

**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 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: March 8, 2019**

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

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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.

**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.)*

1221889          HERBERT ALLEN KELLY

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

1251604	INTERLINE BRANDS, INC.
1169633	ROBINSON MFG., INC.
1308933	WARREN MANH YOUNG

**ORDERS DISMISSING APPEAL:**

1272063	FREEDOM PAINTING INC
1287593	LA VALLE SABBIA

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

NONE

**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.)*

1347210	AK CORAL CAY TRUST LLC
1180499	ALPHA CONSTRUCTION COMPANY, INC.
1141604	BOY RACER INC. DBA BURNING ANGEL (EMPLOYER'S PETITION)
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

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1240360	HARRIS SPICE COMPANY
315341818	HHS CONSTRUCTION
1071914	JOSEPH PERALTA
1192145	KPRS CONSTRUCTION SERVICES, INC.
1173183	L & S FRAMING, 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
1298791	TURNER BROADCASTING SYSTEM, 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.)*

**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)

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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 & 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)

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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)
8. AC TRANSIT, RG13687314, A142799 (310060629)

**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.)*

- 1291104 CA TRANSPORTATION - DIVISION OF ENGINEERING  
1323019 CWP CALIFORNIA CORPORATION  
1306923 D C CUSTOM FRAMING  
1334290 DAMATO ASSOCIATES, INC.  
1344283 DANELL CUSTOM HARVESTING  
317251106 DISNEY CONSTRUCTION INC.  
1355995 DM CAMP & SONS

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1280670 E&R CONSTRUCTION INC.  
1323738 EMPLOYEE BRIDGE  
1239639 EXTOL CONSTRUCTION, INC.  
1211441 F.D.S. MANUFACTURING CO.  
1347928 FIRST STEP GREENHOUSES, INC.  
1263342 FIVE GUYS OPERATIONS LLC  
1223382 FOSTER POULTRY FARMS  
1316158 FRINGS RANCH, LP  
1323138 FRINGS RANCH, LP.  
1341912 G.M. FASHION, INC.  
1285837 GIANT BICYCLE  
1321158 GOSHEN WEST RANCH  
1334675 GRUBB & NADLER, INC.  
1348311 GSI CAPITAL PARTNERS, LLC.  
1251302 GUY YOCOM CONSTRUCTION, INC.  
1330764 HAROLD JONES LANDSCAPE, INC.  
1356290 HOMEPRO REMODELING, INC.  
1339589 I WOOD DESIGN, INC.  
1338331 IN-N-OUT BURGER  
1254926 JEFF HADDEN AND DOROTHY HADDEN  
1253377 JEMA CONSTRUCTION, INC.  
1359455 JPS AUTO CENTER  
1330929 JSHELF LTD., A CALIFORNIA CORPORATION  
1347911 JUSTINIANO LOPEZ IRIARTE  
1326363 KELSEYVILLE FIRE PROTECTION DISTRICT  
1318089 LANIER CONSTRUCTION  
1315871 LOS ANGELES FIRE DEPARTMENT  
1318758 M & J FARM LABOR CONTRACTOR, INC.  
1089797 M.D.E. ELECTRIC COMPANY INC.

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1359590 MARBLE YARD, INC.  
1306789 MARSDEN BLDG MAINTENANCE, L.L.C  
1320087 MASHINDUSTRIES, INC.  
1306843 MATTHEWS MANUFACTURING, INC  
1313916 MAXIM CRANE WORKS, LP  
1306246 MAYFAIR GROUP HOLDINGS, INC.  
1216595 MB TECHNOLOGY  
1339822 MCLA CONSTRUCTION CO.  
1364748 MELERO ENTERPRISES  
1279848 MESA ENERGY SYSTEMS, INC.  
1264598 METRO AIR SERVICE, INC.  
1135360 MICHAEL STEPHEN RACHAL  
1320151 MICHELS CORPORATION  
1291279 MICROPRINT, INC.  
1302490 MISSION BELL MFG. CO., INC.  
1343959 MKB CONSTRUCTION  
1291456 MORRISON LANDSCAPE  
1349788 NGC CONSTRUCTION, INC.  
1303805 NOOTER CONSTRUCTION COMPANY  
1332542 NORTH COAST TILE & STONE, INC.  
1285069 OMNI RESOURCE SOLUTIONS  
1327634 ONE STOP EMPLOYMENT SERVICES, INC.  
1373438 PACIFIC SOUTHWEST LUMBER  
1269028 PANDA RESTAURANT GROUP  
1328480 PR PLUMBING, HEATING & AIR CONDITIONING, INC.  
1346906 PRECISE DISTRIBUTION INC  
1347857 PRO CRAFT CONSTRUCTION  
1295146 PTAK, MIKE A.  
1332873 QIC GRE

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1299451 QUINN GROUP INC  
1309199 RAM-MAR PAINTING, INC.  
1309124 RITEMP REFRIGERATION, INC.  
1345102 ROBERT BIALE VINEYARDS  
1343455 ROYAL INDUSTRIES, INC.  
1331353 RUSH PERSONNEL SERVICES, INC.  
1308155 SA RECYCLING, LLC  
1263554 SACRAMENTO REGIONAL CONSERVATION CORPS  
1302013 SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
1248754 SCHUFF STEEL COMPANY  
1329098 SCV WATER  
1234764 SETTON PISTACHIO OF TERRA BELLA, INC.  
1227299 SGD ENTERPRISES  
1348206 SHAWCOR PIPE PROTECTION, LLC.  
1291883 SHORELINE BUILDERS, INC.  
1344098 SMART & FINAL STORES, INC.  
1302720 STEVENS CREEK QUARRY, INC.  
1356382 STOCKTON PRODUCTS, INC.  
1308256 SUN VALLEY PAPER STOCK, INC.  
1293514 SUNG CHUL CHOUNG  
1319138 T & R PAINTING AND DRYWALL  
1280738 TAC AIR CALIFORNIA, INC.  
1281239 TESORO REFINING AND MARKETING COMPANY LLC  
1311730 THE LOTUS PET FOOD, INC.  
1364895 THREE STAR LOGGING  
1185232 TOURMALINE CONSTRUCTION, INC.  
1303432 TREE ISLAND WIRE USA, INC.  
1313375 TRINITY FRAMING & CONSTRUCTION, INC.  
1349512 TUBE ONE INDUSTRIES, INC.



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- 1332183 UKA'S BIG SAVER FOODS INC
- 1305878 ULTIMATE CONSTRUCTION, INC.
- 1314720 US SECURITY ASSOCIATES, INC.
- 1351889 VCA ANTECH, INC.
- 1311016 WALSH/SHEA CORRIDOR CONSTRUCTORS
- 1340585 WESTERN MILL FABRICATORS, INC.

**PERSONNEL:**

*(Issues regarding staff.)*

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