

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, December 20, 2006**  
**10:00 a.m.**

**Indian Wells, California**  
**&**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

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

**DATE: December 8, 2006**

**RE: Closed Session of the Board on December 20, 2006**

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. ANDREW SMITH COMPANY, 06-R1D2-001
2. CENTRAL VALLEY CONTRACTING, 05-R4D3-2351
3. CIRCLE W RANCH, 04-R2D5-2888
4. DISKFAKTORY, 06-R3D1-141 AND 142
5. FEEDBACK FOUNDATION, INC., 04-R3D5-2573 THROUGH 2575
6. KCA ELECTRONICS, INC., 05-R3D1-991

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7. KARL'S CUSTOM SASH & DOORS, 04-R6D2-1247
8. KEMP RANCH, 04-R2D5-1750
9. LINNEMAN RANCHES INC., 04-R2D5-1606
10. MAMMOTH PRODUCTS, INC., 04-R3D1-1344
11. MARINA VILLAGE WEST, 05-R2D4-2501 AND 2502
12. QUALITY PLASTERING CO., 04-R3D2-3122 AND 3123
13. SC ANDERSON INC., 04-R2D5-2679
14. SKYKING, 04-R2D4-4654
15. STACY AND WITTBECK INC., 05-R1D1-1142
16. STEVE EHRHORN CONSTRUCTION, 06-R3D1-803 THROUGH 805

**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. AMERILINK CORPORATION, 05-R4D3-1034 AND 1035
2. ATHENS DISPOSAL CO., INC., ATHENS SERVICES, 05-R4D4-1210 THROUGH 1212
3. BLF, INC., 02-R4D1-4675 THROUGH 4680
4. BEST LANDSCAPING, 05-R3D5-526
5. BRAGG CRANE SERVICE, 03-R2D1-2523 THROUGH 2528
6. BURRTEC WASTE INDUSTRIES INC., 04-R3D3-3634
7. C & G FARMS, INC., 06-R3D2-1424 AND 1425
8. CALIFORNIA PACIFIC HOMES, 04-R3D1-1566 THROUGH 1568
9. CA TRANSPORTATION-EUREKA BRIDGE CREW, 06-R2D3-1534

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10. CECAL ENTERPRISES, 05-R3D1-2231 AND 2232
11. ANDRES A. CELAYA dba CELAYA CONTRACTING, 06-R2D5-2202
12. CENTRAL METAL, 06-R4D2-1878 AND 1879
13. CHOOIJIAN BROTHERS PACKING COMPANY, 06-R2D5-1820
14. COATE PLASTERING, 04-R3D3-4063
15. COLDSTONE CREAMERY, 05-R2D1-868
16. CONSOLIDATED DISPOSAL SERVICE, 05-R4D1-2537
17. CONSOLIDATED ROUTING, 05-R2D1-301
18. CROWLEY LAKE FISH CAMP, 05-R2D4-335
19. DELTA SCIENTIFIC CORP, 03-R4D3-4430 THROUGH 4432
20. DIVERSIFIED METAL WORKS, 04-R4D4-3185
21. DREAM TEAM CONSTRUCTION & MAINTENANCE, INC., 05-R4D3-1039 THROUGH 1041
22. EVANS BROTHERS, INC., (EBI), 06-R1D2-1974
23. FYDAQ, 06-R3D1-9124
24. FAILSAFE FIBERGLASS, 99-R5D2-3483 THROUGH 2486
25. FOSTER FARMS, 06-R2D5-1821 AND 1822
26. FRANCHISE CAPITAL GROUP INC. dba AARON'S STORE F320, 05-R4D1-2693
27. GABRIEL CONTAINER, INC., 04-R4D4-2970 AND 2971
28. GARDEN FRESH RESTAURANT CORP., 06-R3D1-509 AND 510
29. GOINS CONSTRUCTION, INC. dba HERITAGE, 06-R3D3-823 AND 824
30. HERMAN WEISSKER, INC., 05-R3D3-1605
31. HOGAN DRYWALL, 05-R2D4-4199 AND 4200

