

**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, November 16, 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: November 4, 2011**

**RE: Closed Session of the Board to be held on November 16, 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.

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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. COMMODITY DISTRIBUTION SERVICE, INC., 10-R6D2-3418 THROUGH 3420
2. DEVCON CONSTRUCTION, INC., 09-R1D2-3398
3. E & J GALLO WINERY, 11-R2D4-0255
4. EXPERT CARWASHES, INC., 10-R4D1-3699 THROUGH 3703
5. HOLLANDER HOME FASHIONS, 10-R4D2-3704 THROUGH 3706
6. KINETIC SYSTEMS, INC., 09-R1D2-3667
7. RGW CONSTRUCTION, INC., 10-R1D2-1381

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8. SECA EQUIPMENT REMOVAL & DISMANTLING,  
07-R2D3-0275 THROUGH 0280
  
9. WINTER AND BAIN MANUFACTURING, INC., 11-R4D1-0195 AND 0725  
07-R2D3-0275 THROUGH 0280

**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. AA DELANO AUTO BODY SHOP, INC., 11-R6D5-2112
2. ADVANCED BORING SPECIALTIES, INC., 11-R2D3-0435
3. AES REDONDO BEACH LLC, 11-R3D5-0775
4. AG RX, 11-R4D3-2142
5. ALAMEDA TOWER LLC, 11-R4D1-0478
6. ALL THAT GLOWS LLC, 10-R1D4-0892 THROUGH 0895
7. ALL YEAR ROOFING, INC., 11-R4D1-0556
8. ALI AZAR DBA AMERICAN EAGLE BODY SHOP, 10-R6D7-1882
9. BANKHEAD EQUIPMENT, 11-R5D3-1582 AND 1583
10. BAY POLYMER CORPORATION, 10-R1D2-1655 AND 1656
11. BAYVIEW ENVIRONMENTAL SERVICES, INC., 10-R1D4-1386
12. BELLAIRE CUSTOM CABINETS, INC., 11-R6D2-0278 THROUGH 0280
13. C. C. MYERS, INC., 10-R1D1-0194 THROUGH 0197
14. C & G FARMS, 11-R6D5-1963 AND 1964
15. CEJA FARM OPERATIONS, LLC, 11-R6D7-1286
16. CEMEX CALIFORNIA CEMENT LLC, 11-R3D3-1787
17. CITY FIBERS, 11-R4D2-0588

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18. COMBUSTION ASSOCIATES, INC., 11-R6D2-0630 THROUGH 0635
19. CONTRA COSTA COMMUNITY COLLEGE DISTRICT, 10-R2D2-1547
20. CONTRA COSTA COMMUNITY COLLEGE DISTRICT DBA CONTRA COSTA COLLEGE, 10-R2D2-1423 AND 1424
21. ARTHUR CORONA DBA AC BUILDERS, 09-R2D3-1376 AND 1377
22. CVS PHARMACY #9783, 11-R3D2-0909
23. DAVEY TREE SURGERY CO., 10-R1D5-0565
24. DAVIS FRAMING, INC., 11-R6D2-0319
25. DRILCO INC., 11-R3D1-1004
26. EVA AIRWAYS, 09-R1D3-0836 THROUGH 0838
27. G & O BODY SHOP, INC., 10-R6D7-1617
28. JOSE GARIBAY DBA LOS ANGELES AUTO BODY CENTER,  
11-R6D5-0969 AND 0970 & 11-R6D5-1143
29. GEMMA POWER SYSTEMS CALIFORNIA, INC., 09-R2D1-3203
30. GHILOTTI CONSTRUCTION COMPANY, INC., 10-R1D5-2665
31. GOLDEN WEAR INC., 11-R6D5-2212 THROUGH 2214
32. GONZALES & FARAGO ENTERPRISES, INC., 10-R6D2-3913 THROUGH 3915
33. HARDIN MARINE ARROWHEAD, 11-R3D3-1815
34. HEEDE LANDSCAPE COMPANY, INC., 11-R2D1-0143
35. HK TOWN LLC, 10-R4D1-3644 THROUGH 3646
36. HOLLAND WATERPROOFING, 09-R2D1-2134
37. HOME DEPOT #627, 10-R1D4-1027
38. HUNTER ROOFING INC., 08-R2D3-5143
39. INCAST ASSET MANAGEMENT DBA OMNI DUCT SYSTEMS,  
11-R6D2-0121 THROUGH 0130

