

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, July 9, 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: June 27, 2014**

**RE: Closed Session of the Board to be held on July 9, 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.)*

**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

1. SCHUSTER'S LOGGING INC., 12-R1D5-2498 THROUGH 2500

**PETITIONS FOR RECONSIDERATION:**

1. FEDEX GROUND, 13-R3D1-1220

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

1. MK AUTO, INC., 12-R2D1-2893 AND 2894

**ORDERS DISMISSING APPEAL:**

1. A.M. AUTO REPAIR, INC., 13-R3D5-2848 THROUGH 2850
2. PURE KARMA, INC., 13-R3D5-3040
3. W.C. STAFFING INC. DBA WEST COAST STAFFING, 13-R6D2-3522 THROUGH 3523

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

1. B & G DRYWALL, STOCKING AND HAULING, INC., 14-R1D4-1676 AND 1677 AND 14-R1D4-1950
2. MIKE BURNETT DBA YOU GOT MAIL, 14-R3D2-1991 AND 1992

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

1. A.B.S. MANUFACTURERS, INC., 14-R6D7-9075

**AMENDED ORDER:**

1. FABRICATION CONCEPTS CORP. 13-R3D1-2817 AND 2818

**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. JAMES BALDWIN DBA LYON'S MUFFLER & BRAKE, 14-R6D5-9019
2. B & B ROOF PREPARATION, INC., 12-R3D6-2946
3. BELLINGHAM MARINE INDUSTRIES, 12-R2D2-3144 THROUGH 3146
4. BRAD STONER PAINTING, INC., 13-R3D2-9200
5. CABRILLO ECONOMIC DEVELOPMENT CORP., 11-R4D3-3185 & 3186

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM

For JULY 9, 2014

Page 3

6. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282
7. DISH NETWORK CAL. SVC. CORP., 12-R4D3-0455
8. FERMA CORPORATION, 12-R2D2-1669
9. GMAC ELECTRIC, INC., 13-R6D5-9138
10. HARRIS CONSTRUCTION, 03-R2D5-3914
11. HHS CONSTRUCTION, 12-R3D2-0492-0497
12. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
13. KELLY GLOBAL LOGISTICS, INC., 12-R3D5-0014
14. K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375
15. LABOR READY, 13-R3D2-0164
16. LA VALENCIA HOTEL, 13-R3D2-9199
17. LYON'S MUFFER & BRAKE, 14-R6D5-9019
18. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
19. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR,  
08-R2D1-3093 THROUGH 3098
20. MARCO RUFO DBA MARCO RUFO, 13-R6D5-9217
21. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
22. McCARTHY BUILDING CO., INC., 12-R1D4-3458
23. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
24. MORROW MEADOWS CORP., 09-R3D3-2295
25. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
26. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
27. O.C. JONES AND SONS, INC. 13-R2D2-0310

28. ONESTOP INTERNET, INC., 11-R4D2-2636 AND 2637
29. JIM PARKER, 2014-R4D1-9009
30. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
31. ROSENDIN ELECTRIC, INC., 12-R2D1-3028
32. SIERRA FOREST PRODUCTS, 09-R2D5-3979
33. SONIC DRIVE-IN, 12-R2D5-2734
34. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
35. STARBUCKS DBA STARBUCK'S COFFEE #5867, 12-R3D2-3675  
THROUGH 3678
36. TRADEMARK CONSTRUCTION CO., INC., 12-R4D1-0096 AND 0097
37. TREASURE ISLAND MEDIA, INC., 10-R6D1-1093 THROUGH 1095
38. 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. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-8000820 (03-R1D1-5170)
3. MASCON, INC., 34-2011-80000819 (08-R2D1-4278 AND 4279)
4. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965  
(10-0188~0191)
5. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)

6. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
7. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
8. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
9. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
10. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
11. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
12. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
13. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
14. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
15. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
16. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
17. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
18. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
19. HOME DEPOT USA, INC., BS141301 (10-3284)
20. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
21. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)
22. AC TRANSIT, RG13687314 (08-R1D4-0135)
23. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)
24. BAY AREA RAPID TRANSIT DISTRICT, RG13689346 (09-R2D2-1219 & 1221)
25. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)

26. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
27. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)
28. SHIMMICK-OBAYASHI, 34-2014-80001750 (2008-R3D3-5023 THROUGH 5025)
29. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
30. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056 THROUGH 3058) (DOSH)
31. LAND O'LAKES PURINA FEED, LLC, RG14715717 (08-R2D4-1843 AND 1844) (DOSH)
32. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056 THROUGH 3058) (3<sup>rd</sup> Party)
33. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817 (09-R6D2-2238 ~ 2241)
34. 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)
4. ORANGE COUNTY FIRE AUTHORITY, G050220, 30-2013-00628178 (CONSOLIDATED)

**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. 7 STARS CUTTING FUSING & WELT POCKET, INC., 13-R6D5-2513
2. 7630 CHERRY AVENUE, LLC., 14-R3D3-0704 THROUGH 0708

3. ABDON ROSALES GARDENING SERVICES, 13-R4D1-3928
4. ABSOLUTE ROOFING, INC., 14-R2D1-1233
5. ABEINSA EPC DBA ABENGOA, 14-R3D2-0866
6. ADVANCED MFG & DEVELOPMENT INC., 14-R2D3-1127 AND 1128
7. AHTNA, INC., 13-R2D1-2157
8. ALCAL SPECIALTY CONTRACTING, 14-R1D1-0556
9. AMADOR SANCHEZ DBA SANCHEZ FARM SERVICE, 13-R3D3-3735 AND 3536
10. AMERICAN FORCE PRIVATE SECURITY INC., 13-R3D3-3737 THROUGH 3739
11. ANGELS BASEBALL, LP, 13-R3D1-2975 THROUGH 2977
12. ARAKELIAN ENTERPRISES INC., DBA ATHENS SERVICES, 14-R3D3-0869 THROUGH 0871
13. ASB ENERGY LLC, FORMERLY AMERICAN SITE BUILDERS LLC DBA ASB ENERGY, 14-R3D3-1555 AND 1556
14. AT&T SERVICES INC., 13-R2D1-3096
15. AVALON SHUTTERS, INC., 14-R3D3-1667
16. BARNHART-BALFOUR BEATTY INC. DBA BALFOUR BEATTY CONSTRUCTION, 13-R3D2-1006 AND 1007
17. JAMES BEALUM DBA WESTERN ADDITION DRYWALL, 13-R1D1-1363 AND 1364
18. BENNETT ENTERPRISES, A CALIFORNIA LANDSCAPE CONTRACTING CORPORATION, 13-R4D1-2223
19. MICHAEL ANTHONY BERNAL DBA BERNAL CONCRETE, INC., 13-R6D5-3408
20. B & G DRYWALL, STOCKING AND HAULING, INC., 14-R1D4-1676 AND 1677 AND 14-R1D4-1950
21. BRIAN COX MECHANICAL INCORPORATED, 13-R3D2-3172

