

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

CLOSED SESSION AGENDA

Government Code § 11126 (a), (c)(3), (e) and (f)

for

Tuesday, November 12, 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 31, 2019

RE: Closed Session of the Board to be held on November 12, 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.)

1200176 AEROTEK, INC.

1218807 PARK WEST RESCOM, INC

1321307 PAUL GRAHAM DRILLING & SERVICE CO

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.)

1351916 BRAGG INVESTMENT COMPANY, INC.

1290766 MILLENNIUM REINFORCING, INC.

PETITIONS FOR RECONSIDERATION (Second Review):

1199473 FEDEX GROUND

1089904 STRUCTURES

ORDERS DISMISSING APPEAL:

1386606 JYAP CORP.

1308268 RENO CONTRACTING INC

ORDERS DENYING LEAVE TO FILE LATE APPEAL:

1285287 BOBBY'S PLACE, INC.

1344695 PETERSENDEAN, INC.

1407429 SAN MATEO COUNTY EXPOSITION & FAIR ASSOCIATION

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.
1235643	GRANITE CONSTRUCTION CO., INC/GRANITE INDUSTRIAL
1221889	HERBERT ALLEN KELLY
1251604	INTERLINE BRANDS, INC.
1173183	L & S FRAMING, INC.
1236440	PAPICH CONSTRUCTION COMPANY, INC.
1237932	SACRAMENTO COUNTY WATER AGENCY
1123110	SINCLAIR CONCRETE, INC.
1088791	TUTOR PERINI CORPORATION

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. PERFORMANCE TEAM FREIGHT SYSTEMS, 19STCP 02154 (1183505)
22. UNITED PARCEL SERVICE, INC. DBA UPS, 34-2019-80003174
(1116529)
23. SHIMMICK CONSTRUCTION COMPANY, INC., 34-2019-80003191
(1059365)
24. OWENS CORNING ROOFING & ASPHALT, LLC, 19STCP04117
(1063574)
25. 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.)

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| 1410115 | ALL CURRENT ELECTRICAL SALES, INC. |
| 1333131 | ARTZAI, LLC. |
| 1423414 | AUTO BUYLINE SYSTEMS, INC. |
| 1361322 | BAKER COLD STORAGE |
| 1217015 | BARON HR |
| 1218246 | BIGGE CRANE AND RIGGING CO. |
| 1364587 | BODEGA LATINA CORPORATION, A DELAWARE |
| 1352870 | BRAGG INVESTMENT COMPANY INC |
| 1386618 | BRIAN NOPPERT |
| 1288128 | BRITZ FARMING CORP |
| 1380072 | C&M MOTORS, INC. |
| 1370041 | C.B.F., INC. |
| 1318792 | COLCRIS PRODUCTIONS |
| 1380564 | CORD INDUSTRIES |
| 1385436 | D A C SERVICE INC. |
| 1105366 | DESIGN GROUP FACILITY SOLUTIONS |
| 1374165 | DOCTORS MEDICAL CENTER OF MODESTO, INC. DBA |
| 1387452 | DYNACAST, LLC |

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1415723 DYNALLOY, INC.
1265468 ECOLOGY RECYCLING SERVICES, LLC
1385580 ELEMENTAL STAFFING CORPORATION
1329741 ENABLE ENERGY, INC.
1281558 ENSIGN UNITED STATES DRILLING
1370761 ERNIE & SONS SCAFFOLDING
1374768 FAST TRACK STEEL, INC.
1402716 FIRE ACE, INC.
1291727 FOLSOM LAKE COLLEGE
1235307 FONTANA PAPER MILLS
1381061 G BROTHERS CONSTRUCTION, INC.
1330943 GDT FRAMING
1421237 GEORGE DELALLO COMPANY
1348397 GEORGE SALINAS TREE PRESERVATION
1355993 GIBSON WINE CO
1379090 GREAT EASTERN ENTERTAINMENT
1389732 GREENS CONSTRUCTION
1385934 HILGENFELD MORTUARY
1347837 ICEBERG HEATING & AIR CONDITIONING, INC.
1410303 J&A COMPANIES INC
1391549 JACK IN THE BOX, INC. (#3280)
1423410 JIM WALKER DAIRY
1395889 KAR CONSTRUCTION INC.
1380279 LUMILEDS LLC
1385439 MACARTHUR CO.
1397490 MANLEY'S BOILER LLC
1394429 MCGUIRE CONTRACTING, INC.
1414041 MESA COLD STORAGE, LTD
1383152 MID VALLEY DAIRY

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1417879 MYERS FUNERAL SERVICE
1244632 O'ROURKE, INC.
1319476 ON LINE GRAPHICS & FINISHING, INC.
1360588 ORG SAN DIEGO
1341413 P P CONSTRUCTION & REMODELING, INC.
1356927 PACIFIC BELL TELEPHONE COMPANY
1428781 PACIFIC COAST PRODUCERS
1394252 PAULS TARPAULINS & MERCHANDISE, INC.
1300463 PEKING NOODLE CO. INC.
1372014 PHILLIPS 66 COMPANY
1383157 PORVENE DOORS, INC.
1238831 PRIME TECH CABINETS, INC.
1323702 QUEENS LAND BUILDER, INC.
1408274 QUICKWIRE ELECTRIC, INC.
1299009 RICHARD LOPEZ CONSTRUCTION, INC.
1339665 SAN MIGUEL PRODUCE, INC.
1394836 SAN-MAR CONSTRUCTION CO INC.
1400288 SIERRA RECYCLING & DEMOLITION, INC.
1399204 SOUTHWESTERN WIRE, INC.
1350163 STARCO ENTERPRISES, INC.
1391284 STONECO CONSTRUCTION, INC.
1279158 STONELEDGE FURNITURE LLC
1403959 SUN PACIFIC FARMING COOPERATIVE, INC.
1334696 SUNRISE SENIOR LIVING, LLC. / SUNRISE SENIOR LIVING
1233839 SW & JW INDUSTRIES, INC
1352441 TESLA ENERGY OPERATIONS, INC.
1361560 TOM RINGER GOLF, INC.
1365759 TREND TECHNOLOGIES LLC
1276037 TRI SPAN, INC.

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1352891	UNITED BUILDING COMPANY, INC.
1384351	VERA COURT
1283702	W & Z DEVELOPMENT CORPORATION
1365760	WRIGHT RESIDENTIAL CONSTRUCTION, LLC
1281932	XPO LOGISTICS
1380341	ZONNEVELD DAIRIES, INC.

PERSONNEL:

(Issues regarding staff.)

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