

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), and (e)
for
Wednesday, April 6, 2011
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: March 25, 2011

RE: Closed Session of the Board to be held on April 6, 2011

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.

DECISION OF ADMINISTRATIVE LAW JUDGE:

(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. CORRPRO COMPANIES, 10-R3D2-0216 AND 0217

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 COMPANY, INC., 10-R3D2-2322
2. ABI DOCUMENT SUPPORT SERVICES, 10-
3. ALAMEDA COUNTY WATER DISTRICT, 10-R1D4-1842

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4. ARCHIBALD, INC. DBA AFFORDABLE RAIN GUTTERS,
10-R3D2-2718 AND 2719
5. ARCHITECTURAL DESIGN & SIGNS, INC., 10-R3D3-3537 AND 3538
6. CALNORTH, INC., 09-R2D3-3128
7. CENTRAL CITY PALLETS, INC., 10-R3D5-3903 THROUGH 3905
8. COASTAL HARVESTING, INC., 10-R2D5-2300
9. COUNTY OF L.A. – DEPT. OF MENTAL HEALTH, RIO HONDO MHC,
10-R3D5-3757
10. CVS/PHARMACY, 09-R1D3-3670
11. DOLE FRESH VEGETABLES, INC., 09-R6D7-2606
12. DUTCH ENTERPRISES, INC. DBA DUTCH GIRL CLEANERS/CRDN,
09-R2D2-2361
13. E & A PALLETS, INC., 10-R6D5-1684 THROUGH 1686
14. EMPIRE EAST BARREL TEN QUARTER CIRCLE,
09-R6D3-1551 THROUGH 1557
15. EXPERT CAR WASH, 10-R3D1-3933
16. FINE ARTS MUSEUMS OF SAN FRANCISCO, 11-R1D1-0297
17. JIM FORESTER DBA MARS CARPETS, 11-R3D3-0386 AND 0387
18. GRANITE CONSTRUCTION COMPANY, 10-R5D1-2750
19. HANSFORD INDUSTRIES, INC. DBA VIKING STEEL, 09-R1D2-2187
20. JAMAC STEEL, INC., 10-R3D3-3589
21. KELLY SERVICES, INC., 10-R3D6-3640
22. LIVA DISTRIBUTORS, INC., 10-R3D2-1849 AND 1850
23. MARIA MANUELA LOPEZ DBA LM PALLETS, 10-R6D5-1076 AND 1077
24. MAGIC PLASTICS, INC., 10-R4D3-2409 AND 2410

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25. MALCOLM DRILLING CO., INC., 09-R1D1-1892
26. METCO EQUIPMENT CO., 10-R3D5-3329
27. NICKY ROTTENS, INC. DBA NICKY ROTTENS BAR & BURGER,
10-R3D2-2403 and 11-R3D2-0689
28. REGENCY GENERAL CONTRACTORS, INC., 10-R1D3-1451 THROUGH 1453
29. ROBERT BEADLES, INC. DBA RBI, 10-R2D3-2674
30. ROEBBELEN, 09-R1D3-4196
31. SANTA CLARA COUNTY ROADS AND AIRPORT DEPT.,
09-R1D2-3668 AND 3669
32. SSC CONSTRUCTION, INC., 10-R3D5-3183 THROUGH 3185
33. STAFFING NETWORK LLC, 10-R2D4-2892
34. STROUSS BROS. CONSTRUCTION, INC., 09-R1D2-2571 AND 2572
35. SUBWAY SANDWICHES #1561, 08-R2D3-0288
36. SUNVIEW VINEYARDS OF CALIFORNIA, INC., 09-R6D1-3794
37. WOODLAND BIOMASS POWER LTD., 10-R6D3-3767 AND 3768

ORDER GRANTING LEAVE TO FILE LATE APPEAL:

1. MARK AMARAL DBA MARK AMARAL ROOFING, 11-R6D7-0691 AND 0692

ORDERS DENYING LEAVE TO FILE LATE APPEALS:

1. EQUITY WINDOWS & SIDING, INC., 11-R1D2-9061
2. GM CONSTRUCTION & DEVELOPMENT, INC., 11-R2D1-9064
3. HAM SUPREME SHOP, 11-R3D5-9065
4. KASHMIR S. HUNDAL & RANJIT SINGH DBA KRS TRUCK WASH,
11-R6D7-9063
5. SA RECYCLING LLC, 11-R2D5-9059

DECISIONS AFTER RECONSIDERATION (DRAFTS):

