

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, December 21, 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: December 8, 2011

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

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. KIRK PATRICK AVUGWI, 08-R1D2-0265 AND 0266
2. PERFORMANCE CONTRACTING, INC., 10-R4D1-1364 AND 1365

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. ADVANCE PRODUCTS, INC., 11-R3D6-2038
2. ALUM-A-FOLD PACIFIC DBA AFP METAL PRODUCTS, 11-R6D2-0232 THROUGH 0239

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3. AMERICAN GOLF CORPORATION DBA FRANKLIN CANYON GOLF COURSE, 10-R2D2-1891
4. BODEGA LATINA CORPORATION DBA EL SUPER, 11-R3D3-2342
5. CA CONSERVATION CORPS., 09-R2D3-1511 AND 1512
6. CA CORRECTIONS JUVENILE JUSTICE – SO. RECEPTION, 11-R3D6-0851 THROUGH 0853
7. CALIFORNIA PREMIER ROOFSCAPES, INC., 10-R3D2-3583 AND 3584
8. CHARTER COLLEGE, 11-R3D5-1228
9. COMMERCIAL CUSTOM SEATING & UPHOLSTERY, 11-R6D2-1031 THROUGH 1034
10. COUNTY OF SANTA CRUZ – SO. COUNTY MENTAL HEALTH, 11-R1D2-2347
11. CTG INTERNATIONAL LLC, 11-R3D6-1740
12. CUPERTINO PUBLIC WORKS, 10-R1D2-2821
13. DEPINHO ROOFING, INC. DBA ROOFING CONSTRUCTION SERVICES, 11-R3D1-1051
14. DRILL TECH DRILLING & SHORING, 11-R5D2-1133
15. EL DORADO COUNTY, SHERIFF'S DEPARTMENT, 09-R2D1-0284
16. ELLIOTT DRILLING SERVICES, INC., 11-R4D2-0748
17. ERICKSON CONSTRUCTION LP, 09-R2D1-2360
18. EUCLID/SUN PACIFIC PACKING, 09-R2D5-2958 AND 2959
19. FOSTER ENTERPRISES, 11-R3D3-2535 THROUGH 2537
20. FULLER PAVING AND DEVELOPMENT, INC., 11-R3D2-1021
21. GLASS EMPORIUM OF MARIN, INC. STORE #1, 09-R2D1-2286
22. H MART NORWALK LLC, 10-R3D6-1905
23. HALLIBURTON ENERGY SERVICES, 10-R6D4-3879

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24. HARIK CONSTRUCTION, INC., 11-R3D6-1993
25. HAUNTED HEAD, INC. DBA THE HAUNTED HEAD SALOON, 11-R3D2-0475
26. HITEX DYEING & FINISHING, INC., 11-R3D6-2065 THROUGH 2070
27. IVANKO BARBELL CO., INC., 11-R3D5-1163
28. BOB JOHNSON DBA THE TREE SCULPTOR, 11-R4D1-0450
29. JOHNSON WESTERN GUNITE COMPANY, 10-R5D1-3937 AND 3938
30. ODEAS JONES DBA AGRI TRADE SCHOOL, 10-R1D2-2324 THROUGH 2326
31. JTS MODULAR, INC., 10-R2D5-2039
32. LANCASTER BURNS CONSTRUCTION, INC. DBA LB CONSTRUCTION,
11-R1D2-2395
33. ROBERTO LOMELI DBA MALIBU CITY AUTOBODY, 11-R6D5-1468 AND
1469
34. M & A AG SERVICES, 10-R6D5-3685
35. MOC AUTOMOTIVE INVESTMENTS DBA CENTURY COLLISION CENTER,
11-R3D1-1005
36. NOR-CAL SCAFFOLDING, INC., 10-R1D1-2886
37. NUTMEG CONSTRUCTION LTD, 10-R1D5-0397
38. OLEN COMMERCIAL REALTY CORP., 11-R3D1-1566 THROUGH 1568
39. PENINSULA PACKAGING LLC, 09-R2D5-4202
40. PPG AEROSPACE, 11-R4D3-0067 AND 0068
41. RANCHO HARVEST, INC., 11-R4D3-0667 AND 0668
42. SAN FERNANDO VALLEY PALLET CO., 11-R6D2-1137 AND 1138
43. SCHETTER ELECTRIC, INC., 09-R2D1-3963
44. SCHREINER FARMS, INC., 09-R2D1-3014 AND 3015
45. SELECT STAFFING, 10-R1D3-1619

