

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Thursday, April 4, 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 22, 2019**

**RE: Closed Session of the Board to be held on April 4, 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.)*

1152445 CALIFORNIA CARTAGE COMPANY, LLC

1220369 GRIFFITH COMPANY

1088791 TUTOR PERINI CORPORATION

**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.)*

1307598 CITY VENTURES CONSTRUCTION, INC.

1316483 DURHAM CONSTRUCTION COMPANY, INC.

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|---------|-----------------------------------|
| 1325955 | JOHNSON UNITED INC                |
| 1291708 | ROBERT CHAMPAGNE LANDSCAPE        |
| 1188395 | SILICONSAGE CONSTRUCTION INC      |
| 1180192 | WEST COAST ARBORISTS, INC.        |
| 1195264 | WAL-MART STORES INC. STORE # 1692 |

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

|         |                     |
|---------|---------------------|
| 1221889 | HERBERT ALLEN KELLY |
|---------|---------------------|

**ORDERS DISMISSING APPEAL:**

|         |                                   |
|---------|-----------------------------------|
| 1313409 | CLAWSON MOTORSPORTS               |
| 1063574 | OWENS CORNING ROOFING COMPANY LLC |
| 1319355 | SUNCOAST FARMING COMPANY LLC      |
| 1349931 | ZACKY & SONS POULTRY              |

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

|         |                           |
|---------|---------------------------|
| 1313986 | MAIER VINEYARD MANAGEMENT |
|---------|---------------------------|

**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<br>(EMPLOYER'S PETITION) |

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| 1141604   | BOY RACER INC. DBA BURNING ANGEL<br>(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                                  |
| 315341818 | HHS CONSTRUCTION                                      |
| 1251604   | INTERLINE BRANDS, INC.                                |
| 1071914   | JOSEPH PERALTA  |
| 1192145   | KPRS CONSTRUCTION SERVICES, INC.                      |
| 1173183   | L & S FRAMING, INC.                                   |
| 1200875   | NATIONAL RETAIL TRANSPORTATION, INC.                  |
| 1201848   | PAPICH CONSTUCTION 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 CORPORATION                           |

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

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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.)*

|         |   |
|---------|---|
| 1316177 | A & F PLASTERING, INC.                  |
| 1352450 | A LEFEVRE GENERAL CONTRACTOR            |
| 1075147 | ACCO ENGINEERED SYSTEMS, INC            |
| 1322403 | ACTION SPORTS EQUIPMENT, INC.           |
| 1283925 | ALLIANCE WELDING SUPPLIES, INC.         |
| 1361324 | ALTA VISTA COLD STORAGE, INC.           |
| 1354456 | ANTONIO BIONDI AN INDIVIDUAL            |
| 1342217 | ARBOR RESIDENCE, INC.                   |
| 1348393 | ARROYO CALIFORNIA CAR WASH CORP.        |
| 1284566 | B I CONSTRUCTION                        |
| 1316750 | BASS PRO OUTDOOR WORLD, LLC.            |
| 1307484 | BAUMANN ENGINEERING                     |
| 1115861 | BROOKFIELD NORCAL BUILDERS, INC.        |
| 1291698 | BUILDER SERVICES GROUP, INC.            |
| 1215569 | CA PRISON INDUSTRY AUTHORITY            |
| 1366913 | CAL, INC.                               |
| 1309834 | CALAVERAS MATERIALS, INC.               |
| 1280012 | CALIFORNIA RANCH FOODS CO               |
| 1321726 | CALTEX FOODS, INC.                      |
| 1249037 | CHARTER COMMUNICATIONS                  |
| 1352064 | CHARTWELL STAFFING SOLUTIONS, INC.      |
| 1326790 | CHRISTIAN CARE CONCEPTS LLC             |
| 1307950 | CITY OF IRVINE PUBLIC SAFETY DEPARTMENT |
| 1367180 | CLEAN HARBORS, INC.                     |
| 1342726 | CLEARLAKE LAVA, INC.                    |
| 1321493 | COHN RESTAURANT GROUP                   |

