

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, November 18, 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: November 5, 2009**

**RE: Closed Session of the Board to be held on November 18, 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.

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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. INTERNATIONALLY DELICIOUS, INC./MASTERPIECE COOKIES, 08-R6D1-0334 THROUGH 0349
2. LUIS ESPANA DBA ESPANA FABRICATORS, 09-R4D3-1621
3. SECURE HOME IMPROVEMENT, 09-R3D2-0813-0813

**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. A. Q. CONSTRUCTION, INC., 08-R4D4-4528 THROUGH 4530

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2. ACCESS AIR CONDITIONING, 09-R4D2-1123
3. ADEL WIGGINS GROUP OF TRANSDIGM, INC., 08-R4D4-5189 THROUGH 5192
4. ADVANCE CLEAN UP TECHNOLOGIES, INC. (ACTI), 09-R6D4-1214
5. AERO INVENTORY USA, INC., 08-R4D4-4225 AND 4226
6. ALEXANDER WOOD WORKS, INC., 08-R2D1-3978 AND 3979
7. ANAHEIM EXTRUSION CO., INC., 09-R6D2-1831 THROUGH 1834
8. ANTIMITE ASSOCIATES, INC., 09-R3D3-1518
9. ARTISAN BRONZE, 09-R6D2-1579 THROUGH 1585
10. ASSOCIATED STUDENTS OF CA STATE UNIVERSITY, SACRAMENTO, 08-R2D1-4617
11. BARRANCE, INC. DBA BARANCE AUTOMOTIVE & COLLISION, 09-R6D5-0869 THROUGH 0871
12. STAN AND NANCY BEATTY DBA SUNBIRD MONOGRAMERS, 09-R6D2-2369 AND 2370
13. BURBANK PUBLIC WORKS – CPS, 09-R4D3-0865
14. C.R. AND R., INC., 09-R3D3-1720
15. CAL PACIFIC FARM MANAGEMENT, 08-R2D5-0409
16. ROY CAMPA DBA CAMPA’S CUSTOM PAINTING, 09-R6D5-1312 AND 1313
17. CARROLL METAL WORKS, INC., 09-R6D2-1725
18. CITY OF LOS ANGELES DEPT. OF RECREATION & PARKS, 09-R3D5-2236 AND 2237
19. COOKES CRATING, INC., 09-R4D2-1528 THROUGH 1531
20. CUSTOM BUILDING PRODUCTS, INC., 09-R4D2-1749 AND 1750
21. DUNKIN & BUSH, INC., 09-R4D3-0993 and 09-R4D3-3350
22. EAST WEST STAFFING, 09-R4D3-0913

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23. EASTSIDE ICE CO., 09-R6D2-1611 THROUGH 1614
24. ED'S WEST LLC, 09-R4D2-1010 AND 1011
25. EIDE INDUSTRIES, INC., 09-R3D5-0294
26. EIMSKIP DBA VERSACOLD LOGISTICS SERVICE, 09-R6D4-0774 THROUGH 0777
27. F.D.S. MFG., 09-R3D6-1999 AND 2000
28. FOX HILLS INDUSTRIES, INC., 09-R6D2-1396 AND 1397
29. FRED R. RIPPY, INC., 09-R4D4-0268
30. GALVAN BROTHERS, INC., 09-R6D5-2129 AND 2130
31. GLOBAL P.E.T., INC., 08-R3D3-5110 AND 5111
32. GONZALES FARM SERVICES & TRUCKING, 09-R6D2-2170 AND 2171
33. HAMMOND POWER SOLUTIONS, INC., 09-R4D2-1124 AND 1125
34. HARBOR PACKAGING, INC., 09-R3D2-2198 AND 2199
35. HLI LANDSCAPE & MAINT. DBA HILL TREE CARE SERVICE, 09-R4D2-2382 AND 2383
36. HOERTIG, 09-R6D2-2172 AND 2173
37. INTERNATIONAL JUICE CONCENTRATES, INC., 08-R3D5-4552 THROUGH 4554
38. J & G CONTRACT LABOR, 09-R2D5-0594 THROUGH 0596
39. J & S EXCAVATING, INC., 09-R4D3-1142 AND 1143
40. MICHAEL F. JACINO, JR. DBA JACINO ELECTRICAL, 08-R2D1-2371 AND 2372
41. K.O.O. CONSTRUCTION, INC., 08-R2D1-1493
42. KIEWIT PACIFIC COMPANY, 09-R5D1-0258
43. KINGS CANYON UNIFIED SCHOOL DISTRICT, 08-R2D5-4764 THROUGH 4766

