

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), (e) and (f)
for
Thursday, January 10, 2019
9:30 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 28, 2018

RE: Closed Session of the Board to be held on January 10, 2019

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session. Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.

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.)

1151085 CORE EMPLOYEE MANAGEMENT INC.

1059365 SHIMMICK CONSTRUCTION COMPANY INC

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.)

1199167 ENVIRONMENTAL WASTE MINIMIZATION INC.

1250102 TMC CONSTRUCTION

PETITIONS FOR RECONSIDERATION (Second Review):

1084531 KS INDUSTRIES, L.P.

ORDERS DISMISSING APPEAL:

1265493 INH CORPORATION

ORDERS DENYING LEAVE TO FILE LATE APPEAL:

1312270 CLAYCO, INC.

1318467 TMC GENERAL CONSTRUCTION, INC.

1317404 VALLARTA SUPERMARKETS

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.)

1180499 ALPHA CONSTRUCTION COMPANY, INC.

317230919 BIGGE GROUP DBA BIGGE CRANE & RIGGING CO.

1141604 BOY RACER INC. DBA BURNING ANGEL
(EMPLOYER'S PETITION)

1141604 BOY RACER INC. DBA BURNING ANGEL
(DOSH'S PETITION)

1205214 CALIFORNIA STRUCTURAL CONCEPTS INC.

1246527 CEMEX

316446855 CYBERNET ENTERTAINMENT, LLC, 14-R6D1-0364-0367

1129260 ENVIRONMENTAL CONSTRUCTION GROUP

1240360 HARRIS SPICE COMPANY

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

December 28, 2018

Page 3

315341818	HHS CONSTRUCTION
1071914	JOSEPH PERALTA
1192145	KPRS CONSTRUCTION SERVICES, INC.
1200875	NATIONAL RETAIL TRANSPORTATION, INC.
1116151	NORM WILSON & SONS INC.
1201848	PAPICH CONSTUCTION COMPANY, INC.
1183505	PERFORMANCE TEAM FREIGHT SYSTEMS
1116095	SOUTHERN CALIFORNIA EDISON
1193994	SUNVIEW VINEYARDS OF CALIFORNIA, INC.
1097751	TIMBERWORKS CONSTRUCTION, INC.
1253345	TYP RESTAURANT GROUP, INC. DBA TENDER GREENS
1116529	UNITED PARCEL SERVICE, INC. DBA UPS
1200858	WESTERN DIGITAL CORPORATI

LEGISLATION:

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. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR,
34-2014 80001749 (2008-R2D1-3414 through 3418)
2. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR,
15CV-00945 (08-R2D1-3093 through 3098)
3. STANISLAUS FOOD PRODUCTS CO., 34-2015-80002087 (13-R2D4-0572
through 0574)

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

December 28, 2018

Page 4

4. OLDCASTLE PRECAST, INC., 34-2015-80002167 (13-R3D3-0583)
5. SHIMMICK CONSTRUCTION CO., INC./OBAYASHI CORP.,
34-2015-80002206 (12-R3D1-0781)
6. CHARLES PANKOW BUILDERS, LTD., 34-2015-8000221 (13-R4D1-1759)
7. MCM CONSTRUCTION, INC., 34-2016-80002312 (13-R1D2-3851-3854)
8. SOLARCITY CORP., 14-R3D2-3707, 34-2016-80002345
9. W.A. RASIC COMPANY, INC., 13-R4D1-1422, 34-2016-80002454
(314863978)
10. OLDCASTLE PRECAST, INC. (34-2017-80002522) 1025083
11. KEY ENERGY SERVICE, LLC 12004280
12. SHIMMICK FCC IMPREGILO JOINT VENTURE DBA SFI, JV,
34-2017-80002562, (1144056)
13. ATKINSON CONSTRUCTION, LP (317386084)
14. BARNARD IMPREGILO HEALY, JV, (317134021), CPF 17-515575
15. R N R CONSTRUCTION, INC., (1092600) 34-2017-80002632
16. LION FARMS, LLC 1070258, MCV075788
17. ELECTRICAL SYSTEMS & INSTRUMENTATIONS, INC. (316695469)
18. UNITED PARCEL SERVICE, BS171154 (315347864)
19. ASHLEY FURNITURE INDUSTRIES, 34-2017-800002750, (1016514)
20. UPS GROUND FREIGHT, INC. DBA UPS FREIGHT, BS171910, (1111325)
21. EXXONMOBIL OIL, BS172600 (1091462)
22. SSA CONTAINERS, INC. (314758756)
23. WALSH/SHEA CORRIDOR CONSTRUCTORS, BS172720 (1093606)
24. BULKLEY & ASSOCIATES, LLC, CV43751 (1052467)

