

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), and (e)
for
Wednesday, September 16, 2009
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: September 3, 2009

RE: Closed Session of the Board to be held on September 16, 2009

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, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445 THROUGH 3448
2. DUININCK BROS., INC., 06-R4D3-2870 AND 2871
3. GARRETT INDUSTRIES DBA GARRETT CUSTOM TRAILERS, 08-R4D3-5122 THROUGH 5124
4. HOWARD ROOFING COMPANY, INC., 07-R4D2-2736 AND 2737
5. LAND O'LAKES PURINA FEED, LLC, 08-R2D4-1843 AND 1844
6. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For September 16, 2009
Page 2

7. REX MOORE ELECTRICAL CONTRACTORS AND ENGINEERS, 07-R1D4-4314
8. THE TREE MASTER, 08-R1D2-1291 THROUGH 1293
9. TSO CONSTRUCTION, INC., 09-R4D1-0909 THROUGH 0911

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. 99 CENTS ONLY STORES, 09-R3D1-1464
2. A & M WELDING, INC., 09-R6D2-1844 THROUGH 1847
3. AL PAK LABOR, JARVIS RANCH, 08-R1D2-2501
4. ALBERS MFG. CO., INC., 09-R2D5-0118 THROUGH 0120
5. ALISAL UNION SCHOOL DISTRICT, 09-R1D2-0763
6. AMERICAN CIVIL CONSTRUCTORS WEST COAST, INC., 08-R2D3-3495
7. BENJAMIN ARROYO, JR., LABOR CONTRACTOR, 08-R2D4-2676
8. BRICKENRIDGE GROUP DBA CARINOS ITALIAN GRILL, 08-R3D3-4431
9. C & M FINE PACK, 08-R3D3-4955
10. C.T. LEWIS, INC., DBA LEWIS ROOFING CO., 08-R2D5-2194
11. CALIFORNIA DISTRIBUTION, 08-R4D4-1234 AND 1235
12. CALIFORNIA EXPANDED METALS PRODUCTS CO. DBA CEMCO, 09-R6D2-2385 AND 2386
13. CANOGA REBAR, INC., 09-R6D2-1615 THROUGH 1620
14. ARTURO CAPERON DBA M & G CORVETTE AUTO BODY SHOP, 09-R6D5-0502
15. CERADYNE, INC., 09-R3D1-0715
16. CERTIFIED TILE, INC., 09-R4D1-2298

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For September 16, 2009
Page 3

17. CITY OF POWAY DEPARTMENT OF PUBLIC WORKS, 09-R3D2-2165 AND 2166
18. COAST SIGNS, INC., 09-R3D1-2620
19. CORONA MILLWORKS, 09-R6D2-1255 THROUGH 1259
20. COSTCO WHOLESALE CORPORATION, 08-R2D2-3004
21. CROWN ENGINEERING & CONSTRUCTION, INC., 09-R3D2-0215
22. DAVIS WIRE CORP., 09-R6D2-1935 THROUGH 1943
23. DE LA SECURA, INC., DBA DLS BUILDERS, 08-R4D4-4825
24. DIX METAL, INC., 09-R6D2-1682 THROUGH 1686
25. DUGGINS CONSTRUCTION, INC., 09-R3D2-1298
26. DYNALECTRIC SAN DIEGO, 09-R3D2-1593
27. E.E. HALL, INC. (FLC #7607), 08-R2D4-2760
28. EBERHARD, 08-R4D4-3224 AND 3225
29. NINET E. ELIZALDE DBA CARMEN AUTO BODY, 09-R6D5-0341
30. FACTOTUM LEATHER REPAIR, 09-R3D1-2581
31. FLADEBOE AUTOMOTIVE GROUP, INC. DBA FLADEBOE HONDA, 09-R3D1-1785 AND 1786
32. FMP VINEYARDS, LLC, 09-R6D2-2451 THROUGH 2454
33. FONTAINE WEATHEPROOFING, INC., 09-R3D1-2802
34. FOUR SEASONS ROOFING, 07-R1D2-3525
35. ROBERT FUMASI, INDIVIDUAL DBA FUMASI DAIRY, 08-R2D3-1315
36. GENERAL ATOMIC AERONAUTICS SYSTEMS, INC., 09-R3D2-1382 THROUGH 1384
37. GHIGGERI & STONEBARGER, LLC., 08-R6D5-5168 AND 5169
38. GOLD COAST BAKING CO., INC., 08-R3D1-4893

