

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), (e) and (f)
for
Thursday, June 13, 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 31, 2019

RE: Closed Session of the Board to be held on June 13, 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.)

1183541	BBSI, INC.
1310525	GOLDEN STATE FC, LLC.
1245080	TCI TRANSPORTATION SERVICES

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.)

1272378	ANDREW HARRISON BARNES
1319149	ANITA'S MEXICAN FOODS CORP

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

May 31, 2019

Page 2

1351545 JOSEPH CROWN CONSTRUCTION, INC.
1269612 PEARL CROP, INC.
1342020 REAL TIME STAFFING SERVICES, LLC
1137088 SOUTHLAND INDUSTRIES
1359495 VICTOR C. GARCIA

PETITIONS FOR RECONSIDERATION (Second Review):

1195414 ACCO ENGINEERED SYSTEMS
1336043 P&R PAPER SUPPLY

ORDERS DISMISSING APPEAL:

1327803 C&J ENERGY SERVICES, INC.
1285370 FERIA FARM MGT. FLC
1282132 ROMA URBAN MARKET
1261165 STATE OF CALIFORNIA DEPART. OF CORRECTIONS
1278532 WINNEKER, DAVID MICHAEL

ORDERS DENYING LEAVE TO FILE LATE APPEAL:

1339143 ACTION PRESSURE WASHING
1321750 E.V.A IMPORT & EXPORT
1338714 J.F. SAYLER RACING STABLES
1343453 MAGICAL INTERIOR DESIGN CORPORATION
1345320 NUNEZ BROTHERS, INC.
1333532 ROBERT L. HORVATH, INC.
1355676 STUDIO CUSTOM BODY SHOP, INC.

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

May 31, 2019

Page 3

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.
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.
1201848	PAPICH CONSTRUCTION COMPANY, INC.
1326588	PRO FRAME BUILDERS, INC.
1232555	PROCESS COOLING INTERNATIONAL, INC.
1059365	SHIMMICK CONSTRUCTION COMPANY, INC.
1298791	TURNER BROADCASTING SYSTEM, INC.
1088791	TUTOR PERINI CORPORATION
1195264	WAL-MART STORES INC. STORE # 1692

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

May 31, 2019

Page 4

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)
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 & INSTRUMENTAIONS, INC. (316695469)
15. UNITED PARCEL SERVICE, BS171154 (315347864)

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

May 31, 2019

Page 5

16. ASHLEY FURNITURE INDUSTRIES, 34-2017-800002750, (1016514)
17. UPS GROUND FREIGHT, INC. DBA UPS FREIGHT, BS171910,
(1111325)
18. BULKLEY & ASSOCIATES, LLC, CV43751 (1052467)
19. BLUE DIAMOND GROWERS, (1040471)
20. UNITED PARCEL SERVICE, (1158285)
21. BRAGG COMPANIES, DBA BRAGG CRANE SERVICE,
HG18930741 (1157108)
22. NORM WILSON & SONS INC., 19STCP00663 (1116151)
23. ROBINSON MFG., INC., 30-2019-01067631 (1169633)

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)

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD

CLOSED SESSION MEMORANDUM

May 31, 2019

Page 6

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.)

1378371	3B WINDOWS & DOORS, INC.
1377955	99 CENTS ONLY STORES
1373831	A. TEICHERT & SON, INC.
1379206	ABC CUSTOM WOOD SHUTTERS, INC.
1343994	AERO-CLASSICS HEAT TRANSFER PRODUCTS, INC.
1307580	ALCAL SPECIALTY CONTRACTING, INC.
1365452	ALS WEST COAST INC
1197824	AMERICAN RESTORE INC
1307442	ANGELUS PACIFIC COMPANY
1378839	ARCADIA, INC.
1348036	ARIES PREPARED BEEF CO.
1382575	BERG DRYWALL, LLC.
1358849	BEST-WAY MARBLE & TILE CO., INC.
1351809	BOCCHI LABORATORIES, INC.
1385926	BT PIPELINE, INC.
1335427	CA SENIOR LIVING EE GROUP, LLC.
1302408	CALIBER HOLDINGS CORP.
1334311	CAMERON PARK COMMUNITY SERVICES DISTRICT
1253050	CANII AG MGT, INC.
1356374	CHAN TAK CHUNG
1275410	CHANNEL ISLAND VEGETABLE FARMS, INC.
1243432	CLARK CONSTRUCTION GROUP CALIFORNIA, LP.
1356061	COMMERCIAL DOOR COMPANY, INC.
1229645	CREAM OF THE CROP AG SERVICES, INC.
1312676	CRYOGENIC EXPERTS, INC.
1089811	DEACON CORP.
1279882	DEL TACO, LLC
1271986	DEMATIC CORP.

