

**State of California  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS  
BOARD**

**CLOSED SESSION AGENDA  
Government Code § 11126 (a), (c)(3), (e) and (f)  
for  
Thursday, October 3, 2019  
9:00 A.M.  
West Covina, California  
&  
Sacramento, California**

**TO: Members of the California Occupational Safety & Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: September 19, 2019**

**RE: Closed Session of the Board to be held on October 3, 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.)*

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.)*

1342208      GEORGE CASTANO  
1237932      SAC COUNTY WATER AGENCY  
1372535      ZANDA, INC.

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

1142674      STADCO, INC.

**ORDERS DISMISSING APPEAL:**

1315936      ALAMILLO REBAR INC  
1327231      ALFREDO CASAS  
1339357      J H BIOTECH, INC.  
1363939      JELD-WEN, INC.  
1264010      JUST BUILDERS, INC.  
1285791      ORIGINAL SIXTEEN TO ONE MINE, INC.

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

1403404      DAVID BENNETT  
1366275      OSMART GENERAL 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
1308968	AEG MANAGEMENT OAKLAND, LLC.
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
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)
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

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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. ASHLEY FURNITURE INDUSTRIES, 34-2017-800002750, (1016514)
15. BLUE DIAMOND GROWERS, (1040471)
16. UNITED PARCEL SERVICE, (1158285)
17. NORM WILSON & SONS INC., 19STCP00663 (1116151)
18. ROBINSON MFG., INC., 30-2019-01067631 (1169633)
19. WEST COAST ARBORISTS, 37-2019-00026620 (1180192)
20. NATIONAL RETAIL TRANSPORTATION, INC., 19STCP02623  
(1200875)
21. DIVISION OF OCCUPATIONAL SAFETY AND HEALTH,  
19STCP02756; REGARDING ALPHA CONSTRUCTION COMPANY,  
INC.(1180499), CALIFORNIA STRUCTURAL CONCEPTS, INC.  
(1205214) AND KPRS CONSTRUCTION SERVICES, INC. (1192145)
22. PERFORMANCE TEAM FREIGHT SYSTEMS, 19STCP 02154 (1183505)
23. UNITED PARCEL SERVICE, INC. DBA UPS, 34-2019-80003174  
(1116529)
24. 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)
9. PROCESS COOLING INTERNATIONAL 34-2019-80003220 (1232555)

**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.)*

1329931	AMERICOLD LOGISTICS
1393320	ANTIS ROOFING & WATERPROOFING, LLC
1254801	ARGONAUT CONSTRUCTORS
1388135	ARYZTA, LLC
1399790	B.V. GENERAL, INC.
1335428	BEYER SERVICES, LLC
1377369	BUILD GROUP, INC.
1382590	C & K BUILDERS
1396574	CALIFORNIA BOX COMPANY
1273824	CALIFORNIA WATER SERVICE COMPANY
1351848	CARBON ACTIVATED CORP.
1360849	CARO NUT COMPANY
1387231	CATHOLIC FUNERAL AND CEMETERY SERVICES OF THE

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1378478 CHEUSIENG KHO, AND INDIVIDUAL  
1353785 CLIFFORD MOBILE SOLAR PANEL CLEANING, INC.  
1371049 COMPTON AG SERVICES  
1354848 COOK AG SERVICES  
1201751 CTC GROUP INC  
1296282 D.C. ELECTRIC SERVICES  
1380228 DALE CANFIELD CONSTRUCTION, INC.  
1286480 DEVINE INTERMODAL  
1321702 DOWNSTREAM SERVICES, INC.  
1369901 DURAND FAMILY, INC.  
1338345 EASYDISC, INC  
1362666 ENVIROBLIND, LLC  
1352190 ERICK NIELSEN ENTERPRISES, INC.  
1366733 FALK FORESTRY, INC.  
1420984 FLATIRON WEST INC.  
1371984 FOSTER POULTRY FARMS  
1355795 GALASSO'S BAKERY  
1324226 GARDA CL WEST, INC.  
1353780 GARDENERS' GUILD, INC.  
1352237 GILES PAVING  
1407662 GOLDEN DIAMOND RETIREMENT, LLC  
1394255 HACKNEY ELECTRIC, INC.  
1050278 HAMPTON TEDDER ELECTRIC  
1189371 HOUSES 4 US, INC.  
1405724 HUGHES CONSTRUCTION  
1377065 INTERNATIONAL WINDOW CORPORATION  
1401720 J & D WILSON & SONS DAIRY  
1377769 J TAYLOR ROOFING, INC.  
1375066 JADE, INC.

