

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), and (e)
for
Wednesday, June 30, 2010
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 17, 2010

RE: Closed Session of the Board to be held on June 30, 2010

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. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2238 THROUGH 2241
2. JJALL LLC, 09-R6D5-1127
3. MICHAEL DAIGIAN DESIGN, 08-R1D1-3875
4. WEBCOR CONSTRUCTION LP, 08-R1D1-2365

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.)

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1. ABM JANITORIAL SERVICES – NORTHERN CALIFORNIA, 09-R1D4-0801
2. IBRAHAM ALSOUQI DBA JENINE CONSTRUCTION, 09-R6D5-3182
THROUGH 3185
3. ALTA DENA DAIRY, 10-R3D6-1397
4. ASC PROFILES, INC. DBA AEP SPAN, 10-R3D3-1165
5. ATLANTIC PLANT MAINTENANCE, INC., 10-R3D3-1333
6. AT & T, 08-R2D5-2252
7. RONALD & JEANETTE BARNES DBA BBB HAULING, 10-R6D7-0027
8. CALVIN CREST CONFERENCES, 08-R2D5-0300 AND 0301
9. CAPITOL STEEL FABRICATORS, INC., 10-R3D1-0820 AND 0821
10. CEMEX CALIFORNIA CEMENT LLC, 09-R3D3-3908 AND 3909
11. CENTRAL VALLEY ALMOND ASSOCIATION, 09-R4D3-3790
12. COCA COLA ENTERPRISES, INC. DBA COCA-COLA BOTTLING, 08-R1D2-
3759
13. COUNTY OF SONOMA OFFICE OF EDUCATION, 10-R1D5-0522
14. DALTON TRUCKING, INC., 10-R5D3-0234 AND 0235
15. DAY-LEE FOODS, INC., 10-R3D6-0439
16. DEAN FOODS OF SOUTHERN CALIFORNIA DBA HEARTLAND FARMS, 10-
R6D2-0887
17. DG CLOVER CONSTRUCTION CO., INC., 08-R2D3-1834 AND 1835
18. DISH NETWORK SERVICES LLC, 10-R4D3-0467
19. DOS PALOS ORO LOMA JOINT UNIFIED SCHOOL DISTRICT, 09-R2D4-1379
20. DURA ROOFING, INC., 10-R3D3-0359 AND 0360
21. EAGLE IRON ERECTORS, 09-R4D1-3075
22. EBMUD – EAST BAY MUNICIPAL UTILITY DISTRICT, 09-R1D4-2616 AND

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23. ECOLOGY RESOURCES CORPORATION DBA CONTINENTAL RECY., 10-R3D3-0783
 24. EL PRIMO FOODS, INC., 09-R6D2-3287 THROUGH 3290
 25. EXCLUSIVE TENT RENTAL, 10-R3D3-0537
 26. FOUR SEASONS ROOFING, 08-R1D2-3886 THROUGH 3888
 27. GHILOTTI BROS., INC., 08-R1D5-4254
 28. GLOBAL GREEN BUILDERS DBA GLOBAL GREEN CONCRETE, 09-R4D2-4162 AND 4163
 29. MICHAEL HAMMAN, 07-R1D1-4797 AND 4798
 30. HARVEST FARMS, INC., 09-R4D3-2721 AND 2722
 31. HYATT DIE CAST, 08-R1D2-4116
 32. INNOVATIVE EMPLOYEE SOLUTIONS, 10-R3D3-1329
 33. ITT CORPORATION DBA ITT INDUSTRIAL PROCESS LA PRO SERVICES/ITT WATER & WASTE WATER FLYGT, 10-R3D6-1297
 34. IVY PAINTING CO., 08-R1D4-1487 THROUGH 1489
 35. JF SHEA CONSTRUCTION, INC. DBA REDDING AGGREGATE PRO, 08-R5D1-2813
 36. JMS AIR CONDITIONING & APPLIANCE SERVICE, INC., 10-R4D3-0021
 37. KING SCAFFOLDING, INC., 09-R1D1-1276 AND 1277
 38. L.A. COUNTY ANIMAL SHELTER, 09-R4D3-3791
 39. L.F. GEORGE CONSTRUCTION CORPORATION, 09-R1D3-0503
 40. LEPRINO FOODS COMPANY, 08-R2D4-2855
 41. LEPRINO FOODS COMPANY, 09-R2D4-1455 AND 1456
 42. LEPRINO FOODS COMPANY, 09-R2D4-3586