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD

CLOSED SESSION MEMORANDUM

For JULY 9, 2014

Page 8

22. BY THE BLUE SEA, LLC DBA SHUTTERS ON THE BEACH, 13-R4D1-3807 AND 3808
23. CALIFORNIA BEVERAGE MARKETING CORPORATION, 13-R3D5-0463 AND 0464
24. CAMERON WEST COAST, INC., 14-R4D7-1208 AND 1209
25. CANAM MINERALS DBA KLEEN BLAST ABRASIVES, 13-R4D4-2682 AND 2683
26. CHEMPLEX AUTOMOTIVE GROUP, INC., 13-R3D1-3803 AND 3804
27. CITY OF LAGUNA NIGUEL, 13-R3D1-1154
28. CITY OF ROSEVILLE, 12-R2D1-3744 THROUGH 3746
29. COMMERCIAL COATING CO., INC., 13-R4D1-2741 THROUGH 2743
30. CROCKETT GRAPHICS INC. DBA LOS ANGELES PAPER BOX, 13-R4D1-2900 THROUGH 2906
31. CYTEC ENGINEERED MATERIALS, INC., 14-R3D1-0813 AND 0814
32. DE LA FUENTE CADILLAC, 13-R3D2-3468 AND 3469
33. DENNING CABINETRY, 14-R6D1-0300
34. SCOTT AND DEBRA DENNISTON, 13-R4D3-2922
35. DONALD L. TURCOTT DBA SOUTHWEST CUSTOM CONTRACTORS, 13-R6D5-2801 THROUGH 2804
36. ELITE KITCHEN & BATHROOM INC., 14-R3D3-1831
37. EMERZIAN WOODWORKING INC., 14-R6D1-0842 THROUGH 0844
38. ENVOLS INC., 13-R4D4-3554 AND 3555
39. EXXCELL PAINTING & DRYWALL, 13-R3D1-2287
40. FABRICATION CONCEPTS CORP., 13-R3D1-2817 AND 2818
41. FABRICOR PRODUCTS, INC., 14-R4D7-1747

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM

For JULY 9, 2014

Page 9

42. FEBWEST MANUFACTURING, 14-R3D3-1360 THROUGH 1362
43. MARIA C. FERNANDES DBA FERNANDES FLOWER GROWERS,  
13-R6D5-3743 AND 3744
44. RAY FRANCO DBA CALIFORNIA HEIRLOOM INC., 14-R6D7-0733 AND 0734
45. ARTURO GARATE DBA TONY'S AUTO SERVICE, 14-R6D7-0379  
THROUGH 0382
46. G BILAVER CONSTRUCTION, INC., 13-R4D1-3342 AND 3343
47. GELSON'S MARKET, 13-R4D1-3929
48. GOLDEN STATE BORING & PIPE JACKING INC., 13-R5D1-3076
49. ARTURO GONZALEZ DBA ABG METAL POLISHING, 13-R4D3-1663  
THROUGH 1666
50. GRAND ROOFING, INC., 13-R1D1-3409 AND 3410
51. GREAT SEAFOOD HARBOR, INC., 14-R6D5-0935 AND 0936
52. BRIAN HOWELL DBA BRIAN HOWELL CONSTRUCTION COMPANY,  
14-R6D7-0758 THROUGH 0760
53. INSULATION, ACOUSTICS, DRYWALL & PLASTERING INC., 14-R1D3-0739
54. JACKPOT HARVESTING COMPANY, INC., 13-R1D2-3530
55. J. DE SIGIO CONSTRUCTION, INC., 13-R4D4-2496 AND 2497
56. KENCO LOGISTIC SERVICES, LLC., 14-R3D3-1736 THROUGH 1738
57. ROMEL NASSIF KFOURY DBA APEX ESTATE CONSTRUCTION, LLC., DBA  
APEX ESTATE CONS, 14-R3D3-1829 AND 1830
58. KIMCO STAFFING SERVICES, INC., 13-R6D2-3438
59. K.J.'S AUTO BODY & REPAIR, INC., 14-R6D7-0304
60. KOOT WILLIAM DAIRY, 13-R4D4-0974
61. KUSTOM STAIR & FINISH, INC., 13-R3D3-2216 AND 2217

