

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Thursday, March 07, 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 22, 2019**

**RE: Closed Session of the Board to be held on March 07, 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.

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**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.)*

1265240	USF REDDAWAY, INC.
1195264	WAL-MART STORES INC. STORE # 1692
1180192	WEST COAST ARBORISTS, 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.)*

1251604	INTERLINE BRANDS, INC.
1169633	ROBINSON MFG., INC.

1308933          WARREN MANH YOUNG

**PETITIONS FOR RECONSIDERATION (Second Review):**

1347210          AK CORAL CAY TRUST LLC

1173183          L&S FRAMING, INC.

1298791          TURNER BROADCASTING SYSTEM, INC.

**ORDERS DISMISSING APPEAL:**

1298075          FASHION LOGISITCS, INC.

1156487          LX BUSINESS SERVICES, INC.

1269612          PEARL CROP, INC.

1283288          RAMIREZ ROOFING CORPORATION

1275707          TLM PETRO LABOR FORCE, INC.

**ORDERS DENYING LEAVE TO FILE LATE APPEAL:**

1319149          ANITA'S MEXICAN FOODS CORP

1307598          CITY VENTURES CONSTRUCTION, INC.

**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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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.
1059365	SHIMMICK CONSTRUCTION COMPANY, INC.
1116095	SOUTHERN CALIFORNIA EDISON
1097751	TIMBERWORKS CONSTRUCTION, INC.
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)
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.)*

- |         |                                 |
|---------|---------------------------------|
| 1322709 | ACE CLEARWATER ENTERPRISES      |
| 1310422 | ACE DESIGN & CONSTRUCTION, INC. |
| 1278471 | ADM RICE INC.                   |

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1342571	AGRIMA FARMS, INC.
1359540	ALAMO TILE & STONE
1246407	ALCAL SPECIALTY CONTRACTING, INC.
1266501	ALLIED UNIVERSAL
1347940	ANTHONY WAYNE CRESPIAN, AN INDIVIDUAL
1317677	APPROVED STAFFING SERVICES, LLC
1249156	ARMS ONE HOUR AIR CONDITIONING AND HEATING, INC.
1308199	ARREOLA'S FRAMING, LLC.
1341490	BANDY MODE, INC.
1330845	BARKLEY SEED, INC.
1335150	BEAUMONT JUICE, INC.
1298388	BURGIO STUCCO, INC.
1305919	BURLINGAME INDUSTRIES, INC.
1322220	C&L REFRIGERATION
1338323	CA DEPT. OF HOSPITALS - PATTON
1328038	CA FORESTRY AND FIRE PROTECTION
1337435	CA STATE HOSPITALS
1316087	CALIFORNIA BUTTON COMPANY, LLC
1302329	CALIFORNIA CABINET AND STORE FIXTURE INC
1339095	CALIFORNIA FOOD MANAGEMENT LLC
1318199	CAPSTONE CONSTRUCTION COMPANY LLC
1351128	CARONE & COMPANY, INC.
1200159	CHA HOLLYWOOD MEDICAL CENTER, L.P.
1254568	COLOMBO CONSTRUCTION COMPANY, INC.
1316581	COMFORT ENERGY, INC.
1269174	CUSTOM SCAFFOLD
1221852	D K ENTERPRISES, INC.
1287617	DALE'S ROOFING, INC.
1339595	DANIEL EDWARD WILCOX, AN INDIVIDUAL
1312142	DRAGON PRODUCTS, LIMITED PARTNERSHIP
1242157	EDISON POWER CONSTRUCTORS

