

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), (e) and (f)
for
Thursday, August 22, 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: August 9, 2019

RE: Closed Session of the Board to be held on August 22, 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.)

1142674 STADCO, 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.)

NONE

PETITIONS FOR RECONSIDERATION (Second Review):

1348404 EAGLE NASHER, LLC

1295850 LIBERTY MFG

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1094206	NORROMMY, INC. DBA LEE'S AUTO & MUFFLER
1063574	OWENS CORNING ROOFING & ASPHALT LLC
1176203	SUPER KING MARKERS

ORDERS DISMISSING APPEAL:

1325655	AMERICAN LINEHAUL CORPORATION
1247000	GENESIS INNOVATORS, INC.
1349489	PEOPLE READY
1311890	THE OKONITE COMPANY, INC.

ORDERS DENYING LEAVE TO FILE LATE APPEAL:

1308968	AEG MANAGEMENT OAKLAND, LLC
1374985	C & A PETRA INC.
1333731	HAL HAYS CONSTRUCTION INC.

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
1347210	AK CORAL CAY TRUST LLC
1195416	ALON KASPI
1272378	ANDREW HARRISON BARNES
1141604	BOY RACER INC. DBA BURNING ANGEL (EMPLOYER'S PETITION)
1141604	BOY RACER INC. DBA BURNING ANGEL (DOSH'S PETITION)

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1246527	CEMEX
316446855	CYBERNET ENTERTAINMENT, LLC, 14-R6D1-0364-0367
1310525	GOLDEN STATE FC, LLC.
1206788	DPR CONSTRUCTION INC. ET AL
1221889	HERBERT ALLEN KELLY
1251604	INTERLINE BRANDS, INC.
1173183	L & S FRAMING, INC.
1368418	MCMILLAN TREE SERVICE
1201848	PAPICH CONSTUCTION COMPANY, INC.
1232555	PROCESS COOLING INTERNATIONAL, INC.
1123110	SINCLAIR CONCRETE, INC.
1088791	TUTOR PERINI CORPORATION
1341411	UPS
1359495	VICTOR C. GARCIA
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)

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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. UNITED PARCEL SERVICE, BS171154 (315347864)
15. ASHLEY FURNITURE INDUSTRIES, 34-2017-800002750, (1016514)
16. BLUE DIAMOND GROWERS, (1040471)
17. UNITED PARCEL SERVICE, (1158285)
18. BRAGG COMPANIES, DBA BRAGG CRANE SERVICE,
HG18930741 (1157108)
19. NORM WILSON & SONS INC., 19STCP00663 (1116151)
20. ROBINSON MFG., INC., 30-2019-01067631 (1169633)
21. WEST COAST ARBORISTS, 37-2019-00026620 (1180192)

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22. NATIONAL RETAIL TRANSPORTATION, INC., 19STCP02623
(1200875)
23. DIVISION OF OCCUPATIONAL SAFETY AND HEALTH,
19STCP02756; REGARDING ALPHA CONSTRUCTION COMPANY,
INC.(1180499), CALIFORNIA STRUCTURAL CONCEPTS, INC. (1205214)
AND KPRS CONSTRUCTION SERVICES, INC. (1192145)
24. UNITED PARCEL SERVICE, INC. DBA UPS, 34-2019-80003174 (1116529)
25. SHIMMICK CONSTRUCTION COMPANY, INC., 34-2019-80003191
(1059365)

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. DBA HOME DEPOT #6683,
CIVDS1716416, (1014901)
5. HOME DEPOT, U.S.A., INC. E070417 and RIC1710947 (1011071)
6. UPS GROUND FREIGHT, INC. DBA UPS FREIGHT, BS171910
(1111325)
7. 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.)