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(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 & C PALLETS, 10-R6D5-1687 AND 1688
2. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
3. AC TRANSIT, 08-R1D4-0135
4. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
5. ALI ALZAR dba AMERICAN EAGLE BODY SHOP, 10-R6D7-1882
6. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
7. ANNING-JOHNSON COMPANY, 06-R1D3-1976
8. BIMBO BAKERIES USA, 05-R6D2-856 AND 857
9. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
10. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO.,
09-R6D2-2239 THROUGH 2241
11. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
12. BURRTEC WASTE INDUSTRIES, INC., 10-R3D3-9222
13. BURTON L. SILVA FARMS, 09-R1D2-1498
14. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
15. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
16. CA CORRECTIONS, 08-R2D5-0975 THROUGH 0978
17. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
18. CALIFORNIA INTERSTATE EXPRESS, 09-R4D2-3460
19. CLINE CELLARS, INC., 08-R1D5-2946
20. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336

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21. COMMERCIAL METAL FORMING, 09-R3D1-1592
22. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
23. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
24. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
25. DESIGN BUILDERS, INC., 08-R4D4-1901
26. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
27. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
28. DUKE PACIFIC, INC., 08-R3D3-574
29. DUININCK BROS., INC., 06-R4D3-2871
30. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS,
09-R6D2-2325 THROUGH 2332
31. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
32. EZ MIX, INC., 08-R4D3-1898
33. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
34. FORTUNA IRON WORKS 06-R2D3-4222
35. G.T. ALDERMAN, INC., 05-R4D3-3513
36. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
37. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
38. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3678
39. HB PARKCO, 07-R4D2-1730 AND 1731
40. THE HERRICK CORP., 07-R3D1-495
41. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
42. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
43. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456

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44. JENSEN PRECAST, 05-R2D1-2377
45. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
46. KELLY SERVICES, INC., 06-R1D2-1024
47. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
48. LA MINA CANTINA, 09-R2D5-0039
49. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
50. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
51. LION RAISINS, INC., 08-R2D5-2253 AND 2254
52. L N I CUSTOM MANUFACTURING, 10-R6D2-9154
53. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
54. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
55. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR
08-R6D5-3466 AND 3467
56. MARINE TERMINALS, 08-08-R6D2-1920
57. METHODIST HOSPITAL OF SO. CA., 10-R4D2-1868
58. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
59. MILLENIUM GENERATION, INC., 08-R4D3-5047
60. MOOREFIELD CONSTRUCTION, INC., 10-R3D5-9207
61. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
62. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583
63. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
64. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
65. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE
CONTRACTING, INC., 08-R2D1-0025 AND 0026

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66. POUK & STEINLE, INC., 09-R3D3-0491
67. R & L BROSAMER, INC., 03-R1D5-4832
68. RAMON ARANDA dba I & R PALLETS, 10-R6D5-9053
69. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730
70. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
71. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
72. SANTA PAULA HARVESTING, 09-R4D3-0510 THROUGH 0514
73. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
74. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
75. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
76. SMUD, 08-R2D1-4887 THROUGH 4889
77. MARTIN J. SOLIS, DBA SOLIS FARM LABOR, 08-R2D1-3415
78. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR,
08-R2D1-3414 THROUGH 3418
79. STACY & WITBECK, INC., 05-R1D1-1142
80. SUNOPTA FRUIT GROUP, 09-R3D1-9245
81. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
82. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
83. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT
AGGREGATES, 04-R5D2-850 AND 851
84. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION,
05-R2D4-2650 AND 2651
85. UNITED PARCEL SERVICE, 07-R3D3-3322
86. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
87. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710

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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. JERLANE, 37-2007-00056381-CU-WM-NC (01-4344/4345)
2. JERLANE, 37-2009-00059323-CU-WM-NC (08-1733)
3. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB),
34-2007-00882192-CU-WM-GDS, (01-3261)
4. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB) (00-440)
5. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
6. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
7. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
8. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
9. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430
(09- 9280/9281)
10. FRESNO PRODUCE, CO., INC., 10CECG02394 (10-R6D1-9064)
11. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047
(07-R5D1-3611)
12. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-
80000640 (08-R2D1-0027 THROUGH 0030)
13. EMERSON RUSSELL MAINTENANCE CO., RG-10543219 (08-R1D4-4167)
14. SMUD, 34-2010-80000723 (08-R2D1-4887)
15. CAL ENERGY OPERATING CORP., 34-2010-80000735 (09-R3D2-3675 & 3676)

COURT OF APPEAL

1. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)

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2. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)

PERSONNEL:

(Issues regarding staff)

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