

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, February 6, 2008**  
**10:00 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: January 30, 2008**

**RE: Closed Session of the Board on February 6, 2008**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

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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. G.T. ALDERMAN, INC., 05-R4D3-3513
2. CREATIVE T'S N THINGS, 06-R2D1-3357

**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. AAMCO TRANSMISSIONS, 06-R3D1 4253 AND 4254
2. ACTIVE RECYCLING CO INC., 07-R6D2-5068 THROUGH 5074

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3. ADVANCE CONSTRUCTION TECHNOLOGY, INC., 07-R1D2-3417
4. AEROGROUND, 07-R4D1-1644 AND 1645
5. ALLENCO, 06-R4D4-1889
6. AMERICAN TECHNOLOGIES, INC. dba AMERICAN RESTORATION  
07-R1D4-1352
7. ANTERRA ENERGY SERVICES, 06-R4D3-3234 AND 3235
8. AT&T, 07-R3D1-3205 AND 3206
9. BARRIOS FARMS INC., 04-R2D1-124
10. BEKAERT SPECIALTY FILMS, INC., 07-R3D2-4249 AND 4250
11. BLOIS CONSTRUCTION, INC., 07-R4D3-3217
12. CALMET SERVICES, INC., 07-R6D2-4490 THROUGH 4492
13. CASA CONTRACTING, 07-R3D2-1033
14. CENTRE SCAPES, INC., 06-R4D3-1881 AND 1882
15. CORN MAIDEN FOODS, INC., 07-R3D5-3886
16. FRESNO PLUMBING AND HEATING, INC., 07-R2D4-1677
17. G I INDUSTRIES, 06-R6D2-108 THROUGH 110
18. ROBERT HEELY CONSTRUCTION, INC., 06-R4D3-846 THROUGH 848
19. LAURENCE HOVINIER, 05-R3D1-4103 AND 4104
20. HP HOOD LLC., dba CRYSTAL CREAM & BUTTER, 07-R2D1-2820
21. INTERNATIONAL PITA BREAD INC., 07-R4D2-1070 AND 1071
22. INTERTEC, 06-R6D2-2071
23. J & N TRUCKING AND LOWBED SERVICES, 07-R4D3-2119 THROUGH 2122
24. JACOBELLIS SAUSAGE COMPANY, 07-R6D2-1323 THROUGH 1327
25. JFC CONSTRUCTION INC., 07-R1D2-1113 AND 1114

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26. KARL'S CUSTOM SASH & DOORS, 04-R6D2-502 THROUGH 510
27. KARPAL & TERRY CHIMA INDIVIDUALLY, dba CHIMA HARVESTING  
07-R2D3-0378
28. KEVIN'S PAINTING SERVICE, INC., 07-R3D1-297
29. KRAFT FULLERTON FOODS KRAFT FOODS GLOBAL, INC. 06-R6D2-2437  
THROUGH 2439
30. L-3 COMMUNICATIONS ELECTRON TECHNOLOGIES INC., 07-R3D5-3068
31. LABOR READY SOUTHWEST INC., 07-R1D2-1341
32. LABOR READY SOUTHWEST INC., 07-R1D2-1342
33. MARAVILLA FOUNDATION, 06-R4D3-0138 AND 0139
34. MARTINEZ SIGN INC., 07-R3D1-298 AND 299
35. MASTER CARE WINDOW WASHING, 07-R1D3-1609
36. MASTER HALCO, INC., MASTER HALCO COMPANY, 05-R3D2-1930  
AND 1931
37. MILLER GLASS, INC., 07-R2D3-0380
38. MILLER PACIFIC, INC., 07-R2D4-0382
39. G. NEFFA DRYWALL, INC., 09-R3D2-5044 THROUGH 5046
40. GEORGE PERRY AND SONS, 07-R2D4-0381
41. PIERRE CONSTRUCTION, 07-R4D1-2726 THROUGH 2729
42. POCINO FOODS COMPANY, INC., 06-R6D2-1967 THROUGH 1971
43. SACRAMENTO INSULATION CONTRACTORS, dba SACRAMENTO  
BUILDING PRODUCTS, 06-R2D3-462 AND 1384
44. SAV-ON DRUG #9788, 04-R4D2-243- AND 244
45. SIERRA GOLD NURSERIES, INC., 06R2D3-5136
46. S & T ANKER INC., dba SAMS FOR PLAY CAFÉ & CATERING 06-R1D5-1389

