

STATE OF CALIFORNIA
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
MINUTES OF THE PUBLIC MEETING & CLOSED SESSION
Held on July 23, 2014
Sacramento, California

PRESENT:

Art Carter, Chairperson
Ed Lowry, Member
Judith Freyman, Member
Ursula Clemons, Presiding Administrative Law Judge
Martin Fassler, Presiding Administrative Law Judge
Kari Johnson, Executive Officer
Jeff Mojcher, Chief Counsel
Aaron Jackson, Industrial Relations Counsel
Autumn Gonzalez, Industrial Relations Counsel
Lee Berlin, Executive Secretary

MINUTES OF JULY 9, 2014 MEETING:

(Approve or amend minutes of previous Board meeting)

ACTION: Member Lowry moved that the Board approve the draft minutes of the July 9, 2014 Board meeting. Member Freyman seconded. The Board voted to approve the draft minutes of the July 9, 2014 Board meeting.

ADMINISTRATIVE MATTERS:

(Information and discussion regarding the general administration of cases pending before the Appeals Board)

APPEALS VOLUME REPORT:

(Appeals volume statistics for prior month and year to date)

ACTION: The number of docketed appeals in June was lower than the average for this year, while the average to date of disposed appeals was higher. Through June, the Board has disposed 118 fewer appeals than docketed.

HEARING CALENDAR REPORT:

(Review and discuss statistical information)

ACTION: The Board reviewed the number of hearings scheduled and held in various venues throughout the state.

NEW BUSINESS:

(The Appeals Board hears and discusses new reports presented by staff.)

OLD BUSINESS:

(The Appeals Board hears and/or discusses matters on a follow-up basis.)

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DOSH OIS TRAINING AND IMPACT ON HEARING CALENDAR IN AUGUST:

ACTION: The Board is still rescheduling several cases which were originally set for hearing during the period that DOSH personnel will be attending OIS training. For most of these cases, status conferences are being scheduled for August completion. If necessary, hearings will be scheduled for October.

LEGISLATION:

(Review and discuss current legislation which may affect the Appeals Board)

ACTION: Chair Carter discussed the progress of AB1634, which was placed on the Appropriations Committee suspense file.

CHAIRPERSON'S REPORT:

ACTION: No report.

BOARD MEMBERS' REPORTS:

(Hear reports from Board Members on activities and issues affecting the Appeals Board.)

ACTION: No report.

EXECUTIVE OFFICER'S REPORT:

(Report regarding administrative matters)

OASIS PROJECT:

ACTION: EO Johnson reported that the consultant's work is almost done. The team has reissued the RFI to clarify the budget parameters. She also mentioned that she and ALJ Neil Robinson will visit the Orange County Superior Court in August to view its case management and calendaring software in action.

STAFF REPORTS:

(Reports from the Presiding ALJ and the Chief Counsel regarding matters from the Hearing Operations and Legal Units.)

ACTION: No report.

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.

PUBLIC COMMENT:

(Public comment will be entertained during the discussion of each agenda item of the Open Meeting.)

ACTION: No report.

The Board recessed to its Closed Session.

DECISIONS OF ADMINISTRATIVE LAW JUDGES:

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840 THE STRAND, LLC., 13-R3D5-3353 AND 3354

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Member Freyman seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge.

A. TEICHERT & SON INC., DBA TEICHERT AGGREGATES, 11-R5D1-1895

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Member Freyman seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge.

CAL PAC SHEET METAL, INC., 13-R2D1-0547 AND 0548

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Member Freyman seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge.

M.F. MILLER COATINGS, INC., 12-R2D1-3488 AND 3489

ACTION: Member Lowry moved that the Board approve this Decision of an Administrative Law Judge. Member Freyman seconded the motion. The Board voted to approve this Decision of an Administrative Law Judge.

PETITIONS FOR RECONSIDERATION:

DAMON, INC., 13-R6D5-1975 AND 1976

ACTION: Member Lowry moved that the Board vote to accept the Legal Unit's recommendation to deny this Petition for Reconsideration. Member Freyman seconded. The Board voted to accept the Legal Unit's recommendation to deny this Petition for Reconsideration

LEVY RESTAURANTS, 12-R1D5-2714 AND 2715

ACTION: Member Lowry moved that the Board vote to accept the Legal Unit's recommendation to deny this Petition for Reconsideration and further accept the recommendation to adopt the ALJ decision as the decision of the Board. Member Freyman seconded. The Board voted to deny this Petition for Reconsideration and accept the recommendation to adopt the ALJ decision as the decision of the Board.

DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):

ORDERS DISMISSING APPEAL:

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COMMERCE CREATIVES, LLC., 13-R6D5-1356 THROUGH 1358

ACTION: Member Lowry moved that the Board approve this Order Dismissing Appeal from an Administrative Law Judge. Member Freyman seconded. The Board voted to approve this Order Dismissing Appeal from an Administrative Law Judge.

NEXICLE, 13-R4D4-2419

ACTION: Member Lowry moved that the Board approve this Order Dismissing Appeal from an Administrative Law Judge. Member Freyman seconded. The Board voted to approve this Order Dismissing Appeal from an Administrative Law Judge.

SEA SPACE CORPORATION, 13-R3D2-3470 AND 3471

ACTION: Member Lowry moved that the Board approve this Order Dismissing Appeal from an Administrative Law Judge. Member Freyman seconded. The Board voted to approve this Order Dismissing Appeal from an Administrative Law Judge.

ORDER GRANTING LEAVE TO FILE LATE APPEAL:

ORDER DENYING LEAVE TO FILE LATE APPEAL:

EUROTECH CABINETS, INC., 14-R6D2-9076

MATTHEW T. HOLT DBA CLASSIC AUTO CENTER, 14-R6D5-9074

ACTION: Member Lowry moved that the Board approve these Orders Denying Leave to File Late Appeal of Administrative Law Judges. Member Freyman seconded. The Board voted to approve these Orders Denying Leave to File Late Appeal of Administrative Law Judges.

AMENDED ORDER:

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.)

JAMES BALDWIN DBA LYON'S MUFFLER & BRAKE, 14-R6D5-9019

B & B ROOF PREPARATION, INC., 12-R3D6-2946

BELLINGHAM MARINE INDUSTRIES, 12-R2D2-3144 THROUGH 3146

BRAD STONER PAINTING, INC., 13-R3D2-9200

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

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

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

ACTION: The Board discussed this matter.

FEDEX GROUND, 13-R3D1-1220

FERMA CORPORATION, 12-R2D2-1669

ACTION: Member Lowry moved that the Board vote to approve this draft Decision After Reconsideration for signature. Member Freyman seconded. The Board voted to approve this draft Decision After Reconsideration for signature.

GMAC ELECTRIC, INC., 13-R6D5-9138

HARRIS CONSTRUCTION, 03-R2D5-3914

HHS CONSTRUCTION, 12-R3D2-0492-0497

IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272

ACTION: Member Lowry moved that the Board vote to approve this draft Decision After Reconsideration for signature. Member Freyman seconded. The Board voted to approve this draft Decision After Reconsideration for signature.

KELLY GLOBAL LOGISTICS, INC., 12-R3D5-0014

K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375

LABOR READY, 13-R3D2-0164

LA VALENCIA HOTEL, 13-R3D2-9199

LYON'S MUFFER & BRAKE, 14-R6D5-9019

M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223

ACTION: Member Lowry moved that the Board vote to approve this draft Decision After Reconsideration for signature. Member Freyman seconded. The Board voted to approve this draft Decision After Reconsideration for signature.

MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR,
08-R2D1-3093 THROUGH 3098

MARCO RUFO DBA MARCO RUFO, 13-R6D5-9217

McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406

McCARTHY BUILDING CO., INC., 12-R1D4-3458

MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298

ACTION: Member Lowry moved that the Board issue an order rescinding its Order of Reconsideration. Member Freyman seconded. The Board voted to issue an order rescinding its Order of Reconsideration in this matter.

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MORROW MEADOWS CORP., 09-R3D3-2295
NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
O.C. JONES AND SONS, INC. 13-R2D2-0310
JIM PARKER, 2014-R4D1-9009
ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
ROSENDIN ELECTRIC, INC., 12-R2D1-3028
SIERRA FOREST PRODUCTS, 09-R2D5-3979
SONIC DRIVE-IN, 12-R2D5-2734
STAFFCHEX, 10-R4D3-2456 THROUGH 2458
STARBUCKS DBA STARBUCK'S COFFEE #5867, 12-R3D2-3675 THROUGH 3678
TRADEMARK CONSTRUCTION CO., INC., 12-R4D1-0096 AND 0097
TREASURE ISLAND MEDIA, INC., 10-R6D1-1093 THROUGH 1095
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)

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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)
ACTION: The Board discussed this matter.
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)
ACTION: The Board discussed this matter.
23. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)
24. BAY AREA RAPID TRANSIT DISTRICT, RG13689346 (09-R2D2-1219 & 1221)
ACTION: The Board discussed this matter.
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)

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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) (3rd 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)
35. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
36. BHC FREMONT HOSPITAL, INC., RG-14-731145 (13-R1D2-0204)

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.)

