

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), (e) and (f)
for
Tuesday, April 16, 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: April 5, 2019

RE: Closed Session of the Board to be held on April 16, 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.)

1195414 ACCO ENGINEERED SYSTEMS, 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.)

1195416 ALON KASPI

1266860 H.B. REDWOOD MOULDING MANUFACTURING CO.

1155353 J.M. EQUIPMENT COMPANY, INC.

1307854 OPPORTUNITY STAFFING, INC.

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PETITIONS FOR RECONSIDERATION (Second Review):

1307598	CITY VENTURES CONSTRUCTION, INC.
1316483	DURHAM CONSTRUCTION COMPANY, INC.
1325955	JOHNSON UNITED INC
1291708	ROBERT CHAMPAGNE LANDSCAPE
1188395	SILICONSAGE CONSTRUCTION INC
1180192	WEST COAST ARBORISTS, INC.
1195264	WAL-MART STORES INC. STORE # 1692

ORDERS DISMISSING APPEAL:

1256604	SILVERADO FRAMING & CONSTRUCTION, INC.
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ORDERS DENYING LEAVE TO FILE LATE APPEAL:

1325022	BRISTOL EXPRESS CAR WASH, LLC
1331985	KAG MERCHANT GAS GROUP, LLC

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)
1205214	CALIFORNIA STRUCTURAL CONCEPTS INC.

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1246527	CEMEX
316446855	CYBERNET ENTERTAINMENT, LLC, 14-R6D1-0364-0367
1129260	ENVIRONMENTAL CONSTRUCTION GROUP
1240360	HARRIS SPICE COMPANY
1221889	HERBERT ALLEN KELLY
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 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 CORPORATION

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 & INSTRUMENTATIONS, INC. (316695469)
18. UNITED PARCEL SERVICE, BS171154 (315347864)
19. ASHLEY FURNITURE INDUSTRIES, 34-2017-800002750, (1016514)

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20. UPS GROUND FREIGHT, INC. DBA UPS FREIGHT, BS171910, (1111325)
21. SSA CONTAINERS, INC. (314758756)
22. BULKLEY & ASSOCIATES, LLC, CV43751 (1052467)
23. BLUE DIAMOND GROWERS, (1040471)
24. UNITED PARCEL SERVICE, (1158285)
25. BRAGG COMPANIES, DBA BRAGG CRANE SERVICE,
HG18930741 (1157108)
26. NORM WILSON & SONS INC. (1116151)

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.)

- 1157719 ADVANCED CONSTRUCTION SOUTHWEST, INC.
1101946 AMERIGAS CORPORATION

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1240345 BAKSH CONSTRUCTION
1310842 BMC WEST, LLC.
1369721 BOTTLING GROUP LLC
1298902 BOTTLING GROUP, LLC OPERATING AS PEPSI BEVERAGES
1238801 BRIAN MCCLANAHAN
1306585 BULWARK CONSTRUCTION INC.
1362338 BYD COACH & BUS LLC
1339028 CENTRAL STRIPING SERVICE, INC.
1264537 CITY OF GLENDALE GLENDALE WATER & POWER
1205562 CITY OF LOS ANGELES INFORMATION TECHNOLOGY
1286063 CITY OF SANTA CLARITA
1352196 CORE-MARK INTERNATIONAL INC
1307130 CORONET CONCRETE PRODUCTS, INC.
1366265 CRUZ CONSTRUCTION AND LANDSCAPE INC
1343795 CURTIS PFIZENMAIER
1306772 DEACON CORP.
1263031 DESCOR, INC.
1304312 DESKMAKERS INC
1324375 DICOR CONTRACTORS, INC.
1084912 EAGER BEAVER TREE SERVICE
1343674 FEDEX GROUND PACKAGE SYSTEM, INC.
1370048 FOOTHILL FIRE PROTECTION, INC.
1257340 FRONTIER CALIFORNIA, INC.
1320936 GANAHL LUMBER COMPANY
1347200 GEMPERLE FAMILY FARMS
1295239 GLACIER COLD STORAGE, LTD
1290220 GOLDEN EMPIRE TOWING, INC.
1155018 HAYWARD QUARTZ TECHNOLOGY, INC.
1326016 IN-N-OUT BURGER
1313961 INLAND EMPIRE FOODS, INC.
1279076 INSTITUTE FOR ENVIRONMENTAL HEALTH, INC.

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1320633 IRON PANTHER, INC.
1361177 J N R CONSTRUCTION
1355662 JEWEL CITY AUTO BODY
1336710 JOHN A MACHADO
1325742 KAISER PERMANENTE MORENO VALLEY MEDICAL CENTER
1287593 LA VALLE SABBIA
1267202 LAZER SPOT
1333929 LEVEL V CONSTRUCTION, INC.
1307119 LOW COST PLUMBING
1314251 MANADA ROOFING INC.
1351594 MARLEON, INC.
1265568 MATERIAL HANDLING SYSTEMS, INC.
1334469 MCEWEN NURSERY
314867441 METROHOME LTD
1334303 METROPOLITAN STATE HOSPITAL
1337852 MOREHEAD FARMS
1247582 MS INTERNATIONAL
1350087 NCW INCORPORATED
1317380 NONGSHIM AMERICA, INC.
1229187 OCEAN PARK DEVELOPMENT, LLC
1336043 P. & R. PAPER SUPPLY COMPANY INC.
1239966 PACIFIC COAST SUPPLIES
1306870 PACIFIC GAS & ELECTRIC COMPANY
1121300 PACIFIC RIM DAIRY
1297249 POMONA COLLEGE
1287297 PREMIER MUSHROOMS, INC.
1325959 RBC TRANSPORT DYNAMICS CORP
1328523 ROOF MASTER
1205431 ROSS STORES, INC.,
1305022 SAUMERS WELDING, INC.
1325077 SIMONIAN FRUIT COMPANY

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1329248 SLSCO, LP.
1319500 SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT
1351551 STEPHEN GRIFFIN CONSTRUCTION, INC.
1279610 SURFACE MODIFICATION SYSTEMS, INC.
1325990 TATIANA CONTINENTAL DELI & MEAT, INC.
1345141 TECTA AMERICA SACRAMENTO, INC.
1367590 TEMPLE ISRAEL OF HOLLYWOOD
1329246 THE PRESENTATION SCHOOL
1248662 TITAN PERSONNEL INC
1275707 TLM PETRO LABOR FORCE, INC.
1355084 TRI-VALLEY CONTRACTING, INC.
1185979 TTL BUILDING COMPANY
1310442 TTRS, INC.
1323909 TURN KEY CONSTRUCTION AND SOLAR
1318481 WEST COAST AGGREGATE SUPPLY INC.
1273815 WEST COAST ARBORISTS, INC.
1284696 WILLIS CONSTRUCTION COMPANY, INC.
1324920 WOOD LAND EXPANSION, INC.

PERSONNEL:

(Issues regarding staff.)

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