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1177463	ELOY FIGUEROA TRUCKING
1298071	EMPLOYBRIDGE, INC.
1327889	EQUILON ENTERPRISES, LLC
1304370	ESPECIAL T HVAC SHEET METAL FITTINGS, INC.
1318205	FORCE POWDER COATING, INC.
1320000	FOSTER POULTRY FARMS
1354421	FUSE CONSTRUCTION, INC.
1184377	GALLO VINEYARDS, INC.
1149147	GENERAL RESTAURANT EQUIPMENT CO.
1350198	GILDOR, INC.
1198777	GINO RINALDI INC.
1334672	GLADIOLUS HOLDINGS LLC
1342215	GLOBAL DESIGN & CONSTRUCTION, INC.
1333127	GOLDEN STATE CONSTRUCTION & FRAMING, INC.
1285836	HAAS AUTOMATION, INC.
1245472	HADLEY DATE GARDENS, INC.
1303651	HARRIS RANCH BEEF COMPANY
1349062	HOLLIDAY ROCK CO., INC.
1352561	HUMBOLDT HOUSE INN, LLC.
1317490	HYDRA ELECTRIC COMPANY
1324768	INNOVATIVE CONVEYOR SYSTEM
1366583	INNOVATIVE RESOURCE MANAGEMENT, INC.
1316106	JEFFERY LANE
1315047	JENNIFER'S BINDERY, INC.
1106288	JOSE LARA
1316886	KEY TERMITE AND PEST CONTROL, INC.
1288382	KM INDUSTRIAL, INC.
1352394	LA ESPERANZA ENTERPRISES, INC.
1229718	LAWTON CONSTRUCTION AND RESTORATION, INC.
1346011	LONE TREE CONVALESCENT HOSPITAL, INC.
1337691	LUIGI CEVOLA, AN INDIVIDUAL

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1317188	MADDOX DAIRY LLC
1319353	MARIO SIMOES CALF RANCH
1354506	MESCHI CONSTRUCTION, INC.
1352383	MORENO'S AUTO REPAIR, LLC.
1256413	NEVAREZ FARM LABOR, INC.
1332701	NEW LIFE LANDSCAPES
1312149	NOUSHIG, INC.
1308228	PACIFIC BELL TELEPHONE COMPANY
1331318	PORT LOGISTICS GROUPS, INC.
1356322	PREMIER BUILDERS & HARDSCAPE, INC.
1293390	RANDSTAD US, L.P.
1304654	REGIONAL CONNECTOR CONSTRUCTORS
1325892	REGIONAL CONNECTOR CONSTRUCTORS
1332172	RELIABLE WHOLESALE LUMBER, INC.
1340358	RJP FRAMING, INC.
1291283	ROBINSON CONSTRUCTION CO
1360087	ROGELIO MACEDO ARENAS AND YAHIN GABRIEL MACEDO
1326829	ROMAN MEDINA SILVA
1288131	SAN FRANCISCO USD - BALBOA HIGH
1182319	SECURITAS SECURITY SERVICES USA, INC.
1291877	SEE'S ARE CORPORATION
1338954	SKANKA USA CIVIL WEST CALIFORNIA DISTRICT
1325087	SKECHERS USA, INC.
1314358	SOFTSCAPES THE ART OF LANDSCAPE
1339823	SOUTH VALLEY MUSHROOM FARM, INC.
1360118	SOUTHLAND FLOOR SYSTEMS, INC.
1311888	STAR AUTO REPAIR, INC.
1364728	STEVEN & JULIE PHO, INC.
1286043	SULLIVAN OILFIELD SERVICES, INC.
1179914	SUN BASKET, INC.
1238915	SUPER COLOR DIGITAL, LLC



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1296610	THE CARPENTER GROUP
1236204	THE DAVEY TREE EXPERT COMPANY
1281278	TIMBERWORKS CONSTRUCTION SERVICES, INC.
1324765	TIN NGUYEN, AN INDIVIDUAL
1327244	TORRES GENERAL INC
1327867	TOTORICA PLUMBING INC
1351779	TUTOR PERINI ZACHRY PARSONS JOINT VENTURE
1191677	WEBCOR CONSTRUCTION LP
1315955	WELLS CONSTRUCTION, INC.
1331344	WESTERN PACKING, INC.

**PERSONNEL:**

*(Issues regarding staff.)*

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