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1342629 JENNIFER RAGSDALE  
1359373 JOSEPH CROWN CONSTRUCTION AND DEVELOPMENT  
1257295 KELLY TEEGARDEN ORGANICS, LLC.  
1233438 KENYON PLASTERING OF VISALIA, INC.  
1369770 KERRY, INC.  
1372146 LANDMARK GRADING & PAVING, INC.  
1219288 LANDSEA HOLDINGS CORPORATION  
1355083 LEON KROUS DRILLING, INC.  
1249804 LOS ANGELES CITY FIRE DEPARTMENT  
1414023 LULU'S EST. INC.  
1366754 MAXCO SUPPLY, INC.  
1284774 MERRITT CONSTRUCTION INC.  
1366929 MGA ENTERTAINMENT, INC.  
1364610 MID VALLEY DISPOSAL  
1392668 MID-VALLEY RECYCLING, LLC  
1393323 MIKE & GAIL BETTENCOURT  
1355028 MKB CONSTRUCTION  
1403316 MT. SHASTA AMBULANCE SERVICE, INC.  
1370682 NEW ALTERNATIVES, INCORPORATED  
1393208 NEWPORT WINDOW MAINTENANCE, INC.  
1317071 NORTHROP GRUMMAN AEROSPACE SYSTEMS  
1381954 ORGANICGIRL, LLC  
1315710 PACIFIC AG RENTALS, LLC.  
1352766 PACIFIC BELL TELEPHONE COMPANY  
1265489 PACIFIC GAS & ELECTRIC COMPANY  
1289371 PETROCHEM MATERIALS INNOVATION, LLC  
1345170 PHIBRO-TECH, INC.  
1364759 PLEASANTON CAR WASH, INC.  
1373824 PORTO'S FOOD PRODUCTS



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1399588 PRIDE CONVEYANCE SYSTEMS, INC  
1249480 PROGRESSIVE POWER GROUP, INC.  
1401755 PROSET CONSTRUCTION, INC.  
1196520 QUALITY CUSTOM DISTRIBUTION SERVICES, INC.  
1387730 QUANEX SCREENS LLC  
1390208 RSVC COMPANY  
1272250 SAFEWAY, INC.  
1366476 SAZZADUL KHAN  
1390429 SHIM'S FOOD LLC  
1134021 SIERRA LATHING COMPANY INC.  
1321323 SIMPLIFIED LABOR STAFFING SOLUTIONS, INC.  
1365543 SOUTHERN CALIFORNIA ICE COMPANY  
1391278 STAFFMARK INVESTMENT LLC  
1360556 STANFORD COLD STORAGE, INC.  
1409163 STATER BROS. MARKETS  
1338127 STUCCO SPECIALIST, INC.  
1308961 SUPER CENTER CONCEPTS  
1266892 SUPER CENTER CONCEPTS INC  
1372878 SUPERIOR SEWING, INC.  
1375684 THE ENKEBOLL CO.  
1298376 THE MANAGEMENT TRUST  
1110746 TRADESMEN INTERNATIONAL LLC  
1375982 TRICORBRAUN, INC.  
1115840 TWE ENTERPRISES  
1365406 UNITED PALLET SERVICES, INC.  
1021445 UNITED PARCEL SERVICE, INC. DBA UPS  
1315237 UNITED SITE SERVICES OF CALIFORNIA, INC.  
1231348 UNIVERSAL CITY STUDIOS, LLC.  
1237254 US MINE CORPORATION  
1303463 WILLIAM LYON HOMES, INC.  
1394601 ZC&R COATINGS FOR OPTICS, INC./ABRISA HOLDING

**PERSONNEL:**

*(Issues regarding staff.)*

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