

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, September 18, 2013**  
**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: September 6, 2013**

**RE: Closed Session of the Board to be held on September 18, 2013**

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. MORROW MEADOWS COPORATION, 09-R3D3-2295
2. PARS INDUSTRIES, INC., 12-R3D2-0321 AND 0322; AND 12-R3R2-2424
3. SILVA TRUCKING INC., 12-R6D1-1852

**PETITIONS FOR RECONSIDERATION:**

1. INNOVATIVE MAINTENANCE SOLUTIONS, INC., 2012-R2D2-3151 and 3152
2. KELLY GLOBAL LOGISTICS, INC., 2012-R3D5-0014
3. ROEBBELEN CONTRACTING, INC., 2012-R2D2-3248
4. SF BAY AREA RAPID TRANSIT, 2010-R1D1-3056-3058

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

1. DIANA'S MEXICAN FOOD PRODUCTS, INC., 13-R4D4-9094
2. ESPRESSO BAR @ SUNRISE, 13-R2D1-9102

**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-1 PROTECTIVE SERVICES, INC., 10-R1D1-1592
2. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
3. ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655
4. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239 THROUGH 2241
5. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445 AND 3448
6. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
7. CABRILLO ECONOMIC DEVELOPMENT CORP., 11-R4D3-3185 & 3186
8. C.C. MYERS, INC., 08-R1D1-0952 THROUGH 0955
9. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282
10. COFFMAN SPECIALTIES, INC., 10-R3D3-3532
11. COMMERCIAL METAL FORMING, 09-R3D1-1592
12. COMMUNITY RECONSTRUCTION SOLUTIONS, INC., 11-R1D1-1484
13. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
14. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
15. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
16. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
17. DISH NETWORK CAL. SVC. CORP., 12-R4D3-0455

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18. EZ MIX, INC., 08-R4D3-1898
19. FERMA CORPORATION, 12-R2D2-1669
20. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687
21. HARRIS CONSTRUCTION, 03-R2D5-3914
22. HYDRO-SCIENCE OPERATIONS INC., 10-R1D2-0389
23. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
24. JERRY'S TREE SERVICE, A PARTNERSHIP, 13-R1D5-9022
25. K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375
26. LA CITY BUILDING AND SAFETY, 13-R4D1-9110
27. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
28. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
29. LION RAISINS, INC., 08-R2D5-2253 AND 2254
30. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
31. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
32. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
33. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
34. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
35. ONESTOP INTERNET, INC., 11-R4D2-2636 AND 2637
36. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
37. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
38. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
39. PERSONNEL PLUS, INC., 11-R3D5-1302

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40. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
41. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
42. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
43. SIERRA FOREST PRODUCTS, 09-R2D5-3979
44. SMUD, 08-R2D1-4887 THROUGH 4889
45. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414  
THROUGH 3418
46. SONIC DRIVE-IN, 12-R2D5-2734
47. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
48. SUNRISE GROWERES FROZ SUN FOODS, 09-R4D3-2850
49. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
50. TL PALVICH CONSTRUCTION, INC., 11-R3D6-1303 THROUGH 1310
51. TRADEMARK CONSTRUCTION CO., INC., 12-R4D1-0096 & 0097

**ORDERS DISMISSING APPEAL:**

1. SOUTH SEA SEAFOOD VILLAGE LLC., DBA SO SEA SEAFOOD VILLAGE 13-R6D7-1703

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

1. TRIANGLE COATINGS INC., 13-R1D4-1799 AND 13-R1D4-2463
2. SETTLEMENT ONE, 13-R3D2-2424

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

1. RJ'S DEMOLITION AND DISPOSAL, 13-R3D5-9129
2. GUARANTEED QUALITY RESTORATIONS, 13-R3D1-9130
3. ARCO AM PM ROMOLAND, 13-R3D3-9126

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**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.)*

NONE

**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. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
3. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP,  
34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
4. SMUD, 34-2010-80000723 (08-R2D1-4887)
5. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
6. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
7. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965  
(10-0188~0191)
8. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459  
THROUGH 2461)
9. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
10. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 12CV01039  
(07-R2D3-0275)
11. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
12. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)

