

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, November 7, 2007**  
**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: October 26, 2007**

**RE: Closed Session of the Board on November 7, 2007**

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. ASC PROFILES, INC., 06-R2D1-1181 (10/18/2007)
2. NEW ERA CLEANERS, 04-R4D2-167 THROUGH 169 (10/18/2007)
3. STATE CENTER COMMUNITY COLLEGE DISTRICT, 05-R2D5-1688 THROUGH 1692 (10/18/2007)
4. UTILITY TREE SERVICE INC., 05-R2D3-86 AND 87 (10/18/2007)

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**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. A.J. ACOSTA CO., INC., 05-R3D3-3708 THROUGH 3710
2. A & M FRAMING, INC., 05-R3D1-91 AND 92
3. AT & T CORP., 05-R1D3-3720
4. ABSOLUTE COMFORT INC., 07-R2D3-1851
5. ALL PALLET RECYCLING & MFG, INC., 07-R6D2-3850 AND 3851
6. AMERICAN ALLIANCE ALWAYS AVAILABLE, INC., dba DRAIN PATROL, 06-R2D1-2162
7. AMERON INTERNATIONAL WATER TRANSMISSION GROUP, 07-R3D3-171 AND 172
8. ANGELICA TEXTILE SERVICES, INC., #33, 05-R3D3-1782
9. ANGELICA TEXTILE SERVICES, 05-R3D2-3318
10. BRYANT CONSTRUCTION, 07-R2D5-1390 AND 1391
11. CAL NORTH CABINETS, INC., 05-R2D1-3272 AND 3273
12. CENTRAL VALLEY BUILDERS SUPPLY, 04-R1D5-4266
13. CONSTRUCTION FRAMING SPECIALISTS, 07-R2D3-1848
14. D C CONSTRUCTION, 06-R2D3-5137 AND 5138
15. DELIMEX, 05-R3D2-1437
16. DIVERSIFIED UTILITY SERVICES, 05-R3D2-3494 AND 3495
17. EDCO DISPOSAL CORPORATION, 05-R3D2-3163
18. FG ELECTRIC, 06-R2D5-4470
19. FIBRE RESOURCES UNLIMITED, 06-R3D2-2229

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20. FIBRE RESOURCES UNLIMITED, 07-R3D2-503 AND 504
21. FIGAS CONSTRUCTION, 04-R6D1-2596 AND 2597
22. MARTIN FLORES dba FLORES FARM LABOR CONTRACTOR, 07-R2D5-1384 AND 1385
23. FORD WHOLESALE CO., INC., 06-R2D1-205
24. SCOTT GILLEN, 05-R4D1-3711 THROUGH 3713
25. GUY RENTS INC., 07-R2D3-1023
26. HACIENDA HARVESTING INC., 05-R4D3-1995 AND 1996
27. HERITAGE CONSTRUCTION, 06-R4D3-2861 AND 1862
28. HIGH TECH IRON WORKS, 05-R3D2-3433 AND 3434
29. HILLCREST SHELL, 05-R3D2-94
30. INNOVATIVE MOLDING INC., 06-R1D5-3538 AND 3539
31. J-D CABINETS INC., 05-R6D2-3799 THROUGH 3809
32. LANE FRAMING SYSTEMS, INC. [FORMERLY NICHOLAS LANE CONTRACTORS, INC. dba LANE FRAMING SYSTEMS, INC.], 06-R1D4-1507 AND 1508
33. MADSEN PREFAB FRAMING CONSTRUCTION INC., 07-R3D5-512
34. RICHARD D. McPHERRIN dba RICHARD D. McPHERRIN RANCH, 07-R2D3-149
35. MICHAEL TRATHEN CONSTRUCTION, 06-R2D3-888
36. MID-COAST BUILDERS, 06-R4D3-4651
37. MILGARD WINDOWS, 04-R4D5-2142 AND 2143
38. NBC UNIVERSAL, INC., 06-R4D1-113
39. NASSCO, 07-R6D2-3287
40. PLASMETEX INDUSTRIES, INC., 05-R3D2-3305 THROUGH 3308

