

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, October 16, 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: October 4, 2013**

**RE: Closed Session of the Board to be held on October 16, 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. HILL CRANE SERVICE, 12-R4D1-2475

**PETITIONS FOR RECONSIDERATION:**

1. ARBOR WELL, INC., 2013-R1D1-1238

2. CALIFORNIA - PRISON INDUSTRY AUTHORITY, 2008-R2D5-3426-3429

3. GMAC ELECTRIC, INC., 2013-R6D5-9138

4. GUARANTEED QUALITY RESTORATIONS, 2013-R3D1-9130

5. KANA PIPELINE, INC. 13-R3D3-9108

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6. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR, 2008-R2D1-3093-3098

7. MORROW MEADOWS CORP., 2009-R3D3-2295

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

1. SAM HILL & SONS, INC., 2013-R4D3-9127

**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. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563

6. CABRILLO ECONOMIC DEVELOPMENT CORP., 11-R4D3-3185 & 3186

7. C.C. MYERS, INC., 08-R1D1-0952 THROUGH 0955

8. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282

9. COFFMAN SPECIALTIES, INC., 10-R3D3-3532

10. COMMERCIAL METAL FORMING, 09-R3D1-1592

11. COMMUNITY RECONSTRUCTION SOLUTIONS, INC., 11-R1D1-1484

12. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960

13. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387

14. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038

15. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362

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

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17. EZ MIX, INC., 08-R4D3-1898
18. FERMA CORPORATION, 12-R2D2-1669
19. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687
20. HARRIS CONSTRUCTION, 03-R2D5-3914
21. HYDRO-SCIENCE OPERATIONS INC., 10-R1D2-0389
22. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
23. INNOVATIVE MAINTENANCE SOLUTIONS, INC., 12-R2D2-3151 and 3152
24. JERRY'S TREE SERVICE, A PARTNERSHIP, 13-R1D5-9022
25. KELLY GLOBAL LOGISTICS, INC., 12-R3D5-0014
26. K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375
27. LA CITY BUILDING AND SAFETY, 13-R4D1-9110
28. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
29. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
30. LION RAISINS, INC., 08-R2D5-2253 AND 2254
31. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
32. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
33. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
34. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
35. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
36. ONESTOP INTERNET, INC., 11-R4D2-2636 AND 2637
37. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
38. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864

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39. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
40. PERSONNEL PLUS, INC., 11-R3D5-1302
41. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
42. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
43. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
44. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
45. SIERRA FOREST PRODUCTS, 09-R2D5-3979
46. SMUD, 08-R2D1-4887 THROUGH 4889
47. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
48. SONIC DRIVE-IN, 12-R2D5-2734
49. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
50. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
51. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
52. TL PALVICH CONSTRUCTION, INC., 11-R3D6-1303 THROUGH 1310
53. TRADEMARK CONSTRUCTION CO., INC., 12-R4D1-0096 & 0097

**ORDERS DISMISSING APPEALS:**

1. SUMMIT EQUIPMENT RENTALS, 12-R3D2-0893

**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.)*

**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*

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*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. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP,  
34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
3. SMUD, 34-2010-80000723 (08-R2D1-4887)
4. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
5. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
6. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965  
(10-0188~0191)
7. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459  
THROUGH 2461)
8. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
9. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 12CV01039  
(07-R2D3-0275)
10. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
11. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
12. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
13. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
14. SHERWOOD MECHANICAL, INC., 37-2012-00101466 (08-R3D2-4690 ~ 4693)
15. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219  
AND 0220)
16. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
17. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258  
(05-R2D4-2650 AND 2651)

