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.)*

1362970  Carioscia Corporation

1224802  Ranch of the Golden Hawk

**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.)*

1410726  Hathaway Dinwiddie Construction Co.

1192534  Shimmick Construction Company Inc.

**Petitions For Reconsideration (Second Review):**

None
Orders Dismissing Appeal:

1474610 Happy Boy Farms
1498777 M and N Consulting Inc., dba A-Line Messenger

Orders Denying Leave To File Late Appeal:

1477436 California Department of Corrections
1499137 Employbridge Holding Company
1490346 S'top Roofing Company, 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.)

The following list is intended to inform stakeholders and members of the public of what the Board believes is the issue of most interest to the general public presented in each of the following matters. The issues are listed so as to assist those interested in research or public information, and not litigation, and are not necessarily or exclusively the only issue or issues presented in each matter. The issues identified are not positions of the Board. Further, the Board may add and decide issues not included in the list or decide the matter on other grounds, under authority of Labor Code sections 6620 through 6623.

1141604 Boy Racer Inc. DBA Burning Angel
Employer’s Petition
Whether adult film performers are employees or independent contractors.

1141604 Boy Racer Inc. DBA Burning Angel
Dosh’s Petition
Whether adult film performers are employees or independent contractors.

1246527 Cemex
Whether the settlement in this matter was procured by fraud.

1494822 Ciasom, LLC dba Advoque Safeguard
Whether Employer operated an industrial truck within appropriate limits.

1332867 Guy F. Atkinson Construction, LLC
Whether the Division proved the alleged violation.
Millenium Reinforcing
Whether the Employer proved that wearing foot protection would not have prevented the injury. Whether futility is a defense to a personal protective equipment requirement.

Olam West Coast, Inc. dba Olam Spices and Vegetable Ingredients
Whether the Employer committed the alleged violations.

Ontario Refrigeration Service, Inc.
Whether the Division proved the “serious” classification.

Signal Energy LLC
Whether Employer appropriately oversaw the actions of the subcontractors.

SSA Terminals (Oakland), LLC DBA SSA Marine Terminals
Whether Employer violated section 3212(a)(2)(A) as alleged.

United Pumping Service, Inc.
Whether the citations were issued timely.

USA Waste of California, Inc. dba Blue Barrel Disposal Services
Whether the Employer committed the alleged violations.

Walmart, Inc.
Whether Walmart was an employer citable for the alleged violation.

Matters 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. Key Energy Service, LLC (12004280)
2. Barnard Impregilo Healy, JV, (317134021), CPF 17-515575
3. Ashley Furniture Industries, 34-2017-800002750, (1016514)
7. Prestige Painting, 37-2019-00066143 (1367265)
8. Davis Development Company, 34-2020-80003373 (1226084)
9. MWL Solutions, 34-2020-80003549 (1436014)
11. BMW West, LLC, 34-2021-80003574 (1399613)
12. Southern California Edison, 34-2021-80003580 (1320327)
13. L&S Framing, Inc., SCV-0046603 (1173183)
14. Granite Construction, 34-2021-80003634 (1235643)
15. Pacific Utility Installation, Inc., 30-2021-01201020 (1321161)
16. Golden State FC, LLC dba Amazon Fulfillment, STK-CV-UWM-2021-0004380 (1310525)
17. USA Waste of California, Inc. dba Blue Barrel Disposal Services, 21STCP01729 (1384029)
18. Grimmway Enterprises, Inc., BCV-21-101503 (1477159)
19. Grimmway Enterprises, Inc., BCV-21-101554 (1238985)
20. RND Contractors, Inc., CIV SB 2119442 (1436785)
21. Sunview Vineyards of California, Inc. RG21111733 (1153101)
22. Hill Crane Service Inc., 34-2021-80003744 (1135350)

**Appellate Court:**

1. Atkinson Construction, LP, 34-2017-80002611, C091705 (317386084)
2. Interline Brands, Inc., CIVDS2021813 (1251604)

**Other Items:**

1. New and/or interlocutory petitions for reconsideration not filed in time to be agendized.
2. Categorizing the Board's DARs and Denials on the DIR website.
3. Staff attorneys to provide legal analysis, advice and counsel regarding COVID-19 cases.

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.)

1498336  AG Force LLC
1288694  AKM Fire, Inc.
1476002  Amazon.Com Services Inc.
1278587  ASA Group Construction, Inc.
1499572  Big J Produce Sales
1429466  Black Diamond Blade Company
1491465  Breakfast Club LLC
1502663  Califia Farms, LLC
1481578  California Prison Industry Authority
1510242  City of Hope National Medical Center
1398308  Conceptual Management Inc.
1489590  Conejo Hardwoods, Inc.
1293907  Crown Energy Services, Inc.
1515674  Dasco Commercial Construction, Inc.
1492499  Del Pacifico Farm Labor Services, Inc.
1474119  Eco Bay Services, Inc.
1447842  Ferma Corporation
1490787  Gibralter Convalescent Hospital Inc. / Del Mar Care
1503594  Golden Gate Bell, LLC
1524528  Gradetek, Inc.
1483179  Grocery Outlet Bargain Market
1479906  Hayward Sisters Hospital
1491402  Holland Brothers Construction, Inc.
1510760  Joseph Crown Construction and Development, Inc.
1503947  K-Deer La, Inc.
1230624  La City Animal Services
1453611  Los Angeles County Registrar - Recorder/County
1508559  Los Angeles County Sheriff
1488389  Mannington Mills, Inc.
1487509  Marcos Renteria AG Services, Inc.
1454053  McWane, Inc.
1453879  Mirage Builders, Inc.
Personnel:
(Issues regarding staff.)

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