25. BLUE DIAMOND GROWERS, (1040471)
26. UNITED PARCEL SERVICE, (1158285)

APPELLATE COURT:

1. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
2. BURTECH PIPELINE, INC., 13-R3D2-0830 AND 0831, 37-2016-00013806
3. NOLTE SHEET METAL, INC., 16CE CG03592 (14-R6D8-2888 through 2783)
4. VENTURA COASTAL, F077267 (317808970)
5. HOME DEPOT, U.S.A., INC. 48C1710947 (1011071)
6. AVALON BAY COMMUNITIES, INC., G056506, 30-2016-00872036 (317232965)
7. HOME DEPOT, U.S.A. INC. DBA HOME DEPOT #6683, CIVDS1716416, (1014901)
8. HOME DEPOT, U.S.A., INC. E070417 and RIC1710947 (1011071)

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.)

- 1313982 AGRI SOLUTION, INC.
1287610 AGRI-WORLD COOPERATIVE
1305954 ALL AIR CONDITIONING COMPANY, INC.
1313399 ALTMAN SPECIALTY PLANTS, INC.
1275740 AMERICAN FURNITURE RENTALS, INC.
1340215 AMERICAN NATIONAL MANUFACTURING, INC.
1212067 AMERICAN TIRE DISTRIBUTORS, INC
1182048 ANA LIA MEDINA
1284896 ANGELICA TEXTILE

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

December 28, 2018

Page 6

1287295 ANTONIO'S TREE SERVICE
1305928 ART CONSTRUCTION
1326124 ARTURO & ALICIA SANCHEZ
1283962 BASHADI INC.
1315064 BEAR VALLEY USD - BALDWIN LANE ELEMENTARY SCHOOL
1228235 BERGELECTRIC CORP.
1285542 BKD TWENTY-ONE MANAGEMENT COMPANY, INC.
1327197 BLOW MOLDED PRODUCTS, INC.
1300327 BOBBY O. HAYNES SR. AND CAROL R. HAYNES FAMILY
1246116 CA DEPT. OF CORRECTIONS AND REHABILITATION - LA CIMA
1170627 CA FORESTRY & FIRE PROTECTION DBA CAL FIRE
1210899 CA TRANSPORTATION
1319461 CALIFORNIA DYNAMICS CORPORATION
1325579 CALIFORNIA STATE UNIVERSITY LOS ANGELES
1286488 CAPSTONE CONTRUCTION COMPANY LLC
1280747 CARDENAS MARKETS LLC
1276239 CARDOZA DRYWALL INC
1292162 CITISTAFF SOLUTIONS, INC.
1299110 CITY OF IRVINE - THE GREAT PARK
1236081 CONSERVE LANDCARE, INC.
1189656 CRAWFORD BROS., INC.
1260531 D & S PAINTING, INC.
1302793 DAVID MALDONADO
1269086 DEMATIC CORP.
1316850 E & J GALLO
1280746 EMPIRE BUILDING AND REMODELING, INC.
1199167 ENVIRONMENTAL WASTE MINIMIZATION INC.
1270925 ETHOS ENERGY FIELD SERVICES
1310193 EXPRESS EMPLOYMENT PROFESSIONALS
1314381 EXPRESS EMPLOYMENT PROFESSIONALS
1333884 FOWLER NURSERIES, INC.

