

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), and (e)
for
Wednesday, July 2, 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: June 20, 2008

RE: Closed Session of the Board on July 2, 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.

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. AMERI TECH CONSTRUCTION INC., 06-R6D2-2630 AND 2631
2. MOTI AMIR, 07-R2D5-3037
3. ANCHORS WAY MARINE CENTERS, 06-R4D3-624
4. CATERPILLAR LOGISTICS SERVICES INC., 06-R3D3-5284
5. COMMERCIAL GUTTER INC., 06-R2D2-3082 AND 3083
6. EMPIRE PRO-TECH INDUSTRIES, 07-R3D2-2837
7. GOLD RIVER MILLS, LLC., 06-R2D1-2694 AND 2695
8. GEORGE E. MASKER, INC., 06-R2D4-4356
9. BILL NELSON GENERAL ENGINEERING & CONSTRUCTION, 06-R2D5-1552 THROUGH 1554

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10. CITY OF OAKLAND, PUBLIC WORKS AGENCY, 06-R1D4-4566 THROUGH 4568

11. PARAMOUNT FARMS, INC., 07-R4D3-1956

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. 811 WILSHIRE, LLC., (JAMISON SERVICES INC.), 07-R4D1-1437 THROUGH 1441
2. AB & I CO., dba IRON PIPE & FITTINGS, 07-R1D4-0549
3. ABILENE ENGINEERING, INC. 07-R3D1-2589
4. ACCOUNTABILITIES, 07-R4D2-2436
5. AGRO-JAL FARMS, INC., 05-R4D3-4158 AND 4159
6. AMARJAN CORP. dba., BAINS DEVELOPMENT, 06-R2D1-3867 THROUGH 3869
7. AMERICAL SEPTIC SEVICES INC. dba GODDARD'S-NAZCO SERVICES, 07-R3D3-4137
8. AVALON FASHION, 07-R6D2-4950 THROUGH 4953
9. BAY CITY FRAMERS, 06-R2D5-3381
10. DBA BALLISTIC UNLIMITED SILK SCREENING (PREMIER UNIFORMS), 07-R6D2-4939 AND 4940
11. BEND TEK, INC., 07-R6D2-4578 THROUGH 4582
12. BRANDT CONSTRUCTION, 05-R4D3-3369 AND 3370
13. CALIFORNIA DRYWALL, 07-R4D1-4715 THROUGH 4720
14. CALIFORNIA SCREW PRODUCTS, 07-R6D2-4480 THROUGH 4482
15. CANNON BUILDING SERVICES, INC., 07-R4D4-943

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16. CENTRAL LOS ANGELES TRADING, 07-R4D1-1199 THROUGH 1201
17. CERTIFIED WELDING & MANUFACTURING, 07-R3D1-2195
18. CITY FIBERS, INC., 04-R4D2-3966 THROUGH 3969
19. CLIPPER INTERNATIONAL EQUIPMENT CO. INC., 07-R1D2-4594
20. COLD STONE CREAMERY, 07-R3D2-4689 AND 4690
21. CUCAMONGA VALLEY WATER DISTRICT, 07-R3D7-2229 AND 2230
22. DALAH CONSTRUCTION CORPORATION, 08-R4D1-0069
23. DOOR COMPONENTS, INC., 07-R3D3-4253
24. GORDON DRAKE, dba WOOD DUCK BUILDING, 07-R1D5-4323
25. ELLISON FRAMING, INC., 07-R1D4-4311
26. ENDURAL, LLC., 07-R3D1-2196
27. ENVIROCON, INC., (ENVIROCAN CONTRACTING, INC.), 07-R4D2-1951
28. CITY OF ESCONDIDO/VISTA WATER TREATMENT PLANT, 07-R6D4-1813 THROUGH 1815
29. ESTERLINE KIRKHILL RUBBER COMPANY, 07-R3D1-5345
30. FACTORY REMODELING INC dba THE WINDOW FACTORY INC., 06-R6D2-2520
31. FORWARD AIR, INC., 05-R4D1-1018 THROUGH 1020
32. FUN BIKE CENTER, 07-R3D2-2198
33. GBC CONCRETE AND MASONRY, 07-R3D3-0659 THROUGH 0661
34. G & J MELINDA, INC., 08-R6D5-0641 THROUGH 0643
35. GLOBAL METAL RECYCLING, INC., 07-R3D1-2024 THROUGH 2026
36. GRANITE CONSTRUCTION, 07-R5D2-429 AND 430
37. GRANITE CONSTUCTION COMPANY, 07-R5D1-2855