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| 1326811 | COLD STORAGE GROUP, INC.                          |
| 1339802 | COYOTE VALLEY NURSERY, INC.                       |
| 1095554 | CRANEVEYOR CORP                                   |
| 1341602 | CROAD ELECTRIC AND TH, INC.                       |
| 1346934 | DECAMILLA BROTHERS, LLC.                          |
| 1322715 | DEL PACIFICO FARM LABOR SERVICES, INC.            |
| 1288687 | DEL SOL HARVESTING, INC.                          |
| 1329220 | DEPENDABLE PLASTICS & PATTERN, INC.               |
| 1306847 | DIGNITY HEALTH                                    |
| 1316140 | DILLARD'S INC.                                    |
| 1284950 | DIRECT RELIEF, INC.                               |
| 1236207 | DUANE FRIESEN                                     |
| 1204093 | DYKON EXPLOSIVE DEMOLITION CORP                   |
| 1333865 | ECKERT COLD STORAGE COMPANY                       |
| 1162325 | EDCO WASTE & DISPOSAL, INC.                       |
| 1352789 | ELECTROLURGY MANUFACTURING, INC.                  |
| 1291306 | ENERGY RECONNAISSANCE, INC.                       |
| 1333605 | ERICKSON FRAMING CA, LLC.                         |
| 1136738 | EVERPORT TERMINAL SERVICES, INC.                  |
| 1343345 | EXCLUSIVE INSTALLATION SERVICES, INC.             |
| 1319125 | FANTASY COOKIE CORPORATION                        |
| 1305543 | FRANCISCO CARPANO                                 |
| 1292505 | FRANCISCO J. AVCEVES                              |
| 1279924 | FRONTIER-KEMPER CONSTRUCTORS, INC.                |
| 1346455 | FVE MANAGERS, INC., FIVE STAR SENIOR LIVING, INC. |
| 1328119 | G & A UNDERGROUND UTILITY CORP                    |
| 1355939 | G. V. UNIQUE CONSTRUCTION, INC.                   |
| 1356160 | G.W. JOEL CONSTRUCTION, INC.                      |
| 1349913 | GARY FREEMAN, AN INDIVIDUAL                       |

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| 1357075 | GEO DRILLING FLUIDS, INC.                  |
| 1339849 | GHC OF NATIONAL CITY I, LLC.               |
| 1225456 | GRANITE SERVICES INTERNATIONAL, INC.       |
| 1319085 | GREEN OASIS BUILDERS                       |
| 1323345 | GRILL CONCEPTS, INC.                       |
| 1341597 | GROWERS ICE COMPANY                        |
| 1340272 | HEALTHCARE SERVICES GROUP, INC.            |
| 1339018 | HEBREW HOME FOR AGED DISABLED              |
| 1347509 | HILMAR CHEESE COMPANY                      |
| 1316770 | IMPACT DEMO & HAULING, INC.                |
| 1336375 | INDIAN CREEK CAR WASH                      |
| 1307133 | J L WINGERT CO                             |
| 1291109 | J&C CONTRACTORS INC. DBA J&C ENVIRONMENTAL |
| 1348343 | JAVRILLO CUCUK                             |
| 1307102 | JCP LOGISTICS, INC.                        |
| 1310450 | KEMBAR CONSTRUCTION, INC.                  |
| 1324747 | KOLKKA FURNITURE, LLC.                     |
| 1323063 | KRUPPA FARMS                               |
| 1352088 | L&P FINANCIAL SERVICES CO.                 |
| 1341810 | LAMONICA'S PIZZA DOUGH COMPANY, INC.       |
| 1332509 | LENNAR HOMES OF CALIFORNIA, INC. & LENNAR  |
| 1347678 | LIGHTING TECHNOLOGIES INTERNATIONAL, LLC.  |
| 1355980 | MANKE TRUCKING INCORPORATED                |
| 1235345 | MARQUEZ BROTHERS INTERNATIONAL, INC.       |
| 1326498 | MARTIN-HARRIS CONSTRUCTION, LLC.           |
| 1300676 | MERHDAD AVAR                               |
| 1319818 | MICHELS CORPORATION                        |
| 1364757 | MOTHER NATURE'S GOODIES, INC.              |
| 1294210 | MY CHEVROLET, INC.                         |



