

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, May 14, 2014**  
**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: May 2, 2014**

**RE: Closed Session of the Board to be held on May 14, 2014**

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. AYALAZ AG SERVICES, 11-R2D5-1001 THROUGH 1003
2. MK AUTO INC., 12-R2D1-2893 AND 2894

**PETITIONS FOR RECONSIDERATION:**

1. IRWIN INDUSTRIES, 12-R4D3-3276 AND 3277
2. OC TURF AND PUTTING GREENS, 13-R3D2-1751

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

1. BAY CITIES PAVING & GRADING, INC., 12-R3D2-1665

**ORDERS DISMISSING APPEAL:**

1. ARMSTRONG TOWING, 13-R3D1-2012

**ORDERS GRANTING LEAVE TO FILE APPEAL:**

1. NEW CENTURY BUILDERS & DEVELOPERS DBA NEW CENTURY BUILDERS, 14-R4D1-1185

**ORDERS DENYING LEAVE TO FILE APPEAL:**

1. A L S FASHION, INC., 14-R6D5-9046
2. CALIFORNIA STATE PRISON CORCORAN, SATF, 14-r2d5-9044
3. FUENTES PLUMBING, 14-R4D1-9051
4. BRIAN E. HAUGEN, 14-R6D7-9045

**AMENDED ORDER:**

1. GRANITE CONSTRUCTION COMPANY, 13-R5D1-3345

**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. BHC FREMONT HOSPITAL, INC., 13-R1D2-0204
2. FRANK M BOOTH, INC., 12-R2D3-0601

**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. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
2. JAMES BALDWIN DBA LYON'S MUFFLER & BRAKE, 14-R6D5-9019

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
For MAY 14, 2014  
Page 3

3. BELLINGHAM MARINE INDUSTRIES, 2012-R2D2-3144 THROUGH 3146
4. BRAD STONER PAINTING, INC., 13-R3D2-9200
5. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
6. CABRILLO ECONOMIC DEVELOPMENT CORP., 11-R4D3-3185 & 3186
7. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282
8. COFFMAN SPECIALTIES, INC., 10-R3D3-3532
9. COMMERCIAL METAL FORMING, 09-R3D1-1592
10. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
11. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
12. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
13. DISH NETWORK CAL. SVC. CORP., 12-R4D3-0455
14. FERMA CORPORATION, 12-R2D2-1669
15. GMAC ELECTRIC, INC., 13-R6D5-9138
16. HARRIS CONSTRUCTION, 03-R2D5-3914
17. HHS CONSTRUCTION, 12-R3D2-0492-0497
18. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
19. KELLY GLOBAL LOGISTICS, INC., 12-R3D5-0014
20. K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375
21. LABOR READY, 13-R3D2-0164
22. LA VALENCIA HOTEL, 2013-R3D2-9199
23. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
24. LYON'S MUFFER & BRAKE, 01-R6D5-9019
25. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223

26. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR, 08-R2D1-3093 THROUGH 3098
27. MARCO RUFO DBA MARCO RUFO, 13-R6D5-9217
28. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
29. MCCARTHY BUILDING CO., INC., 12-R1D4-3458
30. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
31. MORROW MEADOWS CORP., 09-R3D3-2295
32. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
33. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
34. O.C. JONES AND SONS, INC. 13-R2D2-0310
35. ONESTOP INTERNET, INC., 11-R4D2-2636 AND 2637
36. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
37. JIM PARKER, 2014-R4D1-9009
38. PERSONNEL PLUS, INC., 11-R3D5-1302
39. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
40. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
41. SIERRA FOREST PRODUCTS, 09-R2D5-3979
42. SONIC DRIVE-IN, 12-R2D5-2734
43. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
44. STARBUCKS DBA STARBUCK'S COFFEE #5867, 12-R3D2-3675 THROUGH 3678
45. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
46. TL PALVICH CONSTRUCTION, INC., 11-R3D6-1303 THROUGH 1310

