State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), (e) and (f)
for
Wednesday, June 11, 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 28, 2014**

RE: **Closed Session of the Board to be held on June 11, 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.

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.)

PETITIONS FOR RECONSIDERATION:

1. ALS FASHION, INC., 14-R6D5-9046

DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):

1. HONEYBAKED HAMS, 13-R3D1-0941

2. SPRECKLES SUGAR CO., INC., 13-R3D2-0945 THROUGH 0947

ORDERS DISMISSING APPEAL:

1. CLASSIC FOODS INTERNATIONAL CORP., 13-R3D1-1635 THROUGH 1637

ORDERS GRANTING LEAVE TO FILE LATE APPEAL:

ORDERS DENYING LEAVE TO FILE LATE APPEAL:

1. BANYAN GROUP CONSTRUCTION, 14-R3D1-9067
2. CEDAR CREST RESORT, 14-R2D5-9066
3. FALKNER WINERY, INC., 14-R6D2-9055
4. REYNALDO MENDOZA DBA ELITE KREATIONS AUTO BODY, 14-R6D7-9069
5. NAKASH ENTERPRISES DBA SHELL GAS STATION, 14-R2D1-9068
6. R.M.T. CONTRACTING, INC., 14-R4D7-9070

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. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
2. JAMES BALDWIN DBA LYON'S MUFFLER & BRAKE, 14-R6D5-9019
3. BELLINGHAM MARINE INDUSTRIES, 12-R2D2-3144 THROUGH 3146
4. BRAD STONER PAINTING, INC., 13-R3D2-9200
5. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
6. CABRILLO ECONOMIC DEVELOMENT CORP., 11-R4D3-3185 & 3186
7. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282
8. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
9. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362

10. DISH NETWORK CAL. SVC. CORP., 12-R4D3-0455

11. FERMA CORPORATION, 12-R2D2-1669

12. GMAC ELECTRIC, INC., 13-R6D5-9138

13. HARRIS CONSTRUCTION, 03-R2D5-3914

14. HHS CONSTRUCTION, 12-R3D2-0492-0497

15. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272

16. KELLY GLOBAL LOGISTICS, INC., 12-R3D5-0014

17. K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375

18. LABOR READY, 13-R3D2-0164

19. LA VALENCIA HOTEL, 13-R3D2-9199

20. LYON'S MUFFER & BRAKE, 14-R6D5-9019

21. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223

22. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR, 08-R2D1-3093 THROUGH 3098

23. MARCO RUFO DBA MARCO RUFO, 13-R6D5-9217

24. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406

25. MCCARTHY BUILDING CO., INC., 12-R1D4-3458

26. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298

27. MORROW MEADOWS CORP., 09-R3D3-2295

28. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791

29. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186

30. O.C. JONES AND SONS, INC. 13-R2D2-0310

31. ONESTOP INTERNET, INC., 11-R4D2-2636 AND 2637

32. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022

33. JIM PARKER, 2014-R4D1-9009

34. PERSONNEL PLUS, INC., 11-R3D5-1302

35. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248

36. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048

37. ROSENDIN ELECTRIC, INC., 12-R2D1-3028 (Board Order of Recon)

38. ROSENDIN ELECTRIC, INC., 12-R2D1-3028 (Employer)

39. SIERRA FOREST PRODUCTS, 09-R2D5-3979

40. SONIC DRIVE-IN, 12-R2D5-2734

41. STAFFCHEX, 10-R4D3-2456 THROUGH 2458

42. STARBUCKS DBA STARBUCK'S COFFEE #5867, 12-R3D2-3675 THROUGH 3678

43. TL PALVICH CONSTRUCTION, INC., 11-R3D6-1303 THROUGH 1310

44. TRADEMARK CONSTRUCTION CO., INC., 12-R4D1-0096 AND 0097

45. TREASURE ISLAND MEDIA, INC., 10-R6D1-1093 THROUGH 1095

46. 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)

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. HOME DEPOT USA, INC., BS141301 (10-3284)

22. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)

23. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00628178 (10-3667)

24. THYSSENKRUPP ELEVATOR CORP., 34-2013-80001456 (11-2217 ~ 2219)

25. BIG LOTS STORES, INC., 37-2013-00045936 (11-R3D2-1929 ~ 1931)

26. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)

27. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00652023 (12-0439)

28. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00651875 (12-0440)

29. AC TRANSIT, RG13687314 (08-R1D4-0135)

30. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)

31. BAY AREA RAPID TRANSIT DISTRICT, RG13689346 (09-R2D2-1219 & 1221)

32. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)

33. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)

34. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)

35. SHIMMICK-OBAYASHI, 34-2014-80001750 (2008-R3D3-5023 THROUGH 5025)

36. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)

37. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056 THROUGH 3058) (DOSH)