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38. GRANITE CONSTRUCTION COMPANY, 06-R5D1-3259 AND 3260
39. GRANITE CONSTRUCTION COMPANY, 06-R5D1-5104
40. GRIZZLY CONSTRUCTION, 07-R2D5-0384
41. HAULING PROS INC., 07-R2D2-4221
42. HERNANDEZ LABOR, INC., 06-R4D3-630 THROUGH 632
43. W. L. HICKEY SONS, INC., 07-R1D4-3646 THROUGH 3648
44. HIGH QUALITY ROOFING INC., 07-R1D1-4299
45. HONEY CASTLE INC., 07-R4D1-2970 THROUGH 2972
46. IMPERIAL CFS, 07-R3D5-3331 AND 3332
47. INDUSTRIAL WOOD PRODUCTS, 07-R6D2-4508 THROUGH 4510
48. ITO PACKING CO. INC., 06-R2D5-5160
49. JB ENTERPRISES INC., dba JB RADIATOR SPECIALTIES INC., 07-R2D1-1839 THROUGH 1846
50. JC BLINDS MANUFACTURING, INC., 07-R3D3-3805 AND 3806
51. JJ FOIL COMPANY INC., 08-R3D1-1401 AND 1402
52. JK GLOBER CORP., 07-R4D1-3973 AND 3974
53. KERN OIL & REFINING COMPANY, 08-R6D3-0625
54. KITCOR CORPORATION, 06-R6D2-3501 THROUGH 3503
55. LA CURACAO, 07-R4D2-2434 AND 2435
56. LA PLANT PERFORMANCE, INC., 07-R6D2-4284 THROUGH 4288
57. LANDSCAPE EXPRESS, 07-R3D1-4384
58. LANGER JUICE CO., INC., 07-R6D2-3833 THROUGH 3841
59. LEONARDS ROOFING, INC., 07-R3D2-4688
60. LEVITZ FURNITURE, 07-R4D1-4433 AND 4434

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61. LONGS DRUGS STORES CALIFORNIA, INC., 08-R4D3-0604 AND 0605
62. LQ MANAGEMENT LLC., dba LA QUINTA INN & SUITES, 07-R4D1-1060 THROUGH 1063
63. LUKER FRAMING & GENERAL CONSTRCUTION, INC., 06-R4D3-5090 AND 5091
64. MAAS HANSEN STEEL CORP., 06-R4D2-5189
65. MAPSSI, INC., 07-R4D1-4262 AND 4263
66. MEHTA MECHANICAL COMPANY INC., 08-R3D1-0987
67. MEHTA MECHANICAL, 07-R3D1-3961
68. METAL ETC. INC., 06-R4D2-5191 THROUGH 5193
69. MILLER PACIFIC ENGINEERING GROUP, 06-R1D5-4203
70. MMC TECHNOLOGY /SEAGATE, 06-R1D2-4192
71. NUMMI-NEW UNITED MOTOR MFG. INC., 06-R1D4-4928
72. OMEGA EXTRUDING CORP. OF AMERICA, 07-R4D2-3701 THROUGH 3704
73. ORCO BLOCK, 07-R3D3-3261
74. PACIFIC BUILDING GROUP, 07-R3D2-3210 AND 3211
75. PACIFIC EDGE REAL ESTATE, 07-R4D1-3979
76. PACIFIC HOUSING DIVERSIFIDE, INC., 04-R4D1-4736 AND 4737
77. PALCO, 06-R2D3-1540
78. PAINT BOY, INC., 06-R3D1-1416
79. PHILBRICK INC., 06-R1D5-4696 AND 4697
80. POLY-TAINER, INC., 06-R6D2-3281 THROUGH 3283
81. ART RAMIREX, INC., 06-R2D5-1814
82. REGIONAL STEEL CORPORATION, 07-R3D3-3583 THROUGH 3585