ABC RHUBARB FARMS INC., 13-R6D2-3616 THROUGH 3618
ADVANCED SKIN INSTITUTE, 14-R2D4-0984
ALL N AG FARM, INC., 13-R4D7-3898
ARYZTA LLC AKA LA BAKERY, INC., 14-R4D3-1256 AND 1257 *
DAN AVILA & SONS, 14-R2D4-1646
SABINO BARRAGAN & ERNESTINA GARCIA DBA GREEN MACHINE
AUTOMOTIVE, 14-R6D7-0603 AND 0604
BELMONT ATHLETICS LLC., 14-R3D2-1552

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BELMONT PARK ENTERTAINMENT LLC., 14-R3D2-1551
CURTIS BERESFOLD DBA FULL SERVICE SCAFFOLD, 13-R1D1-3605
THROUGH 3607
BERMINGHAM CONTROLS, INC., 14-R3D5-1113
BODEGA LATINA CORP. DBA EL SUPER, 14-R3D5-0942 AND 0943
BORDEN MANUFACTURING, INC., 13-R2D3-3711
BRC MOBILE SANDBLASTING & PAINTING, INC., 13-R4D7-3344
BREault ASPHALT MAINTENANCE, INC., 14-R2D1-0223 AND 0224
BUDDY BAR CASTING, INC., 14-R6D2-1598 THROUGH 1604
BYRD HARVEST, INC., 13-R6D5-3356 THROUGH 3358
CA CORRECTIONS – CORCORAN, 13-R2D5-0576
CAL BAY SERVICES INC., 14-R1D5-0695
CA CORRECTIONS & REHABILITATION, 14-R2D2-1573 AND 1574
CARDENAS MARKETS, INC., 13-R4D4-3074
CITY OF POWAY, 13-R3D2-1398
COUNTY OF L.A. PROBATION DEPT., 13-R4D4-2560
CROWN BLDG. MAINTENANCE CO. DBA ABLE BUILDING SVCS.,
14-R1D1-1213
CUSTOM CONCRETE, INC., 13-R6D5-2430 AND 2431
DIVERSIFIED CONCRETE CUTTING INC., 14-R2D1-1933 *
CHRIS DOBKINS, 14-R1D1-0549 THROUGH 0555
EAST BAY ZOOLOGICAL SOCIETY DBA OAKLAND ZOO, 13-R1D4-3538
EIGHT STAR ASSOCIATES LLC., 14-R2D1-1123 THROUGH 1126
ESKATON CARE CENTER, 14-R2D1-1895
FOREST LAWN MEMORIAL PARK ASSOCIATION DBA FOREST LAWN,
13-R4D1-1654
ROBERT GALLARDO DBA RGC CONTRACTING, 14-R6D7-0072
GARZA, INC., 13-R6D5-3832
G I A ELECTRICAL AND SOLAR DBA G I A POWER MGNT., 14-R2D4-1138
THROUGH 1141
GRIFFIN FAMILY CARE HOME, INCORPORATED DBA GFCH, 14-R6D1-1272
HACIENDA MOTORS, LTD DBA MERCEDES BENZ OF PLEASANTON,
14-R1D4-1891
BRIAN HAUGEN, 14-R6D7-9045 *
HMI CONSTRUCTION SERVICE, 13-R4D4-2796 THROUGH 2798
IMPACT CENTER, INCORPORATED, DBA I.M.P.A.C.T., 14-R6D1-1273
INDUSTRIAL ASSETS MACHINERY, 14-R3D5-1441
INTEGRA TECHNOLOGIES, INC., 13-R3D5-2149 AND 2150
INTER TEX GENERAL CONSTRUCTORS, INC., 13-R3D1-3314
JB PLASTICS, INC., 14-R3D1-1461 AND 1462
KANA PIPELINE, INC., 14-R3D1-1289
KCB PLUMBING CONTRACTORS, INC., 13-R4D4-2843
KENAI DRILLNG CO., 13-R3D5-0644
KENDALL PLAZA, LLC, 13-R3D3-3859
KENTER CANYON FARMS, INC. 13-R4D3-3473
KING'S HAWAIIAN BAKERY WEST, INC., 13-R3D5-3338 AND 3339