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

December 28, 2018

Page 7

1314919 FRANK MARTINEZ CONSTRUCTION, INC.
1328725 FREEDOM FOREVER LLC
1297653 FRONTIER-KEMPER CONSTRUCTORS, INC.
1252547 GARDA WORLD CASH LOGISTICS - FRESNO BRANCH 29
1251946 GAVRIELI PLASTICS, METALS & SIGNS SUPPLIES
1334263 GFG MANAGEMENT
1356140 GHEEN BUILDERS, INC.
1248755 HELADOS LA TAPATIA
1244826 HILLCREST SHEET METAL, INC.
1324009 IT'S A WONDERFUL WORLD, INC
1330960 JOLLY GIANT FLEA MARKET, INC.
1302007 JOSE ALBERTO SOLANO
1347852 JOSH MOORE CONSTRUCTION, INCORPORATED
1317497 JT2 INC.
1316533 JT2 INC. DBA TODD COMPANIES
1305568 KENNETH DEVELOPMENT, INC.
1327921 KINDRED HOSPITAL
1337879 LA REALTY GROUP LLC
1272209 LOS ANGELES COUNTY FIRE DEPARTMENT
1286403 LUXVUE LTD
1055629 MAGGIORA AND GHILOTTI INC.
1083825 MAGNA TOOL INC
1317499 MARICELA MADRIGAL
1140602 MARK CRAWFORD LOGGING, INC.
1332193 MARK HOLMAN AN INDIVIDUAL
1314246 MARQUEZ BROTHERS INTERNATIONAL, INC.
1320697 MARUICHI AMERICAN CORPORATION
1306919 MIKE JACKSON FARMS, INC.
1307224 MSA TERMITE SYSTEMS
1227637 NATIONAL COMMUNITY RENAISSANCE
1297223 NP MECHANICAL CO.

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

December 28, 2018

Page 8

1312979 OSVALDO DANIEL GUTIERREZ ESCAMILLA
1328118 PACIFICA CHINO HILLS LP
1307831 PACIFICA L 24 LLC
1325207 PALA MESA RESORT, INC.
1332989 PARAGON FRAMING INC
1182521 PARK WEST LANDSCAPE MAINTENANCE, INC.
1328892 PATRICK INDUSTRIES, INC.
1291318 PEEK BROS., INC.
1339806 PIONEER STAR GROUP, INC.
1319676 PLEASANT PAPER RECYCLING INC.
1317428 PORTERVILLE DEVELOPMENTAL CENTER
1311740 PORTERVILLE UNIFIED SCHOOL DISTRICT
1303987 PPCIE, INC.
1288690 PRESS FORGE COMPANY
1296951 REED MECHANICAL SYSTEMS INC.
1309383 S & R TREE SERVICE
1200177 SAVE MART SUPERMARKETS
1247267 SHACK PLUMBING
1294847 SHEEHAN CONSTRUCTION INC
1311532 SKANSKA-TRAYLOR-SHEA, A JOINT VENTURE
1326135 SPLASH BROTHERS CARWASH, INC.
1333102 STATES LOGISTICS SERVICES, INC.
1286298 STREAMLINE DESIGN & SILKSCREEN, INC.
1334427 SURE - CLEAN
1298811 TALENT AIR INC
1324770 TAYYAB ALIM, AN INDIVIDUAL
1191276 THE GOODYEAR TIRE & RUBBER COMPANY
1273953 THE RESIDENCES AT ROYAL BELLINGHAM, INC.
1323872 THE SOCO GROUP, INC
1313606 TIMKEN GEARS AND SERVICES, INC.
1305507 TMC GENERAL CONSTRUCTION, INC.

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

December 28, 2018

Page 9

1272589 TOTALMED STAFFING, INC.
1337686 TRIMAC MFG., INC.
1319292 TULARE SAG, INC.
1329166 V & E TREE SERVICE, INC.
1291092 V4 CUSTOM CABINETS, INC.
1142292 VENTURA REGIONAL SANITATION DISTRICT
1280749 VIDEO VOICE DATA COMMUNICATIONS, INC.
1322081 WARMERDAM PACKING
1285403 WEBER METALS, INC.
1197149 WEHAH FARM, INC.
1301704 WEST WOOD PRODUCTS, INC.
1334338 WINDSOR GARDENS HEALTHCARE CENTER OF FULLERTON,
1270419 WOHLWEND CONSTRUCTION INC
1343621 WOOD WORLD CUSTOM DESIGN, INC.
1272361 ZUMWALT CONSTRUCTION, INC.

PERSONNEL:

(Issues regarding staff.)

Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.