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM**

For September 16, 2009

Page 4

39. GOLDEN STATE FOODS, 08-R4D4-3452 AND 3453
40. GRANITE CONSTRUCTION COMPANY, 08-R5D1-4600 AND 4601
41. GUITON & SON CONSTRUCTION, INC., 08-R2D3-3135
42. HANDBILL PRINTERS, INC., 09-R3D1-2335 AND 2336 and 09-R3D1-2381
43. JOHN ROHRER CONSTRUCTION, INC., 08-R2D4-2759
44. L.A. CITY – BUREAU OF STREET SERVICES, 09-R4D1-1069
45. L.A. FITNESS INTERNATIONAL, LLC., 09-R3D2-2685
46. LAKESIDE ORGANIC GARDENS, LLC, 09-R6D7-1343 AND 1344
47. LAUSD GRANT ELEMENTARY, 09-R4D1-1596
48. LINDSAY FOODS, 07-R2D5-4861
49. LO LYNCH WELLS AND PUMPS, INC., 08-R3D3-4954
50. LONG BEACH IRON WORKS, INC., 09-R6D2-1470 AND 1471
51. MACY’S LOGISTICS AND OPERATIONS, 08-R4D4-3311 AND 3312
52. MALCOLM MCCORMACK, INC., 08-R2D1-4885 AND 4886
53. MANPOWER, INC., 08-R3D1-4687 AND 4688
54. MERICAL INCORPORATED, 09-R3D1-2500 and 09-R3D1-2774
55. METAL CONTAINER CORP., 09-R3D3-2222
56. METAL TEK COMPANY, 09-R6D2-0885 THROUGH 0888
57. MIKE PRlich & SONS, INC., 09-R4D1-1301
58. NATIVE HUNT ENTERPRISES, INC., 09-R1D2-2023 AND 2024
59. NEW CREATION BUILDERS, 09-R3D1-1460
60. NIKKO’S MEXICAN GRILL, 09-R6D5-0701
61. DAVID NUNEZ DBA DI BELLA FARM LABOR, 08-R6D5-4239 AND 4240

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For September 16, 2009
Page 5

62. NUSHAKE, INC., 08-R2D4-2376 THROUGH 2378
63. OLSON & COMPANY STEEL, 06-R2D5-5054 THROUGH 5057
64. OVERHILL FARMS, 09-R6D4-0224 THROUGH 0226
65. PACIFIC COAST STEEL, 08-R1D2-1480 AND 1481
66. PACO PLASTICS & ENGINEERING, INC., 08-R4D4-3724 AND 3725
67. PATTERSON VEGETABLE COMPANY, LLC, 08-R2D4-5147
68. PERFORMANCE DOOR, INC., 08-R3D5-3957
69. PERRYMAN MECHANICAL, INC., 08-R2D1-2593
70. PREMIERE HARVEST, INC., 08-R3D3-4623
71. PRIME STEEL, INC., 09-R3D6-1523
72. QUEMETCO, INC., 08-R4D4-3226
73. RAMOS BODY SHOP, 09-R6D5-1472 AND 1473
74. RMC CONSTRUCTORS, 09-R4D1-1526 AND 1527
75. ROBINSON MFG., INC., 09-R6D2-1688 THROUGH 1691
76. RUSSELL FISCHER PARTNERSHIP DBA VINEYARD CAR WASH, 08-R6D5-4533
77. RUTTER ARMEY, INC., 08-R2D5-2732 AND 2733
78. SAM SCHAFFER, INC., 09-R6D2-1326 THROUGH 1329
79. SAN DIEGO UNIFIED SCHOOL DISTRICT SDUSD-SD HIGH ED COMPLEX, 09-R3D2-2670 AND 2671
80. SANTA FE AGGREGATES, INC., 08-R5D1-1769
81. SELECT STAFFING, 09-R3D3-0256
82. SIERRA PACIFIC IND., 08-R2D3-0400 AND 0401
83. SINGLE EAGLE DBA CONCRETE CONTRACTORS INTERSTATE, 09-R3D2-1719