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43. LION RAISINS, 08-R2D5-2253 AND 2254
44. LYNWOOD USD-HOSLER MIDDLE SCHOOL, 10-R4D2-1050
45. MAACO, 09-R6D7-1840 AND 1841
46. MACY'S, 10-R3D6-0093
47. MARS PETCARE US, INC., 09-R3D3-4059
48. MATERIAL SUPPLIES DISTRIBUTING, 10-R4D3-0052
49. MEGA BUILDING SYSTEMS LTD., 08-R1D5-3709 AND 3710
50. MID VALLEY PLASTERING, INC., 08-R2D4-2375, 08-R2D4-2704 and 08-R2D4-2705
51. MJC ROOFING, INC., 10-R3D3-0428
52. MJC ROOFING, INC., 10-R3D3-1431 AND 1432
53. MONTEREY PENINSULA ENGINEERING, 09-R1D2-3294
54. NATIONAL CEMENT COMPANY OF CALIFORNIA, 10-R5D2-0564
55. NINYO & MOORE GEOTECHNICAL & ENVIRONMENTAL SCIENCES, 10-R3D1-1058
56. NORTH TREE ENTERPRISES, INC. DBA NORTH TREE FIRE INTERNATIONAL, 09-R2D1-2681
57. NUNES COOLING, INC., 08-R6D3-3368 THROUGH 3373
58. OAK TREE FURNITURE, INC., 10-R3D6-0092
59. PACE METAL WORKS, 10-R4D1-0579
60. PACIFIC AUTO BODY SHOP, INC., 10-R6D7-0385
61. PACIFIC REALTY ASSOCIATES DBA M&T CHICO RANCH, 09-R6D5-3957 AND 3958
62. JOEL LEPE PEREZ, 09-R6D7-3511
63. PREMIER HOMES, INC., 09-R2D2-0674 AND 0675
64. RAMIREZ AGRICULTURE, INC., 08-R2D4-2605 AND 2606

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65. RAYBERN QUALITY FOODS, INC., 09-R1D4-2394 THROUGH 2396
66. ROUTT ROOFING, 09-R2D1-1002
67. OCTAVIO A. SALINAS, 09-R6D7-3008 AND 3009
68. SAN MARINO PLASTERING, INC., 09-R3D6-4157
69. SELECTBUILD, 08-R1D2-3391 THROUGH 3393
70. SJ LOUIS CONSTRUCTION, INC., 09-R2D1-0768
71. SOLARIS PAPER, INC., 10-R3D6-0557
72. SONOMA TILEMAKERS, INC., 09-R1D5-1036 AND 1037
73. SONOMA TILEMAKERS, INC., 10-R1D5-0398 THROUGH 0400
74. SPECIALIZED HAULING, 09-R3D1-3614 AND 3615
75. STEELER, INC., 08-R1D4-0674 THROUGH 0676 and 10-R1D4-1794
76. SUNFIELD FARMS, INC., 09-R6D7-3757 AND 3758
77. SUPERIOR ALMOND HULLING LP, 09-R2D5-0771 AND 0772
78. SWISS AMERICAN SAUSAGE COMPANY/PROVINA FOODS, INC., 08-R2D4-1845 THROUGH 1848
79. T & T QUALITY FOOD, INC., 10-R6D2-0926 AND 0927
80. TAYLOR STRUCTURES, INC., 09-R1D5-1058
81. TEMPLE-INLAND, INC., 09-R2D4-2053 AND 2054
82. THREE LP PROPERTIES LLC DBA JANZEN MOBILE VILLAGE, 10-R3D3-1138
83. TQ CONSTRUCTION SERVICE, INC., 08-R2D2-4280 AND 4281
84. TRAVIS CONSTRUCTION, 08-R1D2-3797
85. TRI STAR REALTY GROUP LLC, 09-R3D6-3891 THROUGH 3895
86. UNISTAR FOOD PROCESSING, INC., 09-R3D6-2820 THROUGH 2823

