

**State of California**  
**California Occupational Safety and Health Appeals Board**  
**Closed Session Agenda**

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

**for**

**Thursday, December 1, 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: November 18, 2022**

**RE: Closed Session of the Board to be held on December 1, 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.)*

1444899 City of Los Angeles Department of General Services

1391266 Dave & Busters of California, 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.)*

1565034 J's Automotive Repair

1371294 KPRS Construction Services, Inc.

1314092 99 Cents Only Store, LLC

1402729 Butch Pope Engineering, Inc.

1573605 XL Concrete Masonry, LLC

**Orders Dismissing Appeal:**

- 1529204 J Woods Flooring, Inc.
- 1500853 Milton Aparicio
- 1548288 Owens Corning, Inc.
- 1525246 Quality Road Side Service, Inc.

**Orders Denying Leave To File Late Appeal:**

- 1569296 Precision Metal Products, 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.*

- 1360156 CA Forestry and Fire Protection
- 1564732 Calvary Chapel of San Jose dba Calvary Chapel Academy
- 1262720 General Dynamics NASSCO
- 1300984 General Dynamics NASSCO  
*Whether Employer committed the violations alleged.*
- 1436480 Interline Brands, Inc.
- 1004280 Key Energy Services, LLC  
*Matter remanded to the Board from the Court.*
- 1340591 Lennar Corporation  
*Whether Employer committed the violations alleged.*
- 313381584 Modern Pro Builder
- 1465354 Natural Alternatives International, Inc.

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| 1336276 | Rios Farming Company, LLC   |
| 1291481 | Sierra Pacific Forest Products<br><i>Whether Employer was in compliance with the cited safety order.</i>                    |
| 1303461 | SSA Terminals (Oakland), LLC dba SSA Marine Terminals<br><i>Whether Employer violated section 3212(a)(2)(A) as alleged.</i> |

**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. Barnard Impregilo Healy, JV, CPF 17-515575 (317134021)
2. Ashley Furniture Industries, 34-2017-800002750 (1016514)
3. United Parcel Service, Inc. dba UPS, 34-2019-80003174 (1116529)
4. Shimmick Construction Company, Inc., 34-2019-80003191 (1059365)
5. Davis Development Company, 34-2020-80003373 (1226084)
6. Southern California Edison, 34-2021-80003580 (1320327)
7. RND Contractors, Inc., CIV SB 2119442 (1436785)
8. Hill Crane Service Inc., 34-2021-80003744 (1135350)
9. Sierra Forest Products, VCU290996 (1291481)
10. USA Waste of California, Inc., 34-2022-80003841 (1384029)
11. Ranch of the Golden Hawk, 22STCP02302 (1224802)
12. Guy F. Atkinson Construction, LLC. 22STCP03019 (1332867)

**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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4. Granite Construction Company, 34-2021-80003634 (1235643)
5. MWL Solutions, C097353, 34-2020-80003549 (1436014)

**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.)*

1587590	Altman Specialty Plants
1529123	Americold Logistics, LLC
1518315	AMN Healthcare
1509770	Antin Sachs
1601540	Autozone Parts, Inc.
1575643	Avron Associates, Inc.
1590399	Barbosa Cabinets, Inc.
1578244	Bella Brands, Inc.
1511434	BMC West, LLC
1518276	Bradshaw International, Inc.
1592465	Bristol Farms
1606024	Brookfield Calwest Builders, LLC
1509161	Ca Employment Development Department
1507564	Cal Ag Resources, Inc.
1573785	CJ Foods Manufacturing Beaumont Corp.
1579318	County of Del Norte
1478983	County of Tulare Resource Management Agency
1547568	Del Mar Food Products Corp.
1418768	Diversified Asphalt Products, Inc.
1546492	DL Farm Management, Inc.
1579931	Dobra Vina, Inc.

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1588498	Filemon Salgado Jimenez
1581939	Flatiron West, Inc
1489609	Folsom Lake Appliance, Inc.
1507558	Food 4 Less Holdings, Inc.
1512611	Fourest Tree Service, Inc.
1574432	Fruth Custom Plastics, Inc.
1586309	Ghiringhelli Specialty Foods Inc.
1538359	Hasa Pool, Inc.
1558664	Hill Crane Service, Inc.
1602441	Huebert Farms
1545731	I Link Business Management, Inc.
1481280	Invacare Corporation
1596957	Jensen's Finest Foods
1451910	John Bean Technologies Corporation
1581008	KB United Fashion, Inc.
1554321	L.A. Pillow & Fiber, Inc.
1260749	Lamps Plus, Inc.
1568014	Lana Design Incorporated
1570245	Linde Gas & Equipment, Inc.
1480842	Liquivision Technology, Inc.
1491645	Mario Ramirez
1471769	Mcalister Electric, Inc.
1578301	Mission Rubber Company, Inc.
1497482	Monterey Mushrooms, Inc.
1505064	Monterey Mushrooms, Inc.
1606706	Nor Cal Fast Foods, Inc.
1528099	O S L Construction, Inc.
1462937	Olam International
1554576	Oldcastle Infrastructure
1547474	Orange County Public Works
1587945	Orco Block & Hardscape
1523517	Pinedale Construction
1585418	Porter's Plumbing, Inc.
1536837	Pro Wall Lathe Plaster, Inc.
1583631	Quality Staffing of Southern California, Inc.
1568008	Ruskin Company
1227761	S.L.S. & N., Inc.
1575225	Sacramento Regional Transit District
1531378	Safelite Auto Glass Group
1605819	Sedgwick Claims Management Services, Inc.

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1373464	Shasta Landscaping, Inc.
1370798	Solar Optimum
1298734	Sun-Maid Growers of California
1495490	Superior Court of California, Contra Costa County
1515235	Target Corporation
1568725	The Langlois Company
1520711	Timberworks Construction, Inc.
1537214	Togliatti Farms Inc.
1499598	Trincherro Construction Company, Inc.
1580377	USA Construction Management, Inc.
1346783	Utility Tree Service, LLC
1483569	Vie De France Yamazaki, Inc.
1584552	Zimmerman Development, Inc.

**Personnel:**

*(Issues regarding staff.)*

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