

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, July 21, 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: July 8, 2010**

**RE: Closed Session of the Board to be held on July 21, 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.

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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. ANVIL STEEL CORPORATION, 06-R4D1-3762 THROUGH 3768
2. CALIFORNIA INTERSTATE EXPRESS, 09-R4D2-3460
3. PACIFIC MESSENGER RECORDS STORAGE, INC., 08-R3D2-2263 AND 2264
4. PREMIER FABRICATION & WELDING, INC. DBA HOWE WELDING, 09-R6D2-3088 THROUGH 3092
5. SIERRA GLASS & MIRROR, INC., 09-R4D2-3903

**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*

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*reconsider or remand the issued order.)*

1. ADVANCE DISPOSAL CO. & RECYCLING CENTER DBA BESTWAY, 10-R3D3-0648
2. AEROTEK, 09-R3D2-3869 AND 3870
3. ALL STAR SEED, 10-R3D2-0965 AND 0966
4. B. BRAUN MEDICAL, INC., 09-R3D1-3931 AND 3932
5. B/C STAR PAINTING, 09-R4D1-3780
6. BISTRO D'VINE, INC., 09-R6D5-3749
7. BRAND ENERGY SERVICES OF CALIFORNIA DBA BRAND SCAFFOLDING, 10-R1D1-1475
8. CALIFORNIA STATE UNIVERSITY BAKERSFIELD, 10-R4D3-0306
9. CONTROL AIR CONDITIONING CORPORATION, 09-R4D1-2628
10. DEPT. OF FORESTRY AND FIRE PROTECTION, 10-R3D3-0463
11. E & A PALLETS, INC., 09-R6D5-3621 THROUGH 3624
12. PETER FETTERS DBA ALL AMERICAN ROOFING CO., 09-R1D5-0376 THROUGH 0380
13. FREELITE SKYLIGHTS, 09-R4D3-4291 ABD 4292
14. GARDENA PAINT & BODY, 09-R6D5-3817 AND 3818
15. GHILOTTI BROS., INC., 09-R2D2-1508 THROUGH 1510
16. GREEN VALLEY FARMS, INC., 09-R6D4-3135 AND 3136
17. GREKA OIL & GAS, INC., 08-R6D3-4985
18. GULF SOUTH MEDICAL SUPPLY, INC., 10-R3D3-0538 AND 0539
19. HONEYCUTT TEAR OFF DBA HONEYCUTT COMPANIES, 10-R3D1-0556
20. HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT, 09-R3D1-4116
21. IMPERIAL IRRIGATION DISTRICT, 09-R6D4-3510

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22. INTERIOR EXPERTS GENERAL BUILDERS, 09-R3D2-3313 THROUGH 3316
23. J & L METALS POLISHING, 09-R3D1-4152
24. JC FORD COMPANY, 09-R3D1-4013
25. L.A. CO. ANIMAL CONTROL-BALDWIN PARK ANIMAL CARE CTR., 10-R3D6-0786
26. LA HONDA-PESCADERO UNIFIED SCHOOL DISTRICT, 08-R1D3-3889
27. LAURENCE-HOVENIER, INC., 10-R3D1-1426
28. LONE STAR TERMITE & PEST CONTROL, 10-R3D1-0039
29. LOS ANGELES GALVANIZING CO., 10-R4D2-0447
30. LYON TECHNOLOGIES, INC., 10-R3D2-1030 AND 1031
31. MAGCO DRILLING, INC., 09-R6D4-2814 AND 2815
32. STEPHEN MARSH, HOMEOWNER, 10-R4D2-0300
33. MENLO WORLDWIDE, 10-R3D6-0968
34. MISSION VALLEY POOLS & SPAS, INC., 10-R3D2-0426 AND 0427
35. NELLSON NUTRACEUTICAL LLC, 10-R3D6-1637 THROUGH 1639
36. OLSON AND CO. STEEL, 08-R1D4-4029
37. PACIFIC COAST STEEL, 10-R6D2-1047
38. PARAMOUNT FARMS, 08-R4D3-0329 THROUGH 0331
39. PRODUCERS DAIRY FOODS, INC., 09-R6D3-2116 THROUGH 2125
40. SIMON G. QUINTINO DBA S. Q. & SON LABOR SERVICE, 09-R4D5-3269
41. S & B ENGINEERS AND CONSTRUCTORS, LTD., 10-R4D1-0129
42. ADEL SHERBAF DBA ASH CONSTRUCTION, 08-R1D2-3881 AND 3882
43. SODEXO, 10-R4D1-0014 THROUGH 0016
44. STATE OF CA DEPT. OF CORRECTIONS AND REHABILITATION, 09-R4D3-

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45. STATES LOGISTICS SERVICES, INC., 10-R3D3-0782
46. TEMPLE INLAND, 08-R1D2-4067
47. TLQ PARTNERS, INC. DBA TRILOGY GOLF CLUB AT LA QUINTA, 10-R3D3-0748
48. T.M. COBB COMPANY DBA HALEY BROTHERS, INC., 09-R6D2-3506 THROUGH 3509
49. WARD PROPERTIES, 07-R4D4-5382 AND 5383
50. WENDEL, INC. DBA STAFFING SOLUTIONS, 10-R4D3-1259 AND 1260
51. WEST COAST MOBILE HOME PARKS, INC., 09-R1D5-2715 AND 2716
52. WINCO FOODS LLC, 10-R6D3-0992 AND 0993
53. Y.K.A. INDUSTRIES, INC., 09-R3D6-3898 AND 3899

