

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), (e) and (f)
for
Thursday, February 21, 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: February 8, 2019

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

1197277 ANAPLEX CORPORATION

1188395 SILICONSAGE CONSTRUCTION, 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.)

1347210 AK CORAL CAY TRUST LLC

1173183 L & S FRAMING, INC.

1298791 TURNER BROADCASTING SYSTEM, INC.

PETITIONS FOR RECONSIDERATION (Second Review):

1312270	CLAYCO, INC.
1311568	M S INTERNATIONAL, INC.
1059365	SHIMMICK CONSTRUCTION COMPANY INC

ORDERS DISMISSING APPEAL:

1294857	BENTLEY MILLS, INC.
1266860	H.B. REDWOOD MOULDING MANUFACTURING CO.
1287501	TRIBUNE DIRECT MARKETING, LLC.

ORDERS DENYING LEAVE TO FILE LATE APPEAL:

1314739	CA CORRECTIONS CORCORAN INMATE WARD LABOR
1316483	DURHAM CONSTRUCTION COMPANY, INC.
1305558	JASON LEE
1347879	LOS ANGELES UNIFIED SCHOOL DISTRICT
1287828	M AND R LABOR SERVICE
1310206	MARDAV MANUFACTURING, INC.
1308933	WARREN MANH YOUNG

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)

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1141604	BOY RACER INC. DBA BURNING ANGEL (DOSH'S PETITION)
1203246	BUZEK CONSTRUCTION, INC.
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.
1201848	PAPICH CONSTRUCTION COMPANY, INC.
1183505	PERFORMANCE TEAM FREIGHT SYSTEMS
1232555	PROCESS COOLING INTERNATIONAL, INC.
1116095	SOUTHERN CALIFORNIA EDISON
1193994	SUNVIEW VINEYARDS OF CALIFORNIA, INC.
1097751	TIMBERWORKS CONSTRUCTION, INC.
1116529	UNITED PARCEL SERVICE, INC. DBA UPS
1200858	WESTERN DIGITAL CORPORATI

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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)
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

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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. SSA CONTAINERS, INC. (314758756)
22. WALSH/SHEA CORRIDOR CONSTRUCTORS, BS172720 (1093606)
23. BULKLEY & ASSOCIATES, LLC, CV43751 (1052467)
24. BLUE DIAMOND GROWERS, (1040471)
25. UNITED PARCEL SERVICE, (1158285)
26. BRAGG COMPANIES, DBA BRAGG CRANE SERVICE,
HG18930741 (1157108)

APPELLATE COURT:

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

1339592 5TH STREET WASH AND LUBE, INC.
1334037 888 BROOKHURST, INC.
1274686 AMERICOLD LOGISTICS, LLC
1326889 ANDREAS, LLC.
1230361 ARB, INC.
1317443 ARYZTA LLC
1279247 BAR 20 DAIRY
1339839 BARREL TEN QUARTER CIRCLE LAND COMPANY
1188371 BARRETT BUSINESS SERVICES, INC.
1306111 BASALITE CONCRETE PRODUCTS, LLC
1311915 BERG AND SONS CONSTRUCTION
1372013 BLUE LAKE ROUNDSTOCK COMPANY, LLC.
1352548 BONDED APPAREL, INC.
1276583 BROTHERS INTERNATIONAL DESSERTS
1348009 CAFE FICELLE, INC.
1293003 CAL COAST CONSTRUCTION SPECIALTIES, INC.
1339135 CALIFORNIA HIGHWAY CONSTRUCTION GROUP, INC.
1356384 CALIFORNIA LANDSCAPE STUDIOS, INC.
1266515 CEDARLANE NATURAL FOODS
1290774 CHARLIE'S ENTERPRISES
1332716 CISCO BROS.CORP
1222973 CITY OF CLOVERDALE WASTE WATER TREATMENT PLANT
1134638 CLARK STEEL FABRICATORS INC.
1319084 COAST COMPOSITES, INC.
1332546 CORE TREE CARE, INC.
1329956 D'ARRIGO BROS. CO., OF CALIFORNIA
1181322 DAESHIN USA, INC.