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
For JULY 9, 2014  
Page 10

62. BLANCO LEDESMA & SERVANDO LEDESMA DBA A&L MUFFLERS,  
14-R6D7-0662 AND 0663
63. BENJAMIN LOPEZ DBA BENJAMIN FARMS, 13-R2D4-3017
64. M3 MECHANICAL, 13-R3D1-3924
65. MADISON MATERIALS, 14-R3D1-1725 THROUGH 1728
66. MATCHMASTER DYEING & FINISHING, INC. DBA ANTEX KNITTING  
MILLS, 14-R4D1-0672
67. MEDIA NATION OUTDOOR, 13-R3D1-2819 THROUGH 2821
68. MSD CONSTRUCTION, INC., 13-R6D5-2968 AND 2969
69. NORTH ORANGE COUNTY CCD CYPRESS COLLEGE, 13-R3D1-2472  
THROUGH 2474
70. NORTHGATE GONZALES LLC., 13-R3D1-1035 AND 1036
71. OUR PLANET RECYCLING SF, LLC., 13-R1D1-3592 AND 3593
72. OZEKI SAKE USA, INC. DBA OSI, 14-R6D1-0660 AND 0661
73. PACIFIC COUNTRY LABOR, 13-R4D3-3587
74. MICHAEL PANTALEO, 13-R4D1-1596
75. PAPAYA P, INC DBA PAPAYA PASTRY, 13-R6D5-2232 AND 2233
76. PETCO ANIMAL SUPPLIES, INC., 14-R3D3-1553 AND 1554
77. PETCO ANIMAL SUPPLIES, INC., 14-R3D3-1586 THROUGH 1588
78. PERFORMANCE GLASS, 13-R4D3-0651 AND 0652
79. PHILLIPS RUDELLE INC., 14-R6D7-1242
80. PLYCRAFT INDUSTRIES INC. DBA CONCEPTS IN WOOD, 13-R6D2-3182
81. REDLANDS FOOTHILL GROVES, 13-R6D2-3439 THROUGH 3441
82. RICK AVILA CONSTRUCTION, 13-R3D3-3666

83. R & J ORNAMENTAL IRON WORKS, 13-R6D1-3828 THROUGH 3830
84. SAFARI COMPANY INCORPORATED, 13-R3D2-3543 AND 3544
85. SAN DIEGO COMMUNITY COLLEGE DISTRICT, 13-R3D2-2398 AND 2399
86. SETTON PISTACHIO OF TERRA BELLA, 11-R2D5-2223 THROUGH 2226
87. SHAMROCK SUPPLY COMPANY, INC., 14-R3D1-0645 THROUGH 0647
88. SIEVERS CONSTRUCTION SERVICES, INC., 13-R3D1-2725 AND 2726
89. SILVER STRAND, INC., 13-R4D1-3791 AND 3792
90. SIOUX HONEY ASSOCIATION, 13-R3D1-2936 AND 2937
91. SOILMEC NORTH AMERICA, INC., 14-R3D5-1249
92. SOUTHLAND WINDOWS & DOORS, 13-R3D1-1641
93. SPECTRA COLOR, INC., 14-R3D3-1706 THROUGH 1708
94. STAFFMARK INVESTMENT, LLC., 14-R3D3-0091 AND 0092
95. STEVE'S TOWING, INC., 13-R3D3-0839 AND 0840
96. SUPER LINK PLASTIC, INC., 13-R1D4-1289
97. TEAGUE PRODUCTION FRAMING, INC., 13-R6D5-3037 AND 3038
98. TESORO INC. DBA USA GASOLINE, 13-R3D2-3566
99. THE CALIFORNIA MUSHROOM FARM, INC., 13-R4D3-1943
100. THE COCA COLA CO., INC., 13-R1D5-3710
101. THE STERLING COLLECTION, 14-R6D2-1072 THROUGH 1079
102. TODD SON DBA CLASSIC UPHOLSTERY & TRIM, 14-R6D7-0383  
THROUGH 0385
103. TUTTI FRUTTI FARMS INC., 13-R4D3-3809
104. VALLARTA FOOD ENTERPRISES, INC., 13-R4D3-2776 AND 2777

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
For JULY 9, 2014  
Page 12

105. WATKINS LANDMARK CONSTRUCTION, 13-R3D3-3173
106. WEST COAST AIR CONDITIONING CO., 13-R3D1-2332
107. WEST COUNTY WASTEWATER DISTRICT, 13-R6D3-3766 THROUGH 3769
108. WESTERN & FOURTH CAR WASH, 13-R4D1-2224
109. WINNER DESIGN & CONSTRUCTION INC., 13-R1D1-3328 AND 3329

**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.