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87. VALLEY AUTO SALVAGE, INC., 10-R3D3-0429 AND 0430
88. VALLEY LUMBER & SUPPLY CO., 09-R2D4-1513
89. VAPOR KOTE, INC., 08-R4D4-5055
90. VON'S STORE #2818, 10-R3D3-1430
91. WWC SERVICES OF LOS ANGELES, INC., 09-R4D1-3139

ORDERS DISMISSING APPEALS:

1. CAMINO REAL FOODS, INC., 09-R4D2-2366
2. J & S EXCAVATING, INC., 09-R4D3-3107 AND 3108
3. RIEZEBOS CONSTRUCTION, 08-R2D5-1730

ORDERS DENYING LEAVE TO FILE LATE APPEALS:

1. DILIP S. PATEL, M.D., INC., 10-R4D2-9135
2. EGUILUZ FARM, INC., 10-R2D4-9124

ORDER ON REMAND:

1. D'QUALITY SERVICE, INC., 08-R4D4-3454
2. LA MINA CANTINA, 09-R2D5-0039

STIPULATION:

1. GUIMARRA VINEYARDS, 07-R2D5-5173 AND 5174

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. CLARK PACIFIC – A GENERAL CALIFORNIA PARTNERSHIP, 08-R2D1-0027 THROUGH 0030
2. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687
3. UNITED CALIFORNIA BUILDERS, 04-R4D3-2234 AND 2235

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 LANDSCAPING, INC. aka A & C CONSTRUCTION, INC., 03-R4D4-4791
2. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
3. A & C LANDSCAPING, INC. AKA A & C CONSTRUCTION, INC., 03-R4D4-4791
4. AC FRAMERS INC., 03-R2D3-3475
5. AC TRANSIT, 08-R1D4-0135
6. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
7. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
8. ANNING-JOHNSON COMPANY, 06-R1D3-1976
9. AVESON EDUCATIONAL COOPERATIVE, 09-R4D2-0337
10. BART, 03-R1D1-5170
11. BIMBO BAKERIES USA, 05-R6D2-856 AND 857
12. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
13. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
14. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445
15. BURTON L. SILVA FARMS, 09-R1D2-1498
16. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
17. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
18. CA CORRECTIONS, 08-R2D5-0975 THROUGH 0978
19. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
20. CELTIC SCAFFOLDING, INC., 08-R1D1-1469 THROUGH 1471
21. CLINE CELLARS, INC., 08-R1D5-2946

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22. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336
23. CNL ROOFING COMPANY, 08-R1D2-1692 AND 1693
24. COMMERCIAL METAL FORMING, 09-R3D1-1592
25. CORE GENERAL CONTRACTOR, INC. DBA CORE BUILDERS, 08-R1D2-1379
26. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
27. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
28. DESIGN BUILDERS, INC., 08-R4D4-1901
29. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
30. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
31. DUKE PACIFIC, INC., 08-R3D3-574
32. DUININCK BROS., INC., 06-R4D3-2871
33. DYNALECTRIC, 03-R1D1-4101
34. E. C. U., INC., 09-R3D5-1094 AND 1095
35. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS, 09-R6D2-2325 THROUGH 2332
36. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
37. EZ MIX, INC., 08-R4D3-1898
38. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
39. FORTUNA IRON WORKS 06-R2D3-4222
40. FREAS PLASTERING CO., INC., 08-R1D1-1188 AND 09-R1D1-2568
41. G.T. ALDERMAN, INC., 05-R4D3-3513
42. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
43. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
44. GLASS PAK, 03-R2D2-750 AND 751