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46. SGLC, INC., 08-R2D1-4683
47. SPS TECHNOLOGIES DBA CHERRY AEROSPACE, 11-R3D1-2738 AND 2739
48. STERLING CONSTRUCTION, INC., 10-R1D5-0802
49. TOP FLAVOR FARMS, INC., 10-R6D7-1840
50. VACA VALLEY WELDING WORKS, 09-R2D1-1193 AND 1194
51. VALLEY TRANSPLANT COMPANY, INC., 10-R6D7-2928
52. VICTOR ILLUMINATING, INC., 09-R2D1-0313 THROUGH 0315
53. CARLOS VILLA, LETICIA LOPEZ DBA EL AGAVE, 11-R6D7-1629
54. WATERPROOFING EXPERTS, 11-R4D1-0747
55. WF HAYWARD CO., 10-R6D7-2021 AND 2022
56. WILSON WAY TIRE CO. DBA US TIRE SALES, 09-R2D1-3705
57. WORLD FLOOR COVERING, 11-R3D2-1052 AND 1053

ORDER IMPOSING SANCTIONS – APPEAL DISMISSED:

1. CLASSIC CONSTRUCTION, 11-R3D1-0738 THROUGH 0740

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. BAY POLYMER CORPORATION, 10-R1D2-1655 AND 1656
2. CENTRAL FREIGHT LINES, INC., 10-R2D1-1888
3. HOLLANDER HOME FASHIONS, 10-R4D2-3704 THROUGH 3706
4. MOHAMMED ARSHAD DBA A & Z AUTO BODY SHOP, 11-R6D7-9204
5. ORANGE COUNTY FIRE AUTHORITY, 10-R3D1-3667

DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):

1. CA. TRANSPORTATION, 08-R2D1-2173 THROUGH 2176

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2. ROUNDS LOGGING CO., 10-R2D3-0160 AND 0161
3. SAM WONG CONSTRUCTION CO., 09-R1D4-3433 AND 3434

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
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
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 FARM LABOR SERVICE, INC., 11-R2D5-0050
13. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
14. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
15. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
16. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR
08-R6D5-3466 AND 3467
17. COMMERCIAL METAL FORMING, 09-R3D1-1592

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18. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
19. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
20. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
21. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
22. DESIGN BUILDERS, INC., 08-R4D4-1901
23. DUININCK BROS., INC., 06-R4D3-2871
24. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
25. DUKE PACIFIC, INC., 08-R3D3-574
26. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS,
09-R6D2-2325 THROUGH 2332
27. EZ MIX, INC., 08-R4D3-1898
28. FORTUNA IRON WORKS 06-R2D3-4222
29. HB PARKCO, 07-R4D2-1730 AND 1731
30. THE HERRICK CORP., 07-R3D1-495
31. INTERPAC TECHNOLOGIES, INC., 08-R2D1-4199 AND 4200
32. JENSEN PRECAST, 05-R2D1-2377
33. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
34. L & S CONSTRUCTION, 10-R3D2-1822
35. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
36. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
37. LION RAISINS, INC., 08-R2D5-2253 AND 2254
38. L N I CUSTOM MANUFACTURING, 10-R6D2-9154
39. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
40. MARINE TERMINALS, 08-08-R6D2-1920

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41. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
42. MOOREFIELD CONSTRUCTION, INC., 10-R3D5-9207
43. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
44. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
45. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
46. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
47. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
48. P G & E CORPORATION DBA PACIFIC GAS & ELECTRIC CO., 11-R4D3-9132
49. POUK & STEINLE, INC., 09-R3D3-0491
50. RAMON ARANDA dba I & R PALLETS, 10-R6D5-9053
51. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730
52. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
53. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
54. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
55. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
56. SHERWOOD MECHANICAL, INC., 08-R3D2-4690 THROUGH 4693
57. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
58. SMUD, 08-R2D1-4887 THROUGH 4889
59. SODEXO HEALTH CARE, 11-R4D1-0200 AND 0201
60. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
61. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
62. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850

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63. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
64. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION,
05-R2D4-2650 AND 2651
65. UNITED PARCEL SERVICE, 07-R3D3-3322
66. VIP MOBILE DETAILERS, INC., 11-R2D4-0705
67. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095

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)
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)

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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)

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.