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32. IMPERIAL SCAFFOLDING, 05-R4D4-745 THROUGH 748
33. INDEPENDENT STAFFING SOLUTIONS, 05-R6D2-4482 THROUGH 4484
34. INSULPRO PROJECTS, INC., 04-R1D2-1067
35. INTERCONTINENTAL ART INCORPORATED, 05-R4D2-4574 AND 4575
36. JOHNSTONE SUPPLY, 06-R1D3-1504
37. K & S AIR CONDITIONING, 03-R4D3-5141 AND 5142, 04-R4D3-1921
38. KOHL'S, 05-R2D1-1868
39. LFB ENGINEERED SYSTEMS, INC., 06-R2D4-1801 THROUGH 1806
40. LEON FARM, 05-R3D3-804 AND 805
41. LEPRINO FOODS COMPANY, 05-R2D4-3865
42. McMURRAY & SONS ROOFING, 06-R2D3-1538
43. MEDLINE INDUSTRIES, 05-R2D4-334
44. MEDLINE INDUSTRIES, 06-R2D4-1811
45. MOUNTAIN POWER CONSTRUCTION CO., 04-R2D3-1420
46. NORTHERN AGGREGATES, INC., 06-R5D1-2912 AND 4669
47. ORANGE COUNTY HEALTH CARE AGENCY, 05-R3D1-4407
48. P & G COMMUNICATIONS INC., 06-R2D5-1823
49. POCINO FOODS COMPANY, 06-R4D4-2066
50. PRO EXTERIORS dba PANTHER CORP., 05-R2D1-1154 THROUGH 1159
51. PUEBLO PACKING, 06-R4D3-277
52. RCI PLUMBING, 03-R2D1-1010
53. R.C. WENDT PAINTING INC., 05-R3D3-2967
54. RT MAHER CONSTRUCTION & SOLAR HEATING, 06-R2D4-2001 AND 2002

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55. RX CARWASHES dba KELLY EXPRESS CARWASH, 05-R2D1-502 AND 503
56. REBAR ENGINEERING, INC., 06-R4D1-2326
57. RODEO FARMS, 03-R4D5-1924 THROUGH 1926
58. S.D.S. INDUSTRIES INC., 05-R4D3-1799 AND 1800
59. SPX VALVES & CONTROLS, 04-R4D5-3780 THROUGH 3782
60. SAYANSEN MARTHA YAN dba PHO 99, 06-R2D5-1557 AND 1558
61. SEGUE CONSTRUCTION, 06-R1D2-1238
62. SIERRA PACIFIC LATH & PLASTER, INC., 05-R2D1-4521 AND 06-R2D1-1178
63. SMEE CONSTRUCTION, 06-R2D5-2203
64. SPORTS AUTHORITY, 05-R3D3-2676 THROUGH 2678, 2639
65. STEVEN BURT & ASSOCIATES, 05-R3D3-354
66. T & M PAINTING & CONSTRUCTION, 06-R4D1-1859 AND 1860
67. TARGET CORPORATION, 05-R2D1-2208
68. THOMPSON PACIFIC CONSTRUCTION INC, 05-R1D3-864
69. TRAVIS DILLON TRAPKUS dba TRAVIS DILLON TRAPKUS FINE  
CONCRETE, 06-R1D5-1247 AND 1248
70. TRIM MASTER, INC., 06-R2D4-2003 THROUGH 2005
71. VALLEY SIDING, 06-R2D1-2166
72. VENTURA COUNTY MEDICAL CENTER, 02-R4D3-2832 AND 2833
73. VERDEGAAL BROTHERS, 06-R2D5-1817 AND 1818
74. VIACOM OUTDOOR, 05-R2D1-1870
75. W.M. LYLES COMPANY, 04-R3D2-621 THROUGH 623
76. WWR ROOFING COMPANY, 06-R1D3-420
77. WALT BANNON DRILLING INC., 02-R2D5-1784 THROUGH 1787

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78. WECO SUPPLY, 03-R2D5-4318
79. WELDMAC MANUFACTURER CO., INC., 06-R6D2-1972
80. WEST COAST COSMETICS, 05-R4D3-2553
81. WESTERN BAGEL BAKING CORPORATION, 05-R4D3-1555
82. WORKFORCE OUTSOURCING INC., 05-R3D5-4340 THROUGH 4342
83. WORKSTATION INDUSTRY, 05-R3D1-1594 AND 1595

**ORDERS DISMISSING APPEALS:**

1. SIERRA PACKING, 06-R3D2-1592

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

1. ALBA PLASTERING, 06-R3D1-9226
2. EXPRESS SERVICES GROUP, 06-R4D3-9227
3. GEORGE HAUSER, 06-R1D1-9234 THROUGH 9236
4. PARRISH AUTOMOTIVE, 06-R2D1-9214
5. T L C BACKHOE SERVICE, 06-R4D3-9231 THROUGH 9233