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13. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
14. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
15. SHERWOOD MECHANICAL, INC., 37-2012-00101466 (08-R3D2-4690 ~ 4693)
16. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
17. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
18. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
19. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
20. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
21. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
22. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
23. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
24. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
25. A. TEICHERT & SON, DBA TEICHERT AGGREGATES, RG12 659881 (10-R5D1-3029)
26. HOME DEPOT USA, INC., BS141301 (10-3284)
27. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
28. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00628178 (10-3667)
29. THYSSENKRUPP ELEVATOR CORP., 34-2013-80001456 (11-2217 ~ 2219)
30. BIG LOTS STORES, INC., 37-2013-00045936 (11-R3D2-1929 ~ 1931)
31. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)
32. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00652023 (12-0439)

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33. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00651875 (12-0440)
34. AC TRANSIT, RG13687314 (08-R1D4-0135)
35. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575  
(12-R5D1-337)
36. BAY AREA RAPID TRANSIT DISTRICT, RG13689346 (09-R2D2-1219 & 1221)

**APPELLATE COURT:**

1. XL CONSTRUCTION, C074514 (2008-R1D2-1191-1193)

**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. ACCOUNTABILITIES, INC., 12-R4D3-3120
2. ACCOUNTABILITIES STAFFING, INC., 13-R4D1-0111
3. HUMBERTO ACEVEDO JR, RESTAURANTS, INC., 13-R6D7-1691 AND 1692
4. AQUATIC DESIGNING INC., 12-R2D3-3605
5. ARBORWELL, INC., 13-R1D1-1238
6. ASHKHAN, INC., 13-R6D7-0300
7. BAKER CUSTON CABINET INC., 13-R2D5-1175
8. BIANCHI PARTNERSHIP, 13-R2D1-0085
9. BIEN PADRE FOODS, LLC., 13-R2D3-0689
10. BOARDWALK RESTAURANT GROUP, INC., 12-R2D1-2889 AND 2890
11. COLE BURR, 12-R3D3-3645
12. CALIFORNIA WASTE SOLUTIONS, INC., 13-R1D2-0540
13. CALVEDA SURVEYING, INC., 12-R3D6-3717

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14. CBC FRAMING, INC., 13-R2D2-0930
15. CLAIRE'S BOUTIQUES, INC., 12-R2D5-2265
16. CORNERSTONES STAFFING SOLUTIONS, INC., 12-R2D1-3634
17. CRANE GUYS, LLC., 12-R4D1-2553
18. D C M I 12-R2D2-2896 THROUGH 2898
19. DANMER, INC., 13-R4D3-0859 THROUGH 0861
20. ERG AEROSPACE CORPORATION 13-R1D4-2208 THROUGH 2210
21. FASTEMPS, INC., 12-R3D6-1535
22. FAITH FARMING, LLS., 12R6D7-334 AND 3345
23. FOREIGN AUTO SERVICE, INC., 13-R6D7-1234 THROUGH 1237
24. FRIANT MASONRY, INC 12-R2D5-3315 THROUGH 3317
25. CRISTOBAL GALVAN, DBA GALVAN REPAIR & MAINTENANCE,  
13-R6D7-0386 AND 0387
26. JOSE GARCIA, 12-R3D5-2103 THROUGH 2105
27. GFF, INC., 12-R6D2-2333 THROUGH 2335
28. GRIZZLY LAKE COMMUNITY SERVICES DISTRICT, 13-R2D1-0394  
AND 0935
29. HASA, INC., 13-R6D3-2089
30. HAWTHORNE COUNTRY STORE, 12-R3D2-3202
31. HILL STREET PROPERTY, LLC., 13-R4D1-0057 AND 0058
32. HOFMAR ENGINEERING & CONSTRUCTION INC., 13-R2D5-0451
33. IMX, INC., 12-R2D2-2899
34. INTEGRATED MECHANICAL SYSTEMS, 12-R4D1-3499
35. INTERMODAL LOGISTICS, INC., 13-R1D4-0121 AND 0122