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40. JESSE'S PLATING, 11-R4D2-0392 THROUGH 0396
41. JLP SERVICES, 08-R2D1-3801 AND 3802
42. JS PALUCH COMPANY, INC., 11-R3D6-0660 THROUGH 0664
43. KONE, INC., 11-R3D2-2361
44. L. A. CITY BUILDING & SAFETY, 11-R4D1-0714
45. LANDSCAPE ARTISTRY, INC., 10-R3D2-3281 AND 3282
46. LISTER CONSTRUCTION, INC., 10-R2D2-2296
47. LOS ALTOS FOOD PRODUCTS, 11-R3D6-0445 AND 0446
48. LOS ALTOS FOOD PRODUCTS INC., 11-R3D6-0447
49. LOUIS TREE SERVICE, 10-R4D1-3647 THROUGH 3649
50. LOVERDE BUILDERS, INC., 08-R2D1-3275 AND 3276
51. LYLES MECHANICAL CO., 09-R2D1-0587
52. M & L TIRE CENTER, INC. GOODYEAR TIRE CENTER, 11-R6D5-1470
53. MAPLE LEAF FOODS USA INC., DBA MAPLE LEAF FROZEN BAKERY,  
10-R6D2-0545 THROUGH 0547
54. MAPLEGROVE GLUTEN FREE FOODS INC., 11-R3D3-1774
55. MARDEAS, INC., DBA SANTA BARBARA ICE COMPANY,  
10-R6D2-3557 THROUGH 3560
56. JOHN ROBERT MASSARO DBA MASSARO CONSTRUCTION,  
10-R4D1-3906 THROUGH 3908
57. MCP FOOD, INC. DBA FIRMENICH, INC., 10-R6D2-3555 AND 3556
58. MILLER ENVIRONMENTAL, 11-R3D2-0169 AND 0170
59. MV TRANSPORTATION, INC., 10-R2D2-1625
60. NP MECHANICAL, 11-R3D2-2339

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61. NRG POWER, INC., 10-R3D1-3363 AND 3364
62. OLIVER & COMPANY, INC., 10-R1D4-1456 AND 1457
63. BUCK O'NEIL BUILDERS, INC., 10-R1D1-1689
64. OUR LADY OF FATIMA VILLA, 10-R1D2-1446 AND 1447
65. PACIFIC INTERNATIONAL RICE MILLS, LLC, 09-R2D1-2290
66. PAPICH CONSTRUCTION CO., INC., 11-R5D2-0366 THROUGH 0368
67. POWERSVILLE, INC., 11-R6D2-0820 THROUGH 0822
68. REA 2003-1 LLC DBA SADDLE RANCH UNIVERSAL, 11-R4D3-0715
69. RIVERSIDE UNIFIED SCHOOL DIST. MLK HIGH SCHOOL, 11-R3D3-1610
70. ROYAL CROWN ENTERPRISES INC., 11-R6D2-0669 THROUGH 0675
71. SALINAS FARM LABOR CONTRACTOR, INC., 11-RSD7-1683 THROUGH 1685
72. SANTA CRUZ NUTRITIONALS, 10-R1D2-2568
73. SANTA FE AGGREGATES, INC., 09-R5D1-2439
74. SHALOM FASHION, INC., 11-R6D5-1762 AND 1763
75. FIRDOS S. SHEIKH, MD DBA SOUTH SACRAMENTO NEUROLOGY  
MEDICAL ASSOCIATES, INC., 09-R2D1-1773 THROUGH 1776
76. SOUTHCOAST AQMD, 11- R3D6-1347 AND 1348
77. MARK WILLIAM SPAHN DBA A BRIGHT IDEA and ABI SERVICES, INC.,  
10-R1D4-0650 THROUGH 0652
78. STEVEDORING SERVICES/AMERICA DBA SSA TERMINALS (LB) LLC,  
11-R6D2-1136
79. STRUCTURAL STEEL FABRICATORS, 10-R6D2-3661 THROUGH 3663
80. SUN GOLD DBA SANDY'S GUEST HOUSE, 09-R2D1-0234
81. SUNSET CAR WASH LLC, 11-R6D2-0331 AND 0332
82. SUNSHINE FARM LABOR CONTRACTOR, 11-R6D7-0832

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83. SOUTHWEST TRADERS INCORPORATED, 11-R3D3-1933
84. SUPER SECURE, 11-R4D1-0490 AND 0491
85. SWISSPORT USA, INC., 09-R1D3-0798 THROUGH 0800
86. SYSCO SAN DIEGO, INC., 11-R3D5-1935 AND 1936
87. A. TEICHERT & SON INC DBA TEICHERT AGGREGATES, 10-R5D1-2080
88. TRIMM'S SCAFFOLDING, 08-R2D3-4944
89. TTM TECHNOLOGIES, INC., 11-R1D3-2022
90. UNIVERSAL SERVICES OF AMERICA DBA UNIVERSAL PROTECTION SERVICE, 11-R3D1-1531
91. MARTIN G. VELASQUEZ DBA VEL-PACKER, 10-R6D5-2471 AND 2472
92. WAL-MART, 09-R3D2-2931 AND 2932
93. WRIGHT TREE SERVICE, INC., 09-R2D1-2422
94. CHOU XIONG, 08-R2D5-4360