47. TRADEMARK CONSTRUCTION CO., INC., 12-R4D1-0096 AND 0097
48. TREASURE ISLAND MEDIA, INC., 2010-R6D1-1093 THROUGH 1095
49. 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. SMUD, 34-2010-80000723 (08-R2D1-4887)
3. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-8000820 (03-R1D1-5170)
4. MASCON, INC., 34-2011-80000819 (08-R2D1-4278 AND 4279)
5. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965 (10-0188~0191)
6. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459 THROUGH 2461)
7. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
8. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
9. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
10. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
11. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
12. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
For MAY 14, 2014  
Page 6

13. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
14. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
15. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
16. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
17. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
18. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
19. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
20. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
21. A. TEICHERT & SON, DBA TEICHERT AGGREGATES, RG12 659881 (10-R5D1-3029)
22. HOME DEPOT USA, INC., BS141301 (10-3284)
23. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
24. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00628178 (10-3667)
25. THYSSENKRUPP ELEVATOR CORP., 34-2013-80001456 (11-2217 ~ 2219)
26. BIG LOTS STORES, INC., 37-2013-00045936 (11-R3D2-1929 ~ 1931)
27. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)
28. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00652023 (12-0439)
29. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00651875 (12-0440)
30. AC TRANSIT, RG13687314 (08-R1D4-0135)
31. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)
32. BAY AREA RAPID TRANSIT DISTRICT, RG13689346 (09-R2D2-1219 & 1221)

33. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)
34. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
35. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)
36. SHIMMICK-OBAYASHI, 34-2014-80001750 (2008-R3D3-5023 THROUGH 5025)
37. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
38. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056 THROUGH 3058) (DOSH)
39. LAND O'LAKES PURINA FEED, LLC, RG14715717 (08-R2D4-1843 AND 1844) (DOSH)
40. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056 THROUGH 3058) (3<sup>rd</sup> Party)

**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. SHERWOOD MECHANICAL, INC., D065322, 37-2012-00101466 (08-R3D2-4690 ~ 4693)

**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. AC FRAMERS INC., 13-R6D1-3245 THROUGH 3247
2. ACRO TECH SERVICES, INC., 13-R6D2-3136 AND 14-R6D2-0167 AND 0168
3. ACT FULFILLMENT, INC., 13-R3D3-2632 THROUGH 2634
4. AGD LAUNDRY & FINISHING, INC., 13-R4D1-1419 THROUGH 1421

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
For MAY 14, 2014  
Page 8

5. AIR GAS ON SITE SAFETY SERVICES, 13-R6D3-2770 AND 2771
6. ALUMINUM SASH & DOOR CO., INC. DBA MET-TEC SHOWER ENCLOSURES, 13-R6D2-3291 THROUGH 3300
7. AMG DEMOLITION & ENVIRONMENTAL SERVICE, 12-R3D2-0986  
HENSEL PHELPS CONSTRUCTION CO., 12-R3D2-0987
8. APPLE PACKING INC., 13-R3D2-1827 AND 1828
9. ARROW SIGN COMPANY, 13-R1D4-1367
10. BARRETT DISTRIBUTION CENTERS, INC. , 13-R4D4-1858 AND 1859
11. BAY AREA LINEN & VALET SERVICE CENTER, INC., 13-R1D1-2719
12. BELK FARMS, LLC., 13-R6D5-3407
13. BERTI PRODUCE--SAN FRANCISCO. INC., 13-R1D1-3887 AND 3888
14. JOSEPH BILIC, 14-R4D3-0134 AND 0135
15. GARY BLASI DBA GARY BLASI VINEYARD, 13-R6D7-3623
16. BRAND ENERGY SERVICES OF CALIFORNIA, 13-R6D3-0564
17. BRAND SCAFFOLD SERVICES, INC., 13-R6D4-1681 THROUGH 1689
18. CA DEPT OF FISH & WILDLIFE, 14-R2D4-0587
19. CA FORESTRY & FIRE DEPARTMENT DBA: CAL FIRE, 13-R3D2-0641
20. CA INSTITUTION FOR MEN, 13-R4D4-0841 AND 0842
21. CALIFORNIA HEALTH CARE FACILITY, 13-R2D4-3401
22. CLOUGHERTY PACKING LLC DBA FARMER JOHN, 13-R4D1-1054  
THROUGH 1056
23. COASTAL FRAMING INC., 13-R2D3-3541 AND 3542
24. COAST PLUMBING, 13-R2D2-3332
25. COASTWIDE TAG AND LABEL CO., INC., 12-R3D6-2936 AND 2937