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45. GOLDEN WEST INDUSTRIES, INC., 08-R3D2-3930
46. GRISWOLD INDUSTRIES, 09-R6D2-0981 THROUGH 0984
47. HARBOR ORNAMENTAL, INC., 09-R3D5-2086
48. HB PARKCO, 07-R4D2-1730 AND 1731
49. HELPMATES STAFFING SERVICES, 05-R3D3-2239
50. HELM & SONS, INC., DBA HELM & SONS AMUSEMENTS, 08-R3D3-3513
51. THE HERRICK CORP., 07-R3D1-495
52. HUSSMAN CORPORATION, 03-R3D1-2939
53. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
54. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
55. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
56. JENSEN PRECAST, 05-R2D1-2377
57. JOHN LAING HOMES, 04-R3D1-194 AND 195
58. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
59. JT WINDOWS, INC., 09-R6D2-0693 THROUGH 0698
60. KELLY SERVICES, INC., 06-R1D2-1024
61. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-323
62. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
63. LA MINA CANTINA, 09-R2D5-0039
64. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
65. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
66. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
67. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541

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68. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
69. MARINE TERMINALS, 08-08-R6D2-1920
70. MELMARC PRODUCTS, INC., 09-R3D1-2878
71. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
72. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583
73. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
74. O & M INDUSTRIES, 04-R1D5-1597
75. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
76. PARKER-HANNIFIN CORPORATION, 08-R2D4-2508
77. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
78. POUK & STEINLE, INC., 09-R3D3-0491
79. PUSD ALEXANDER HAMILTON ELEMENTARY SCHOOL, 09-R4D2-0784
80. R.A. CAMPBELL, INC., 09-R6D2-1209 THROUGH 1211
81. R & L BROSAMER, INC., 03-R1D5-4832
82. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
83. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
84. SANTA PAULA HARVESTING, 09-R4D3-0510 THROUGH 0514
85. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
86. SELECT REMEDY, 08-R2D5-0048 THROUGH 0050
87. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
88. SOUTH BAY LANDSCAPING, 10-R3D1-0356
89. STACY & WITBECK, INC., 05-R1D1-1142
90. STENDERUP AG PARTNERS, 09-R6D2-2111 AND 2112

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91. SUNOPTA FRUIT GROUP, 09-R3D1-9245
92. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT
AGGREGATES, 04-R5D2-850 AND 851
93. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650
AND 2651
94. TEICHERT AGGREGATES, 04-R5D1-2982
95. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2256 AND 2557
96. UNITED PARCEL SERVICE, 07-R3D3-3322
97. VALLEY PRIDE, 09-R6D4-2375
98. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
99. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
100. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710

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. HARRIS CONSTRUCTION COMPANY, INC., 07-CS00518 (05-3914)
2. JERLANE, 37-2007-00056381-CU-WM-NC (01-4344/4345)
3. JERLANE, 37-2009-00059323-CU-WM-NC (08-1733)
4. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB),
34-2007-00882192-CU-WM-GDS, (01-3261)
5. BRUTOCO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159 (07-
9223)
6. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB) (00-440)
7. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)

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8. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
9. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
10. WEBCOR CONSTRUCTION LP dba WEBCOR BUILDERS, 34-2009-80000384 (08-R1D2-2499/2500)
11. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
12. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430 (09- 9280/9281)
13. JC CONSTRUCTION, BS124990 (09-9265)

COURT OF APPEAL

1. SOUTHERN CALIFORNIA EDISON, B223828 (BS 119297) (08-9062)

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.