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For September 16, 2009
Page 6

84. SOLPAC, INC. DBA SOLTEK PACIFIC, 07-R1D2-5153
85. SOUTHLAND INDUSTRIES, 08-R2D1-0808
86. SOUTHWEST TRADERS, INC., 08-R2D4-0710 THROUGH 0712
87. STERLING ENVIRONMENTAL CORP., 08-R1D4-3925
88. STILLHEART INSTITUTE, 08-R1D3-3342 THROUGH 3345
89. STRATEGIC OUTSOURCING 09-R6D2-1248
90. T "N" M PALLET COMPANY, 08-R6D5-2161 THROUGH 2163
91. TECHNO COATINGS, INC., 07-R1D5-5154
92. THE ULTIMATE PRINTSOURCE, INC., 09-R3D3-2445 THROUGH 2447
93. TIM HAUSMANN CONSTRUCTION, 08-R2D1-3271 AND 3272
94. TOWER STEEL CORPORATION, 09-R4D1-1597
95. UNITRACE, INC., 08-R1D2-1559
96. UNIV. MECHANICAL & ENGR. CONTRACTORS, INC., 08-R3D2-4773
97. U-SAVE ROCKERY OF MORGAN HILL, 08-R1D2-3265 THROUGH 3267
98. VERIZON COMMUNICATIONS, 08-R4D4-3658
99. VOLT INFORMATION SCIENCES, INC. DBA VOLT WORKFORCE, 09-R2D5-1481 THROUGH 1483
100. VULCAN MATERIALS COMPANY - WESTERN DIVISION, 08-R5D1-1648
101. W.C. MALONEY, INC., 08-R2D3-3496
102. WAL-MART ASSOCIATES, INC., 09-R3D2-0904 AND 0905
103. WARDLEY INDUSTRIAL, INC., 08-R2D4-1388 AND 1389
104. WEST CABINETS, INC., 08-R1D4-4729
105. WEST COAST STRUCTURES, INC. DBA WESTERN STRUCTURES, 09-R3D1-0041

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For September 16, 2009
Page 7

106. WESTERN AGGREGATES, LLC, 08-R5D1-2663
107. ROBERT WILLIAMS, ESQ., 08-R2D4-2657
108. WOODSIDE HOMES OF CALIFORNIA, INC., 09-R2D4-0117
109. WORLDWIDE FLIGHT SERVICES, 09-R4D1-1484

ORDERS DISMISSING APPEALS:

1. ALL PHASE EXCAVATING SERVICE, INC., 07-R1D1-4799
2. BRENTWOOD SHEETMETAL HEATING & AIR CONDITIONING, INC., 08-R1D2-0286
3. DIABLO CREEK CONSTRUCTION, 07-R1D4-3918 THROUGH 3923
4. GONSALVES & SANTUCCI, INC. DBA CONCO, 08-R1D2-1189 AND 1190
5. POWER FREIGHT SYSTEMS, 06-R1D4-3347
6. SITEWORX RECYCLING INC., 06-R1D3-4923 THROUGH 4926
7. UNI-FAB INDUSTRIES, INC., 07-R1D2-1346
8. US PUNCHING & EMB. CO., 09-R6D5-0310

ORDER DENYING LEAVE TO FILE LATE APPEAL:

1. ADVANCE DISPOSAL CO. & RECYCLING CENTER, 09-R6D5-9212

STIPULATIONS:

1. CA CORRECTIONS AND REHABILITATION – TRANSPORTATION UNIT, 08-R2D1-2232 AND 2233
2. DVD WALNUT PROCESSING, 08-R2D5-0982
3. THE BOEING COMPANY, 08-R3D5-3449 AND 3450

PETITIONS FOR RECONSIDERATION:

1. GREEN GIANT LANDSCAPE, INC., 09-R3D6-9115
2. MORNING GLORY GOLD MINES, INC., 09-R5D1-9197

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For September 16, 2009
Page 8