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| 1334826 | NERI INSURANCE AGENCY                     |
| 1270904 | NISSEN DAIRY, INC.                        |
| 1292593 | NPL CONSTRUCTION                          |
| 1323731 | O'DUFFY CONSTRUCTION                      |
| 1312290 | OAKRIDGE LANDSCAPE, INC.                  |
| 1344106 | ORNAMENTALIC, INC.                        |
| 1341522 | PACIFIC COAST PRODUCERS                   |
| 1339929 | PALM SPRINGS MAINTENANCE DEPT.            |
| 1359344 | PASTIME LAKES HOLDINGS, LLC.              |
| 1355082 | PAUL MELLO CONSTRUCTION, INC.             |
| 1140547 | PEGASUS FOODS INC.                        |
| 1266702 | PENTAIR WATER POOL AND SPA, INC.          |
| 1347963 | PIERRE ANGEL RODRIGUEZ, AN INDIVIDUAL     |
| 1274093 | PLANT CONSTRUCTION COMPANY L.P.           |
| 1331730 | PLASTIC INDUSTRIES, INC.                  |
| 1330014 | PYRAMID53, LLC.                           |
| 1357758 | R.E.R. INC                                |
| 1333984 | RANDSTAD NORTH AMERICA, INC.              |
| 1298365 | RESOURCE STAFFING GROUP, INC.             |
| 1352429 | RICHARD ARMENTA JR.                       |
| 1337896 | RIVIANA FOODS, INC.                       |
| 1366163 | RONNIE LLOYD BROWN, AN INDIVIDUAL         |
| 1159849 | ROUGHING IT DAY CAMP                      |
| 1306890 | SAN FRANCISCO PUBLIC UTILITIES COMMISSION |
| 1374018 | SANTANA TRUCK BODIES LLC                  |
| 1325999 | SAWS FLOORING, INC.                       |
| 1340324 | SEAL ELECTRIC, INC.                       |
| 1342235 | SEWING 5, INC.                            |
| 1318884 | SHEEHAN CONSTRUCTION, INC.                |

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| 1322909 | SIERRA CONSTRUCTION & EXCAVATION, INC.           |
| 1356298 | SIERRA LANDSCAPE                                 |
| 1363072 | SMITH AND SON'S WELDING & FABRICATION, INC.      |
| 1374030 | SONSRAY MACHINERY, LLC.                          |
| 1346469 | SOPHIE KING, AN INDIVIDUAL                       |
| 1341778 | SOUND-CRETE CONTRACTORS, INC.                    |
| 1322073 | SPRIG ELECTRIC                                   |
| 1321792 | SRG II OPS, INC. / LVR SUBTENANT, LLC.           |
| 1314271 | STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION |
| 1367484 | STATEWIDE TRAFFIC SAFETY AND SIGNS, INC.         |
| 1373385 | TARGET LUMBER SALES                              |
| 1286617 | TESORO REFINING AND MARKETING COMPANY LLC        |
| 1342392 | THARALDSON HOSPITALITY DEVELOPMENT, LLC.         |
| 1221814 | THOMPSON PIPE GROUP INC                          |
| 1337688 | TIMOTEO MELENDEZ, AN INDIVIDUAL                  |
| 1334668 | TOLAR MANUFACTURING COMPANY, INCORPORATED        |
| 1306104 | TRI-PACIFIC HEATING & AIR CONDITIONING, L.P.     |
| 1351817 | TRINITY GARDENS, LLC.                            |
| 1356164 | TRONG NGUYEN AN INDIVIDUAL                       |
| 1288849 | UC SAN DIEGO HEALTH                              |
| 1330112 | UNIVERSAL BUILDING SERVICES & SUPPLY COMPANY     |
| 1305274 | VALERO REFINING COMPANY - CALIFORNIA             |
| 1341160 | VICTORIANO BARRENECHE                            |
| 1373114 | VINCULUMS SERVICES, LLC.                         |
| 1367146 | VIRGIL EDWARD JEANS III, AN INDIVIDUAL           |
| 1179660 | VIRTUS NUTRITION, LLC                            |
| 1309502 | VISTA REAL PUBLIC CHARTER, INC.                  |
| 1343963 | WALMART, INC.                                    |
| 1343796 | WESPAK INC.                                      |

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| 1357394 | WEST CONTRA COSTA COUNTY SANITARY LANDFILL, INC. |
| 1337144 | WEST CONTRA COSTA SANITARY LANDFILL, INC.        |
| 1224801 | WING KWOK AND WAYNE QUOCK                        |
| 1315579 | WINTERSUN INTERNATIONAL, INC.                    |
| 1306602 | WISEMAN GLASS & MIRROR                           |
| 1311145 | YERGLER CONSTRUCTION CO. 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.