

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 24, 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: January 11, 2019

RE: Closed Session of the Board to be held on January 24, 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.)

1251604 INTERLINE BRANDS, INC.

1173183 L & S FRAMING, 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.)

1216971 BAKER'S 4, INC.

1203246 BUZEK CONSTRUCTION INC

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1094067	JFJ PIPELINE, INC.
1232555	PROCESS COOLING INTERNATIONAL INC
1312675	RUI LIANG
1317404	VALLARTA SUPERMARKETS

PETITIONS FOR RECONSIDERATION (Second Review):

1250102	TMC CONSTRUCTION
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ORDERS DISMISSING APPEAL:

NONE

ORDERS DENYING LEAVE TO FILE LATE APPEAL:

1297235	DESERT WATER AGENCY
1291433	LION RAISINS, INC.
1298791	TURNER BROADCASTING SYSTEM, INC.
1296980	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)

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1205214	CALIFORNIA STRUCTURAL CONCEPTS INC.
1246527	CEMEX
316446855	CYBERNET ENTERTAINMENT, LLC, 14-R6D1-0364-0367
1129260	ENVIRONMENTAL CONSTRUCTION GROUP
1240360	HARRIS SPICE COMPANY
315341818	HHS CONSTRUCTION
1071914	JOSEPH PERALTA
1192145	KPRS CONSTRUCTION SERVICES, INC.
1200875	NATIONAL RETAIL TRANSPORTATION, INC.
1116151	NORM WILSON & SONS INC.
1201848	PAPICH CONSTRUCTION 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.)

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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)
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 & INSTRUMENTAIONS, INC. (316695469)
18. UNITED PARCEL SERVICE, BS171154 (315347864)

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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)
27. BRAGG COMPANIES, DBA BRAGG CRANE SERVICE,
HG18930741 (1157108)

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)

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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.)

1238975	AC & A, LLC.
1355267	ALLIED AUTOMOTIVE
1311039	ALTA DENA CERTIFIED DAIRY, LLC.
1249476	ARB INC.
1349914	ATPN, INC.
1156392	ATS WINDOW CLEANING
317231868	AUSTIN SUNDT JOINT VENTURE
1298758	AZAD STEEL INC.
1187606	BAKER COMMODITIES, INC.
1129706	BARRETT BUSINESS SERVICES, INC. DBA BBSI
1291716	BARTON BRANDS OF CALIFORNIA, INC.
1333545	BAY VISTA HEALTHCARE & WELLNESS CENTRE, LP.
1298474	BMC WEST, LLC
1297345	CALIFORNIA EXPANDED METAL
1334435	CARBONLITE INDUSTRIES
1316513	CHAFFEY JOINT UNION HIGH SCHOOL DISTRICT
1343634	CINERGY CONSTRUCTION CORP
1331338	CLARKWESTERN DIETRICH BUILDING SYSTEMS LLC
1326140	CMC FARMS
1343659	CONSOLIDATED STAFFING SOLUTIONS, INC.
1349478	DALIA MADRID, AN INDIVIDUAL
1302186	DE HART PLUMBING, HEATING & AIR, INC.
1324358	EM AVO INC.
1314009	FASTENAL
1249794	FLOYD JOHNSTON CONSTRUCTION CO. INC.
1287583	FRANCISCO MARTINEZ BONILLA
1322963	FRED FINCH YOUTH CENTER

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1213099	GENERAL PRODUCTION SERVICE OF CALIFORNIA, INC.
1304003	GO HEALTHY LIFE, INC
1324912	HAYWARD INDUSTRIES, INC.
1339817	HEALTHY HARVESTING, INC.
1158424	HEAVENLY WORLD CONSTRUCTION
1337524	HECTOR RODRIGUEZ CORDERO, AN INDIVIDUAL
1252023	HERBALIFE MANUFACTURING, LLC.
1225362	HP COMMUNICATIONS, INC.
1355259	IE MENESES, INC.
1345784	INTERNATIONAL AEROPACE COATINGS, INC.
1352544	JAYSSON, INC.
1300373	JCS SANTA ANA, INC.
1332110	JOSE AVILA, AN INDIVIDUAL
1310169	JT2, INC.
1319822	K & F BUILDERS
1273290	KC WELDING
1128912	L & S FRAMING, INC.
1328716	LINEAGE LOGISTICS, LLC.
1356915	LITTLE DRY CREEK FARM, LLC.
1304096	LUCAS BUILDERS, INC.
1288729	MANUEL VASQUEZ DELGADO
1326128	MARIA CASTANEDA
1280013	MICROBIOTIC HEALTH FOODS INCORPORATED
1113348	MILLARD MALL SERVICES, INC.
1344093	MORGAN DEVELOPMENT, INC.
1307153	NORTHWEST PALLET SERVICES LLC
1296299	PACKERS SANITATION SERVICES, INC.
1315058	PACKERS SANITATION SERVICES, INC., LTD.
1280237	PERSONNEL STAFFING GROUP, LLC.
1302429	PETE'S COLLISION CENTER INC.
1337955	PETROLINK, INC.

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1350104	QYCELL CORPORATION
1256926	RAILWORKS TRACK SERVICES INC.
1306171	RAM-MAR PAINTING INC
1251163	RICH MEIER'S LANDSCAPING
1323923	S & H CABINETS & MANUFACTURING, INC.
1319408	S & S MOTORWORKS, INC.
1318848	SANCO PIPELINES, INCORPORATED
1337411	SCALIA FARMS
1314712	SCHORR METALS, INC.
1292139	SCHULZ LEATHER CO
1138810	SCREAMLINE INVESTMENT CORPORATION
1350020	SERGIO RODRIGUEZ, AN INDIVIDUAL
1312947	SMITH DEVELOPMENT, LLC.
1265703	SONPOWER, INC.
1148601	SQUIRES LUMBER COMPANY
1326482	STRANG HEATING AND AIR CONDITIONING, INC.
1261893	SUN VALLEY PACKING
1252238	THE BARON HR FAMILY OF STAFFING COMPANIES
1305832	THE OUTDOOR PLUS
1278621	TINCO SHEET METAL INC.
1210989	TREASURY WINE ESTATES HOLDINGS, INC.
1355414	TREE OF LIFE TREE SERVICE
1341564	TUBIT ENTERPRISES, INC.
1289049	UNLIMITED PLASTICS INC.
1265718	USA WASTE OF CALIFORNIA, INC.
1350523	V I S E COMPANY
1282099	VILLAREAL ROOFING CO. INC.
1238660	VINE HARVESTING, INC.
1311822	WATER WELL SERVICE, INC.
1066820	WEST COAST ROOFING & CONSTRUCTION
1321164	WESTERN MILLING, LLC.

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1289355	WILLIAMS-SONOMA, INC.
1350028	YAO SHIH MAR AND SUSAN M. PEECHER, INDIVIDUALLY
1309194	Z & T VENTURES, INC

PERSONNEL:

(Issues regarding staff.)

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