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

May 31, 2019

Page 7

1339599	DH BLATTNER & SONS INC
1346664	DSC LOGISTICS, INC.
1332857	ELECTRIC MOTOR SHOP AND SUPPLY, CO.
1344119	ESKATON PROPERTIES, INCORPORATED
1359677	FAMOUS FRAMING CONTRACTORS, INC.
1366406	FASHION AVE PLUS, INC
1223203	FIGUEROA CONSTRUCTION
1320991	FIRST RATE STAFFING CORPORATION
1322283	FLOW TRANSPORT, INC.
1317507	FOOTHILL PACKING, INC.
1334426	FOREMOST FOODS
1308438	FOUND VINTAGE RENTALS, INC
1359222	GALLO GLASS CO.
1325617	GEORGE TE VELDE
1307498	GRANITE CONSTRUCTION COMPANY
1325200	GRANITE ROCK COMPANY
1377469	GREGORY CONSTRUCTION
1326775	GWP HOLDINGS, LLC.
1315073	HAL LARSEN CONSTRUCTION
1359686	HALDEN LARSEN
1331578	HALF MOON & FRUIT PRODUCE CO.
1369469	INNOVATIVE ROTATIONAL MOLDING, INC.
1260714	INTERSTATE CONCRETE PUMPING CO., INC.
1259486	J AND B LANDSCAPING
1386574	J. FRANCISCO TAPIA
1372710	JAIMAV PROPERTIES, LLC.
1382982	JAIMAV PROPERTIES, LLC.
1367212	JASON SCOTT LOOMIS, AN INDIVIDUAL
1100941	JONES CONSTRUCTION, INC.
1348023	JUAN V SANDOVAL MORALES, AN INDIVIDUAL
1357403	JW STRAUSS, LLC.

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

May 31, 2019

Page 8

1229191	KP SHINES, LLC.
1309385	KUCKENBECKER TRACTOR CO. INC
1328222	KULVINDER KUMAR, SOLE OWNER
1338150	L & R AUTO PARKS, INC.
1206790	L & S FRAMING INC.
1335191	L&S EMBROIDERY INC
1356373	LAGUNA VAULT, LLC.
1342593	LARGO CONCRETE, INC.
1352502	LENNAR HOMES, INC.
1357780	LOS ANGELES UNIFIED SCHOOL DISTRICT, TRUCK
1351442	LOWE'S HOME CENTERS, LLC.
1267178	MADISON MATERIALS
1377063	MAURICIO GURRISQUETA, AN INDIVIDUAL
1374499	MONTE VISTA LODGE LIMITED PARTNERSHIP
1325562	MONTEREY ZOOLOGICAL SOCIETY, INC.
1350359	MOUNTAIN MEADOW MUSHROOM FARMS, INC.
1336002	MUNOZ PLUMBING REPAIR
1336388	NEIL JONES FOOD COMPANY
1322037	NEWEGG, INC.
1319827	O'NEILL CONSTRUCTION
1378416	OC RECYCLING, INC.
1123408	PANELIZED STRUCTURES, INC.
1183383	PEGASUS FOODS INC
1183473	PEGASUS FOODS, INC.
1280909	PELGER ROAD. 1700 LLC
1343446	PEOPLE READY, INC
1338311	PHILLIPS FARMS
1249477	PREMIER DISPLAYS & EXHIBITS
316213826	R.J. NOBLE COMPANY
1363207	REDWOOD EMPIRE FOOD BANK
1335610	RIVER ROCK OUTSCAPE

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

May 31, 2019

Page 9

1373377	RJP FRAMING, INC.
1355092	ROBERT BRKICH CONSTRUCTION CORP.
1350402	RODRIGO AND CLAUDIA RODRIGUEZ
1368276	ROY COSTELLO
1348225	RRND SERVICES, INC.
1313605	SANTA BARBARA UNIFIED SCHOOL DISTRICT
1303144	SCHMIDT INDUSTRIES, INC.
1316875	SIERRA ALLOYS COMPANY
1244663	SILVER STAR CONSTRUCTION ENGINEERING, INC.
1336228	SOUTHLAND TRANSIT, INC.
1339869	STRAUSSER CONSTRUCTION, INC.
1360999	SUN PACIFIC SHIPPERS, L.P.
1290777	SUNNY FLOORING AND CARPETS
1370320	SUPERIOR STORAGE TANK
1358445	SUPHERB FARMS
1329975	TAIFUNG FOOD COMPANY
1269728	TELFER PAVEMENT TECHNOLOGIES, LLC.
1300076	TIGERS (USA) GLOBAL LOGISTICS
1192671	TORO ENTERPRISES INC.
1347315	TRAXX CORPORATION
1344828	TULE TRASH COMPANY, LLC.
1253345	TYP RESTAURANT GROUP, INC.
1306922	UKA'S BIG SAVER FOODS
1347657	UNITED FURNITURE INDUSTRIES CA, INC.
1337897	UNITY COURIER SERVICE, INC.
1344285	USTE, INC.
1275281	VALLEY PALLET, INC.
1249809	WAG HOTELS, INC.
1295861	WALT OXLEY ENTERPRISES, INC.
1319657	WASTE MANAGEMENT COLLECTION
1274956	WEST COAST ARBORISTS, INC.

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
CLOSED SESSION MEMORANDUM

May 31, 2019

Page 10

1292283	WEST COAST DRYWALL & COMPANY INC
1381225	WESTERN STATES WHOLESALE, INC.
1356945	WESTERN WOODS, INC.
1321336	WM BUILDERS, INC.
1311756	WRIGHT CONTRACTING INC.
1372007	WRIST SHIP SUPPLY A/S

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.