

State of California
Department of Industrial Relations
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), and (e)
for
Wednesday, January 25, 2012
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: January 13, 2012

RE: Closed Session of the Board to be held on January 25, 2012

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. KOOSHAREM CORP. DBA SELECT FOCUS, 10-R1D2-0390
2. UNDERGROUND CONSTRUCTION CO., INC., 09-R1D3-3518

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. AIRPORT COLLISION REPAIR & TOWING, INC., 11-R4D1-0509 AND 0510
2. ALPHA SYSTEMS FIRE PROTECTION, INC., 11-R4D1-1315 THROUGH 1316

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

For January 25, 2012

Page 2

3. AM-X CONSTRUCTION & EXCAVATION, INC., 10-R2D1-0339 THROUGH 0341
4. ANDREWS FARMS – A PARTNERSHIP, 09-R2D4-2645 THROUGH 2647
5. AUBURN PLACER DISPOSAL, INC., 08-R2D1-4003
6. BEVERLY HILLS USD, 11-R4D1-1453
7. BIG J CONSTRUCTION, INC., 10-R2D3-4066 AND 4067
8. BLAIR HOUSE HOMEOWNERS ASSOCIATION, 11-R4D1-1125 and 11-R4D1-1187
9. BLUE SKY REMEDIATION SERVICES, INC., 10-R3D6-2493 THROUGH 2495
10. MARIA GUADALUPE BRAVO DBA GOLDEN AG PAYROLL SERVICE, 08-R2D3-3281
11. BURNETT AND SON MEAT PACKING, 11-R4D2-0665 and 11-R4D2-1127
12. CHEVRON USA, INC. DBA N. AMER. EXP. & PROD., 11-R6D4-0333
13. CITY OF LOS ANGELES – DC TILLMAN WATER RECLAMATION, 11-R6D4-1249
14. CITY OF ROSEVILLE PUBLIC WORKS, 11-R2D1-0697
15. CUTTING EDGE BUILDERS, 11-R2D3-0540
16. D & D CONSTRUCTION SPECIALTIES, INC., 08-R4D3-4814 THROUGH 4816
17. DAYLIGHT FOODS, INC., 10-R1D2-3608 AND 3609
18. DELTA TRANSPORTATION, INC., 08-R2D1-4999
19. ENVIRONMENTAL ENGINEERING CONSULTING & REMEDIATION, INC., 11-R2D1-0411
20. EUROAMERICAN PROPAGATORS LLC, 11-R6D5-2552 AND 2553 and 11-R6D5-2695
21. GRANITE CONSTRUCTION COMPANY, 09-R5D1-1923
22. GRANITE CONSTRUCTION COMPANY, 10-R5D1-2556

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

For January 25, 2012

Page 3

23. KARS TOWING & TRANSPORT, INC., 09-R2D5-0560 AND 0561
24. KHAM BORIBOUN DBA K. B. FARMS, 11-R2D5-2059
25. KIRSCHENMAN ENTERPRISES, INC., 10-R2D5-2780
26. MCM CONSTRUCTION, INC., 08-R2D3-4201 AND 4202
27. METAL MANUFACTURING COMPANY, 11-R2D1-0499 THROUGH 0501
28. METRO MILLING SERVICES, INC., 11-R2D1-0372
29. MICHAEL MURPHY CONSTRUCTION, INC., 11-R4D1-1269 AND 1270
30. N. A. CHADJERIAN YOUTH CORRECTIONAL FACILITY, 11-R2D4-0256
THROUGH 0258
31. NITAKAYA USA, INC. 11-R3D6-0448 AND 0449
32. OILSEEDS INTERNATIONAL LTD., 09-R2D1-1083 THROUGH 1085
33. PEP BOYS AUTO PARTS, 11-R2D4-0014
34. PIAZZA ALMOND HULLING, INC., 11-R2D4-0733 AND 0734
35. PL HOMES, INC., 11-R2D1-0498
36. QUALITY HARVEST, 11-R6D5-2391 AND 2392
37. REBAR ENGINEERING, INC., 11-R4D1-1317 AND 1318
38. REINFORCING POST-TENSIONING SERVICES, INC., 08-R2D1-4170
THROUGH 4172
39. S. G. S. RECYCLING ENTERPRISES, INC. DBA A & S METALS, 10-R2D4-3201
AND 3202
40. SIERRA PACIFIC INDUSTRIES, 10-R2D3-1728
41. TAYLOR WINGS, INC., 09-R2D1-0159 THROUGH 0162
42. TESSIER CABINET CO., INC., 11-R6D2-0908 THROUGH 0916
43. DAN JOHN WILLIAM TRACEY DBA AIRDRAULICS, 11-R4D2-1350
44. WESTERN BADGE & TROPHY COMPANY DBA WBT INDUSTRIES, 11-R4D2-

