

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, November 6, 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 25, 2013**

**RE: Closed Session of the Board to be held on November 6, 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. MALCOLM DRILLING COMPANY, INC AND D.K COM., INC., DBA DND CONSTRUCTION, 12-R1D1-0562 THROUGH 0564
2. WILSON UTILITY CONSTRUCTION, 12-R3D6-0813
3. WILSON UTILITY CONSTRUCTION, 12-R3D6-0843

**PETITIONS FOR RECONSIDERATION:**

1. BERRY'S SAWMILL, INC., 12-R6D1-2331
2. NEWSTAR FRESH FOODS, LLC, 12-R6D3-3183 THROUGH 3186
3. PARS INDUSTRIES, INC., DBA WOODCRAFT COMPANY,

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12-R3D2-0321 AND 0322 WITH 12-R3D2-2424

4. SILVA TRUCKING, INC., 12-R6D1-1852

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

1. CALIFORNIA PRISON INDUSTRY AUTHORITY, 2008-R2D5-3426  
THROUGH 3429

2. GUARANTEED QUALITY RESTORATIONS, 13-R3D1-9130

**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. BAY AREA RAPID TRANSIT DISTRICT, 12-R1D1-3056 THROUGH 3058  
(DOSH)

5. BAY AREA RAPID TRANSIT DISTRICT, 12-R1D1-3056 THROUGH 3058  
(THIRD PARTY - SIEU)

6. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239  
THROUGH 2241

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

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

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

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

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

12. COMMERCIAL METAL FORMING, 09-R3D1-1592

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

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14. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
15. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
16. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
17. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
18. DISH NETWORK CAL. SVC. CORP., 12-R4D3-0455
19. EZ MIX, INC., 08-R4D3-1898
20. FERMA CORPORATION, 12-R2D2-1669
21. GMAC ELECTRIC, INC., 13-R6D5-9138
22. HARRIS CONSTRUCTION, 03-R2D5-3914
23. HYDRO-SCIENCE OPERATIONS INC., 10-R1D2-0389
24. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
25. JERRY'S TREE SERVICE, A PARTNERSHIP, 13-R1D5-9022
26. KANA PIPELINE, INC., 13-R3D3-9108
27. KELLY GLOBAL LOGISTICS, INC., 12-R3D5-0014
28. K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375
29. LA CITY BUILDING AND SAFETY, 13-R4D1-9110
30. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
31. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
32. LION RAISINS, INC., 08-R2D5-2253 AND 2254
33. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
34. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
35. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR,  
08-R2D1-3093-3098

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36. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
37. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
38. MORROW MEADOWS CORP., 09-R3D3-2295
39. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
40. ONESTOP INTERNET, INC., 11-R4D2-2636 AND 2637
41. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
42. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
43. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
44. PERSONNEL PLUS, INC., 11-R3D5-1302
45. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
46. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
47. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
48. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
49. SIERRA FOREST PRODUCTS, 09-R2D5-3979
50. SMUD, 08-R2D1-4887 THROUGH 4889
51. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
52. SONIC DRIVE-IN, 12-R2D5-2734
53. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
54. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
55. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
56. TL PALVICH CONSTRUCTION, INC., 11-R3D6-1303 THROUGH 1310

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57. TRADEMARK CONSTRUCTION CO., INC., 12-R4D1-0096 & 0097

**ORDER AFTER REMAND:**

1. COUNTY OF ALAMEDA, 11-R1D4-3064

**ORDERS DISMISSING APPEALS:**

1. BODEGA LATINA CORP. DBA EL SUPER, 12-R4D1-3500

2. DIEGO COBIAN DBA COBIAN'S TAQUERIA, 13-R6D7-0299

3. ANTHONY MELLOW DBA MELLOW'S NURSERY & FARM, 13-R6D7-0567

**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 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)

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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)
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)

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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)

**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. ABRAHAM GOTTLIEB DBA CALIFORNIA HOME CENTER, 12-R4D3-1878
2. ADAM ABILDGAARD DBA ABILDGAARD CONSTRUCTION, 13-R2D1-1239
3. AMERICAN COMBUSTION TECHNOLOGIES OF CA, INC., 12-R3D6-1836  
AND 13-R3D6-0436 THROUGH 0441
4. ANHEUSER-BUSCH, LLC, 13-R2D2-2427
5. JEFF ARNESON DBA ARNESON CONSTRUCTION, 13-R6D7-1696