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

1. EGR, INC., 10-R3D3-9139

**ORDERS GRANTING LEAVE TO FILE LATE APPEALS:**

1. ALI ALZAR DBA AMERICAN EAGLE BODY SHOP, 10-R6D7-1882
2. TATAFU SIO DBA ALOHA CONSTRUCTION, 10-R1D5-1648 THROUGH 1650

**ORDER DENYING-DISMISSING LATE APPEAL:**

1. JORGE HERNANDEZ MUNOZ DBA JORGE HDZ. REFORESTATION, 10-R6D5-9138

**ORDER ON REMAND:**

1. H. WAYNE LEWIS, INC. DBA AMBER STEEL CO., 09-R3D3-2016 AND 2017

**ORDERS OF REMAND:**

1. MASTER LANDSCAPE & MAINTENANCE, INC., 10-R3D1-0822

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2. NORTH COUNTY COMMUNITY SERVICE, 09-R3D2-3771
3. RAND MECHANICAL, INC., 09-R2D1-2288
4. SOUTH BAY LANDSCAPING, 10-R3D1-0356
5. VALLEY PRIDE, 09-R6D4-2375

**STIPULATION:**

1. EMPLOYER RESOURCE MANAGEMENT CO., 07-R2D3-3561

**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. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239 THROUGH 2241
2. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR, 08-R6D5-3466 AND 3467
3. SFUSD – E.R. TAYLOR ELEMENTARY SCHOOL, 10-R1D1-9126

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

1. BORDERS GROUP, 09-R2D1-3606 THROUGH 3608
2. CLARK PACIFIC – A GENERAL CALIFORNIA PARTNERSHIP, 08-R2D1-0027 THROUGH 0030
3. KAP ENGINEERING, INC., 09-R3D6-2064 THROUGH 2069
4. PACIFIC AMERICAN FISH CO., INC., 10-R4D2-9121
5. VANDENBERGHE CONSTRUCTION, INC., 09-R2D5-4275 THROUGH 4278

**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. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
2. AC FRAMERS INC., 03-R2D3-3475

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3. AC TRANSIT, 08-R1D4-0135
4. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
5. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY  
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
6. ANNING-JOHNSON COMPANY, 06-R1D3-1976
7. ASC PROFILES, INC. DBA AEP SPAN, 10-R3D3-1165
8. AVESON EDUCATIONAL COOPERATIVE, 09-R4D2-0337
9. BART, 03-R1D1-5170
10. BIMBO BAKERIES USA, 05-R6D2-856 AND 857
11. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
12. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
13. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445
14. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239  
THROUGH 2241
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
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

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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
45. GOLDEN WEST INDUSTRIES, INC., 08-R3D2-3930
46. GRISWOLD INDUSTRIES, 09-R6D2-0981 THROUGH 0984
47. HARBOR ORNAMENTAL, INC., 09-R3D5-2086

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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. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
62. LA MINA CANTINA, 09-R2D5-0039
63. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
64. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
65. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
66. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
67. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
68. MARINE TERMINALS, 08-08-R6D2-1920
69. MELMARC PRODUCTS, INC., 09-R3D1-2878
70. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274

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71. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583
72. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
73. O & M INDUSTRIES, 04-R1D5-1597
74. PARKER-HANNIFIN CORPORATION, 08-R2D4-2508
75. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
76. POUK & STEINLE, INC., 09-R3D3-0491
77. PUSD ALEXANDER HAMILTON ELEMENTARY SCHOOL, 09-R4D2-0784
78. R.A. CAMPBELL, INC., 09-R6D2-1209 THROUGH 1211
79. R & L BROSAMER, INC., 03-R1D5-4832
80. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
81. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
82. SANTA PAULA HARVESTING, 09-R4D3-0510 THROUGH 0514
83. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
84. SELECT REMEDY, 08-R2D5-0048 THROUGH 0050
85. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
86. STACY & WITBECK, INC., 05-R1D1-1142
87. STENDERUP AG PARTNERS, 09-R6D2-2111 AND 2112
88. SUNOPTA FRUIT GROUP, 09-R3D1-9245
89. SUPERIOR ALMOND HULLING, 09-R2D5-0771
90. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT AGGREGATES, 04-R5D2-850 AND 851
91. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650 AND 2651
92. TEICHERT AGGREGATES, 04-R5D1-2982

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93. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2256 AND 2557
94. UNITED PARCEL SERVICE, 07-R3D3-3322
95. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
96. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
97. 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. 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. BRUTOCO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159 (07-  
9223)
5. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB) (00-440)
6. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
7. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
8. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
9. WEBCOR CONSTRUCTION LP dba WEBCOR BUILDERS, 34-2009-80000384  
(08-R1D2-2499/2500)
10. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
11. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430  
(09- 9280/9281)
12. JC CONSTRUCTION, BS124990 (09-9265)

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**COURT OF APPEAL**

1. SOUTHERN CALIFORNIA EDISON, B223828 (BS 119297) (08-9062)
2. HARRIS CONSTRUCTION COMPANY, INC., C060578 (07-CS00518) (05-3914)

**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.