

**BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD**

In the Matter of the Appeal of:

**BEVERLY HILLS SCULPTURE LLC
19211 Mayall Street
Northridge, CA 91324**

Employer

**Inspection No.
1632835**

**DENIAL OF PETITION
FOR RECONSIDERATION**

The Occupational Safety and Health Appeals Board (Board), acting pursuant to authority vested in it by the California Labor Code hereby denies the petition for reconsideration (Petition) filed in the above-entitled matter by Beverly Hills Sculpture LLC (Employer).

JURISDICTION

The California Division of Occupational Safety and Health (Division) issued two citations to Employer alleging a total of six violations of occupational safety and health standards codified in California Code of Regulations, title 8.¹ The citations were issued on May 2, 2023, and served on Employer on May 5, 2023.

Employer initiated its appeal on July 19, 2023, by filing with the Board an incomplete appeal form. The Board issued a Notice of Docketed Appeal on July 24, 2023. On August 23, 2023, the Board sent Employer a Notice of Incomplete Appeal informing Employer that additional information needed to be added to its initial filing. Employer responded by providing additional completed appeals forms as required on September 11, 2023.

On September 21, 2023, the Board sent Employer a Notice of Untimely Appeal (Notice) explaining that its appeal was late and subject to dismissal unless Employer timely submitted information and a declaration showing there was good cause for the late appeal. Employer did not respond to the Notice.

On October 23, 2023, the Board issued an Administrative Order Dismissing Appeal (Order). The Order also informed Employer that it could file a petition for reconsideration with the Board and provided information on how to do so. The Order stated that Employer had 30 days from the date of the Order so to petition.

On April 9, 2025, Employer filed a petition for reconsideration (Petition) by mailing it to the Board. (Board regulation section 390, subdivision (a).)

The Division did not answer the Petition.

¹ References are to California Code of Regulations, title 8 unless specified otherwise.

ISSUE

- 1. Does the Board have jurisdiction to grant reconsideration?

**REASON FOR DENIAL
OF
PETITION FOR RECONSIDERATION**

The Board has fully reviewed the record in this case, including the arguments presented in the petition for reconsideration. We have taken no new evidence.

As noted, the Order was issued on October 23, 2023, and it stated that Employer had 30 days to petition for reconsideration. Including a five-day period for mail, the time to petition expired on November 27, 2023. Employer’s Petition, having been filed on April 9, 2025, was more than 16 months late.

Labor Code section 6614, subdivision (a), establishes a 30-day period in which a party may petition for reconsideration. The Board lacks jurisdiction to grant reconsideration of a late-filed petition. (*Victor C. Garcia, dba Flores Auto Service*, Cal/OSHA App. 1359495, Denial of Petition for Reconsideration (Sep. 16, 2021) citing *Amerisk Engineering Corp.*, Cal/OSHA App. 1129146, Denial of Petition for Reconsideration (Dec. 21, 2018), citing Labor Code sections 5900 and 5903; *Nestle Ice Cream Co., LLC v. Workers' Comp. Appeals Bd.* (2007) 146 Cal.App.4th 1104, 1108; citing *Scott v. Workers' Comp. Appeals Bd.* (1981) 122 Cal.App.3d 979, 984.) We must, accordingly, deny Employer’s petition.

DECISION

For the reasons stated above, Employer’s Petition is denied. The Administrative Order Dismissing Appeal and penalties are affirmed.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

/s/ Ed Lowry, Chair
/s/ Judith S. Freyman, Board Member
/s/ Marvin P. Kropke, Board Member



FILED ON: 05/22/2025