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1355073 DAISO CALIFORNIA, LLC.
1255592 DARLING INGREDIENTS, INC.
1311913 DAVID LASCO
1299635 DEFAZIO PAINTING INCORPORATED
1267198 EKEDAL CONCRETE INC.
1326008 ELECTRIC TECH CONSTRUCTION INC
1351275 ELECTRIC TECH CONSTRUCTION, INC.
1237139 ELECTROLURGY MANUFACTURING INC
1337453 EMMONS ROOF SERVICE, INC.
1180731 ERICK NIELSEN ENTERPRISES, INC.
1340676 ESQ STONE SURFACES, INC.
1310756 EUROMARKET DESIGN
1331173 FERNANDES AUTO WRECKING AND TOWING, INC.
1326102 FIRESTORM WILDLAND FIRE SUPPRESSION, INC.
1326566 FLAX HOLDINGS, LLC.
1233583 FORTERRA PIPE AND PRECAST LLC
1348028 FRANCISCO GUILLEN AND ELIZABETH GUILLEN
1307400 GILTON SOLID WASTE MANAGEMENT, INC.
1256522 GOMEZ SANDBLASTING
1337717 GORDON S. GIBSON, INC.
1280266 GOTHIC LANDSCAPING, INC.
1285838 HAAS AUTOMATION INC.
1160219 HAYWARD BAKER, INC.
1341117 HILBERS, INC.
1210853 HILDEBRAND & SONS TRUCKING, INC.
1343813 HOGAN DEDICATED SERVICES, LLC.
1326058 HOUSE PHO, INC.
1330889 INTERNATIONAL PALM GROWERS, INC.
1262677 INTERNATIONAL PAPER COMPANY
1143294 J GEYER PLUMBING INC.
1256902 JH REAL ESTATE PARTNERS, INC.

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1327259 JOHN H BRASIL & SONS DAIRY
1004982 KACHINA BUILDERS AND CONTRACTORS, INC.
1351055 LA HABRA CITY SCHOOL DISTRICT
1323589 LA PERLA MEXICANA, INC.
1311540 LAMANUZZI & PANTALEO, LLC.
1247976 LANDMARK LANDSCAPE COMPANY INC.
1316146 LAZY DOG RESTAURANTS LLC
1327090 LENNAR HOMES OF CALIFORNIA INC.
1305828 MARR IRONWORKS, INC.
1280258 MCK ENTERPRISES INC.
1335835 MERLIN JOHNSON CONSTRUCTION, INC.
1301287 MIRANDAS THRIFT SHOP
1317358 MOCHI ICE CREAM COMPANY
1331337 MORONGO USD BLACK ROCK HIGH SCHOOL
1335618 NELLSON NUTRACEUTICAL, LLC.
1352536 NEW HOPE DAIRY, LLC.
1229183 NUEVA CASTILLA IRON WORKS INC.
1268686 OK PRODUCE
1257240 OMEGA CASE CO., INC.
1318224 PALADIN PROTECTION SPECIALISTS, INC.
1345038 PALLET MARKET, INC.
1266869 PANDA RESTAURANT GROUP INC
1306915 PENA'S DISPOSAL INC
1328043 PERRY MASON-RY
1260727 PICK UP PROPANE
1189737 PINNACLE PRECISION SHEET METAL CORPORATION
1288187 PONDEROSA HOMES II, INC.
1329700 POWER MAINTENANCE SERVICES, INC.
1312966 PSC INDUSTRIAL OUTSOURCING, LP.
1304876 QUICKBITES INC.
1289082 R & G DEVELOPMENT CORPORATION

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1329730 R-MAC PROPERTIES, INC.
1346003 RAVI AND JAY THIARA FARMS
1348360 RAY MOLES FARMS
1266808 RAZMIK TARKHANIAN
1274365 RICHARD BAGDASARIAN, INC.
1291697 ROSEBURROUGH TOOL COMPANY
1319833 ROSS F. CARROLL, INC.
1225303 ROSS STORES INC. PERRIS DISTRIBUTION CENTER
1326147 S & D CARWASH MANAGEMENT, LLC.
1314008 SAVE MART SUPERMARKETS
1134016 SCHUFF STEEL COMPANY
1262618 SCHUFF STEEL COMPANY
1330729 SHERPAUL CORPORATION
1323729 SOLDATE CORPORATION
1285223 SPECTRUM PAINTING & DECORATING, INC.
1315956 STATEWIDE ROOFING, INC.
1331331 SUN PACIFIC
1326421 SWEETWATER CAR WASH, INC.
1302502 T-N-T PAINTING AND DECORATING, INC.
1319808 TAYLOR FARMS CALIFORNIA, INC.
1346317 THE NEIL JONES FOOD COMPANY
1356025 THE OMEGA SOCIETY, INC.
1268880 TURNER'S NORTH CENTER PRODUCTIONS, INC. / THE LAST
1333108 ULTRAMAR INC - VALERO WILMINGTON
1242686 UNITED PARCEL SERVICE, INC
1239277 UNIVERSAL CUSTOM DISPLAY
1344114 VICTOR LUND GENERAL CONTRACTOR, INC.
1004997 W K R B BUILDERS, INC. DBA ONLINE BUILDERS
1275743 WAHOO TILE ROOF CLEANING
1349920 WALTER C. PANUS, AN INDIVIDUAL
317808368 WEST VALLEY AVIATION, INC.

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1315934 WESTERN NATIONAL CONTRACTORS

1330948 YOUNG'S AUTOMOTIVE, 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.