State of California  
California Occupational Safety and Health Appeals Board  
Closed Session Agenda  
Government Code § 11126 (a), (c)(3), (e) and (f)  
for  
Thursday, July 21, 2022  
9:30 a.m.  
Held on Zoom

To: Members of the California Occupational Safety & Health Appeal Board
From: J. Jeffrey Mojcher, Chief Counsel
Date: July 8, 2022
RE: Closed Session of the Board to be held on July 21, 2022

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.)

There are no Decisions scheduled for review.

**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.)

1417616 Robert E. Sutton Company, Inc.

**Orders Dismissing Appeal:**

1514420 ABM Industries, Inc.
1533229 Central Valley Meat Holding Company
Orders Denying Leave To File Late Appeal:

1568241  Citistaff Solutions, Inc.
1559454  CP Manufacturing, 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 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.

1300984  General Dynamics NASSCO
1340591  Lennar Corporation
1291481  Sierra Pacific Forest Products
           Whether Employer was in compliance with the cited safety order.
1155042  Signal Energy LLC
           Whether Employer appropriately oversaw the actions of the subcontractors.
1192534  Shimmick Construction Company Inc.
           Whether the employer committed the violation alleged.
1303461  SSA Terminals (Oakland), LLC DBA SSA Marine Terminals
           Whether Employer violated section 3212(a)(2)(A) as alleged.
1461476  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, CPF 17-515575, (317134021)
3. Ashley Furniture Industries, 34-2017-800002750, (1016514)
7. Davis Development Company, 34-2020-80003373 (1226084)
8. MWL Solutions, 34-2020-80003549 (1436014)
9. Hampton Tedder Electric, 34-2020-80003562 (1233597)
10. BMC West, LLC, 34-2021-80003574 (1399613)
11. Southern California Edison, 34-2021-80003580 (1320327)
12. Pacific Utility Installation, Inc., 30-2021-01201020 (1321161)
15. RND Contractors, Inc., ClV SB 2119442 (1436785)
16. Sunview Vineyards of California, Inc. RG21111733 (1153101)
17. Hill Crane Service Inc., 34-2021-80003744 (1135350)
18. Amazon.com Services, LLC dba Amazon Warehouse LGB3, 22STCP00403 (1473644)
19. Sierra Forest Products, VCU290996 (1291481)
20. USA Waste of California, Inc., 34-2022-80003841 (1384029)

Appellate Court:

1. Interline Brands, Inc., CIVDS2021813 (1251604)
2. Golden State FC, LLC, STK-CV-UWM-2021-004380 (1310525)
3. L & S Framing, Inc. S-CV-0046603 (1173183)
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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.

4. Discussion of DOSH Proposal to have their eAttorney system interface with OASIS.

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.

1517980  Alameda County Probation Department
1515476  Alila Farm Labor, LLC
1573193  All Around Renovations, Inc.
1544474  America Greenworld, Inc.
1555236  American Sheet Metal Partition
1540491  Armando Diaz Arredondo, an Individual
1524600  Automotive Racing Products, Inc.
1571425  B.R. Funsten & Co.
1565972  Bay Area Linen & Valet Service Center Inc.
1554359  Bella Kai Construction
1495680  Biagi Bros
1511885  Big 'B' Lumberteria, Inc.
1477221  Ca Forestry And Fire Protection
1501574  California Department of Corrections And
1411313  California Waste Recovery Systems, LLC
1434405  Center-Line Construction, Inc.
1565098  Clark's Quality Roofing, Inc.
1540244  CMC Materials, Inc.
1271678  Consolidated Disposal Services, LLC
1592129  Crane Exteriors, Inc.
1554570  Custom Leathercraft Mfg., LLC
1553145  DPR Construction, Inc.
1535103  Fast 5 Huntington 4, LLC
1546648  Fontana Wood Treating, Inc.
1491738 Garrett J. Gentry General Engineering Inc.
1461465 Giumarra Vineyards, Corporation
1549041 Green Acres Meats, Inc.
1461746 J J & R Automotive Repair, LLC
1511373 Kaiser Foundation Hospitals
1541627 Kerr Corporation
1572794 Lazy Dog Restaurant & Bar
1559836 Leo Quiroz Tree Service And Landscaping
1437449 Liberta Homes
1577737 MB Homes Sonoma, LLC
1552014 Milestone Management (Ca) - Meadows, LLC
1573850 Modern Building Inc.
1532415 Mohajeri Inc.
1474264 Outdoor Keepers
1553801 Pacific States - Sukut - P31, A Joint Venture
1574266 Pacific States - Sukut - P31, A Joint Venture
1467641 Panda Restaurant Group, Inc.
1490793 Paragon Ventures, Inc.
1571050 Placer County Health and Human Services
1522771 R.N.V., Inc.
1521280 Rafael S. Garcia
1561864 Roofline, Inc.
1515618 Sacramento County Sheriff's Office
1553047 San Diego County Sheriff's Department
1564875 Silver Farm Labor, Inc.
1574062 Southern Inyo Healthcare District
1563634 Spectex Inc.
1549855 Stir Foods, LLC
1545282 Superior Court of California, County of Sacramento
1506364 Sutter Valley Hospitals dba Sutter Roseville
1485170 Target Corporation
1540336 Tesoro Refining & Marketing Company LLC
1580235 The Pentagon Company
1555849 The Tac Room, LLC
1555067 Tom Brown Construction
1594276 Treasure Garden, Inc.
1231050 Tutor Perini Corporation
1504913 United Natural Foods, Inc.
1526612 Wermers Multi Family
1547701 WFS Express, Inc.
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1515682   Windsor Hayward Estates, LLC
1537586   Workforce Enterprises WFE, Inc.
1533232   Younan, Inc.

**Personnel:**
*(Issues regarding staff.)*

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