

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), (e) and (f)
for
Thursday, May 23, 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: May 13, 2019

RE: Closed Session of the Board to be held on May 23, 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.)

NONE

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.)

1195414 ACCO ENGINEERED SYSTEMS, INC.

1336043 P & R PAPER SUPPLY COMPANY INC.

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PETITIONS FOR RECONSIDERATION (Second Review):

1326588 PRO FRAME BUILDERS, INC.
1088791 TUTOR PERINI CORPORATION

ORDERS DISMISSING APPEAL:

1338523 C&K FORM FABRICATION, INC.
1326937 LONESTAR CONSTRUCTION, INC.
1210984 SKY HARBOR FULLERTON LLC
1309484 VICTOR TORRES AND MIGUEL ANGEL CALDERON

ORDERS DENYING LEAVE TO FILE LATE APPEAL:

1338709 AMB RANCH MANAGEMENT, INC.
1330747 BROTHERS INTERNATIONAL DESSERTS
1342020 REAL TIME STAFFING SERVICES, 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.)

310060629 AC TRANSIT
1347210 AK CORAL CAY TRUST LLC
1195416 ALON KASPI
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
1221889	HERBERT ALLEN KELLY
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.
1232555	PROCESS COOLING INTERNATIONAL, INC.
1059365	SHIMMICK CONSTRUCTION COMPANY, INC.
1298791	TURNER BROADCASTING SYSTEM, INC.
1116529	UNITED PARCEL SERVICE, INC. DBA UPS
1195264	WAL-MART STORES INC. STORE # 1692

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. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR,
15CV-00945 (08-R2D1-3093 through 3098)
2. OLDCASTLE PRECAST, INC., 34-2015-80002167 (13-R3D3-0583)
3. SHIMMICK CONSTRUCTION CO., INC./OBAYASHI CORP.,
34-2015-80002206 (12-R3D1-0781)

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4. CHARLES PANKOW BUILDERS, LTD., 34-2015-8000221 (13-R4D1-1759)
5. MCM CONSTRUCTION, INC., 34-2016-80002312 (13-R1D2-3851-3854)
6. SOLARCITY CORP., 14-R3D2-3707, 34-2016-80002345
7. W.A. RASIC COMPANY, INC., 13-R4D1-1422, 34-2016-80002454 (314863978)
8. OLDCASTLE PRECAST, INC. (34-2017-80002522) 1025083
9. KEY ENERGY SERVICE, LLC 12004280
10. SHIMMICK FCC IMPREGILO JOINT VENTURE DBA SFI, JV,
34-2017-80002562, (1144056)
11. ATKINSON CONSTRUCTION, LP (317386084)
12. BARNARD IMPREGILO HEALY, JV, (317134021), CPF 17-515575
13. R N R CONSTRUCTION, INC., (1092600) 34-2017-80002632
14. ELECTRICAL SYSTEMS & INSTRUMENTATIONS, INC. (316695469)
15. UNITED PARCEL SERVICE, BS171154 (315347864)
16. ASHLEY FURNITURE INDUSTRIES, 34-2017-800002750, (1016514)
17. UPS GROUND FREIGHT, INC. DBA UPS FREIGHT, BS171910, (1111325)
18. SSA CONTAINERS, INC. (314758756)
19. BULKLEY & ASSOCIATES, LLC, CV43751 (1052467)
20. BLUE DIAMOND GROWERS, (1040471)
21. UNITED PARCEL SERVICE, (1158285)
22. BRAGG COMPANIES, DBA BRAGG CRANE SERVICE,
HG18930741 (1157108)
23. NORM WILSON & SONS INC., 19STCP00663 (1116151)
24. ROBINSON MFG., INC., 30-2019-01067631 (1169633)

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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. UPS GROUND FREIGHT, INC. DBA UPS FREIGHT, BS171910 (1111325)

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.)

- 1339570 A T & T SERVICES, INC.
- 1321497 AE COM ENERGY & CONSTRUCTION, INC
- 1358289 ALAMILLO REBAR, INC.
- 1359528 ALEJANDRA BERRELLEZA, AN INDIVIDUAL
- 1175508 AMERICAN GOLF CORPORATION
- 1373369 APPLIED CONVEYOR TECHNOLOGY INC.
- 1292842 ARAMARK UNIFORM SERVICES AND APPAREL
- 1242487 ATHLON POOL COMPANY
- 1339875 BAINS PROPERTIES INC.
- 1235627 BAP POWER CORPORATION
- 1373492 BAY AREA TRAPPING, INC.
- 1338230 BEACON PROPERTY MANAGEMENT, INC.
- 1364920 BIG TIRE & WHEELS, INC.

