

**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 19, 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: September 6, 2019**

**RE: Closed Session of the Board to be held on September 19, 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.

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**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.)*

1290026 CS MARINE CONSTRUCTORS, INC.

1199473 FEDEX GROUND

**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.)*

1142674 STADCO, INC

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

1308968          AEG MANAGEMENT OAKLAND, LLC

1352895          MICRODYN-NADIR US, INC.

**ORDERS DISMISSING APPEAL:**

1284941          OAK TREE FURNITURE INC

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

1342208          GEORGE CASTANO

1374116          MIRAMAR SEAFOOD PRODUCTS, INC.

1184142          PESCADERIA MR. FISH PO, LLC

1274695          PESCADERIA MR. FISH PO, LLC

1367265          PRESTIGE PAINTING CORP

1367953          RUSTIC BAKERY, 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)

1374985          C & A PETRA, INC.

1246527          CEMEX

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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 CONSTRUCTION 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.)*

**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. 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)
22. NATIONAL RETAIL TRANSPORTATION, INC., 19STCP02623  
(1200875)

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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)

**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.)*

- |         |                                    |
|---------|------------------------------------|
| 1222530 | ACE WORLD WIDE MOVING, INC.        |
| 1395808 | ALAN DWAYNE PIERCY, AND INDIVIDUAL |
| 1398485 | ALLIED WASTE TRANSPORTATION, INC.  |
| 1378763 | APELINC LANDSCAPE SERVICES, INC.   |
| 1404812 | AQUALINE INCORPORATED              |

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1356699	BEN'S ROOFING, INC
1290779	BLAINE ENTERPRISES, INC
1364732	BOHEMIAN CLUB
1393200	BROWARD BUILDERS, INC.
1290972	BUESTAD CONSTRUCTION, INC.
1306824	CA CORRECTIONS PLEASANT VALLEY STATE PRISON
1367865	CA DEPARTMENT OF CORRECTIONS AND REHABILITATION
1377443	CA ROGERS CONSTRUCTION, CO.
1363369	CALIBER INTERIORS, INC.
1342394	CARDINAL LOGISTICS MANAGEMENT CORPORATION
1384744	CENTRAL VALLEY EGG, LLC
1400027	CERNO LLC
1305479	CG ROXANE, LLC.
1302494	CITISTAFF SOLUTIONS, INC.
1288661	CLAUSEN NURSERY, INC.
1320006	COMMUNITY TREE SERVICE, INC.
1364142	COUSENS CONSTRUCTION, INC.
1310870	DAISO HOLDINGS USA INC.
1326868	DAVIS DEVELOPMENT COMPANY, INC.
1389749	DELLWOOD KITCHEN & FLOOR, INC.
1356908	DIAMOND D CONSTRUCTION, LLC.
1408958	DISTRIBUTION ALTERNATIVES, INC.
1320771	DUCOMMUN AEROSTRUCTURES, INC.
1377735	EFR ENVIRONMENTAL SERVICES INC
1264911	EMMETT'S EXCAVATION, INC.
1387450	EQUITY RESIDENTIAL SERVICES, LLC
1399563	ERICSSON, INC. / EUS, INC.
1352888	FLOWRITE, INC.
1386072	FN LOGISTICS, INC.
1294532	G P S PAINTING AND WALLCOVERING INC
1380229	GARDA CL WEST, INC.

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1373862	GATEWAY PET CEMETERY, INC.
1353653	GEYSERS POWER COMPANY, LLC
1368580	GOLDEN STATE FOODS
1332527	GRANITE CONSTRUCTION COMPANY
1295887	GRANITE ROCK
1347685	HAROLD SMITH & SON, INC.
1328522	HENRY'S HOLDINGS, LLC
1303647	IMPERIAL VALLEY AGGREGATES INC.
1281886	INTEGRITY REBAR PLACERS
1299025	INTREN
1407691	J.D. PACKAGING GROUP, INC.
1271024	JACQUES LACROIX DESIGN
1393205	JENSEN ENTERPRISES
1360869	JOHNNY MIRZAPOUR
1357257	KOMAR DISTRIBUTION SERVICES, INC.
1299594	LEGACY TRANSPORTATION SERVICE, INC.
1382334	LOS ANGELES UNIFIED SCHOOL DISTRICT
1345148	MARTINELLI LANDSCAPE CONSTRUCTION, INC.
1348672	MASS DEVELOPMENT, INC.
1357633	MCMILLEN JACOBS ASSOCIATES
1328831	MERITAGE HOMES OF CALIFORNIA, INC.
1378455	METAL MART RANCHO CORDOVA, INC.,
1378065	MTNA, INC.
1398323	MUSCO OLIVE PRODUCTS, INC.
1366282	NHI A TANG, AN INDIVIDUAL
1370986	NICK'S DOOR CORPORATION
1387834	OHL USA
1350109	OLD GLOBE THEATRE
1351445	ONE WORKPLACE L. FERRARI, LLC.
1345997	ORANGE COUNTY SHERIFF DEPARTMENT
1387002	PAT'S RESTAURANT & CATERING, INC.

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1366778	PITMAN FAMILY FARMS
1311918	PREMIER DISPLAYS & EXHIBITS, INC.
1364173	PULP STUDIO, INCORPORATED
1373458	REHRIG PACIFIC COMPANY, INC.
1377498	REYES COCA-COLA BOTTLING, LLC.
1256929	ROBINSON COMPANY CONTRACTOR
1350056	SAN JOAQUIN STEEL CO., INC.
1341797	SCOTT CAMPBELL MCINTYRE
1288637	SEACREST DEVELOPERS, INC.
1363531	SF EXPRESS
1368614	SIERRA VIEW HOMES
1325341	STEVE'S HARDWOOD
1405314	TELEFUND, INC.
1374032	THE SHERWIN-WILLIAMS MANUFACTURING COMPANY
1371980	THIESSEN HOMES
1276904	TIGHT QUARTERS
1317395	TOLL BROTHERS
1393017	TRILOGY DAIRY, L.P.
1259488	UNITED STAFFING ASSOCIATES, LLC
1399107	UNITED STAFFING ASSOCIATES, LLC
1326820	VELDHUIS NORTH FARMS, INC.
1343181	VULCAN MATERIALS COMPANY
1290987	WESTERN DENTAL SERVICES, INC.
1167003	WRIGHT TREE SERVICE OF THE WEST, INC.

**PERSONNEL:**

*(Issues regarding staff.)*

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