38. LAND O'LAKES PURINA FEED, LLC, RG14715717 (08-R2D4-1843 AND 1844) (DOSH)

39. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056 THROUGH 3058) (3rd Party)

40. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817 (09-R6D2-2238 ~ 2241)

41. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)

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. ACCO ENGINEERED SYSTEMS, 13-R6D2-2565

2. A M DRYWALL, INC., 14-R1D4-0766

3. AMPAC FINE CHEMICALS, LLC, 14-R2D1-0242

4. AMTREND CORPORATION, 13-R6D2-2963 THROUGH 2966

5. GEORGE AYALA DBA AYALA CONSTRUCTION, 13-R6D5-2294

6. A.V. THOMAS PRODUCE, INC., 14-R2D4-1089

7. JOSEPH BRADLEY DBA BELMEX CONSTRUCTION, 13-R4D4-2636

8. CAL STATE STEEL CORPORATION, 13-R4D1-1848

9. ANDRES CHAVEZ AND JORGE LOPEZ DBA OAKLAND LINEN SERVICE, 14-R1D4-0740 THROUGH 0744

10. CONTAINER INTERMODAL TRANSPORT, INC., 113-R6D2-1902

11. CORNERSTONE STAFFING SOLUTIONS, 13-R4D4-2048

12. C.S. LEGACY CONSTRUCTION, INC., 13-R3D3-3546

13. CVS PHARMACY, 14-R3D1-0991

14. DEVELOPLUS, INC., 13-R3D3-3786 THROUGH 3790

15. EAST BAY MUNICIPAL UTILITY DISTRICT, 14-R1D4-1312

16. FOOTHILL SUITES, LLC., 13-R4D4-2361

17. G & P AG MANAGEMENT CONTRACTORS, INC., 13-R6D7-2376

18. HERZOG REYES, A JOINT VENTURE, 14-R3D5-1291

19. HIGHLAND MANOR, 14-R6D2-1080 THROUGH 1082

20. ITAL CUSTOM SIGNS, INC., 13-R4D4-2028 THROUGH 2030

21. NADER JAVID, 14-R2D4-0806 THROUGH 0808

22. JJ HARVESTING, 13-R3D2-2737 THROUGH 2740

23. JOBBER'S WHOLESALE, INC., 13-R3D5-1715 AND 1716

24. JWCH INSTITUTE INC. DBA THE ABBEY, 13-R4D1-2289

25. ADELBERTO LUGO DBA CAL STATE CONSTRUCTION, 13-R6D5-3036

26. MARINE FENDERS INTERNATIONAL, INC., 13-R3D5-2263 AND 2264

27. MESQUITE ENTERPRISES, INC., 13-R3D3-2288

28. MING INTERNATIONAL DBA CARPET SOLUTIONS, INC., 13-R3D5-3103 THROUGH 3105

29. NELLSON NUTRACEUTICAL LLC., 13-R4D4-0138 AND 0139

30. NORWALK INDUSTRIES, L.P. 13-R3D3-2021 THROUGH 2023

31. ORGANIC MILLING ACQUISITION, 14-R6D2-0185 THROUGH 0193

32. PACIFIC EDGE REAL ESTATE, 11-R4D3-1274 AND 11-R4D3-1559

33. PACIFIC GAS & ELECTRIC COMPANY, 13-R2D1-1013 AND 1014

34. PACIFIC STEEL CASTING CO., 13-R6D1-3868 THROUGH 3870

35. PARAGON INDUST., INC. DBA BEDROSIAN TILE & MARBLE, 13-R3D1-2326 THROUGH 2329 AND 14-R3D1-1039

36. PHOENIX MOTORCARS, 13-R4D4-2610

37. RDO EQUIPMENT CO., 13-R3D2-1221 AND 1222

38. RICHARD BAGDASARIAN, INC., 13-R3D3-1996

39. ROADSTER WHEELS DBA WHEEL VINTIQUES, INC., 13-R2D5-2286

40. SILVERLINE CONSTRUCTION, 13-R4D1-0292 AND 0293

41. S.J. DENHAM, INC., 13-R2D3-3665

42. SOUTH COAST SPECIALTY SYSTEMS, INC., 13-R3D2-1157

43. SOUTHERN WINE & SPIRITS OF AMERICA, INC., 13-R4D4-2362 AND 2363

44. SPRAGUE'S ROCK AND SAND COMPANY, 13-R4D4-2511

45. TIME WARNER CABLE, 13-R3D2-1522

46. TRIUMPH PAINTING, 14-R3D5-0480

47. KEVIN TURNER DBA KA TURNER CONSTRUCTION, 13-R6D7-3671 AND 3672

48. WESLAR, INC., 13-R4D3-2225 AND 2226

49. WESTERN EXTERMINATOR COMPANY, 13-R3D3-1186

50. WESTMONT CORP. DBA WILDWOOD MOBILE COUNTRY CLUB, 13-R4D4-1461

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.