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1290785 BRANAGAN BUILDERS, INC.
1295165 BRIGHTVIEW COMPANIES, INC.
1336221 BRYANT RACING, INC.
1273470 CA FORESTRY & FIRE PROTECTION
1288777 CAL ENTERPRISE LABOR SOLUTIONS INC
1320036 CAL ENTERPRISE LABOR SOLUTIONS, INC.
1339602 CALIFORNIA CREATIONS
1239561 CALIFORNIA KITCHEN CABINET DOOR, CORPORATION
1284796 CENTRAL COAST SPRING
1352440 CHARTWELL STAFFING SOLUTIONS
1340250 CHAVOLLA FLC
1292850 CHRISTIAN BUILDING MATERIALS, INC.
1370022 COMMUNITY LIVING SOLUTIONS, INC.
1342350 CORNERSTONE PACKING AND COOLING
1359665 CORONA TOWN FARMERS MARKET, INC.
1327805 CVS #9241
1279500 D & D CONSTRUCTION SPECIALTIES, INC.
1323232 DALE CANFIELD CONSTRUCTION INC
1374483 DONALD WACHTER, AN INDIVIDUAL
1359648 DOOR COMPONENTS, INC.
1357692 EMPLOYBRIDGE, LLC
1203310 ENGEN ENTERPRISES INC.
1364292 ENVIRONMENTAL CHEMICAL CORPORATION
1234259 EPISODIC VENTURES, LLC.
1262954 EQUITY LIFESTYLE PROPERTIES, INC. AND/OR MHC NAC,
1335885 EXETER UNIFIED SCHOOL DISTRICT
1261810 FABIE TILE & MARBLE, INC.
1337166 FEDEX GROUND
1311765 GENEVA STAFFING, INC.
1183860 GOLDEN VALLEY FARM SERVICE INC
1260971 GONSALVES & SANTUCCI, INC.

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1346318 GRANT CONSTRUCTION, INC.
1239564 GREYSTAR, LP.
1348398 GYNA, INC.
1346117 HEARTLAND TECHNOLOGY GROUP
1316258 HOLLYBROOK MONTECITO OPERATIONS LLC
1372517 HOSSAM MOHAMMAD KADDOURA, AN INDIVIDUAL
1223383 HUMBOLDT SHERIFFS OFFICE WORK DETAIL PROGRAM
1322726 ILINK BUSINESS MANAGEMENT, INC.
1290626 IMPERIAL 162, LLC.
1330001 J G WESTSTEYN DAIRY LP
1373088 JOSE GONZALEZ AND MARTIN GONZALEZ, A PARTNERSHIP
1364538 JUAN MACHUCA, AN INDIVIDUAL
1325983 KEY PIN, INC.
1313740 KIEWIT INFRASTRUCTURE WEST CO.
1373450 KINDRED NURSING CENTERS WEST, LLC.
1329751 LASCO ELECTRIC, INC.
1254876 LOWE'S HOME CENTERS, LLC.
1383802 MHE ENTERPRISES, INC.
1263355 MICHAEL ROBERTS CONSTRUCTION, INC.
1315422 MIR, CO.
1366455 MLU SERVICES, INC.
1369425 MULEHEAD GROWERS, LLC
1319135 NEIL JONES FOOD COMPANY
1306598 NEW IMAGE PLASTERING
1287701 NUNEZ BROTHERS, INC.
1360311 O' JOE'S, INC.
1227776 OBED LOAIZA
1319025 PARTNERS PERSONNEL MANAGEMENT, LLC.
1318881 PERFECT 85-DEGREES C., INC.
1346588 PWS CONSTRUCTION, INC.
1380277 RAUL ANDRADE CORTES, AN INDIVIDUAL

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1377681 REDDING COUNTER TOPS, INC.
1351569 ROBERT AND SANDRA GARCIA FARMING PARTNERSHIP
1297006 ROOFCO INC
1348277 SAIGON GOURMET, LLC.
1284949 SAN DIEGO CUTTING, INC.
1270946 SAN FRANCISCO UNIFIED SCHOOL DISTRICT - BRET HARTE
1348399 SCHUTZ FARMS
1349493 SIERRA LANDSCAPE DEVELOPMENT, INC.
1367189 SILVER CREEK INDUSTRIES, INC.
1233231 SILVERLINE CONSTRUCTION INC.
1123110 SINCLAIR CONCRETE, INC.
1353411 SPORTS CAR RACING ASSOCIATION OF THE MONTEREY
1241983 STANTRU RESOURCES, INC.
1290990 T HASEGAWA LLC
1217151 TAYLOR MORRISON SERVICES, INC.
1373069 THC - ORANGE COUNTY, LLC.
1205239 TLP METAL WORKS INC.
1328410 TURNER'S OPERATIONS INC.
1330792 VALLEY GUTTER SUPPLY, INC.
1306521 VANTAGE DEVELOPMENT & CONSTRUCTION
1279949 VAV PLASTICS, INC.
1330760 VISTA VERDE LABOR, INC.
1274645 VMC INTERNATIONAL, LLC.
1241999 W. M. KLORMAN CONSTRUCTION CORP
1217814 WASTE SOLUTIONS GROUP OF SAN BENITO, LLC
1327788 WEATHER-TECH ROOFING, INC.
1371742 WEBER DISTRIBUTION, LLC.
1206629 WESTERN FABRICATION TECH CORP.
1324753 WHELAN SECURITY OF CALIFORNIA INC.
1366246 WILLIAM BARKER GRAHAM II, AN INDIVIDUAL
1300793 WISMETTAC ASIAN FOODS INC

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1358597 WM. STRATFORD, INC.

1331346 WORKFORCE ENTERPRISES WFE, INC.

PERSONNEL:

(Issues regarding staff.)

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