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44. BRUCE KUECKER DBA RESORT BUILDERS, 08-R2D1-0035
45. CHRISTOPHER DAVID LACY DBA M.C. CUSTOMS, 09-R6D5-2037 AND 2038
46. LIMA RECYCLING CENTER, 08-R4D4-5188
47. LOTUS THAI BISTRO, 09-R6D5-2755
48. MAJOR BRASS FOUNDRY, INC., 09-R6D2-2523 AND 2524
49. MAREAN CORPORATION DBA BIG O TIRES AND SERVICE CENTERS, 08-R2D1-3803 AND 3804
50. MC CURLEY AND DAY MASONRY, INC., 07-R2D4-5160 AND 5161
51. MID COAST GLASS COMPANY, 09-R4D3-1467 AND 1468
52. OAK RIDGE BUILDERS, 09-R2D1-0253 AND 0254
53. ORANGE COUNTY SANITATION DISTRICT, 09-R3D1-0877
54. BENJAMIN LOPEZ ORTEGA DBA BENJAMIN LOPEZ FLC, 08-R2D4-4620 AND 4621
55. BENJAMIN LOPEZ ORTEGA DBA BENJAMIN LOPEZ FLC, 08-R2D4-4622
56. PACIFIC TOLL PROCESSING, INC., 08-R3D5-3867 and 08-R3D5-4669 AND 4670
57. PERFECT AUTO, 08-R2D1-3484 AND 3485
58. PETERSON DEAN, INC. DBA PETERSON DEAN ROOFING AND SOLAR SYSTEMS, 08-R2D1-3187
59. PETERSON DEAN, INC. DBA PETERSON DEAN ROOFING AND SOLAR SYSTEMS, 09-R2D1-2285
60. PICO RIVERA PALLET, 09-R3D3-0855 AND 0856
61. POCINO FOODS COMPANY, 08-R4D4-3961 THROUGH 3964
62. PRECISION COLLISION LLC, 08-R6D5-5165 THROUGH 5167
63. PREMIER PACKAGING & ASSEMBLY, INC., 08-R2D4-3627
64. RAINBOW STEEL, INC., 09-R6D2-1796 THROUGH 1802

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65. RAY TONEY & ASSOCIATES, 09-R2D3-0746
66. REAL MEX FOODS, 09-R4D2-1139
67. RECYCLING INDUSTRIES, 08-R2D1-3486
68. REFRIGERATOR MANUFACTURERS, INC., 08-R4D4-3989 THROUGH 3992
69. RICH'S JON DONAIRE DESSERTS, 08-R4D4-5056
70. RODGER WARD CONSTRUCTION, INC., 08-R4D4-4828
71. SIGNIUS COMMUNICATIONS, INC., 08-R2D1-3092
72. T. WAYNE & KATIE SMITH DBA W & K FARMS, 09-R4D3-0498 THROUGH 0500
73. SOUTHERN CALIFORNIA EDISON SAN ONOFRE STATION, 09-R3D1-0626
74. SUB ZERO EXCAVATING, 09-R4D3-1243
75. SUNTREK INDUSTRIES, INC., 08-R3D5-4395 AND 4396
76. STRUC STEEL, INC., 09-R6D2-2322 THROUGH 2324
77. TANK & REFINERY SERVICES, 09-R4D4-3877 THROUGH 3979
78. TAPIA BROS., INC., 09-R4D3-3000
79. TELESIS CONSTRUCTION, INC., 08-R2D1-4461 THROUGH 4463
80. TETRA-TECH, INC., 09-R3D5-2863
81. TREES, INC., 08-R2D4-3423
82. URBAN BUILDERS, 07-R4D1-1722 THROUGH 1725
83. VXI GLOBAL SOLUTIONS, 09-R4D1-1445
84. WATER FACILITIES AUTHORITY, 09-R6D4-2946 AND 2947
85. WEST COVINA HIGH SCHOOL, 09-R4D4-0338 THROUGH 0340
86. WEST UNITY CORP. DBA RACCO, 08-R4D4-4599
87. WINDMILL PROPANE, 08-R2D5-1217 AND 1218