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83. RELIABLE CONTAINER CORPORATION, 07-R4D4-1081
84. S & J PLASTERING CONTRACTORS, INC., 07-R3D1-5109 THROUGH 5111
85. SALINAS VALLEY WAX PAPER COMPANY, 07-R1D2-4194 THROUGH 4197
86. SAMBI OF TOKYO, 07-R4D4-4148
87. SAN JOSE COUNTRY CLUB, 06-R1D2-3041
88. SOUDABEH SHARAFI DMD, 08-R3D2-0569 THROUGH 0572
89. SHARP INTERIOR SYSTEMS, INC., 07-R4D1-0667 THROUGH 0669
90. SHASTA ELECTRIC, LP., 06-R3D3-3515 THROUGH 3517
91. NANCY SMITH CONSTRUCTION, INC., 07-R1D4-5283
92. SNS TRANSPORTATION SERVICES, INC., dba AMERICAN TRANSPORTATION, 07-R4D2-3707
93. SOLCUM INC., dba SOLCOM COMMUNICATIONS INC., 07-R2D2-4220
94. STUCCO WORKS, INC., 07-R2D5-3313
95. STUCCO WORKS, INC., 07-R2D1-3546
96. T & C FASHION, 07-R4D4-4455 AND 4456
97. TAKE IT FOR GRANITE INC., 07-R1D2-4532
98. TERRA LINDA FARMS, 07-R2D5-3029 AND 3030
99. TERRA LINDA FARMS, 07-R2D5-3203 AND 3204
100. TNT DAIRY, 06-R2D5-3560
101. TRANSCARGO, INC., 07-R4D2-3699 AND 3700
102. TREE ISLAND WIRE USA INC. TI WIRE DIVISION, 07-R6D2-4493 THROUGH 4500
103. TREE ISLAND WIRE USA INC., dba HALSTEEL, 07-R6D2-4956 THROUGH 4963
104. TUCKER & SONS AUTO BODY, 04-R3D2-4238

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105. UNITED AIRLINES, 06-R1D3-4561 THROUGH 4564
106. W HOTEL, 07-R1D1-4530
107. WEEKEND WARRIOR TRAILERS, INC., 07-R3D3-1933 AND 1934
108. WELDMAC MANUFACTURER CO. INC., 07-R6D2-2647
109. WEST BAY BUILDERS, 07-R1D2-4598
110. FAI WONG dba CONSTRUCTION SOLUTIONS COMPANY, 06-R1D1-5242
AND 5243
111. WRIGHTWAY CONSTRUCTION, INC., 07-R3D5-2327 AND 2328

ORDERS DISMISSING APPEALS:

1. ALLTOPS, INC., 08-R4D2-9254
2. AMERICAN WASTE INDUSTRIES, 06-R4D3-3943 AND 3944
3. ATLANTIC EXPRESS OF CALIFORNIA, INC., 08-R3D5-9240
4. BASKIN ROBBINS, 07-R3D5-1942
5. CALIFORNIA HIGHWAY PATROL, 08-R4D2-9100
6. CALIFORNIA MARINE CLEANING INC., 08-R6D2-9108
7. CALIFORNIA WEST CONSTRUCTION, 06-R3D3-3754
8. CDS ENTERPRISES, 08-R1D4-9243
9. CKS GENERAL CONSTRUCTION, 08-R4D2-9227
10. CL FASHION, 08-R6D2-9109
11. CUSTOM WOODWORKS, 08-R6D5-9110
12. EAST STAR BUILDING SUPPLY CO. INC., 06-R1D1-3036 AND 3037
13. EL JEFECITO #2, 07-R3D2-2409 THROUGH 2411
14. G TECH CONSTRUCTION & ELECTRIC, 08-R4D3-9103
15. GBS STEEL, 08-R4D1-9092

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16. GREENGO FARMS, 08-R3D2-9223
17. HOLLISTER CORPORATION, 08-R3D5-9253
18. JAKE'S ROOFING, 08-R5D2-9105
19. KIDDE SAFETY, 08-R2D5-9221
20. L.A. COUNTY MLK HARBOR HOSPITAL, 08-R4D2-9098
21. LA COUNTY SHERIFFS- MIRA LOMA DETENTION CENTER, 08-R4D3-9228
22. L & C APPAREL INC., 08-R4D2-9187
23. MEYER SOUND LABORATORIES, INC., 08-R1D4-9219
24. MON-MAY ENTERPRISES, 06-R2D5-4032
25. MORA CONSTRUCTION, 08-R4D2-9099
26. OCAMPO CONSTRUCTION, 08-R3D2-9238
27. ORECK CLEAN HOUSE, 08-R3D2-9224
28. PERFORMANCE CATAMARANS, INC., 08-R6D2-9107
29. ROBS CAR WASH, 08-R6D5-9183
30. SANTA PAULA ELEMENTARY SD- BUSINESS SERVICES, 08-R4D3-9104
31. UNION STATION FOUNDATION, 08-R4D2-9101