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47. SONOMA RESERVE I LLC, dba SONOMA TILE MAKERS 07-R1D5-1357  
AND 1358
48. STATEWIDE ROOFING, INC., 07-R1D2-1347
49. SUNTREK INDUSTRIES, INC., 07-R2D2-0376
50. T A AEROSPACE 07-R4D3-420 AND 421
51. THE MORNING STAR PACKING CO., 06-R2D3-887
52. TOTALLY TRUCKS, INC., 07-R2D3-0379
53. TRIDENT TECHNOLOGIES, 07-R3D2-4391
54. UNIVERSITY OF CALIFORNIA DAVIS, AG DEPT. 07-R2D4-0383

**ORDERS DISMISSING APPEALS:**

1. K D STEEL, 04-R4D3-1468
2. ORLAND SAND AND GRAVEL CORPORATION 06-R5D1-3952
3. UNION FURNITURE INSTALLERS INC., 06-R1D1-2083
4. VICENTE BECERRA, dba NEW LINE HAULING 05-R1D1-4347 AND 4348

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

1. BRS, INC., 08-R2D1-9003
2. CALIFORNIA HARVEST COMPANY, 07-R3D2-9521
3. CALIFORNIA HARVEST COMPANY, 07-R3D2-9522
4. ENSIGN UNITED STATES DRILLING (CALIFORNIA), INC., 08R2D3-9033
5. GIACALONE ELECTRICAL SERVICES, INC., 08-R2D5-9037
6. GOODWOOD CABINETS, INC., 08-R6D1-9018
7. LA PIZZA GROTTTO, 07-R3D1-9520
8. SCHNADIG, 08-R3D3-9039

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9. SCHARF ROOFING CONSTRUCTION 07-R4D4-9527
10. VEDIOR GROUP OF N. A., LLC dba PLACEMENT PROS, 08-R2D5-9038
11. VINKKHA KITCHEN, DOORS AND CABINETS, 07-R4D1-9525
12. WESTERN DOVETAIL, INC., 08-R2D2-9032
13. YNS FASHION INC., 07-R4D1-9523

**ORDERS DENYING LEAVE TO REOPEN APPEALS:**

1. GOLDEN STATE FRAMERS INC., 07-R4D3-9526

**ORDERS GRANTING APPEALS:**

NONE.

**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.)*

NONE.

**DENIAL OF PETITION FOR RECONSIDERATION (DRAFTS):**

1. EXCELLINE FOOD PRODUCTS, INC., 07-R6D2-9491
2. PLASTIC INDUSTRIES, INC., 07-R2D5-9439

**DECISIONS AFTER RECONSIDERATION (DRAFTS):**

*(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)*

1. AC FRAMERS INC., 03-R2D3-3475
2. A & C LANDSCAPING, INC., aka A & C CONSTRUCTION, INC., 03-R4D4-4791
3. ASC PROFILES, INC., 06-R2D1-1181
4. AMERIPRIDE UNIFORM 04-R4D2-106 AND 107

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5. A. TEICHERT & SON, INC., A CORPORATION dba TEICHERT AGGREGATES, 04-R5D2-850 AND 851
6. BART, 03-R1D1-5170
7. BAY AREA SYSTEMS & SOLUTIONS, dba BASS ELECTRIC, 01-R1D3-106
8. BIMBO BAKERIES USA, 03-R1D3-5215 THROUGH 5217
9. BLF, INC., dba LARRUBURE FRAMING, 02-R4D1-4675 THROUGH 4680
10. BLF, INC., dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
11. BLUE DIAMOND MATERIALS, 02-R5D2-1268
12. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
13. CALIFORNIA FAMILY FITNESS, 03-R2D1-095 & 096
14. CALIFORNIA FRESH FARMS LLC., 06-R2D4-4127 AND 4224
15. CENTRAL CHEVROLET, 05-R1D4-2615 THROUGH 2618
16. CENTRAL VALLEY CONTRACTING, 05-R4D3-2351
17. COX COMMUNICATIONS, 03-R3D2-1942
18. DADE BEHRING, 05-R2D1-2203
19. DAVIS BROTHERS FRAMING, INC., 03-R3D1-0114
20. DAVIS BROTHERS FRAMING, INC., 05-R3D3-634 THROUGH 636
21. DYNALECTRIC, 03-R1D1-4101
22. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
23. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
24. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
25. GLASS PAK, 03-R2D2-0750 AND 0751
26. GRAND BUILDERS, 07-R4D3-9344
27. HARRY L. MURPHY, INC., 06-R1D2-218 AND 219

