

**State of California**  
**California Occupational Safety and Health Appeals Board**  
**Closed Session Agenda**

Government Code § 11126 (a), (c)(3), (e) and (f)

for

Wednesday, March 20, 2024

9:30 a.m.

Sacramento, California

West Covina, California

&

Held on Zoom

**To: Members of the California Occupational Safety & Health Appeal Board**

**From: J. Jeffrey Mojcher, Chief Counsel**

**Date: March 8, 2024**

**RE: Closed Session of the Board to be held on March 20, 2024**

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.

**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.)*

1355061 Republic Electric West, Inc.

**Petitions for Reconsideration:**

*(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)*

1415736 Los Angeles County Probation Dept.

1625466 Jensen Meat Company

**Orders Dismissing Appeal:**

1667080 B2 Automotive

1593924 Crowder Construction, Inc.

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- 1513018 Heritage Manor Healthcare, LLC
- 1652716 Pacifica Senior Living LLC

**Orders Denying Leave to File Late Appeal:**

- 1624658 Burrtec Waste Group, Inc.
- 1684649 HASA, Inc.

**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.)*

The following list is intended to inform stakeholders and members of the public of what the Board believes is the issue of most interest to the general public presented in each of the following matters. The issues are listed to assist those interested in research or public information, and not litigation, and are not necessarily or exclusively the only issue or issues presented in each matter. The issues identified are not positions of the Board. Further, the Board may add and decide issues not included in the list or decide the matter on other grounds, under the authority provided in Labor Code sections 6620 through 6623.18.

- 1431672 A. Teichert & Son, LLC  
*Whether the cited employer was in violation of lockout/tagout requirements.*
- 1473644 Amazon.com Services, LLC  
*Whether the employer's training program was in compliance with the applicable safety order.*
- 1113026 Angelus Block Co., Inc.  
*Whether Employer violated lock out/tag out requirements as alleged.*
- 1398352 Anheuser-Busch, LLC  
*Whether the evidence supports the holding that employer violated lockout/tagout requirements.*
- 1568252 Arana Residential and Commercial Painting, Inc.  
*Whether the Division violated Employer's due process rights in conducting the inspection leading to issuing citations.*
- 1466722 Bragg Investment Company, Inc.  
*Whether the Employer violated the crane operating safety order as alleged while repositioning a crane at a construction site.*

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- 1420923 Drill Tech Drilling & Shoring, Inc.  
*Whether the Employer failed to enforce its IIPP as required.  
Whether the Employer violated the lockout/tagout requirements  
of section 3314 as alleged.*
- 1497263 Hamilton Iron Works, Inc.  
*Whether the evidence supports a finding that employer violated  
section 4999, and that the citation was properly classified. And  
whether the penalty for Citation 1 (§ 342(a)) be reduced.*
- 1233597 Hampton Tedder Electric (DOSH)  
*Whether the ALJ correctly decided that the Employer violated  
three high voltage safety orders.*
- 1436480 Interline Brands, Inc.  
*Whether the employer violated foot protection standards.*
- 1371294 KPRS Construction Services, Inc.
- 1465354 Natural Alternatives International, Inc.  
*Whether the ALJ erred in dismissing the matter.*
- 1465119 Sun Belt Rentals  
*Whether certain information accepted into evidence was  
inadmissible hearsay, and whether the evidence supports a  
finding that Employer violated sections 3203 and 3328, as  
alleged.*
- 1475491 Sutter Bay Medical Foundation  
*Whether the employer failed to comply with COVID protections  
as alleged.*
- 1609228 The Geo Group, Inc. dba Golden State Annex (3<sup>RD</sup> PTY PFR)  
*Whether the motion for third party status was properly denied.*
- 1488312 The Indiana Finish Line, Inc.  
*Whether the cited employer established procedures adequate to  
protect employees from COVID-19.*
- 1486257 The Kroger Company  
*Whether the cited employer adequately trained employees  
regarding workplace hazards.*
- 1594663 Uber Technologies, Inc.  
*How Proposition 22 interacts with the Board's statutes and  
operative regulations.*

**Matters 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. Ashley Furniture Industries, 34-2017-800002750 (1016514)
2. United Parcel Service, Inc. dba UPS, 34-2019-80003174 (1116529)
3. Davis Development Company, 34-2020-80003373 (1226084)
4. Hill Crane Service Inc., 34-2021-80003744 (1135350)
5. USA Waste of California, Inc., 34-2022-80003841 (1384029)
6. American Fumigation Services, LLC, 22STCP04305 (1506586)
7. General Dynamics NASSCO, 37-2023-00024521 (1300984)
8. S.C. Anderson, Inc., 24WM000039 (1405107)

**Appellate Court:**

1. Interline Brands, Inc., CIVDS2021813 (1251604)
2. Granite Construction Company, 34-2021-80003634 (1235643)
3. MWL Solutions, C097353, 34-2020-80003549 (1436014)
4. BMC West LLC, 34-2020-80003459 (1399613)
5. Hampton Tedder Electric, 34-2020-80003549 (1233597)
6. RND Contractors, Inc., CIVSB2119442 (1436785)

**Other Items:**

1. Categorizing the Board's DARs and Denials on the DIR website.
2. Superior Court cases that also involve or relate to appeals pending before the Board.
  - Lyft, Inc., 30-2023-01368387-CU-MC-CXC (1594664)
  - Uber Technologies, Inc., 30-2023-01330884-CU-JR-CXC (1594663)