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6. BELLAIRE OIL CO., 13-R4D7-1872 THROUGH 1874
7. BELLAIRE OIL CO., 13-R4D7-3031 AND 3032
8. BGMV CORP DBA SAKOON BY BOMBAY GARDEN, 13-R6D7-1777
9. BRAGA RANCH, INC., 12-R6D5-2535
10. BROKEN ARROW COMMUNICATIONS, INC., 13-R4D4-0327
11. BUILDING EFFICIENCY, INC., 13-R6D7-2198 AND 2199
12. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION,  
13-R4D1-2744 AND 2745
13. CALIFORNIA DEPT. OF FORESTRY AND FIRE PROTECTION,  
13-R1D5-0305
14. CA MENTAL HEALTH DEPT COALINGA STATE HOSPITAL,  
12-R2D5-1076 THROUGH 1078
15. CA MENTAL HEALTH / NAPA, 11-R1D5-0938 THROUGH 0943
16. CA MENTAL HEALTH /NAPA, 11-R1D5-1527 THROUGH 1529
17. CA MENTAL HEALTH / NAPA, 11-R1D5-2397
18. CA MENTAL HEALTH / NAPA, 12-R1D5-3191
19. CENTRAL LOS ANGELES TRADING CO., 12-R4D1-2324 THROUGH 2326
20. CENTRAL PURCHASING LLC., DBA HARBOR FREIGHT TOOLS #22,  
13-R2D1-2722
21. CKF CONSULTING, INC., DBA THE YELLOW BRICK ROAD PRESCHOOL  
& CHILD CARE CENTER, 13-R3D1-1242
22. CITY OF BAKERSFIELD, 12-R4D6-2795 AND 2796
23. CVS PHARMACY, INC., 13-R6D2-1535
24. DAHLSTROM AND WATT BULB FARMS INC., 13-R2D3-0865 AND 0866
25. DENBESTE TRANSPORTATION INC., 13-R4D7-2125

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26. DI BELLA FLC, 13-R2D4-1730
27. DOS PALOS Y AUCTION YARD, 13-R2D4-2790
28. DURA PLASTIC PRODUCTS, INC., 13-R3D3-2548 AND 2549
29. ECO CONCRETE, INC., 13-R4D1-0703 AND 0704
30. EDCO DISPOSAL CORPORATION, DBA EDCO WASTE & RECYCLING SERVICES, INC. 12-R3D2-0605 THROUGH 0606, AND 12-R3D2-2043 THROUGH 2047
31. CURTIS EVANS & TRAVIS EVANS DBA EVANS BROTHERS CABINETS, 12-R1D2-2091 THROUGH 2903
32. FIRST CLASS CONSTRUCTION, INC., 13-R4D4-0226 AND 0227
33. FRESH & EASY, 12-R6D2-0932 THROUGH 0934
34. G & H MARBLE, 12-R4D1-3075 THROUGH 3077
35. GO CHAATZZ, 13-R1D1-1551
36. GOLDEN LIVING, INC. DBA GOLDEN LIVING OF POINT LOMA, 13-R6D2-1890 AND 1891
37. GREEN VALLEY CORPORATION DBA BARRY SWENSON BUILDER, 13-R1D3-1617
38. GRIFFITH COMPANY, 13-R4D1-0649
39. GUITAR CENTER, INC., 13-R1D1-1731
40. HOME MERIDIAN INTERNATIONAL, 13-R6D2-1781 AND 1782
41. HUNGRY MAN, INC., 12-R4D1-2551 AND 2552
42. INTERPREX MASCAL, INC., 13-R3D1-1256
43. JAMBA JUICE, INC., 12-R3D5-3756
44. LUCAS JIMENEZ DBA JIMENEZ TIRE REPAIR, 12-R6D5-3764 AND 3765
45. J.D. HEISKELL HOLDINGS, LLC., 13-R2D5-2736