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

**APPELLATE COURT:**

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

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**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. A. M. KING INDUSTRIES, INC., 12-R2D1-0979
2. A OSEGUERA COMPANY, INC., 12-R6D5-3121
3. ACE COMMERCIAL PLASTERING, INC., 12-R2D2-3604
4. ARBORWELL, INC., 13-R3D2-0505 AND 0506
5. ARROWHEAD PRODUCTS, 12-R3D1-3156
6. AXCESS AVIATION MAINTENANCE SERVICES, INC., 12-R2D1-3562  
THROUGH 3565
7. BAY ASSOCIATES WIRE TECHNOLOGIES CORPORATION, 13-R1D3-2467  
THROUGH 2470
8. BIDART BROTHERS, INC., 13-R4D7-1669 THROUGH 1672
9. BLAZONA CONCRETE CONSTRUCTION INC., 13-R2D2-2676
10. BORDER VALLEY TRADING, 13-R3D2-0317 AND 0318
11. MARK W. BROUGHAM., 13-R6D7-1360 AND 1361
12. BUILDING MATERIALS CONSTRUCTION SERVICES, INC. DBA BMC,  
13-R3D3-0099
13. CAHILL CONTRACTOR, INC., 13-R1D1-0635
14. CALIFORNIA CUSTOM FRUITS & FLAVORS, INC., 12-R3D6-3434
15. CALIFORNIA PACIFIC HOMES, INC., 13-R3D1-0338
16. CASE VANDER EYK DAIRY, 12-R2D5-2099 AND 2100
17. CBC FRAMING IN., 13-R1D2-1733 AND 1734
18. JORGE CISNEROS, 13-R6D5-1233
19. CITISTAFF SOLUTIONS, INC., 12-R3D6-3205 AND 3206

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20. CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT, 13-R2D2-0157
21. COUNTY OF LOS ANGELES, DCFS, COMPTON EAST PROJECT,  
13-R3D5-2025
22. COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT, 13-R4D1-0554  
THROUGH 0556
23. CVS PHARMACY, 13-R3D1-0546
24. CWS SYSTEMS, INC., 13-R3D5-1651
25. DALEY'S DRYWALL. 13-R1D3-0004
26. ELIAS M. DAVILA, DBA: E. D. ROOFING SYSTEMS CO., 12-R3D1-2906
27. DAVIS TRUCKING, LLC., 12-R3D2-1353 AND 1354
28. DRISCOLL STRAWBERRY ASSOCIATES, INC. 13-R4D3-0650
29. CHRIS DUNCAN DBA DUNCAN HOME SERVICES, 12-R2D1-3486 AND 3487
30. ECO LANDSCAPE & TREE MANAGEMENT SYSTEMS INC., 13-R2D1-0542
31. EMERZIAN WOODWORKING, INC., 13-R2D5-0781
32. ENGINEERING/REMEDICATION RESOURCES GROUP, INC., 13-R2D1-2384
33. FITNESS SUPER STORE, 13-R2D2-2753 AND 2757
34. MARIA JESUS FLORES, JR DBA M. F. JR LABOR CONTRACTI, 13-R2D5-0314
35. FLOREXPO AND KENDAL FLORAL, 12-R3D2-2912
36. FOREST HOME, INC., 13-R3D3-2506 AND 2507
37. GENERAL CONSOLIDATED CONSTRUCTORS, INC., 13-R3D3-0507  
THROUGH 0509
38. GONSAVLES & SANTUCCI, INC., DBA CONCO, 13-R2D2-1816
39. FERNANDO GRADILLA, DBA ELITE BUILDERS, 13-R6D7-1546 AND 1547
40. HARVEST REDWOOD RETIREMENT RESIDENCE LLC., 13-R6D1-1494

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41. HERITAGE HOTEL GROUP INC., DBA HERITAGE INN EXPRESS ROSEVILLE, 12-R2D1-3490
42. HHS CONSTRUCTION INC., 12-R1D2-3348 AND 3349
43. HURLIMAN BOAT AND REPAIR, INC., 13-R2D1-1908 THROUGH 1910
44. JAMES JERLING, JERLING MANAGEMENT CO., INC., 13-R3D1-0214
45. JBR INC DBA ROGERS FAMILY COMPANY, 13-R2D1-0543 AND 0544
46. JL FURNISHINGS, LLC., 13-R6D2-1783 THROUGH 1791
47. JOHN KAUTZ AND GAIL KAUTZ DBA JOHN KAUTZ FARMS, 12-R2D1-3267
48. THE GEORGE KARADANIS PARTNERSHIP, DBA SPARTAN RENTALS, 13-R2D1-2518 AND 2519
49. KINGS RESIDENTIAL LIMITED PARTNERSHIP, THE, 13-R2D5-0826 AND 0827
50. M & M SERVICES, INC., DBA PACIFIC SANITATION, 13-R1D5-1805
51. MAGCO DRILLING. INC., 13-R1D1-0445
52. MBD CONSTRUCTION, 13-R1D2-0911
53. NICKS CONSTRUCTION INC., 13-R6D7-1701 AND 1702
54. NOAH CONCRETE CORPORATION, 13-R2D2-1832
55. NOAH CONCRETE CORPORATION, 13-R1D3-2013
56. RODOLFO ORTIZ, 12-R6D5-3237 AND 3238
57. PIONEER CONTRACTORS, INC., 13-R1D4-0821
58. PRECISION ENGINEERING, INC., 13-R1D1-1985
59. PRESTIGE MASONRY & POOLS, 12-R4D3-2960 AND 2961
60. PROLOGIX DISTRIBUTION SERVICES, LLC., 13-R2D1-1171 AND 1172
61. PROWEST PCM, INC. DBA PROWEST CONSTRUCTORS, 13-R3D3-0618

