

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c), (3), and (e)
for
Wednesday, June 20, 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: June 8, 2007

RE: Closed Session of the Board on June 20, 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.

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. BLF, INC. dba LARRUBURE FRAMING, 02-R4D1-4675 THROUGH 4680(6/4/2007)
2. PAULA SKENE DESIGNS, INC., 05-R1D4-1753 AND 1754
3. PREFERRED FRAMING, INC., 04-R3D3-3752 AND 3753 (6/4/2007)
4. RAPID TRANSIT ENTERPRISES, 05-R3D5-1343 THROUGH 1345 (6/5/2007)
5. REVAY MASONRY, INC., 05-R3D5-35 (6/1/2007)

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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 WELDING, 06-R6D2-4899 THROUGH 1903
2. BIGGE CRANE, 04-R6D2-2818
3. BOEING ELECTRON DYNAMIC DEVICES, INC., 04-R3D5-3146 THROUGH 3148
4. CA SCHROEDER INC dba CASCO, 07-R6D2-1970 THROUGH 1978
5. DIFFENBUGH, 04-R6D2-3494
6. FRAZIER MASONRY CORPORATION, 05-R2D1-1869
7. GOURMET VEG PAQ., INC., 06-R3D2-1421 THROUGH 1423
8. HYDE & HYDE, INC., 07-R3D3-1422 AND 1423
9. JC DECAUX, 04-R1D1-2150 THROUGH 2153
10. LENNY DYKSTRA'S CAR WASH, 06-R3D3-2572 AND 3573
11. LEX WEST, LLC, 05-R4D2-665 AND 666
12. LINCOLN PACIFIC BUILDERS, 06-R3D3-4761 AND 07-R3D3-182
13. MARIANI PACKING COMPANY, 06-R2D3-4591
14. NATIONAL DIVERSIFIED SALES, 06-R2D5-4030 AND 4031
15. NEHEMIAH CONSTRUCTION, INC., 06-R2D2-4019
16. QUALITY SHUTTERS, 06-R3D3-3430 AND 3431
17. RHC BUILDERS, INC., 05-R4D3-4448 AND 4449
18. REFLECTION SHOES, 07-R6D2-1891 AND 1892
19. CITY OF SIGNAL HILL, 06-R3D5-4789
20. SOUTH COUNTY SANITARY SERVICES, 06-R6D2-4873 THROUGH 4875

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21. STANDARD PACIFIC HOMES, 04-R1D4-4353
22. STROCAL, INC., 04-R4D1-3958
23. TWF CONSTRUCTION INC. dba SELECT BUILD, 06-R3D3-3910 AND 3911
24. VSS COUNTERTOPS, INC., 05-R2D1-3103 AND 3104
25. VERMILLIONS ENVIRONMENTAL PRODUCTS & APPLICATIONS, INC., 07-R3D3-2083 AND 2084

ORDERS DISMISSING APPEALS:

(Written order issued by an Administrative Law Judge disposing of an Employer appeal.)

1. PACIFIC STONE DESIGN, INC., 04-R3D1-4280

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. DYNALECTRIC, 03-R1D1-4101

DENIAL OF PETITION FOR RECONSIDERATION (DRAFT):

1. NONE

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, 03-R1D4-3121
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. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
7. BAY AREA SYSTEMS & SOLUTIONS, dba BASS ELECTRIC, 01-R1D3-106
8. BLUE DIAMOND MATERIALS, 02-R5D2-1268
9. BRYDENSCOT METAL PRODUCTS, 03-R3D3-3554 AND 3555
10. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
11. CENTRAL VALLEY CONTRACTING, 05-R4D3-2351
12. CALIFORNIA FAMILY FITNESS, 03-R2D1-095 & 096
13. CLUB FRESH, LLC, 06-R2D1-9241 AND 9242
14. COX COMMUNICATIONS, 03-R3D2-1942
15. DADE BEHRING, 05-R2D1-2203
16. DAVIS BROTHERS FRAMING, INC., 03-R3D1-0114
17. E. L. YEAGER CONSTRUCTION COMPANY, INC., 01-R5D3-3261
18. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
19. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
20. GLASS PAK, 03-R2D2-0750 AND 0751
21. HEARN CONSTRUCTION, INC., 02-R6D1-3533 THROUGH 3536
22. HELPMATES STAFFING SERVICES, 05-R3D3-2239
23. HENSEL PHELPS CONSTRUCTION, 01-R2D1-1618 & 1619
24. HUSSMAN CORPORATION, 03-R3D1-2939
25. ILH CONSTRUCTION, 02-R1D1-4172
26. J. F. SHEA CONSTRUCTION, INC., 02-R5D3-801

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27. JERLANE, INC. dba COMMERCIAL BOX AND PALLET, 01-R3D2-4344 THROUGH 4348
28. JOHN LAING HOMES, 04-R3D1-194 AND 195
29. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323
30. KIMES-MORRIS CONSTRUCTION, 02-R1D4-1204 THROUGH 1209 & 02-1273
31. LONG BEACH CITY COLLEGE, 03-R3D5-2747
32. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
33. MCI WORLDCOM INC., 00-R1D1-440 THROUGH 442
34. NIBBLELINK MASONRY CONSTRUCTION, 02-R3D3-1399 THROUGH 1401
35. O & M INDUSTRIES, 04-R1D5-1597
36. PMR RACE CARS, 03-R3D3-1825
37. POUK & STEINLE, INC., 03-R4D2-1495 & 1496
38. RII PLASTERING INC., 02-R3D1-2679
39. SACRAMENTO MUNICIPAL UTILITY DISTRICT, 02-R2D1-1654 THROUGH 1656
40. SAFEWAY #951, 05-R1D4-1410
41. SILVERCREST WESTERN HOMES, CORP., 03-R2D1-4305
42. STACY & WITBECK INC., 05-R1D1-1142
43. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
44. SUN VALLEY SKYLIGHTS, INC., 03-R4D1-2613 & 2614
45. TEICHERT AGGREGATES, 04-R5D1-2982
46. TRIO METAL, 03-R4D4-0317
47. WESTERN DOOR, 01-R3D1-2827

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48. 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 SURE 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)

APPELLATE COURT:

1. NONE

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.)

1. PENDING BOI CASES

PERSONNEL *(Issues regarding staff.)*

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