

**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 17, 2019

9:30 a.m.

Sacramento, California

&

West Covina, California

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

FROM: J. Jeffrey Mojcher, Chief Counsel

DATE: October 4, 2019

RE: Closed Session of the Board to be held on October 17, 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.)

1290766 MILLENNIUM REINFORCING, INC.

1186983 READY PAC FOODS, 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.)

1235643	GRANITE CONSTRUCTION COMPANY, INC. / GRANITE
1374116	MIRAMAR SEAFOOD PRODUCTS, INC.
1236440	PAPICH CONSTRUCTION COMPANY, INC.
1184142	PESCADERIA MR. FISH PO, LLC
1274695	PESCADERIA MR. FISH PO, LLC
1367265	PRESTIGE PAINTING CORP
1372535	ZADNA

PETITIONS FOR RECONSIDERATION (Second Review):

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

ORDERS DISMISSING APPEAL:

NONE.

ORDERS DENYING LEAVE TO FILE LATE APPEAL:

1380211	JEFFREY LONG
1356139	LUXURIOUS LIVING REMODELERS
1380469	VENEGAS STEELWORKS, 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.)

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
1310525	GOLDEN STATE FC, LLC.
1221889	HERBERT ALLEN KELLY
1251604	INTERLINE BRANDS, INC.
1173183	L & S FRAMING, INC.
1366275	OSMART GENERAL CONSTRUCTION, INC.
1201848	PAPICH CONSTRUCTION COMPANY, INC.
1123110	SINCLAIR CONCRETE, INC.
1088791	TUTOR PERINI CORPORATION
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
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)
25. OWENS CORNING ROOFING & ASPHALT, LLC, 19STCP04117
(1063574)
26. ENVIRONMENTAL CONSTRUCTION GROUP, 19STCP02405 (119260)

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
1378478	CHEUSIENG KHO, AND INDIVIDUAL
1353785	CLIFFORD MOBILE SOLAR PANEL CLEANING, INC.
1371049	COMPTON AG SERVICES
1354848	COOK AG SERVICES
1201751	CTC GROUP INC

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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.
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

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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
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

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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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