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KUMAR HOSPITALITY, INC., DBA MOTEL 6, 13-R2D1-3362
LAKE COUNTY FIRE PROTECTION DISTRICT, 13-R2D1-3251
LINEAGE LOGISTICS DBA TERMINAL FREEZERS, LLC., 13-R4D3-3431
LOS ANGELES PORT POLICE, 14-R6D2-0433
MAIN ELECTRICAL SUPPLY COMPANY, LLC, 13-R3D1-3648 THROUGH 3650
MADSEN ROOFING AND WATERPROOFING, INC., 13-R4D3-2559
MERICLE MECHANICAL, INC., 12-R4D6-2674 THROUGH 2676
MESA HARVESTING COMPANY, 13-R6D5-3359
NEW DIMENSION MASONRY INC., 13-R3D2-1008 AND 1009
OASIS DATE GARDENS, INC., 13-R6D5-3942 THROUGH 3944
OLEANDER HOLDINGS, LLC DBA SACRAMENTO POST-ACUTE, 14-R2D1-1850
O.P. HANDYMAN, 10-R4D3-4118 AND 4119
PACIFIC RIM MECHANICAL, 14-R3D2-1237
PAPICH CONSTRUCTION COMPANY, INC., 13-R4D7-2891
PHILLIPS 66, 14-R6D3-0462
POWERFUL ELECTRIC, INC., 13-R4D3-2997 AND 2998
PREMIUM PACKING, INC., 13-R6D5-3524 AND 3525
PRINTER'S EDGE WEST, 14-R2D1-1956
R 3 CONTRACTORS, 14-R3D3-1733 THROUGH 1735
RAMCO ENTERPRISES L.P., 14-R1D2-0326 AND 0327
RECOLOGY YUBA-SUTTER, 13-R2D1-3068
REDWOOD ELECTRIC GROUP, INC., 14-R2D1-0745
ROBERTSON'S READY MIX, 14-R4D1-1396 AND 1397
ROLLING GREEN, INC., 13-R2D1-2593
ROOFLINE, INC. DBA ROOFLINE SUPPLY & DELIVERY, 14-R1D3-0307
SAPUTO CHEESE USA, INC., 14-R3D5-0874
SCA CONSTRUCTION INC., 13-R1D4-3595 AND 3596
SCARONI CONSTRUCTION, INC., 13-R6D5-3706
SEARLES VALLEY MINERALS, 14-R3D3-1993
SHASTA COUNTY SHERIFFS DEPT., 14-R2D1-0308
SHORING ENGINEERS, 13-R4D1-2981
SIERRA PACIFIC INDUSTRIES, 14-R2D3-1383
SOLPAC CONSTRUCTION INC. DBA SOLTEK PACIFIC CONSTRUCTION,
13-R3D2-0958 AND 0959 *
SOUTH COAST FIBERS, INC., 12-R4D1-1870 THROUGH 1874
SOUTH COUNTY PACKING, INC., 13-R1D2-3708 AND 3709 *
SPARKLING IMAGE CORP. DBA MISSION CARWASH 13-R4D3-1245
SPARKLING IMAGE CORP. DBA MISSION CARWASH 13-R4D3-1246
STERICYCLE, INC. DBA STERICYCLE COMMUNICATIONS SOLUTIONS,
14-R2D1-1495
SUNFIELD FARM, INC., 14-R4D7-0536 THROUGH 0538
FELIPE AND LISA TERNERO, DBA TERNERO FARMS, 14-R2D3-0684
THE CAVE CONSTRUCTION COMPANY, 13-R5D1-3056
TLC AUTO REPAIR, INC., 14-R6D5-1719 AND 1720
TRANSILWRAP COMPANY, INC., 13-R4D4-2680 AND 2681
UC LOS ANGELES FACILITIES MANAGEMENT, 14-R4D1-0656 THROUGH 0659

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UNITED STAFFING ASSOCIATES, LLC., 13-R4D3-3839 THROUGH 3841
USA WASTE OF CALIFORNIA, INC., 13-R3D5-3879 *
USS CAL BUILDERS, INC., 14-R3D3-1871
VIGNOLO FARMS, INC., 13-R4D7-3372
VIGNOLO FARMS, INC., 14-R4D7-0714
VONG FARMS, INC., 13-R6D5-3833 THROUGH 3838
WEBCOR BUILDERS, 13-R1D1-3591
WESTERN PACIFIC STORAGE SOLUTIONS, 13-R6D2-3720 THROUGH 3722

ACTION: Member Lowry moved that the Board approve these Orders of Administrative Law Judges. Member Freyman seconded. The Board voted to approve these Orders of Administrative Law Judges. Orders with asterisks are deemed approved as amended.

PERSONNEL:

(Issues regarding staff)

ACTION: The Board discussed personnel matters.

The Closed Session was adjourned at 3:19 p.m. and the Board returned to the Public Meeting. The Appeals Board incorporated by reference its ACTIONS in the Closed Session, as indicated above. The meeting was adjourned at 3:20 p.m.