ORDERS DISMISSING LATE APPEALS:

1. BUN WARMERS FIREWOOD-STATUARY & NURSERY INC., 08-R3S3-9251
2. ORIGE GENE DORSEY, 08-R1D1-9256
3. QUALITY PLEATING & STITCHES, 08-R6D5-9255

ORDERS DENYING LEAVE TO FILE LATE APPEALS:

1. AMERICAN APPAREL, 08-R4D1-9200
2. ANITA'S MEXICAN FOODS CORP., 08-R3D3-9257

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3. G. W. HEINEKE CO., INC., 08-R6D2-9232
4. JASMINE VINEYARDS, INC., 08-R2D5-9250
5. MEINEKE CAR CARE CENTER, 08-R2D1-9233
6. MEINEKE, 08-R2D1-9234
7. MERVYN'S 08-R2D5-9006
8. MJ BAXTER DRILLING COMPANY, 08-R3D3-9011
9. PAOGA CONSTRUCTION, INC., 08-R3D2-9008
10. SIDRC, INC. dba INTERIOR DOOR REPLACEMENT COMPANY OF SACRAMENTO
11. SREE CONSTRUCTION CO. INC.,
12. TGC TRUCK REPAIR, INC., 08-R1D1-9190
13. DONALD VICKERY WELL DRILLING, 08-R3D3-9010

ORDERS GRANTING LEAVE TO FILE LATE APPEALS:

1. LION RAISINS, 08-R2D5-2253 AND 2254

ORDERS DENYING LEAVE TO REOPEN APPEALS:

NONE.

ORDERS GRANTING APPEALS:

NONE.

STIPULATIONS:

1. BAY AREA RAPID TRANSIT DISTRICT, 07-R1D1-2145
2. BAY AREA RAPID TRANSIT DISTRICT, 08-R1D4-1134
3. C & H SUGAR COMPANY, INC., 07-R2D2-4124
4. KINDER MORGAN ENERGY PARTNERS, LP., 05-R2D4-2013 AND 2014
5. WOOD BROTHERS, INC., 06-R2D5-3733 AND 3734

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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.)

1. ARTHUR J. BREWSTER CORP., dba PRESTIGE KITCHEN, INC., 05-3D5-1005 THROUGH 1007
2. C. A. RASMUSSEN, INC. 06-R4D3-4837 and 4838

DENIAL OF PETITION FOR RECONSIDERATION (DRAFTS):

1. BORDEN MFG., INC., 06-R2D3-465
2. FOUR SEASON ROOFING, 08-R1D2-9199
3. GOLDIE ENTERPRISES, INC., dba CUSTOM PERSONNEL, 04-R2D3-4518
4. WATSON ROOFING INC., 07-R2D3-491

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. A. TEICHERT & SON, INC., A CORPORATION dba TEICHERT AGGREGATES, 04-R5D2-850 AND 851
2. A & C LANDSCAPING, INC., aka A & C CONSTRUCTION, INC., 03-R4D4-4791
3. AC FRAMERS INC., 03-R2D3-3475
4. ASC PROFILES, INC., 06-R2D1-1181
5. BART, 03-R1D1-5170
6. BAY AREA SYSTEMS & SOLUTIONS, dba BASS ELECTRIC, 01-R1D3-106
7. BIMBO BAKERIES USA, 03-R1D3-5215 THROUGH 5217
8. BLF, INC., dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
9. BLF, INC., dba LARRUBURE FRAMING, 02-R4D1-4675 THROUGH 4680
10. BLUE DIAMOND MATERIALS, 02-R5D2-1268