3. WEBCOR CONSTRUCTION, LP DBA WEBCOR BUILDERS, 08-R1D2-2499 AND 2500

DENIAL OF PETITION FOR RECONSIDERATION (DRAFT):

1. STATE OF CALIFORNIA, DEPT. OF CORRECTIONS AND REHABILITATION, FOLSOM STATE PRISON, 07-R2D1-4631 THROUGH 4634

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. A & C LANDSCAPING, INC. aka A & C CONSTRUCTION, INC., 03-R4D4-4791
2. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
3. ABACHERLI DAIRY, 08-R3D3-5028
4. AC FRAMERS INC., 03-R2D3-3475
5. AC TRANSIT, 08-R1D4-0135
6. AMERICAN REMEDIAL TECHNOLOGIES, 08-R4D2-3154 THROUGH 3156
7. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
8. ARBORICULTURAL SPECIALTIES INC., DBA PROFESSIONAL TREE CARE CO., 08-R1D4-0799
9. ASC PROFILES, INC., 06-R2D1-1181
10. ANNING-JOHNSON COMPANY, 06-R1D3-1976
11. AVESON EDUCATIONAL COOPERATIVE, 09-R4D2-0337
12. BART, 03-R1D1-5170
13. BIMBO BAKERIES USA, 03-R1D3-5215 THROUGH 5217
14. BIMBO BAKERIES USA, 05-R6D2-0856 AND 0857
15. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM**

For September 16, 2009

Page 9

16. BLF, INC. dba LARRABURE FRAMING, 02-R4D1-4675 THROUGH 4680
17. BURTON L. SILVA FARMS, 09-R1D2-1498

18. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155

19. CA RASMUSSEN, INC., 08-R4D5-219 AND 220

20. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905

21. CALIFORNIA FRESH FARMS, 06-R2D4-4127

22. CELTIC SCAFFOLDING, INC., 08-R1D1-1469 THROUGH 1471

23. CENTRAL VALLEY CONCRETE, INC., 07-R2D4-1375 THROUGH 1378

24. CLINE CELLARS, INCL., 08-R1D5-2946

25. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336

26. CNL ROOFING COMPANY, 08-R1D2-1692 AND 1693

27. COLES CARBIDE CORPORATION, 08-R4D3-2012 THROUGH 2014

28. CORE GENERAL CONTRACTOR DBA CORE BUILDERS, 08-R1D2-1379

29. CVS PHARMACY GARFIELD BEACH LLC, 08-R3D1-9368

30. D'QUALITY SERVICE, INC., 08-R4D4-3454

31. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393

32. DAVIS BROTHERS FRAMING, INC., 03-R3D1-114

33. DAVIS BROTHERS FRAMING, INC., 05-R3D3-634 THROUGH 636

34. DESIGN BUILDERS, INC., 08-R4D4-1901

35. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177

36. DUKE PACIFIC, INC., 08-R3D3-574

37. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111

38. DYNALECTRIC, 03-R1D1-4101

39. E C U, INC., 09-R3D5-1094 AND 1095

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For September 16, 2009
Page 10

40. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
41. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
42. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
43. FORTUNA IRON WORKS 06-R2D3-4222
44. FREAS PLASTERING CO., INC., 08-R1D1-1188 AND 09-R1D1-2568
45. G.T. ALDERMAN, INC., 05-R4D3-3513
46. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
47. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
48. GLASS PAK, 03-R2D2-750 AND 751
49. GOLDEN WEST INDUSTRIES, INC., 08-R3D2-3930
50. GRISWOLD INDUSTRIES, 09-R6D2-0981 THROUGH 0984
51. H. WAYNE LEWIS, INC., DBA AMBER STEEL CO., 09-R3D3-2016 AND 2017
52. HB PARKCO, 07-R4D2-1730 AND 1731
53. HELPMATES STAFFING SERVICES, 05-R3D3-2239
54. HARBOR ORNAMENTAL, INC., 09-R3D5-2086
55. HELM & SONS, INC., DBA HELM & SONS AMUSEMENTS, 08-R3D3-3513
56. HERITAGE OPERATING, LP DBA PRO-FLAME, 09-R3D3-1067
57. THE HERRICK CORP., 07-R3D1-495
58. HUSSMAN CORPORATION, 03-R3D1-2939
59. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
60. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
61. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
62. JC PAPER, 08-R1D4-1823 AND 1824