**ORDERS DENYING LEAVE TO REOPEN APPEAL:**

1. PTRS, INC., dba PRO-TECH ROOFING SYSTEMS, 06-R2D1-9222 AND 9223

**ORDERS DENYING LEAVE TO REOPEN LATE APPEAL:**

1. MESA TRANSPLANT COMPANY, 06-R3D2-9216 THROUGH 9218

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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. FYDAQ, 06-R3D1-9124
2. HELPMATES STAFFING SERVICES, 05-R3D3-2239
3. IRBY CONSTRUCTION, 03-R3D3-2728

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

1. AIRGUIDE PUBLICATIONS, INC., 04-R3D5-1956
2. DONALD B. MURPHY CONTRACTORS, INC., 04-R2D1-1940
3. J. MADSON DESIGN & CONSTRUCTION, 06-R2D1-9121
4. M. S. CLARK ROOFING, 04-R2D1-1564
5. REGIONAL STEEL CORPORATION, 04-R3D1-2688

**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. HENSEL PHELPS CONSTRUCTION, 01-R2D1-1618 & 1619  
ACTION: Returned from December 6, 2006 Board meeting for further discussion, review and action.
2. SAM AND ED ABUATIEH dba STEREO 1, 04-R4D4-2441 AND 2442
3. AC FRAMERS INC., 03-R2D3-3475
4. A & C LANDSCAPING, INC., aka A & C CONSTRUCTION, INC., 03-R4D4-4791
5. BAY AREA SYSTEMS & SOLUTIONS, dba BASS ELECTRIC, 01-R1D3-106
6. BLUE DIAMOND MATERIALS, 02-R5D2-1268
7. BRYDENSOT METAL PRODUCTS, 03-R3D3-3554 AND 3555

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8. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
9. CALIFORNIA FAMILY FITNESS, 03-R2D1-095 & 096
10. DAVIS BROTHERS FRAMING, INC., 03-R3D1-0114
11. E. L. YEAGER CONSTRUCTION COMPANY, INC., 01-R5D3-3261
12. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3130 & 3131
13. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
14. GLASS PAK, 03-R2D2-0750 AND 0751
15. HARRIS CONSTRUCTION COMPANY, INC., 03-R2D5-3914
16. HEARN CONSTRUCTION, INC., 02-R6D1-3533 THROUGH 3536
17. HUSSMAN CORPORATION, 03-R3D1-2939
18. ILH CONSTRUCTION, 02-R1D1-4171 & 4172
19. J. F. SHEA CONSTRUCTION, INC., 02-R5D3-801
20. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323
21. KIMES-MORRIS CONSTRUCTION, 02-R1D4-1204 THROUGH 1209 & 02-1273
22. KNOTT'S BERRY FARM, 01-R3D1-4331 & 4332
23. LONG BEACH CITY COLLEGE, 03-R3D5-2747
24. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
25. MCI WORLDCOM INC., 00-R1D1-440 THROUGH 442
26. McDONALDS #10660, 03-R1D3-4116 & 4117
27. NIBBLELINK MASONRY CONSTRUCTION, 02-R3D3-1399 THROUGH 1401
28. NORTH FORK SPRINGS CONSTRUCTION, 02-R4D1-199 THROUGH 202
29. O & M INDUSTRIES, 04-R1D5-1597
30. PMR RACE CARS, 03-R3D3-1824 & 1825

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31. POUK & STEINLE, INC., 03-R4D2-1495 & 1496
32. RII PLASTERING INC., 02-R3D1-2679
33. SACRAMENTO MUNICIPAL UTILITY DISTRICT, 02-R2D1-1654 THROUGH 1656
34. SILVERCREST WESTERN HOMES, CORP., 03-R2D1-4305
35. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
36. SUN VALLEY SKYLIGHTS, INC., 03-R4D1-2613 & 2614
37. THE GENE SCHICK COMPANY, 05-R1D4-0937
38. TRIO METAL, 03-R4D4-0316 & 0317
39. UNITED AIRLINES, 00-R1D5-2844
40. WESTERN DOOR, 01-R3D1-2827
41. WEST VALLEY CONSTRUCTION COMPANY, INC., 01-R1D2-3017 & 3018
42. X-ACT FINISH & TRIM, INC., 06-R3D1-9114

**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. MOUNTAIN CASCADE, 03CS01655 (01-3561)
3. BLF FRAMING, INC., 04CS01618 (02-1837/38)
4. DESILVA GATES CONSTRUCTION, 05CS00008 (01-2742)

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**APPELLATE COURT:**

1. C. OVERAA & CO., CO51245 (04CS00570) 01-3560

**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.)*

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

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