

**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 19, 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: November 6, 2014**

**RE: Closed Session of the Board to be held on November 19, 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.

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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. KEY ENERGY SERVICES, INC., 13-R4D7-0560
2. McGRATH CONTRACTING, INC., 11-R4D1-0274 THROUGH 0276
3. SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT, 11-R2D2-3137 THROUGH 3139

**PETITIONS FOR RECONSIDERATION:**

1. OC COMMUNICATIONS, INC., 14-R2D2-0120 AND 0166 AND 0340
2. STARSIDE SECURITY AND INVESTIGATION, 14-R3D3-9136

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

1. LEVEL 3 CONSTRUCTION, INC., 14-R1D5-9131
2. MICROWAVE ANTENNA SPECIALTIES, 12-R1D4-3132 THROUGH 3138
3. UNITED BARK PRODUCTS, INC., 12-R2D3-3252
4. WEST BEACH MAINTENANCE, 14-R3D5-1333 THROUGH 1336

**ORDERS DISMISSING APPEAL:**

1. YU MIN (PATRICK) & KEVIN SUH DBA ALPHA ROOFING & WATER PROOFING, 14-R4D4-1009 THROUGH 1011

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

1. AN-WIL, 2014-R3D3-3517

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

**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.)*

1. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822

**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 TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895 (ER)
2. A TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895 (DOSH)
3. CLASSIC BATH DESIGNS, INC., 14-R6D2-9104
4. HARRIS CONSTRUCTION, 03-R2D5-3914

5. HHS CONSTRUCTION, 12-R3D2-0492-0497
6. BENJAMIN KIMMICH dba KIMMICH CONSTRUCTION, 14-R1D4-9107
7. LANGER FARMS, LLC, 13-R4D7-231 THROUGH 0233
8. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR,  
08-R2D1-3093 THROUGH 3098
9. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
10. McCARTHY BUILDING CO., INC., 12-R1D4-3458
11. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
12. O.C. JONES AND SONS, INC. 13-R2D2-0310
13. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
14. ROSENDIN ELECTRIC, INC., 12-R2D1-3028
15. SIERRA FOREST PRODUCTS, 09-R2D5-3979
16. TREASURE ISLAND MEDIA, INC., 10-R6D1-1093 THROUGH 1095
17. 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)

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD

CLOSED SESSION MEMORANDUM

For November 19, 2014

Page 4

4. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
5. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
6. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
7. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
8. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
9. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
10. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
11. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
12. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
13. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
14. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
15. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
16. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
17. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
18. HOME DEPOT USA, INC., BS141301 (10-3284)
19. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
20. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)
21. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)
22. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)
23. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
24. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD

CLOSED SESSION MEMORANDUM

For November 19, 2014

Page 5

25. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)
26. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
27. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056 THROUGH 3058) (DOSH)
28. LAND O'LAKES PURINA FEED, LLC, RG14715717 (08-R2D4-1843 AND 1844) (DOSH)
29. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056 THROUGH 3058) (3<sup>rd</sup> Party)
30. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817 (09-R6D2-2238 ~ 2241)
31. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
32. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
33. BHC FREMONT HOSPITAL INC, RG13731145 (13-R1D2-0204)
34. IRWIN INDUSTRIES, BS14-9634 (12-R4D3-3276 & 3277)
35. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303 THROUGH 1310)
36. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360 THROUGH 3362)
37. MORROW MEADOWS CORP., BS151385 (09-R3D3-2295)
38. FEDEX GROUND PACKAGING SYSTEM, INC., CIVDS1415696 (13-R3D1-1220)

**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. AC TRANSIT, A142799, RG13-687314 (08-R1D4-0135)
5. THYSSENKRUPP ELEVATOR CORPORATION, C077115, 34-2013-80001456  
(11-R2D1-2217 ~ 2219)

**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. ABAD FOAM, INC., 13-R3D1-2400
2. ABRAM HERNANDEZ DBA FLATLINE CONSTRUCTION GENERAL,  
14-R6D5-1975
3. ACE COMMERCIAL PLASTERING INC., 14-R2D2-2245
4. ACOUSTIC EVOLUTION, INC., 14-R3D2-1822 THROUGH 1824
5. ADECCO CORPORATION, 14-R3D3-3087
6. AEROTEK ALLOYS INC., 14-R6D2-2933 THROUGH 2938
7. AEROTEK, INC., 14-R4D3-1240
8. APEX DRUM COMPANY INC., 14-R4D4-1486 THROUGH 1488
9. APPLE MANAGEMENT, LLC., 13-R6D5-3619 AND 3620
10. AQUA PERFORMANCE INC., 14-R3D3-3311 THROUGH 3313
11. AQUATIC ENVIRONMENTS INC., 14-R1D5-1622
12. ARS AMERICAN RESIDENTIAL SERVICES OF CALIFORNIA, INC., DBA  
BEUTLER AIR CONDITIONING & PLUMBING, 14-R2D1-2661 AND 2662
13. AZTEC LANDSCAPING, 14-R3D2-0589
14. GERARDO BARRERA DBA NADIA CARPETS, 14-R6D1-3275
15. BESTALL CONSTRUCTION, INC., 13-R4D4-2768
16. BIGGE CRANE & RIGGING CO., 14-R1D1-1379