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|---------|-----------------------------|
| 1310142 | A-1 FRAMING INC. |
| 1359650 | ACS STAFFING, INC. |
| 1375888 | AMERICAN TECHNOLOGIES, INC. |
| 1374518 | AMERICAN TECHNOLOGY, INC. |
| 1237219 | ANGELUS BLOCK, CO. |

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1350074	ARCH VETERINARY SERVICES, INC.
1375608	ARKA CORNERSTONE BUILDERS, INC.
1222558	ASSET MANAGEMENT AND LIQUIDATION
1204767	BALL CORPORATION
1354112	BRILL, INC.
1385673	BRUCE TAYLOR
1377238	C & L STAIRS AND MILLWORKS, INC.
1398820	CALIFORNIA ALMOND PACKERS & EXPORTERS, INC.
1369544	CAMPOS & CAMPOS CONSTRUCTION INC.
1385662	CHARLES TAYLOR
1380580	CHARTWELL STAFFING SOLUTIONS, INC.
1389210	CITY COLLEGE OF SAN FRANCISCO
1368689	CITY OF GLENDALE WATER AND POWER
1370617	COASTAL PACIFIC FOOD DISTRIBUTORS INC
1246213	CR&R INCORPORATED
1365566	CROW ENTERPRIZES, INC.
1347833	CWC GENERAL CONTRACTING, INC.
1372869	DABIDA FASHION, INC.
1269374	DAVEY TREE SURGERY COMPANY
1364775	DEL REAL LLC
1375560	DEL REAL LLC
1333111	DEPENDABLE PERSONNEL, INC.
1379223	DIANA'S MEXICAN FOOD PRODUCTS INC.
1340253	DYANDSON INC.
1349525	ENTERPRISE ROOFING SERVICE, INC.
1166972	ETHOS ENERGY POWER PLANT SERVICES, LLC.
1294697	FAIRVIEW ASSOCIATES, INC.
1277554	FIRST TEAM OIL TRANSPORT, INC.
1346038	FLEMING & SONS CONCRETE PUMPING, INC.
1359683	GAGE HINDLE
1273090	GIULIANO & SONS BRINERS, INC.

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1218565	GOLDEN LIVING, INC.
1313745	GRAYSIX COMPANY
1379082	GREGORIO DELA CRUZ MARTINEZ, AN INDIVIDUAL
1271651	HARRIS & BRUNO MACHINE CO., INC.
1323400	HMN, INCORPORATED
1258426	IMC REAL ESTATE & LOANS, INC.
1306761	J GINGER MASONRY, LP.
1268054	JDB & SONS CONSTRUCTION CO, INC
1374045	KFM RESTAURANTS, L.P.
1350813	KYA SERVICES, LLC.
1385030	L&B BUILDERS INC
1286301	LA REYNA MARKET Y CARNICERIA, INC.
1344112	LOS ANGELES UNIFIED SCHOOL DISTRICT PROCUREMENT
1340241	METRO RF
1343450	MIKE COELHO
1335645	NESTLE WATERS NORTH AMERICA, INC.
1349374	NORTH AMERICAN SEED CO.
1265132	OLD TOWN FAMILY HOSPITALITY
1279290	OLIVER DE SILVA, INC.
1133776	OTIS ELEVATOR COMPANY
1363938	P.A.C. HEATING & AIR CONDITIONING
1249169	PACIFIC STEEL GROUP
1282961	PACKWAY MATERIALS, INC.
1384702	PAIVA FARM MANAGEMENT INC
1345062	PETREE FARMS
1396259	PHO OLALA LLC
1208746	R.A. PHILLIPS INDUSTRIES, INC.
1322265	RAMCO ENTERPRISES, L.P.
1228364	RIPON OPERATIONS, INC.
1386593	RIZO-LOPEZ FOODS, INC.
1355883	ROOFING STANDARDS, INC.

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1377975	SANDERS CANDY FACTORY, INC.
1320774	SAS SAFETY CORPORATION
1368076	SCIAMBRA-PASSINI FRENCH BAKERY, INC.
1367986	SHASTA LIVESTOCK AUCTION YARD, INC.
1404030	SKYLINE HEALTHCARE & WELLNESS CENTER, LLC
1262586	SOLAR TURBINES INCORPORATED
1306248	SONOMA VALLEY CSDTP
1280988	SUBSURFACE ELECTRIC, INC.
1367608	THE AMERICAN BOTTLING COMPANY
1367822	THE BERKELEY REPERTORY THEATRE
1352130	THE PICTSWEET COMPANY, INC.
1363436	UNIVERSAL LOGISTICS SYSTEM, INC.
1361205	VONS COMPANY, INC.
1370993	WAGNER ROOFING
1367606	WALGREEN CO.
1325390	WEISS SHEET METAL COMPANY
1389778	WHAREHOUSE SPECIALISTS LLC
1309473	WHITE METAL PRODUCTS, INC.

PERSONNEL:

(Issues regarding staff.)

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