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD

CLOSED SESSION MEMORANDUM

For MAY 14, 2014

Page 9

26. COMERFORD INC. DBA FAIRWAY, 13-R4D7-2844 THROUGH 2846
27. CONSTELLATIONS BRANDS, WOODBRIDGE WINERY, 14-R2D4-0637
28. DAVID KUTNER DMD, A DENTAL CORP DBA S CA DENTAL HEALTH,  
13-R4D4-1667
29. DAVIS DEVELOPMENT COMPANY, 13-R3D1-1933
30. DMB GROUP, INC., DBA KOREA HOUSE RESTAURANT, 13-R6D5-2133
31. ESPARZA ENTERPRISES, INC., 13-R3D3-2597
32. FALCON FRAMING, INC., 13-R3D2-0500 THROUGH 0504
33. FAMILY LOOMPYA CORP., 14-R6D2-0046 THROUGH 0049 & 14-R6D2-0097
34. PEDRO FILIO DBA PEDRO ANGELES FARMING, 13-R6D5-3847 AND 3848
35. FOUR SEASONS PRODUCE PACKING COMPANY, INC., 13-R6D5-2732  
AND 2733
36. FRED GARZA JR, INC., 13-R2D5-3479
37. GACHUPIN ENTERPRISES, LLC., DBA SPEEDWEAR.COM, 13-R3D1-0499
38. GALINDO BROTHERS CORPORATION, 13-R3D3-2762
39. JOSE GALLARDO DBA RJ AUTOMOTIVE, 14-R6D7-0468 AND 0469
40. GARY D NELSON ASSOC INC DBA NELSON STAFFING, 13-R2D3-3141
41. GEMMITI MODEL ART CORPORATION, 13-R1D1-1496 AND 1497
42. GENUINO SILVIERA DBA GS CONSTRUCTION, 13-R6D7-2629
43. GFF, INC., 13-R6D2-1792 AND 1793
44. GOLDEN STATE CUSTOM PAINTING INC., 13-R3D1-0882 THROUGH 0885
45. GOLD STAR FOODS, INC., 13-R4D4-1002 AND 1003
46. GRAND CENTRAL RECYCLING, 13-R4D4-0973
47. HONEYVILLE GRAIN, INC., 13-R4D4-1860

48. HUTTIG BUILDING PRODUCTS, INC., 13-R4D4-2492 AND 2495
49. IMPERIAL ELECTRIC, 13-R3D3-3234 AND 3235
50. IMPERIAL IRRIGATION DISTRICT, 13-R6D5-2646 AND 2647
51. INTERFAITH COMMUNITY SERVICES, INC., 13-R3D2-2482 AND 2483
52. INTERNATIONAL INDUSTRIAL CONTRACTING CORP., 13-R1D2-3138 AND 3139
53. JASON REMOLONA INC., DBA JACKSON ARMS, 13-R1D3-3531 THROUGH 3537
54. JEWELCO JEWELERS INC., DBA FAST-FIX JEWELRY REPAIR, 13-R3D2-2761
55. JOSEPH J. ALBANESE, INC., 14-R1D3-0155 THROUGH 0157
56. KERN OIL & REFINING CO., 13-R6D3-3387 THROUGH 3392
57. LA COSTA LIMOUSINE, 13-R3D2-2545
58. LA COUNTY HEALTH SERVICES LAC +USC MEDICAL CENTER, 13-R4D1-1332 THROUGH 1334
59. LA COUNTY PROBATION DEPARTMENT BARRY J. NIDORF JUV. HALL, 13-R4D3-1659
60. LAM TRUC LE & HOA NGUYEN DBA A AUTO SERVICE & REPAIR, 13-R6D7-1698 THROUGH 1700
61. L & J CUSTOM FARMING, 13-R3D2-1137 AND 1138
62. MACY'S INC. DBA MACY'S STORES OF CALIFORNIA, 09-R4D2-4166 AND 4167
63. MAGANA LABOR SERVICES, INC., 13-R6D5-2203 AND 2204
64. MICHAEL A MARTIN DBA MICHAEL A MARTIN CONSTRUCTION, 13-R6D7-3527 AND 3528
65. MD LABOR LCC, 13-R1D2-0739 AND 0740
66. MILLENIUM BUSINESSES, INC. DBA EXPRESS EMPLOYMENT PROFESSIONALS, 13-R4D4-2272