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46. JOHN S. MEEK COMPANY, INC., 13-R3D5-0752
47. KLEEN HARVEST, INC. 12-R1D2-0848 AND 0849
48. KLOECHNER METAL CORPORATION, 13-R3D3-2596
49. LEONARD'S MOLDED PRODUCTS, INC., 13-R6D2-0472 THROUGH 0477
50. LOS ALAMITOS RACE COURSE, 13-R3D1-0128
51. LOS ANGELES UNIFIED SCHOOL DISTRICT, 13-R4D3-0765
52. MAC ELECTRIC. INC., 11-R4D2-2638
53. WILLIAM McDONALD DBA CENTRAL COAST WATERPROOFING,  
13-R6D5-2423
54. MAIN ELECTRIC SUPPLY COMPANY, 13-R4D3-0766
55. MAIN FRAME CONSTRUCTION, INC., 13-R4D3-0897
56. MARBORG INDUSTRIES, 12-R4D3-3217 AND 3218
57. MARUCHAN, INC., 13-R3D1-1520
58. MENTAL HEALTH – ATASCADERO STATE HOSPITAL, 12-R6D2-0797  
THROUGH 0799
59. MILLCREEK CONSTRUCTION GROUP INC., 13-R2D4-1817 AND 1818
60. OHL, INC., DBA BLUEWAVE CARWASH, 13-R4D1-0646 AND 0647
61. ORANGE BAKERY, INC., 13-R3D1-0211 THROUGH 0213
62. PACIFIC COAST GENERAL ENGINEERING, INC., 13-R6D7-1979
63. PARIS ACCESSORIES INV DBA LA INT DISTRIBUTION CENT.  
13-R4D4-0352
64. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE  
CONTRACTING, INC, 13-R3D3-2679
65. PET CENTER, INC., 13-R6D2-1144
66. POCINO FOODS COMPANY, 12-R3D6-3757 AND 3758

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67. PREMIER HAULING, LLC, 13-R3D2-0453
68. Q'BOLE INC., DBA Q'BOLE MEXICAN RESTAURANT & CANTINA,  
13-R2D1-1215
69. QUANTA COMPUTER USA, INC., 13-R1D2-1704
70. RIVERSIDE COUNTY SHERIFF DEPT. 13-R3D3-1139
71. ROBERT JOHNSON FARMS INC., 13-R2D5-1240
72. ROSAL AUTO RECYCLERS, INC., 11-R2D2-2992 AND 2993
73. SALINAS FARM LABOR CONTRACTOR INC., 13-R6D7-2572
74. SANTA MONICA SPEEDWAY CARWASH, INC., 13-R4D1-0700  
THROUGH 0702
75. SEPULVEDA COMMERCIAL DEVELOPMENT, 12-R4D3-2965
76. SPECIALTY SALES CLASSICS INC., 12-R2D2-3355
77. SULLIVAN AUTO GROUP LLC., DBA TOYOTA SANTA MONICA,  
12-R4D4-3718 AND 3719
78. SUNSHINE FOOD CORPORATION, 12-R6D5-3805 THROUGH 3808
79. SUNSHINE ROOFING, INC., 13-R3D1-0210
80. T A HATANAKA FARMS, INC., 12-R2D1-3030 AND 3031
81. THE AUGUSTINE COMPANY, 13-R3D2-0345 AND 0346
82. THE WALTON COMPANY, 13-R6D2-1488 AND 1489
83. TIC-THE INDUSTRIAL CO., DBA THE INDUSTRIAL CO., 13-R4D7-2800
84. TOP LINE MANUFACTURING, INC., 13-R6D2-0295 THROUGH 0298
85. TRANSMIT AMERICA SERVICES, INC., 13-R1D2-2377
86. UNICO MECHANICAL CORPORATION, 13-R2D2-1986 THROUGH 1988
87. VALLEY ACHIEVEMENT CENTER, 13-R4D7-2748

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88. VORTEX INDUSTRIES, INC., 13-R3D3-1936
89. JAN O. WERNER, 13-R6D7-1148 THROUGH 1149
90. WEST COAST RECYCLING DBA, MISSION RECYCLING, 13-R6D2-1348
91. WESTERN HARVESTING, 13-R3D2-1047
92. WESTERN NATIONAL CONTRACTORS, 13-R1D2-0599
93. WILLOW TREE FARM, INC., 13-R2D4-1746 AND 1747
94. WORLDWIDE ENVIRONMENTAL PRODUCTS, INC., 13-R3D1-1254  
AND 1255

**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.