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28. HEARN CONSTRUCTION, INC., 02-R6D1-3533 THROUGH 3536
29. HELPMATES STAFFING SERVICES, 05-R3D3-2239
30. HUSSMAN CORPORATION, 03-R3D1-2939
31. ILH CONSTRUCTION, 02-R1D1-4172
32. JOHN LAING HOMES, 04-R3D1-194 AND-195
33. JOHNNY'S AUTOMOTIVE REPAIR, 05-R2D1-4076
34. KELLY SERVICES, INC., 06-R1D2-1024
35. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323
36. KIMES-MORRIS CONSTRUCTION, 02-R1D4-1204 THROUGH 1209 & 02-1273
37. LONG BEACH CITY COLLEGE, 03-R3D5-2747
38. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
39. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA),05-R4D2-2541
40. MCI WORLDCOM INC., 00-R1D1-440 THROUGH 442
41. O & M INDUSTRIES, 04-R1D5-1597
42. PMR RACE CARS, 03-R3D3-1825
43. POUK & STEINLE, INC., 03-R4D2-1495 & 1496
44. RII PLASTERING INC., 02-R3D1-2679
45. R & L BROSAMER, INC., 03-R1D5-4832
46. SACRAMENTO MUNICIPAL UTILITY DISTRICT, 02-R2D1-1654  
THROUGH 1656
47. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
48. STACY & WITBECK INC., 05-R1D1-1142
49. STATE CENTER COMMUNITY COLLEGE DISTRICT, 05-R2D5-1688  
THROUGH 1692

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50. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
51. SUN VALLEY SKYLIGHTS, INC., 03-R4D1-2613 AND 2614
52. TEICHERT AGGREGATES, 04-R5D1-2982
53. TRIO METAL, 03-R4D4-0317
54. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2556 AND 2557
55. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
56. WESTERN DOOR, 01-R3D1-2827
57. WEST VALLEY CONSTRUCTION COMPANY, INC., 01-R1D2-3017 AND 3018

**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. BRUTOCO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159 (07-9223)
2. HFS INVESTMENTS, INC., 01CS00981 (96-3079)
3. UNITED ASSOCIATION LOCAL UNION 246, AFL-CIO; IDEPSCA INSTITUTO DE EDUCACION POPULAR DEL SUR DE CALIFORNIA AND CENTRO LEGAL DE LA RAZA, (HARRIS CONSTRUCTION COMPANY, INC.), 07CS00518 (02-3914)

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4. INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, LOCAL LODGE 1781; JULIA SMITH, (UNITED AIRLINES dba UNITED AIRLINES SFO SYC), 07CS00331 (00- 2844)
5. WESTERN MILLING, LLC, 06 CE CG 04007 (06- 9039/9040)
6. IRBY CONSTRUCTION COMPANY, ECU03759 (03-2728)
7. JERLANE v DIVISION OF OCCUPATIONAL SAFETY & HEALTH, 37-2007-0005631-CU-WM-NC, (01-4344-4345)
8. DIVISION OF OCCUPATIONAL SAFETY AND HEALTH v. OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD (J.F. SHEA CONSTRUCTION, INC) 34-2007-00882187-CU-WM-GDS, (02-801)
9. DIVISION OF OCCUPATIONAL SAFETY AND HEALTH v. OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD (E. L. YEAGER CONSTRUCTION COMPANY, INC.), 34-2007-00882192-CU-WM-GDS, (01-3261)

**APPELLATE COURT:**

NONE.

**PERSONNEL (*Issues regarding staff.*)**

NONE.

Any matter not completed at this Closed Session may be continued to subsequent meetings.