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM

For November 19, 2014

Page 7

17. BIGGE CRANE & RIGGING CO., 14-R1D1-3248
18. BLH CONSTRUCTION CO., 14-R2D2-1866 THROUGH 1867
19. B & M OIL LAND INC. DBA OAK VALLEY CHEVRON, 14-R3D3-3216  
AND 3217
20. BODEGA LATINA CORPORATION DBA EL SUPER, 14-R2D5-0342
21. CALTRANS, 14-R4D4-2198
22. CARPET MALL INC., 14-R3D5-2762 THROUGH 2765
23. CG SCAFFOLDING, 14-R3D3-1178 AND 1179
24. CHAMPION INDUSTRIAL CONTRACTORS, INC., 14-R2D5-0719
25. CITY OF LEMON GROVE, 14-R3D2-2631
26. CORAL REEF CONTRACTORS, INC. 14-R6D5-1804 THROUGH 1806
27. CP KELCO, 14-R6D4-3283
28. CP KELCO, 14-R6D4-3284
29. CORPORATE RESOURCE SERVICES, 14-R4D4-1294
30. DENIM TECH, LLC, 13-R4D1-3585 AND 3586
31. DEPENDABLE REFRIGERATION COMPANY INC., 14-R6D2-1840  
THROUGH 1844
32. DIAMOND LANDSCAPING, 14-R4D1-1394 AND 1395
33. DS FIBERTECH CORPORATION, 14-R6D2-2837 THROUGH 2839
34. DURHAM ELECTRIC, 14-R2D3-3013 THROUGH 3015
35. EINSTEIN NOAH RESTAURANT GROUP INC., 14-R4D4-1474 AND 1475
36. ELM ELECTRIC INC., 13-R3D2-1823 THROUGH 1826
37. EMADCO DISPOSAL SERVICE, INC., 14-R2D5-1704 AND 1705
38. DBA EVERGREEN ELECTRIC CO., 12-R3D2-1721 THROUGH 1723

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM

For November 19, 2014

Page 8

39. EYE PRODUCTIONS, 13-R4D3-2355 AND 2366
40. FAMILY TREE FARMS, INC. 14-R2D5-1501 THROUGH 1503
41. FDS MANUFACTURING CO., 13-R4D4-2580 THROUGH 2582
42. FLOWER STREET PROPERTIES LLC. DBA G.H. PALMER ASSOCIATES,  
13-R4D1-3714
43. FRIO ZONE REFRIGERATION, 14-R6D2-2889 THROUGH 2891
44. FULLER'S PLUMBING SERVICE, INC., 14-R3D2-1046 AND 1047
45. GRANITE CONSTRUCTION COMPANY, 14-R5D2-0525
46. HALL DEVELOPMENT CORP DBA ADVANCED INTERIORS, 14-R3D1-1440
47. HEHR INTERNATIONAL INC., 14-R6D2-0620 THROUGH 0626
48. JOE INIGUEZ DBA LANDSCAPE EXPERTS, 14-R6D5-1264 AND 1265
49. INLAND EMPIRE ROOFING COMPANY, 14-R6D5-1097 AND 1098
50. INTERNATIONAL SURFACING SYSTEM [INTERNATIONAL SURFACING  
SYSTEM], 13-R4D7-2442 AND 2443
51. JBSDC, INC. DBA JBS DATA COMMUNICATIONS, 13-R3D2-2160 AND 2161
52. J GINGER MASONRY LP, 14-R3D5-1802
53. JORGE C. GARZA FARM LABOR CONTRACTOR, 14-R2D5-2747
54. JUVENCIO VALENCIA DBA RANCHO NUEVO, 14-R3D2-2803
55. JW MARRIOTT, 14-R1D1-1477 AND 1478
56. K2 PURE SOLUTIONS NORCAL, LP, 14-R6D3-2905 THROUGH 2910
57. KEARNEY'S METALS INC., 14-R2D5-1724
58. KINGSPAN INSULATED PANELS, INC., 14-R2D4-2246
59. L.A. SPECIALTY PRODUCE CO., 13-R4D4-3418
60. LOS ANGELES COUNTY FIRE DEPT., STATION 68, 14-R4D3-1757