**Orders Of Administrative Law Judges:**

*(Written orders 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.)*

|         |  |
|---------|--|
| 1543655 | A M Cabinets Inc.                          |
| 1683214 | AAA Network Solutions, Inc.                |
| 1650540 | American Vision Windows, Inc.              |
| 1530309 | Aztec Polishing, Inc.                      |
| 1683197 | B&D Upholstery, Inc.                       |
| 1698506 | Bertolotti Disposal, Inc.                  |
| 1669185 | BHM Construction Inc.                      |
| 1690880 | BLF Inc.                                   |
| 1679243 | Blue Sky Xpress Carwash, Inc.              |
| 1683415 | Bogard Construction, Inc.                  |
| 1683228 | Brandt Packing Co                          |
| 1686944 | Busters Express Car Wash                   |
| 1639543 | C. Overaa & Co                             |
| 1489870 | City of Los Angeles Department of Building |
| 1651306 | Climax Foods Inc.                          |
| 1651311 | Climax Foods Inc.                          |
| 1656612 | Contractors Wardrobe, Inc.                 |
| 1651773 | Cypress Coast Fence                        |
| 1583684 | Dale A. Elevatorski                        |
| 1675899 | Dan R. Costa, Incorporated                 |
| 1681896 | Dccca1, Inc.                               |
| 1636983 | Diana's Mexican Food Products, Inc.        |
| 1649309 | E.M. Tharp, Inc.                           |
| 1704932 | Earth Strata Geotechnical Services         |
| 1711617 | Earthwise Packaging, Inc.                  |
| 1692245 | EDCO Disposal Corporation                  |
| 1694345 | Ensaymada Project LLC                      |

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| 1534822 | EPlastering, Inc.                                  |
| 1652288 | Ernie Ball, Inc.                                   |
| 1507904 | Fairfield-Suisun Unified School District           |
| 1552413 | Fairway Staffing Services                          |
| 1557459 | FedEx Ground Package System, Inc.                  |
| 1691442 | Finishline Express, LLC                            |
| 1557298 | Fog City Roofing, LLC                              |
| 1694397 | Fredrico Torres, an Individual                     |
| 1638004 | Golden State Bridge, Inc.                          |
| 1694727 | Hare Construction, Inc.                            |
| 1685370 | Hathaway Dinwiddie Construction Company            |
| 1670787 | Hi-Tech Developing Inc.                            |
| 1690096 | Holt Repair & Manufacturing, Inc.                  |
| 1700530 | House Foods America Corporation                    |
| 1679449 | J&S Restoration Painting, LLC                      |
| 1678741 | Javier Hernandez                                   |
| 1653664 | Jayesh Patel                                       |
| 1590389 | Jensen Landscape Services, LLC                     |
| 1623834 | Joseph Christman's West Coast Tree, LLC            |
| 1616876 | KCS West, Inc.                                     |
| 1579265 | Kern Labor Contracting, Inc.                       |
| 1578628 | Kevin Woody Landscape Maintenance, Inc.            |
| 1647870 | Kiewit Infrastructure West Co.                     |
| 1686877 | Larry Winston Construction                         |
| 1613997 | Les Schwab Tire Centers of Central California, LLC |
| 1683849 | Liberty Stone Fabricators Inc.                     |
| 1595757 | Los Angeles County Fire Department; Station 106    |
| 1578012 | Los Angeles Department of Water and Power          |
| 1689863 | Lotus Hotels Pittsburg, Inc.                       |
| 1654524 | MCK Enterprises, Inc.                              |
| 1689893 | Mckuin Pipeline Inc.                               |

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| 1699326 | Michels Corporation                             |
| 1683223 | Midstate Sheetmetal, Inc.                       |
| 1535112 | Mission Linen Supply                            |
| 1518306 | Mitsubishi Electric                             |
| 1704488 | Mohini LLC                                      |
| 1679426 | Mr. Build Home Improvement Company              |
| 1624859 | Nexus Plastics California, Inc.                 |
| 1683346 | NorthStar Energy Management, LLC                |
| 1514832 | Nuline Technologies, LLC                        |
| 1480875 | OWB Packers, LLC                                |
| 1696607 | Oxnard Steel and Ornamental Tool Supply, Inc.   |
| 1688349 | Pacific Tech Communications, Inc.               |
| 1699878 | Pajarosa Floral                                 |
| 1594667 | Paloma Packing, Inc.                            |
| 1621278 | Power Pole Service Inc.                         |
| 1638534 | Precision Refrigeraton and Air Conditioning LLC |
| 1653576 | Priorityworkforce, Inc.                         |
| 1643214 | Pro8ein's Newman Processing Facility LLC        |
| 1713452 | R. L. Mays Construction Company Inc.            |
| 1575177 | Richard Hancock, Inc.                           |
| 1651337 | Ross Roofing & Construction Inc.                |
| 1681936 | Saticoy Lemon Association                       |
| 1589478 | Shamrock Foods Company                          |
| 1654346 | Solorzano Services Inc.                         |
| 1610788 | Southern California Edison Company              |
| 1687911 | Southland Sod Farms Operations, Inc.            |
| 1652118 | T&L Trading, Inc.                               |
| 1600343 | T. Hasegawa USA, Inc.                           |
| 1694733 | Tip Top Roofing, Inc.                           |
| 1704042 | Tradition One Inc.                              |
| 1664115 | Tri Star Auto Collision                         |

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| 1543383 | True Value Company, LLC          |
| 1512613 | U.S. Borax, Inc.                 |
| 1656898 | VCA Animal Care Clinic           |
| 1637234 | Vertical Access, Inc.            |
| 1512614 | Victoria Ventura Healthcare, LLC |
| 1686229 | Walmart Supercenter              |
| 1695216 | Wash Depot Holdings, Inc.        |
| 1474569 | Waterproofing Associates, Inc.   |
| 1508422 | Wayfinder Family Services        |
| 1693981 | Westlake Hardware, Inc.          |

**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.