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11. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
12. CALIFORNIA FAMILY FITNESS, 03-R2D1-095 & 096
13. CALIFORNIA FRESH FARMS LLC., 06-R2D4-4127 AND 4224
14. CENTRAL CHEVROLET, 05-R1D4-2615 THROUGH 2618
15. CENTRAL VALLEY CONTRACTING, 05-R4D3-2351
16. COX COMMUNICATIONS, 03-R3D2-1942
17. DADE BEHRING, 05-R2D1-2203
18. DAKOTA COMPANIES UNLIMITED, 05-05-R4D3-392 and 393
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. G. T. ALDERMAN, INC., 05-R4D3-3513
25. GENERAL TRUSS CO. INC., 06-R2D1-0783 AND 0784
26. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
27. GLASS PAK, 03-R2D2-0750 AND 0751
28. GOLDEN STATE BORING & PIPE JACKING, INC., 05-R5D2-2359
29. HARRY L. MURPHY, INC., 06-R1D2-218 AND 219
30. HEARN CONSTRUCTION, INC., 02-R6D1-3533 THROUGH 3536
31. HELPMATES STAFFING SERVICES, 05-R3D3-2239
32. H. M. CONSTRUCTION, INC., 08-R3D2-9007
33. HUSSMAN CORPORATION, 03-R3D1-2939

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34. ILH CONSTRUCTION, 02-R1D1-4172
35. INDUSTRIAL MASONRY, INC., 07-R3D2-0735 AND 0736
36. JOHN LAING HOMES, 04-R3D1-194 AND-195
37. KELLY SERVICES, INC., 06-R1D2-1024
38. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323
39. KIMES-MORRIS CONSTRUCTION, 02-R1D4-1204 THROUGH 1209 & 02-1273
40. LONG BEACH CITY COLLEGE, 03-R3D5-2747
41. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
42. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA),05-R4D2-2541
43. NAUTICAL ENGINEERING, INC., 06-R6D1-4868 THROUGH 4872
44. O & M INDUSTRIES, 04-R1D5-1597
45. P G & H CONTRACTING, INC., 06-R4D3-1657 AND 1658
46. PMR RACE CARS, 03-R3D3-1825
47. POUK & STEINLE, INC., 03-R4D2-1495 & 1496
48. RII PLASTERING INC., 02-R3D1-2679
49. R & L BROSAMER, INC., 03-R1D5-4832
50. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
51. STACY & WITBECK INC., 05-R1D1-1142
52. STATE CENTER COMMUNITY COLLEGE DISTRICT, 05-R2D5-1688 THROUGH 1692
53. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
54. TEICHERT AGGREGATES, 04-R5D1-2982
55. TRIO METAL, 03-R4D4-0317

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56. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2556 AND 2557
57. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
58. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802

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. WESTERN MILLING, LLC, 06 CE CG 04007 (06-9039/9040)
2. UNITED AIRLINES dba UNITED AIRLINES SFO SYC, 07CS00331 (00-2844)
3. HARRIS CONSTRUCTION COMPANY, INC., 07CS00518 (02-3914)
4. JERLANE v DIVISION OF OCCUPATIONAL SAFETY & HEALTH, 37-2007-0005631-CU-WM-NC, (01-4344/4345)
5. J. F. SHEA CONSTRUCTION, INC (DOSH v. OSHAB) 34-2007-00882187-CU-WM-GDS, (02-801)
6. E. L. YEAGER CONSTRUCTION COMPANY, INC., (DOSH v. OSHAB) 34-2007-00882192-CU-WM-GDS, (01-3261)
7. BRUTOCO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159 (07-9223)
8. MURRAY COMPANY, BS112469 (07-9190/9192)
9. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (00-440)
10. SEQUEL CONTRACTORS CIVRS. 804265 (05-1438)
11. KHS & S CONTRACTORS, 00107284

APPELLATE COURT:

1. HARRIS CONSTRUCTION COMPANY, INC., 07CS00518 (02-3914)
(IDEPSCA, Institution de Education Popular Del Sur de California, Centro Legal de la Raza)

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OTHER LEGAL MATTERS:

(Any legal matter that comes about after the agenda is noticed 10 days in advance of the meeting announcement and that must be acted upon or legal matters pending before the Board requiring specific Board action but do not fall within the above categories.)

NONE.

PERSONNEL: *(Issues regarding staff.)*

NONE.

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