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM

For MAY 14, 2014

Page 11

67. MOBILE COMMUNITY MANAGEMENT, CO., 13-R4D4-1857
68. MARTIN MORA DBA MARTIN MORA, 13-R6D5-2392
69. CURTIS MURPHY DBA TERAQUEST, 13-R6D7-3089 THROUGH 3091
70. SON VAN NGUYEN, 12-R6D5-3733 THROUGH 3741
71. NORMAN'S NURSERY, 13-R4D3-0588 AND 0589
72. NORWALK INDUSTRIES, L.P., 13-R3D3-2550 AND 2551
73. PEBBLE BEACH COMPANY, 14-R1D2-0514 AND 0515
74. POCINO FOODS COMPANY, 13-R4D4-1856
75. RANDSTAD DBA SPHERION, 13-R2D4-3712
76. REDLANDS ENTERPRISES INC. DBA REDLANDS AUTO SPA & DETAIL,  
14-R3D3-0879 AND 0880
77. RICK HART ROOFING, 14-R3D3-0968 AND 0969
78. SAFEWAY INC. VON'S DIVISION, 13-R4D4-0801
79. SANIE MFG CO., INC., 13-R6D2-2783 AND 2784
80. SAN LUIS BUILDERS, INC., 13-R4D4-0975 AND 0976
81. SANTA FE AUTO SALVAGE SALES & PARTS, 14-R3D3-0701
82. SCOTT PLUMBING, INC., 13-R6D5-2231
83. SERVICE FIRST CONTRACTORS NETWORK, 13-R3D3-0291
84. SETTLEMENT ONE, 13-R3D2-2424
85. HELEN SHELLY DBA SHELLY'S RACING STABLES, 13-R1D4-1803 AND 1804
86. SK TOPS AUTO BODY, INC., 13-R6D5-2642
87. SOUTH COAST CONCRETE CONSTRUCTION, 13-R6D7-1904
88. SQUAB PRODUCERS OF CALIFORNIA, 13-R2D4-3874 AND 3875

89. STATEWIDE LANDSCAPE SERVICES, INC., 13-R4D4-1861 AND 1862
90. STEAL DEAL, INC., 13-R4D1-0756
91. TANIMURA & ANTLE, INC., 13-R6D7-2927
92. TEAM C CONSTRUCTION, 13-R3D2-0347 AND 0348
93. TESORO REFINING AND MARKETING COMPANY, 14-R6D3-0338
94. THE COCA COLA COMPANY, 13-R2D5-3463
95. THE DAVEY TREE EXPERT COMPANY, 13-R6D7-2100 AND 2101
96. THOMAS POTTMAYER COMPANY, 12-R3D6-3791 THROUGH 3793
97. TRANSPHORM, INC., 12-R4D3-3587
98. TRENCHERS WEST CONSTRUCTION CO., INC., 13-R3D3-2700
99. THE WINE GROUP INC., DBA FRANZIA SANGER WINERY, 14-R2D5-0273  
THROUGH 0275
100. OSCAR REYNOSO VALERO DBA VALERO LABOR, 13-R2D4-2503
101. VOLT INFORMATION SCIENCES, INC., 13-R1D5-2380
102. WASHINGTON GARMENT DYEING & FINISHING, INC., 13-R4D1-3502  
AND 3503
103. WEST COST MACHINING, 13-R4D4-1439 THROUGH 1442
104. WL RUBOTTOM COMPANY, 13-R4D3-1854 AND 1855
105. YNT LABOR SERVICES, INC., 13-R6D7-3949
106. ZEPEDA LABOR CONTRACTING, INC., 13-R3D3-2490

**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.