

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Thursday, September 05, 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 26, 2019**

**RE: Closed Session of the Board to be held on September 05, 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.)*

1235643	GRANITE CONSTRUCTION COMPANY, INC. / GRANITE
1236440	PAPICH CONSTRUCTION COMPANY, INC.
1237932	SACRAMENTO COUNTY WATER AGENCY DEPARTMENT OF
1094815	TUTOR PERINI CORPORATION
1200858	WESTERN DIGITAL CORPORATION

**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.)*

1308968          AEG MANAGEMENT OAKLAND, LLC  
1352895          MICRODYN-NADIR US, INC

**PETITIONS FOR RECONSIDERATION (Second Review):**

NONE

**ORDERS DISMISSING APPEAL:**

1275561          ALLSTATE SECURITY SERVICE, INC.  
1306151          IMPACT CONSTRUCTION, INC.  
1305494          TEECCINO CAFFE, INC.

**ORDERS DENYING LEAVE TO FILE LATE APPEAL:**

1340303          A+ PLASTERING COMPANY  
1380250          BRAD HARDIE  
1393307          E G S CONTRACTORS, 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)

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM

August 23, 2019

Page 3

1141604	BOY RACER INC. DBA BURNING ANGEL (DOSH'S PETITION)
1374985	C & A PETRA, INC.
1246527	CEMEX
316446855	CYBERNET ENTERTAINMENT, LLC, 14-R6D1-0364-0367
1310525	GOLDEN STATE FC, LLC.
1206788	DPR CONSTRUCTION INC. ET AL
1348404	EAGLE NASHER, LLC
1310525	GOLDEN STATE FC, LLC.
1221889	HERBERT ALLEN KELLY
1251604	INTERLINE BRANDS, INC.
1173183	L & S FRAMING, INC.
1368418	MCMILLAN TREE SERVICE
1201848	PAPICH CONSTUCTION COMPANY, INC.
1123110	SINCLAIR CONCRETE, INC.
1088791	TUTOR PERINI CORPORATION
1341411	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.)*

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM

August 23, 2019

Page 4

**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. 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)

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM

August 23, 2019

Page 5

19. NORM WILSON & SONS INC., 19STCP00663 (1116151)
20. ROBINSON MFG., INC., 30-2019-01067631 (1169633)
21. WEST COAST ARBORISTS, 37-2019-00026620 (1180192)
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. PERFORMANCE TEAM FREIGHT SYSTEMS, 19STCP 02154 (1183505)
25. UNITED PARCEL SERVICE, INC. DBA UPS, 34-2019-80003174 (1116529)
26. 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)
8. WALSH/SHEA CORRIDOR CONSTRUCTORS, BS172720 (1093606)

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD

CLOSED SESSION MEMORANDUM

August 23, 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.)*

1410348	99 CENTS ONLY STORE, LLC
1369407	ABOVE ALL CO. FOREARM FORKLIFT
1407903	ADELANTO ELEMENTARY SCHOOL DISTRICT
1387126	ALCO GENERAL CONTRACTORS
1360547	ALL KNITS, INC.
1325198	ALL STAR AUTO PARTS, INC.
1375347	ALUMINUM ARCHITECTURE, INC.
1268543	ARBORMETRICS SOLUTIONS, LLC.
1352820	ARCOMEX CORP
1305627	ARREOLA'S FRAMING, LLC.
1393369	AUSTIN BUILDING AND DESIGN, INC.
1264935	BART MANUFACTURING, INC.
1372400	BAYLEY LUMBER & HARDWARE, INC.
1320787	BLACK GOLD PUMP AND SUPPLY, INC.
1383614	BOLD ELECTRIC, INC.
1314736	CA CORRECTIONS - CORCORAN
1348400	CA DEPT. OF CORRECTIONS AND REHABILITATION-CA
1344847	CA. DEPARTMENT OF TRANSPORTATION DIVISION
1281909	CALIFORNIA TRANSLOAD SERVICES LLC
1277843	CHRISTIAN ROOFING INC.
1367114	CITY OF SAN DIEGO CHOLLAS OPERATIONS YARD
1404819	CONSTRUCTION TESTING SERVICES, INC.
1246901	COUNTY OF SAN DIEGO
1260592	COUNTY OF SAN DIEGO
1278861	COUNTY OF SAN DIEGO
1364140	CREATIVE STONE MFG., INC.
1372498	D. F. CUSTOM CABINETS, INC.
1354510	DAMATO ASSOCIATES INC.

