

BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD

In the Matter of the Appeal of:

CHARGERS FOOTBALL COMPANY, LLC.
P.O. Box 609609
San Diego, CA 92323

Employer

DOCKETS 10-R3D2-1631
and 1632

ORDER

Good cause having been shown, the agreement of the parties below is accepted and the matter is resolved as set forth below and in the attached summary table.

THE PARTIES herein agreed as follows:

The City of San Diego – Stadium Department (Docket 10-R3D2-1576, IMIS # 312681281) has agreed to maintain the newly installed glass type barriers they installed at the front of all open viewing boxes (which include but are not limited to boxes at the Press Box Level, such as 35B and 35C). The maintenance of the existing glass barriers or any future replacement type guardrail(s), or other types of barrier(s) is such that they are or will be of such construction and mounting that the guardrail(s) or barrier(s) are at least 42 inches in height and capable of withstanding a force of at least 200 pounds applied horizontally at any point on the near side of the guardrail or barrier.

It is stipulated by and between the parties that this Stipulation and Order, and the terms and conditions set forth therein, are not intended to be and shall not be construed or used by anyone as an admission of any wrongdoing or liability whatsoever by Appellants.

For purposes of administration and enforcement of the California Occupational Safety and Health Act and in proceedings before the Appeals Board, the Division shall not be precluded from alleging the prior issuance of this Special Order in any future relevant or related proceeding before the Appeals Board.

The parties further stipulate that this stipulation and order in no way abrogates the right of either party to assert its position and any defenses which existed at the time of the issuance of the Special Order which concern the issuance of the Special Order in any future proceeding before the Appeals Board.

This Stipulation and resulting Order will not be used in any other proceeding between the parties or involving any other person, whether said proceeding be legal, equitable, or administrative in nature.

Appellants deny that they have violated any statute, standard, order, or regulation in connection with any of the matters alleged in the citation.

The parties stipulate that the parties have entered into this agreement in order to avoid protracted litigation and costs associated thereto.

The parties stipulate that no findings or conclusions have been made by any trier-of-fact regarding the Special Order or alleged Regulatory Violation at issue herein.

Additionally, Appellant agrees to waive any rights it might have pursuant to Labor Code § 149.5 or Title 8, California Code of Regulations § 397 to petition for or recover costs or fees incurred in connection with this appeal.

IT IS SO ORDERED.

Dated: June 29, 2011



Dale A. Raymond
Administrative Law Judge

DAR:mc

Pursuant to § 364.2(d) of Title 8 of the California Code of Regulations, Employer shall post for 15 working days a copy of this Order.

Pursuant to § 364.2(b) of Title 8 of the California Code of Regulations, the Division shall serve a copy of this disposition on any authorized employee representative if known to the Division to represent affected employees.

SUMMARY TABLE ORDER

In the Matter of the Appeal of:

CHARGERS FOOTBALL COMPANY, LLC.
Dockets 10-R3D2-1631 and 1632

Abbreviation Key: Reg=Regulatory
 G=General W=Willful
 S=Serious R=Repeat
 Er=Employer DOSH=Division

IMIS No. 312679988

Site: Qualcomm Stadium, 9449 Friars Road, San Diego, CA

Date of Inspection: 10/19/2009

Date of Citation: 4/15/2010

DOCKET	C I T A T I O N	I T E M	SECTION	T Y P E	ALLEGED VIOLATION DESCRIPTION MODIFICATION OR WITHDRAWAL	A F F I R M E D	V A C A T E D	PENALTY PROPOSED BY DOSH IN CITATION	PENALTY PROPOSED BY DOSH AT PRE- HEARING	FINAL PENALTY ASSESSED BY BOARD
10-R3D2-1631	1		3203(b)(2)	Reg	No training records for two employees DOSH withdrew based on new evidence		X	\$375	\$0	\$0
10-R3D2-1632	118		Labor Code 6305, 6308, 6401, 6403	Special Order	No guardrails or other barriers on window openings at the front of viewing boxes DOSH withdrew—unsafe conditions abated		X	0	0	0
Sub-Total								\$ 0	\$ 0	\$ 0

Total Amount Due*

\$ 0

(INCLUDES APPEALED CITATIONS ONLY)

NOTE: Payment of final penalty amount should be made to:

Accounting Office (OSH)
 Department of Industrial Relations
 P.O. Box 420603
 San Francisco, CA 94142

*You will owe more than this amount if you did not appeal one or more citations or items containing penalties.

Please call (415) 703-4291 if you have any questions.

ALJ: DR/mc
 POS: 06/29/11

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to the within action; my place of employment and business address is Occupational Safety and Health Appeals Board, 100 North Barranca Street, Suite 410, West Covina, California, 91791.

On June 29, 2011, I served the attached **Order** by placing a true copy thereof in an envelope addressed to the persons named below at the address set out immediately below each respective name, and by sealing and depositing said envelope in the United States Mail at West Covina, California, with first-class postage thereon fully prepaid. There is delivery service by United States Mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed:

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4th Floor, Suite 400
Los Angeles, CA 90013

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 29, 2011, at West Covina, California.



Declarant

/mc