14-R2D2-3702 AND 3703
40. NEW WESTERN CONSTRUCTION, INC. DBA JLG LANDSCAPING,  
14-R4D3-2585 THROUGH 2590
41. JOE NUNEZ DBA TRENDS DBA TRENDS CUSTOM PAINTING, 15-R6D7-0258  
AND 0259
42. OPTIMUS GROUP INC., 14-R3D1-4180 AND 4181
43. RASMIK OVANESIAN DBA CALIFORNIA SEISMIC CONSTRUCTION,  
14-R4-D1-2925 AND 2926
44. PACIFIC COAST PRODUCERS, 15-R2D1-0966
45. PARADIGM PACKAGING, 14-R4D4-3273 AND 3274
46. PARAMOUNT PETROLEUM CORP., 14-R3D5-2383 AND 2384
47. PORTS AMERICA, 14-R3D5-2694
48. PROVEN MANAGEMENT INC., 15-R1D2-0712
49. PSLQ INC. DBA GREENBEE, 14-R3D1-4031
50. RDR BUILDERS, LP, 14-R1D3-3836 THROUGH 3838
51. RIO TINTO MINERALS, INC., 14-R5D2-3909
52. SAN JOAQUIN COUNTY SHERIFF, 14-R2D4-3379
53. SCHROEDER MANAGEMENT COMPANY, INC., 14-R3D1-3432  
THROUGH 3433
54. SHIMMICK CONSTRUCTION CO. INC., 14-R1D1-2610 THROUGH 2612
55. SHRG ENGINEERING INC., 15-R2D4-0840 THROUGH 0842
56. SIERRA PACIFIC INDUSTRIES, 14-R2D3-4145 AND 4146

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57. SOCAL FRAMING, INC., 13-R3D1-3369
58. STEELHEAD CONSTRUCTORS INC., 14-R2D3-3839 AND 3840
59. ST. FRANCIS MEDICAL CENTER, 14-R3D5-3289 AND 3290
60. TAYLOR MORRISON, 14-R1D2-2801
61. T & R CONSTRUCTION GROUP, 14-R6D7-3409
62. TRI PRECISION SHEETMETAL, INC., 15-R6D2-0206 THROUGH 0210
63. TRUGREEN LANDCARELLC, 14-R3D5-3824 THROUGH 3828
64. WAWONA PACKING COMPANY, 14-R2D5-2952
65. WESTERN NATIONAL CONTRACTORS, 14-R1D2-3030
66. WEST POINTE HOMES INC., 1 4-R4D3-3587 AND 3588
67. WHITE METAL PRODUCTS, INC., 14-R3D5-3822 AND 3823

**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.