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88. Y & K PRODUCTION, INC., 09-R6D5-1181 AND 1182

**STIPULATIONS:**

1. NTK CONSTRUCTION, INC., 07-R2D2-2822

**ORDERS DISMISSING APPEALS:**

1. CHORE AUTO WRECKING, 09-R3D2-0605 AND 0606

2. MAMMOTH EQUITIES CONSTRUCTION GROUP, INC., 08-R2D1-3038

**ORDERS DENYING LATE APPEAL:**

1. AMERICAN COMMUNITY BUILDERS, INC., 09-R4D1-9256

2. ELAND SENIOR LIVING, 09-R6D5-9234

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

1. BUTTON & TURKOVICH, 09-R6D1-9277

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

1. ALGIERE CONSTRUCTION SERVICES, 09-R4D1-3429

**ORDER RE: SANCTIONS DISMISSING APPEAL:**

1. KANG'S PAINTING, 09-R3D2-2668 AND 2669

**PETITIONS FOR RECONSIDERATION:**

1. C.C. MYEERS, INC., 08-R1D1-0952 THROUGH 0955

2. COLICH & SONS / J.R. PIPELINE J.V., 08-R5D2-5061

3. E-Z MIX, INC., 08-R4D3-1898

4. KANG'S PAINTING, 09-R3D2-2668 AND 2669

5. LOLOS FARM LABOR MANAGEMENT, 07-R2D4-2017 AND 2018

6. RANCHO SALINAS PACKING, INC., 09-R6D5-9231

7. RAY TONEY & ASSOCIATES, 09-R2D3-0746

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8. SOAPY SUDS, INC., 09-R4D3-9224

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

1. REX MOORE ELECTRICAL CONTRACTORS & ENGINEERS, 07-R1D4-4314
2. S.A. FRAMERS, INC., 09-R3D2-0262
3. THE PEPBOYS, MANNY, MOE & JACK OF CA, 09-R3D1-1732

**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. ADVANCE DISPOSAL CO. & RECYCLING CENTER DBA BESTWAY DISPOSAL, 09-R3D3-9212
7. AMERICAN REMEDIAL TECHNOLOGIES, 08-R4D2-3154 THROUGH 3156
8. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
9. ARBORICULTURAL SPECIALTIES INC., DBA PROFESSIONAL TREE CARE CO., 08-R1D4-0799
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-R6D2-856 AND 857
15. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429

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16. BLF, INC. dba LARRABURE FRAMING, 02-R4D1-4675 THROUGH 4680
17. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445
18. BURTON L. SILVA FARMS, 09-R1D2-1498
19. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
20. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
21. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
22. CELTIC SCAFFOLDING, INC., 08-R1D1-1469 THROUGH 1471
23. CENTRAL VALLEY CONCRETE, INC., 07-R2D4-1375 THROUGH 1378
24. CITY OF POWAY, DEPARTMENT OF PUBLIC WORKS, 09-R3D2-2165 AND 2166
25. CLINE CELLARS, INC., 08-R1D5-2946
26. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336
27. CNL ROOFING COMPANY, 08-R1D2-1692 AND 1693
28. COLES CARBIDE CORPORATION, 08-R4D3-2012 THROUGH 2014
29. CORE GENERAL CONTRACTOR, INC. DBA CORE BUILDERS, 08-R1D2-1379
30. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
31. CVS PHARMACY GARFIELD BEACH, LLC, 09-R3D1-0571
32. CVS PHARMACY GARFIELD BEACH LLC, 08-R3D1-9368
33. D'QUALITY SERVICE, INC., 08-R4D4-3454
34. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
35. DAVIS BROTHERS FRAMING, INC., 03-R3D1-114
36. DAVIS BROTHERS FRAMING, INC., 05-R3D3-634 THROUGH 636
37. DESIGN BUILDERS, INC., 08-R4D4-1901