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD

CLOSED SESSION MEMORANDUM

For November 19, 2014

Page 9

61. MANPOWER INC, 13-R3D2-1521
62. MAPON INC. DBA ACE ROOFING SYSTEMS, 14-R4D1-1318 AND 1319
63. McCLANAHAN TIRE, LLC., 13-R3D3-3505
64. McCOY'S TREE SERVICE, 14-R2D3-3133
65. MILES TREASTER & ASSOCIATES, INC., 13-R2D1-2650 THROUGH 2652
66. MOUNTAIN PROPANE SERVICE, 14-R1D2-2798 THROUGH 2800
67. MSM INDUSTRIES, INC., 14-R3D3-3109 THROUGH 3111
68. NATCO HOSPITALITY, INC. DBA SUPER 8 MOTEL, 14-R4D1-0454 AND 0455
69. NUCAST INDUSTRIES, INC., 14-R6D2-1529 THROUGH 1532
70. OHL, 14-R6D2-1012 THROUGH 1014
71. ORANGE COUNTY FIRE AUTHORITY, 13-R3D1-3467
72. ORGANIC BERRIES, LLC, 14-R6D5-1976
73. PARKER-HANNIFIN CORP, 14-R6D2-1997 THROUGH 2000
74. PBC COMPANIES, INC., 14-R3D1-2866
75. PCA-SUMMIT SERVICES INC. DBA SUMMIT SERVICES INC., 14-R3D2-2064
76. PEED EQUIPMENT CO., INC., 14-R3D1-1236
77. PENGUIN NATURAL FOODS, INC., 14-R4D1-1316 AND 1317
78. PENINSULA INDUSTRIES DBA CLOSET FACTORY, 14-R6D2-2312 AND 2313
79. PROCIDA LANDSCAPE INC., 14-R2D2-1818
80. PWLC I, INC., 14-R3D2-1729 THROUGH 1731
81. QSC AUDIO PRODUCTS, LLC., 14-R3D1-1452
82. QUINN GROUP INC. DBA QUINN COMPANY, 14-R4D3-1069 AND 1070
83. RACA ENTERPRISES INC. DBA LIFE CYCLE HERBAL PRODUCT,  
14-R4D4-1446

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM

For November 19, 2014

Page 10

84. ROSECRANS CAR WASH, 13-R3D2-2039 THROUGH 2044
85. RCI RACK CONVEYOR INSTALLATIONS, INC., 14-R3D3-3253 AND 3254
86. RCI RACK CONVEYOR INSTALLATIONS, INC., 14-R3D3-3255 AND 3256
87. RITCHER ROOFING CO., 14-R4D1-0417 AND 0418
88. SANCO PIPELINES, INC., 14-R1D2-1281 THROUGH 1284
89. SAN DIEGO COMPOSITES INC. (SDC), 14-R3D2-1982
90. SIERRA PACIFIC INDUSTRIES, 13-R2D1-3209 AND 3210
91. SIERRA PACIFIC INDUSTRIES, 14-R2D3-2426
92. SIMPLY FRESH FRUIT, 14-R6D2-3119 THROUGH 3123
93. SOUTHERN CALIFORNIA GAS CO., 13-R4D1-3472
94. SPHERIC-TRAFALGAR LTD., 14-R4D4-0752
95. SPORTSMAN STEEL SAFE COMPANY, 14-R3D5-2921 THROUGH 2922
96. S & SONS ELECTRICAL CONTRACTORS CORP., 14-R4D4-0614 AND 0615
97. SUN PACIFIC FARMING, INC., 14-R4D7-2988 AND 2989
98. SUNWEST FRUIT COMPANY, INC., 14-R2D5-0892 AND 0893
99. TELECARE CORPORATION, 14-R4D3-1260
100. THARCO CONTAINERS INC., 13-R4D4-2982 AND 13-R4D4-2986
101. THE MON MAY COMPANY, INC., 14-R4D3-1002
102. THE SPECIALITY CROP COMPANY, 14-R3D2-3086
103. TSUTSUI ENTERPRISES, INC., 13-R2d1-3644
104. UNICO STEEL, INC., 14-R6D2-2602 THROUGH 2604
105. UNIVERSITY MECHANICAL & ENGINEERING CONTRACTORS,  
14-R3D2-1640 AND 1641
106. VELORIA DL CONTRACTING, INC., 14-R4D7-1053

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD

CLOSED SESSION MEMORANDUM

For November 19, 2014

Page 11

107. VILLA PARK LANDSCAPE CORP., 14-R3D1-1147 AND 1148
108. WARNER BROTHERS PICTURES, INC./JERSEY BOYS, 14-R4D3-1496  
THROUGH 1497
109. WASTE MANAGEMENT OF ALAMEDA COUNTY INC., 14-R1D4-0079
110. WESTERN SAW MANUFACTURER INC., 14-R6D2-1426 AND 1427
111. WEST VALLEY STAFFING GROUP, 14-R3D2-1538 THROUGH 1541

**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.