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36. ALBERT JACOBONI, DBA A J POOLS, 13-R2D3-1016 AND 1017
37. JAFEC USA, INC., 13-R1D2-2186
38. KARL'S CUSTON SASH & DOORS, 11-R3D1-3221 AND 3222
39. KEDING, DBA FLOOR COVERINGS, 13-R2D2-1511
40. KMK ORGANIC FARM, 12R2D5-2264
41. JUSTIN MAJORS, 12-R1D1-2986
42. MEYER CORPORATION, U.S., 12-R2D2-0743 THROUGH 0747
43. MICHELS/JAY DEE/COLUCCIO JOINT VENTURE, 13-R5D1-2370
44. MISSION LANDSCAPE COMPANIES, INC., 12-R3D6-3532
45. MLADEN BENTICH CONSTRUCTION CO., INC., 12-R4D1-2774
46. MOKELUMNE HILL FIRE PROTECTION DISTRICT, 13-R2D4-0278
47. MONTEREY MECHANICAL CO., 13-R1D1-1911
48. NATHANIEL MYERS DBA NJM PAINTING, 13-R6D7-1095 THROUGH 1097
49. NATIONAL STEEL & SHIPBUILDING COMPANY, 12-R6D2-2977 AND 2978
50. NEWMAN FLANGE & FITTING COMPANY, 09-R2D4-0939 THROUGH 0941
51. NOW, INC., 13-R2D1-0495
52. OAKVILLE PRODUCE PARTNERS, LLC., DBA GREENLEAF, 13-R1D1-0485
53. PACIFIC CRANE MAINTENANCE CO. LP., 13-R6D2-1972
54. PACIFIC WESTERN SALES, INC 13-R3D1-0407 AND 0408
55. MICHAEL PATRICK DAB MODERN CLEANERS, 12-R2D1-3665
56. PENTA BUILDING GROUP, 12-R4D1-2780
57. PFLUG PACKAGING & FULFILLMENT, INC., 13-R2D4-2234 THROUGH 2236
58. PHILLIPS 66 COMPANY, 13-R6D3-2137 THROUGH 2139

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59. POLYSTAR PLASTICS, INC., 12-R3D6-2768 THROUGH 2770
60. PRICE TRANSFER, INC., 12-R3D5-3465 AND 3466
61. PUSD ELIOT MIDDLE 12-R4D2-2163
62. R. A. NEMETZ CONSTRUCTION CO., INC., 13-R2D4-0934
63. R. K. INDUSTRIES, INC., 12-R6D2-2117 AND 2118
64. RODNEY PALLA FARMS, INC., 12-R4D7-3404
65. SAINT GOBAIN, DBA CERTAINTEEN CORPORATION, 12-R1D2-3090 AND 3091
66. SALINAS STEEL BUILDERS, 13-R1D2-1843 AND 1844
67. SAN GABRIEL COUNTRY CLUB, 13-R4D1-0025
68. SIMON GOLDEN MOUNTAINS GROUP, INC., 13-R4D1-1708 AND 1709
69. SIMON ROOFING & SHEET METAL CORP., DBA SIMON ROOFING, 13-R1D5-0636
70. SLO PLASTERING, INC., 13-R6D5-2179
71. SOLCOM, INC., DBA SOLCOM COMMUNICATIONS, INC., 13-R1D4-2054 AND 2055
72. SOUTHERN CALIFORNIA EDISON, 12-R4D2-1273 AND 1274
73. SPA FARM LABOR CONTRACTOR, INC., 13-R4D7-0072 THROUGH 0074
74. SRM CONSTRUCTION, INC., 13-R2D2-1931
75. SYAR INDUSTRIES INC., 12-R5D1-3690
76. THE HEDY COMPANY, INC., DBA HEDY HOLMES STAFFING SERVICES, 13-R2D4-0013
77. THE PEBBLE BEACH COMPANY, 10-R1D2-3575 AND 3576
78. THE WINE GROUP, INC., DBA GOLDEN STATE VINTERS, 13-R6D4-1089
79. THRIFT WAY FOODS INC., 12-R2D3-3096 THROUGH 3098

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80. TOP RANK HEATING & AIR CONDITIONING, INC., 13-R2D1-0929
81. TORO NURSERY, 12-R3D5-3103 AND 3104
82. TUTOR-SALIBA CORPORATION, 13-R5D1-0712
83. UNIFIED GROCERS, INC., 13-R6D2-0995
84. USS CAL BUILDERS, INC., 12-R4D1-2508 AND 2509
85. V + B TRANSPORTATION, 13-R1D2-0820
86. VACAVILLE CHRISTIAN SCHOOLS, 13-R2D2-1151
87. AJ VASCONI INC., 13-R2D1-0448 AND 0449
88. VH PROPERTIES DBA TRUMP NATIONAL GOLF CLUB, 12-R3D5-3105
89. WALMART, 13-R1D2-0119
90. W.E O'NEIL CONSTRUCTION CO. OF CALIFORNIA, 13-R3D3-1317
91. WEST COAST ARBORISTS, INC., 12-R1D4-3055
92. ZOE'S COOKIES & OTHER DELIGHTS, 13-R2D2-1123 AND 1124

**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.