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41. PLASTIC CONTAINER WASHING SERVICES, 06-R3D5-4781 AND 4782
42. RTE ENTERPRISES dba COLOR CONCEPTS, 06-R4D3-1647 AND 1648
43. ELVIRA SANDOVAL dba SANDOVAL FARM LABOR CONTRACTOR, 06-R2D3-5145
44. SANTOS EXCAVATING, 06-R2D3-2716
45. SMITH PACKING, INC., 07-R3D2-1031 AND 1032
46. SODEXHO, 06-R2D1-3081
47. SPECTRA LABORATORIES, 05-R1D4-3584 THROUGH 3586
48. STAPLES SOUTH WEST DISTRIBUTION CENTER, 07-R3D3-3579 AND 3580
49. SUMEG INTERNATIONAL INC., 06-R3D2-938 THROUGH 943
50. TWR ENTERPRISES, INC., 05-R3D3-4425 AND 4426
51. TARLTON & SONS, INC., 06-R2D5-4953 AND 4954
52. THE HERCULES TIRE & RUBBER CO. dba TIRE DEALER'S WAREHOUSE, 07-R4D1-941 THROUGH 944
53. THE TELECOM GROUP, INC., dba GALE TELECOM SERVICES, 05-R2D1-4623
54. TIMBERLAND, 06-R3D3-1083
55. TIMEC COMPANIES INC., 07-R3D5-1055
56. UNITED FUME INC., 07-R3D3-2842 AND 2843
57. UNIVERSAL CITY STUDIOS, LLP, 07-R4D1-1059
58. WALNUT CREEK BAKING COMPANY, 07-R2D2-2686 AND 2687
59. WESTERN MILLING, 07-R2D5-1787

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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. NONE

**DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):**

1. FACILITY BUILDERS & ERECTORS, INC., 07-R4D1-9306
2. PARAMOUNT SPRING ENGINEERING, CO., INC., 05-R6D2-2641 THROUGH 3648

**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. AGC COMMUNICATIONS, INC., 03-R1D4-3121
4. AMERIPRIDE UNIFORM 04-R4D2-106 AND 107
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. BRYDENSOT METAL PRODUCTS, 03-R3D3-3554 AND 3555

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13. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
14. CALIFORNIA FAMILY FITNESS, 03-R2D1-095 & 096
15. CALIFORNIA FRESH FARMS LLC., 06-R2D4-4127 AND 4224
16. CENTRAL CHEVROLET, 05-R1D4-2615 THROUGH 2618
17. CENTRAL VALLEY CONTRACTING, 05-R4D3-2351
18. COX COMMUNICATIONS, 03-R3D2-1942
19. DADE BEHRING, 05-R2D1-2203
20. DAVIS BROTHERS FRAMING, INC., 03-R3D1-0114
21. DAVIS BROTHERS FRAMING, INC., 05-R3D3-634 THROUGH 636
22. DAVIS ROOFING, INC., 05-R3D3-4127
23. DYNALECTRIC, 03-R1D1-4101
24. E. L. YEAGER CONSTRUCTION COMPANY, INC., 01-R5D3-3261
25. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
26. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
27. GLASS PAK, 03-R2D2-0750 AND 0751
28. HEARN CONSTRUCTION, INC., 02-R6D1-3533 THROUGH 3536
29. HELPMATES STAFFING SERVICES, 05-R3D3-2239
30. HEMMINGSEN CONSTRUCTION CO., INC., 07-R2D3-9277
31. HUSSMAN CORPORATION, 03-R3D1-2939
32. ILH CONSTRUCTION, 02-R1D1-4172
33. J. F. SHEA CONSTRUCTION, INC., 02-R5D3-801
34. JOHN LAING HOMES, 04-R3D1-194 AND 195
35. KELLY SERVICES, INC., 06-R1D2-1024

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36. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323
37. KIMES-MORRIS CONSTRUCTION, 02-R1D4-1204 THROUGH 1209 & 02-1273
38. LONG BEACH CITY COLLEGE, 03-R3D5-2747
39. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
40. MCI WORLDCOM INC., 00-R1D1-440 THROUGH 442
41. NIBBLELINK MASONRY CONSTRUCTION, 02-R3D3-1399 THROUGH 1401
42. O & M INDUSTRIES, 04-R1D5-1597
43. PMR RACE CARS, 03-R3D3-1825
44. POUK & STEINLE, INC., 03-R4D2-1495 & 1496
45. RII PLASTERING INC., 02-R3D1-2679
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. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
50. SUN VALLEY SKYLIGHTS, INC., 03-R4D1-2613 & 2614
51. TEICHERT AGGREGATES, 04-R5D1-2982
52. TOAD IN THE HOLE TAVERN & GRILL, INC., dba BRITTANY'S CAFÉ, 05-  
R3D3-2533 AND 2534
53. TRI-COUNTY, INC., 04-R1D5-3927
54. TRIO METAL, 03-R4D4-0317
55. UKIAH FORD-LINCOLN-MERCURY, INC. 06-R1D5-2556 AND 2557
56. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
57. WESTERN DOOR, 01-R3D1-2827

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58. WEST VALLEY CONSTRUCTION COMPANY, INC., 01-R1D2-3017 & 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. HFS INVESTMENTS, INC., 01CS00981 (96-3079)
2. DESILVA GATES CONSTRUCTION, 05CS00008 (01-2742)
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)
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-R3D2-4344-4348

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

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