

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), (e) and (f)
for
Thursday, July 25, 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: July 12, 2019

RE: Closed Session of the Board to be held on July 25, 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.)

1048310	AEG MANAGEMENT OAKLAND, LLC
1206788	DPR CONSTRUCTION INC. ET AL
1368418	MCMILLAN TREE SERVICE
1345451	ON THE THIRTY, INC.
1341411	UPS

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PETITIONS FOR RECONSIDERATION (Second Review):

1355423 CINTAS CORPORATION
1310525 GOLDEN STATE FC, LLC

ORDERS DISMISSING APPEAL:

1241670 COLOR SPOT NURSERIES, INC.
1196019 CUSTOM ENGINEERED OPENINGS
1241737 ROMI INVESTMENTS
1191741 SHZ DEVELOPMENT INC
1287923 SOLACE ENCINITAS, LLC
1391079 STANLEY PHILLIP CARON

ORDERS DENYING LEAVE TO FILE LATE APPEAL:

1347666 COIT SERVICES CV, INC.
1293917 TOWNE MOBILE HOME PARK

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.)

1195414 ACCO ENGINEERED SYSTEMS
1339143 ACTION PRESSURE WASHING
1347210 AK CORAL CAY TRUST LLC
1195416 ALON KASPI

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1180499	ALPHA CONSTRUCTION COMPANY, INC.
1272378	ANDREW HARRISON BARNES
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.
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.
1123110	SINCLAIR CONCRETE, INC.
1298791	TURNER BROADCASTING SYSTEM, INC.
1088791	TUTOR PERINI CORPORATION
1359495	VICTOR C. GARCIA
1195264	WAL-MART STORES INC. STORE # 1692

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

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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)
24. WEST COAST ARBORISTS, 37-2019-00026620 (1180192)
25. NATIONAL RETAIL TRANSPORTATION, INC., 19STCP02623
(1200875)

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)

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

9. LION FARMS, LLC, MCV075788 (1070258)

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.)

1385630	ABEL'S AUTOMOTIVE, INC.
1130275	ADVANTAGE DRYWALL SYSTEMS, INC.
1367599	ALPINE SHUTTER CRAFT LLC
1342609	ANNING JOHNSON COMPANY
1356269	ARSHA CORP.
1298457	BARON HR
1262902	BAS RESEARCH
1394749	BEHIND YOUR SEAMS, INC.
1338207	BENNY SILVA
1327482	BIOTA TECH SERVICES, INC
1339881	BJ PERCH CONSTRUCTION, INC.
1289554	BOSKOVICH FARMS, INC.
1328763	C. WOLFE INDUSTRIES, INC.
1324382	CALLENDERS HOUSE OF GLASS, INC.
1264124	CHARTER COMMUNICATIONS, INC.
1329122	CPS SECURITY
1340348	CREATIVE STONE MFG., INC.
1300667	DIAMOND SHARP CUTLERY, INC
1335832	DR. KIRIT SHAH & MRS. SONAL SHAH
1041874	E. G. A. CO. DBA A & B ELECTRIC
1373644	EL JALAPENO CRAZY, INC
1284047	ENVIRONMENTAL REMEDIATION CONTRACTORS,
1261818	ENZ VINEYARDS, INC.

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1266838	FLOYD JOHNSTON CONSTRUCTION COMPANY
1361332	FUTURE FOAM, INC.
1373711	GLENAIR, INC.
1209744	GRANITE ROCK COMPANY
1362417	GREEN DINING TABLE, INC.
1384042	HABITAT FOR HUMANITY OF GREATER LA
1174311	HESTON CONSTRUCTION, INC.
1385612	HOT TIRES AUTO REPAIR, INC.
1314985	ICON WEST, INC.
1359950	J.G. BOSWELL COMPANY
1325572	JM STREAMLINE, INC.
1365210	JOSEF E. NAIRN, AN INDIVIDUAL
1366442	KROEGER EQUIPMENT & SUPPLY CO., A CALIFORNIA
1316782	L.A.. SOLAR GROUP, INC.
1374407	LADWP
1349896	LUM-TECH LIGHTING, INC.
1164969	LUTH AND TURLEY, INC.
1323002	MANERI TRAFFIC CONTROL, INC.
1277927	MARRIOTT RESORTS HOSPITALITY CORPORATION
1342569	MASCORRO LEATHER, INC.
1374107	MCPHEE MASONRY, INC.
1373454	MEC RECYCLING LLC
1389565	MIDWEST AIR TECHNOLOGIES, INC.
1348318	MOSS BROS. AUTO GROUP, INC.
1359094	MOUNTAIN WEST GLAZING, INC.
1360880	MOWBRAY'S TREE SERVICE
1404391	MY TRAN-E SHOP, LLC
1369782	OAK KNOLL FARMING
1385584	OPTIMUS GROUP, INC.
1282084	ORANGE COAST BUILDING SERVICES
1366444	PACIFIC ETHANOL STOCKTON, LLC

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1336620	PERSONNEL STAFFING GROUP, LLC
1318480	PITMAN FAMILY FARMS
1327159	PREFERRED PRINTING & PACKAGING, INC.
1319717	PRODUCTION FRAMING, INC.
1393061	RAUL HERNANDEZ
1380243	RICHARD GARRISON BEATIE
1256905	RODRIGUEZ BROTHERS ENGINEERING, INC.
1246762	ROSENDIN ELECTRIC, / REDWOOD ELECTRIC, JOINT
1315020	SAN FRANCISCO PUBLIC UTILITIES COMMISSION
1382859	SEGOOSH INCORPORATED
1347684	SHANNON PACKAGING, CO.
1369477	SHAWCOR PIPE PROTECTION, LLC.
1389719	SIGNATURE LANDSCAPE, INC.
1278189	SOCAL FRAMING, INC.
1387544	STEEZ FASHION INC
1310740	SURFACES USA, INC.
1394705	SYNERGY LINE, INC.
1359583	THE NAZERIAN GROUP
1307243	TL VETERANS CONSTRUCTION, INC.
1368618	U.S. RESOURCE RECYCLING, INC.
1372871	UCLA
1274768	UNITED WESTERN ENTERPRISES
1352756	UPLAND UNIFIED SCHOOL DISTRICT, UPLAND JR.
1355075	V10 CONSTRUCTION
1260694	WEST COAST NETTING, INC.
1270125	WHOLE FOODS MARKET CALIFORNIA, INC.
1380036	XTREME MANUFACTURING, LLC

PERSONNEL:

(Issues regarding staff.)

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