**ORDERS DISMISSING APPEALS:**

1. CALIFORNIA WOODEN FURNITURE, INC., 10-R2D1-2666
2. CENTRAL FREIGHT LINES, INC., 10-R2D1-1888
3. CITY OF OAKDALE – COMMUNITY DEVELOPMENT DEPT., 10-R2D4-2617
4. CITY OF OAKDALE – PUBLIC WORKS DEPT., 10-R2D4-2621
5. VIVIAN HWANG, 10-R2D5-3692
6. KOVACEVICH LANDSCAPE MAINTENANCE, 10-R2D5-2301
7. ROOF TOP METAL PRODUCTS, INC., 11-R2D4-1180 AND 1181

**ORDER DENYING LEAVE TO PROCESS APPEALS AS TIMELY:**

1. AGAPE COLLECTION, INC., DBA AGAPE COLLECTION, 11-R6D5-9091

**ORDER AFTER REMAND:**

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1. ALI AZAR DBA AMERICAN EAGLE BODY SHOP, 10-R6D7-1882

**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. 99 CENTS ONLY STORES, 11-R3D3-9168
2. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
3. FLATIRON CONSTRUCTION CORP., 10-R4D1-2789
4. NATIONAL METAL FABRICATION, INC., 10-R6D2-3342 THROUGH 3344
5. SERVICE SCAFFOLD CO., INC, DBA SAFETY SERVICE SCAFFOLD, 10-R1D1-1445

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

1. MANUEL PAUL RODRIGUEZ DBA SHORELINE COLLISION CENTER  
09-R6D7-3570 AND 3571

**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 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
6. ANNING-JOHNSON COMPANY, 06-R1D3-1976
7. BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1219 AND 1221
8. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963

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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. BURRTEC WASTE INDUSTRIES, INC., 10-R3D3-9222
13. C & M FARM LABOR SERVICE, INC., 11-R2D5-0050
14. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
15. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
16. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
17. CITY OF FOSTER CITY, DEPT. OF PUBLIC WORKS, 09-R1D3-4195
18. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR 08-R6D5-3466 AND 3467
19. COMMERCIAL METAL FORMING, 09-R3D1-1592
20. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
21. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
22. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
23. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
24. DESIGN BUILDERS, INC., 08-R4D4-1901
25. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
26. DUININCK BROS., INC., 06-R4D3-2871
27. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
28. DUKE PACIFIC, INC., 08-R3D3-574
29. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS, 09-R6D2-2325 THROUGH 2332

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30. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
31. EZ MIX, INC., 08-R4D3-1898
32. FORTUNA IRON WORKS 06-R2D3-4222
33. G. T. ALDERMAN, INC. 05-R4D3-3513
34. HB PARKCO, 07-R4D2-1730 AND 1731
35. THE HERRICK CORP., 07-R3D1-495
36. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
37. INTERPAC TECHNOLOGIES, INC., 08-R2D1-4199 AND 4200
38. JENSEN PRECAST, 05-R2D1-2377
39. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
40. L & S CONSTRUCTION, 10-R3D2-1822
41. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
42. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
43. LION RAISINS, INC., 08-R2D5-2253 AND 2254
44. L N I CUSTOM MANUFACTURING, 10-R6D2-9154
45. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
46. MARINE TERMINALS, 08-08-R6D2-1920
47. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
48. MILLENIUM GENERATION, INC., 08-R4D3-5047
49. MOOREFIELD CONSTRUCTION, INC., 10-R3D5-9207
50. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
51. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
52. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022

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53. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
54. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
55. P G & E CORPORATION DBA PACIFIC GAS & ELECTRIC CO., 11-R4D3-9132
56. POUK & STEINLE, INC., 09-R3D3-0491
57. QYCELL CORPORATION, 11-R3D3-1575 AND 1576
58. RAMON ARANDA dba I & R PALLETS, 10-R6D5-9053
59. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730
60. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
61. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
62. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
63. SHERWOOD MECHANICAL, INC., 08-R3D2-4690 THROUGH 4693
64. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
65. SMUD, 08-R2D1-4887 THROUGH 4889
66. SODEXO HEALTH CARE, 11-R4D1-0200 AND 0201
67. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
68. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
69. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
70. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
71. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650 AND 2651
72. UNITED PARCEL SERVICE, 07-R3D3-3322
73. VIP MOBILE DETAILERS, INC., 11-R2D4-0705
74. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095

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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. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
6. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
7. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
8. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430  
(09- 9280/9281)
9. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047  
(07-R5D1-3611)
10. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-  
80000640 (08-R2D1-0027 THROUGH 0030)
11. EMERSON RUSSELL MAINTENANCE CO., RG-10543219 (08-R1D4-4167)
12. SMUD, 34-2010-80000723 (08-R2D1-4887)
13. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
14. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
15. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965  
(10-0188~0191)

**COURT OF APPEAL**

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**PERSONNEL:**

*(Issues regarding staff)*

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