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM

August 23, 2019

Page 7

1274080	DARREL CRISWELL
1374775	DRIVEN RACEWAY FAIRFIELD, LLC
1335173	EARLE RAY STANTON
1340940	ENERGY CONCEPTS ENTERPRISES, INC.
1286016	EPIC CERAMIC & STONE
1361345	FELIPE H. LOPEZ
1232402	FOOTHILL PACKING, INC.
1347320	FRAMECOM, INC.
1266878	GARY ENGLISH CONSTRUCTION
1299725	GAYLE MANUFACTURING CO., INC.
1260718	GEORGE REED, INC.
1368265	GEORGE ROBBINS
1355097	GIBSON OVERSEAS
1377724	GOLD COUNTRY CABINETS & MILLWORK, INC.
1261753	GRANITE CONSTRUCTION, INC.
1397299	GTM WHOLESALE LIQUIDATORS INC.
1386999	H & E EQUIPMENT SERVICES, INC.
1382884	HARRISON CONTRACTING, INC.
1382035	HEBREW HOME FOR AGED DISABLED
1353820	HERITAGE FARMS
1322718	HORIZON NUT COMPANY, LLC
1318112	IMAGE TREE SERVICE, INC.
1323380	IMAGE TREE SERVICE, INC.
1406756	JOHNS MANVILLE
1325339	LA COUNTY HEALTH SERVICES
1325564	LA FAVORITA BAKERY - 90033, INC.
1235354	LEGENDS HOSPITALITY, LLC.
1364772	MERCILLINA AJUNWA
1354969	MICHAEL MACHOWSKY RACING STABLE
1340036	MICROVENTION
1336264	MIGUEL MARTIN RAMIREZ

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM

August 23, 2019

Page 8

1281931	NEXEM-ALLIED LLC
313510703	NIBBELINK MASONRY CONSTRUCTION CORP
1396515	ODIN CONSTRUCTION SOLUTIONS, INC.
1288352	PACIFIC COAST SUPPLY LLC
1349526	PACIFIC CONSTRUCTION AND HOME IMPROVEMENT
1274628	PACIFIC EH & S SERVICES, INC.
1290241	PACIFIC MDF PRODUCTS INCORPORATED
1184420	PACIFIC RESTORATION GROUP
1345182	PATH, INC.
1372758	PORTOCORK AMERICA
1364889	QUALITY TECH AUTOMOTIVE, INC.
1329214	RED LION HOTEL
1330708	REITER BERRY FARMS, INC.
1313053	REPUBLIC BAG INC
1393464	ROBERTSON'S READY MIX, INC.
1293543	SECURITY VAULT WORKS, INC.
1237906	SIMPLIFIED LABOR STAFFING SOLUTIONS, INC.
1396836	STATES LOGISTICS SERVICES, INC.
1242699	STEVENS CREEK QUARRY, INC.
1366279	SUNRISE PAINTING CO.
1303998	SUPER CENTER CONCEPTS INC
1375026	SUPER STORE INDUSTRIES
1386085	THARALDSON HOSPITALITY DEVELOPMENT, LLC
1336048	THERMAL STRUCTURES, INC.
1224359	TIDWELL EXCAVATION ACQUISITION CO., INC.
1391723	TREESAP FARMS, LLC
1373858	TRIMARK USA LLC
1021659	TRINIDAD RUDY MONTERROSO MONTERROSO
1374502	TRUE FRESH HPP
1160353	UNITED PRODUCTION FRAMING
1270316	WESTCO ROOFING COMPANY, INC.



CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD

CLOSED SESSION MEMORANDUM

August 23, 2019

Page 9

1165655	WINSHIP STAKE & LATH, INC.
1284522	YOUNG'S MARKET COMPANY, LLC

**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.