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38. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
39. DUKE PACIFIC, INC., 08-R3D3-574
40. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
41. DUININCK BROS., INC., 06-R4D3-2871
42. DYNALECTRIC, 03-R1D1-4101
43. E C U, INC., 09-R3D5-1094 AND 1095
44. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
45. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
46. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
47. FORTUNA IRON WORKS 06-R2D3-4222
48. FREAS PLASTERING CO., INC., 08-R1D1-1188 AND 09-R1D1-2568
49. G.T. ALDERMAN, INC., 05-R4D3-3513
50. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
51. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
52. GLASS PAK, 03-R2D2-750 AND 751
53. GOLDEN WEST INDUSTRIES, INC., 08-R3D2-3930
54. GRISWOLD INDUSTRIES, 09-R6D2-0981 THROUGH 0984
55. H. WAYNE LEWIS, INC., DBA AMBER STEEL CO., 09-R3D3-2016 AND 2017
56. HB PARKCO, 07-R4D2-1730 AND 1731
57. HELPMATES STAFFING SERVICES, 05-R3D3-2239
58. HARBOR ORNAMENTAL, INC., 09-R3D5-2086
59. HELM & SONS, INC., DBA HELM & SONS AMUSEMENTS, 08-R3D3-3513
60. HERITAGE OPERATING, LP DBA PRO-FLAME, 09-R3D3-1067

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61. THE HERRICK CORP., 07-R3D1-495
62. HUSSMAN CORPORATION, 03-R3D1-2939
63. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
64. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
65. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
66. JC PAPER, 08-R1D4-1823 AND 1824
67. JENSEN PRECAST, 05-R2D1-2377
68. JOHN LAING HOMES, 04-R3D1-194 AND 195
69. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
70. JT WINDOWS, INC., 09-R6D2-0693 THROUGH 0698
71. KELLY SERVICES, INC., 06-R1D2-1024
72. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-323
73. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
74. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
75. LARSON STEEL, INC., 08-RID4-4334 AND 4335
76. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
77. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
78. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
79. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
80. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
81. MILLENIUM GENERATION, INC., 08-R4D3-5047
82. MITCHELL ENVIRONMENTAL CONCRETE, 09-R4D5-0147
83. NEW CREATION BUILDERS, 09-R3D1-1460
84. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583

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85. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
86. NUTRAMED, INC., 08-R3D3-4546 AND 4547
87. O & M INDUSTRIES, 04-R1D5-1597
88. OLSON AND CO. STEEL, 09-R1D4-0876
89. POUK & STEINLE, INC., 03-R4D2-1495 AND 1496
90. POWER FREIGHT SYSTEMS, 06-R1D4-3347
91. PRIME STEEL, INC., 09-R3D6-1523
92. R.A. CAMPBELL, INC., 09-R6D2-1209 THROUGH 1211
93. R & L BROSAMER, INC., 03-R1D5-4832
94. RR DONELLEY, INC., 09-R3D3-2201
95. REAL EQUITY DEVELOPMENT, INC., 07-R2D4-4129 AND 4130
96. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
97. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
98. SELECT REMEDY, 08-R2D5-0048 THROUGH 0050
99. SOUTHWEST TRADERS, INC., 08-R2D4-0710 THROUGH 0712
100. STACY & WITBECK, INC., 05-R1D1-1142
101. STENDERUP AG PARTNERS, 09-R6D2-2111 AND 2112
102. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
103. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT  
AGGREGATES, 04-R5D2-850 AND 851
104. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650  
AND 2651
105. TEICHERT AGGREGATES, 04-R5D1-2982
106. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2256 AND 2557

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107. UNITED PARCEL SERVICE, 07-R3D3-3322

108. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095

109. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802

110. 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., 07CS00518 (02-3914)
2. JERLANE v DIVISION OF OCCUPATIONAL SAFETY & HEALTH, 07-2009-0005631-CU-WM-NC, (01-4344/4345)
3. JERLANE V DIVISION OF OCCUPATIONAL SAFETY AND HEALTH, 07-2009-0005932CU-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 (00-440)
7. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
8. SOUTHERN CALIFORNIA EDISON COMPANY, BS 119297, LOS ANGELES SUPERIOR COURT (08-9062)
9. UNITED AIRLINES (SFO), 34-2009-80000256
10. XL CONSTRUCTION, SUPERIOR COURT (34-2009-80000300), 08-R1D2-1191 THROUGH 1193

**APPELLATE COURT:**

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1. MURRAY COMPANY, BS112469
2. HARRIS CONSTRUCTION COMPANY, INC. 07CS00518 (02-3914)

**PERSONNEL:**

*(Issues regarding staff.)*

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