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62. RIPTIDE CONSTRUCTION INCORPORATED, 13-R1D5-0123
63. ROYAL TRUCK WASH, 12-R2D5-0889
64. SACRAMENTO REGIONAL TRANSIT DISTRICT, 13-R2D1-0926
65. SACRAMENTO VALLEY MATTRESS, INC., 13-R2D1-0927 AND 0928
66. SAN JOAQUIN COUNTY BEHAVIORAL HEALTH SERVICES, 13-R2D4-2699
67. SIERRA ALUMINUM ARCHITECTURAL, 12-R6D2-3650 THROUGH 3660
68. SIERRA PACIFIC INDUSTRIES, 13-R2D1-0266 AND 0267
69. SKY SECURITY SERVICES DBA, SKY SPORTS, INC., 12-R3D2-2919
70. SLINGSHOT CONNECTIONS, LLC., 13-R2D4-1512
71. SONORAN ROOFING, INC., 13-R3D1-0496 AND 0497
72. SOUTHERN CALIFORNIA DISCOUNT TIRE, INC. CO. DISCO., 12-R3D2-2752  
AND 2753
73. SOUTHLAND WINDOWS & DOORS, 12-R3D1-2647 AND 2648
74. SOUZA & SOUZA CONSTRUCTION INC., 12-R3D2-3157
75. SPACE SPRING & STAMPING CO. 12-R3D1-2744
76. STANFORD HOSPITAL & CLINICS-ENDOSCOPY CLINIC, 13-R1D3-1738
77. SUNRISE MFG INC., 13-R2D1-1829 THROUGH 1831
78. T & G ROOFING & ROOF REMOVAL, 12-R3D1-3086 THROUGH 3088
79. TAYLOR FARMS PACIFIC, INC., 13-R2D4-1567
80. TRUGREEN LANDCARE, LLC., 12-R4D3-3442
81. UC LOS ANGELES, 12-R4D1-3721 AND 3722
82. UNITED PARCEL SERVICE INC, DBA UPS, 13-R2D4-1630
83. VALENZUELA PLASTERING INC., 12-R2D5-2644

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84. VALLEY FIRE & SECURITY ALARMS, INC., 13-R2D1-1152 AND 1153
85. VERIZON, 13-R3D5-0510
86. VITALLY VORONENKO DBA VV'S CABINETS, 12-R2D1-3193 AND 3194
87. WAGES RODEO SILVERSMITHS AND ENGRAVERS, 12-R3D1-2502  
AND 2503
88. TOM WATSON, INC., 12-R3D2-0124 THROUGH 0126
89. WAVEDIVISION HOLDINGS, LLC DBA WAVE BROADBAND, 13-R2D1-0741
90. WEST COAST CUSTOM HARVESTING, INC., 13-R1D2-2151
91. WEST COAST SOLAR, 13-R2D2-1705-AND 1706
92. WESTERN MEDICAL CENTER – ANAHEIM, 12-R3D1-2743
93. WESTERN STATES ROOF SYSTEM, INC., 12-R4D3-3510
94. WESTSIDE AG, INC., 13-R1D2-0778 THROUGH 0780
95. WHC INC. WOODSIDE HEALTHCARE CENTER, 12-R2D1-3635
96. WILBUR PACKING COMPANY, INC., 13-R2D1-0268 AND 0269
97. W.L. BUTLER CONSTRUCTION, INC., 13-R3D3-2489
98. YIWEI XIA, 12-R6D7-3698 AND 3699
99. YOOG IL FARMS, INC., 13-R3D3-0615
100. ZEEFOOD ENTERPRISES, INC. DBA SIZZLER #419, 13-R3D1-1030
101. HAIM ZELTA DBA HZ CONSTRUCTION, 13-R6D5-1231 AND 1232
102. JIM ZHANG DBA YONG NIAN ZHANG, 13-R1D1-0390 THROUGH 0393

**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.