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM
For January 25, 2012
Page 4

1349

ORDERS DISMISSING APPEALS:

1. ALIKA IKAIKA ENTERPRISES INC. DBA ATTENTION TO DETAIL, 10-R1D2-1191

ORDERS AFTER DEMAND:

1. RDV FARMS INC., 08-R2D3-4282 THROUGH 4284

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. A-CO TEMPORARY POWER, 10-R4D1-3110 and 11-R4D1-9206
2. ARSEN MKRTCHYAN DBA COLTON HANDWASH, INC., 08-R3D3-9181
3. DEVCON CONSTRUCTION, INC., 09-R1D2-3398
4. WF HAYWARD CO., 10-R6D7-2021 AND 2022

DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):

1. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 07-R2D3-0275 THROUGH 0280

MATTERS PENDING RECONSIDERATION:

(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)

1. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
2. AC TRANSIT, 08-R1D4-0135
3. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
4. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
5. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272

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

For January 25, 2012

Page 5

6. ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655
7. BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1219 AND 1221
8. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
9. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445
AND 3448
10. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO.,
09-R6D2-2239 THROUGH 2241
11. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
12. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
13. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
14. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
15. COMMERCIAL METAL FORMING, 09-R3D1-1592
16. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
17. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
18. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
19. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
20. DESIGN BUILDERS, INC., 08-R4D4-1901
21. DUININCK BROS., INC., 06-R4D3-2871
22. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
23. DUKE PACIFIC, INC., 08-R3D3-574
24. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS,
09-R6D2-2325 THROUGH 2332
25. EZ MIX, INC., 08-R4D3-1898
26. FORTUNA IRON WORKS 06-R2D3-4222
27. HB PARKCO, 07-R4D2-1730 AND 1731

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

For January 25, 2012

Page 6

28. THE HERRICK CORP., 07-R3D1-0495
29. HOME DEPOT, 10-R3D6-3284
30. JENSEN PRECAST, 05-R2D1-2377
31. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
32. L & S CONSTRUCTION, 10-R3D2-1822
33. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
34. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
35. LION RAISINS, INC., 08-R2D5-2253 AND 2254
36. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
37. MARINE TERMINALS, 08-08-R6D2-1920
38. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
39. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
40. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
41. ORANGE COUNTY FIRE AUTHORITY, 10-R3D1-3667
42. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
43. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
44. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
45. P G & E CORPORATION DBA PACIFIC GAS & ELECTRIC CO., 11-R4D3-9132
46. POUK & STEINLE, INC., 09-R3D3-0491
47. RAMON ARANDA dba I & R PALLETS, 10-R6D5-9053
48. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730
49. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
50. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710

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

For January 25, 2012

Page 7

51. SDCCD – CONTINUING EDUCATION N C CENTER, 11-R3D2-1196
52. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
53. SHERWOOD MECHANICAL, INC., 08-R3D2-4690 THROUGH 4693
54. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
55. SMUD, 08-R2D1-4887 THROUGH 4889
56. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR,
08-R2D1-3414 THROUGH 3418
57. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
58. SUNRISE GROWERES FROZ SUN FOODS, 09-R4D3-2850
59. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
60. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION,
05-R2D4-2650 AND 2651
61. A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 09-R4D5-0469
AND 0460
62. UNITED PARCEL SERVICE, 07-R3D3-3322
63. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095

LEGISLATION:

(Discussion of pending legislation which may affect the Board).

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, 37-2009-00059323-CU-WM-NC (08-1733)
2. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB),
34-2007-00882192-CU-WM-GDS, (01-3261)

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

For January 25, 2012

Page 8

3. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB) (00-440)
4. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
5. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
6. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
7. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430 (09- 9280/9281)
8. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047 (07-R5D1-3611)
9. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
10. EMERSON RUSSELL MAINTENANCE CO., RG-10543219 (08-R1D4-4167)
11. SMUD, 34-2010-80000723 (08-R2D1-4887)
12. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
13. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
14. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965 (10-0188~0191)
15. GUILLAUME GRAPEVINE NURSERY, INC., 34-2011-800001010 (08-R2D1-3273)
16. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459 THROUGH 2461)

COURT OF APPEAL

1. JERLANE, INC., D060844 (2007-00056381) (01-4344 and 4345)

PERSONNEL:

(Issues regarding staff)

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