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For September 16, 2009
Page 11

63. JENSEN PRECAST, 05-R2D1-2377
64. JOHN LAING HOMES, 04-R3D1-194 AND 195
65. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
66. JT WINDOWS, INC., 09-R6D2-0693 THROUGH 0698
67. KELLY SERVICES, INC., 06-R1D2-1024
68. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-323
69. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
70. LARSON STEEL, INC., 08-RID4-4334 AND 4335
71. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
72. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
73. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
74. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
75. MILLENIUM GENERATION, INC., 08-R4D3-5047
76. MITCHELL ENVIRONMENTAL CONCRETE, 09-R4D5-0147
77. HARRY L. MURPHY, INC., 06-R1D2-218 AND 219
78. BILL NELSON GENERAL ENGINEERING & CONSTRUCTION, 06-R2D5-1552
THROUGH 1554
79. NUTRAMED, INC., 08-R3D3-4546 AND 4547
80. O & M INDUSTRIES, 04-R1D5-1597
81. PMR RACE CARS, 03-R3D3-1825
82. POUK & STEINLE, INC., 03-R4D2-1495 AND 1496
83. R.A. CAMPBELL, INC., 09-R6D2-1209 THROUGH 1211
84. R & L BROSAMER, INC., 03-R1D5-4832

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For September 16, 2009
Page 12

85. RR DONELLEY, INC., 09-R3D3-2201
86. REAL EQUITY DEVELOPMENT, INC., 07-R2D4-4129 AND 4130
87. SAMTECH AUTOMOTIVE USA, INC. DBA SAMTECH INT'L, INC., 09-R6D2-0688 THROUGH 0692
88. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
89. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
90. SHANKARA IND. DBA RUSS'S AUTO BODY & REPAIR, 09-R6D5-2135
91. STACY & WITBECK, INC., 05-R1D1-1142
92. STATE CENTER COMMUNITY COLLEGE DISTRICT, 05-R2D5-1688 THROUGH 1692
93. STENDERUP AG PARTNERS, 09-R6D2-2111 AND 2112
94. DAVID STOUPAKAS DBA DEVORE TRUCKING & AUTO WRECKING, 07-R3D3-5185 AND 5186
95. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
96. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT AGGREGATES, 04-R5D2-850 AND 851
97. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650 AND 2651
98. TEICHERT AGGREGATES, 04-R5D1-2982
99. TRADER DAN'S DBA ROOMS N. COVERS, ETC., 08-R6D2-4978 THROUGH 4980
100. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2256 AND 2557
101. UNITED PARCEL SERVICE, 07-R3D3-3322
102. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
103. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
104. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710

PENDING LITIGATION:

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For September 16, 2009
Page 13

(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., 07CS00518 (02-3914)
2. JERLANE v DIVISION OF OCCUPATIONAL SAFETY & HEALTH, 37-2007-0005631-CU-WM-NC, (01-4344/4345)
3. J.F. SHEA CONSTRUCTION, INC. (DOSH V OSHAB), 34-2007-00882187-CU-WM-GDS, (02-801)
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 (00-440)
7. KHS & S CONTRACTORS, 32-2008-00107284-CU-WM-GDS CJC (06-2759)
8. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
9. SOUTHERN CALIFORNIA EDISON COMPANY, BS 119297, LOS ANGELES SUPERIOR COURT (08-9062)
10. UNITED AIRLINES (SFO), 07CS00331
11. UNITED AIRLINES (SFO), 34-2009-80000256
12. XL CONSTRUCTION, SUPERIOR COURT (34-2009-80000300), 08-R1D2-1191 THROUGH 1193

APPELLATE COURT:

1. MURRAY COMPANY, BS112469
2. HARRIS CONSTRUCTION COMPANY, INC. 07CS00518 (02-3914)
3. ARTHUR J. BREWSTER CORP. dba PRESTIGE KITCHENS, INC., G042132

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For September 16, 2009
Page 14

PERSONNEL:

(Issues regarding staff.)

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