

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

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

for

Wednesday, October 23, 2024

9:30 a.m.

Sacramento, California

Alternate locations:

West Covina, California

&

Held on Zoom

**To: Members of the California Occupational Safety & Health Appeal Board**  
**From: J. Jeffrey Mojcher, Chief Counsel**  
**Date: October 11, 2024**  
**RE: Closed Session of the Board to be held on October 23, 2024**

**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.**

**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.

**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.)*

1539535 Otay Mesa Sales Inc.

1546749 Precision Framing Systems Inc.

1238985 Grimmway Enterprises, Inc.

**Orders Dismissing Appeal:**

317189215 Alloy Processing

1056721 APlus Constructors, Inc.

California Occupational Safety & Health Appeals Board  
Closed Session Agenda  
Posted October 11, 2024

- 1056252 Austin Sundt Joint Venture
- 317730133 Bear Creek Partners, LLC dba Bear Creek Golf Club
- 1616891 DTS Enterprise, Inc.
- 1546006 San Bon Constructors Inc.

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

- 1647115 Concord Farms, Inc.
- 1760736 RJS Electric

**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 the authority provided in Labor Code sections 6620 through 6623.18.

- 1431672 A. Teichert & Son, LLC  
*Whether the cited employer was in violation of lockout/tagout requirements.*
- 1473644 Amazon.com Services, LLC  
*Whether the employer's training program was in compliance with the applicable safety order.*
- 1399613 BMC West, LLC  
*Whether the Division produced evidence proving the violation, and whether the AJL correctly determined the credibility of a witness.*
- 1466722 Bragg Investment Company, Inc.  
*Whether the Employer violated the crane operating safety order as alleged while repositioning a crane at a construction site.*
- 1420923 Drill Tech Drilling & Shoring, Inc.  
*Whether the Employer failed to enforce its IIPP as required.  
Whether the Employer violated the lockout/tagout requirements of section 3314 as alleged.*

California Occupational Safety & Health Appeals Board  
Closed Session Agenda  
Posted October 11, 2024

- 1499137      Employbridge Holding Company  
*Whether Employer violated IIPP requirements as alleged.*
- 1609228      Geo Group, Inc. dba Golden State Annex (3RD PTY PFR)  
*Whether the motion for third party status was properly denied.*
- 1238985      Grimmway Enterprises, Inc.
- 1233597      Hampton Tedder Electric (DOSH)  
*Whether the ALJ correctly decided that the Employer violated three high voltage safety orders.*
- 1488312      Indiana Finish Line, Inc.  
*Whether the cited employer established procedures adequate to protect employees from COVID-19.*
- 1436480      Interline Brands, Inc.  
*Whether the employer violated foot protection standards.*
- 1371294      KPRS Construction Services, Inc.  
*Whether the employer violated section 1632 as alleged?  
Whether the ALJ's ruling that the Division did not meet its burden of proof regarding the employer's IIPP was correct.*
- 1486257      Kroger Company  
*Whether the cited employer adequately trained employees regarding workplace hazards.*
- 1523238      Orange County Fire Authority  
*Whether the ALJ's order barring Employer from arguing various affirmative defenses was an abuse of discretion.*
- 1355061      Republic Electric West, Inc.  
*Whether fall protection requirements apply to the work. Whether the IEAD was established. Whether penalties were duplicative. Whether the Employer exercised reasonable diligence. Whether it was an error to reduce the classification of the violations and reduce the penalties.*
- 1465119      Sun Belt Rentals  
*Whether certain information accepted into evidence was inadmissible hearsay, and whether the evidence supports a finding that Employer violated sections 3203 and 3328, as alleged.*
- 1475491      Sutter Bay Medical Foundation  
*Whether the employer failed to comply with COVID protections as alleged.*

California Occupational Safety & Health Appeals Board  
Closed Session Agenda  
Posted October 11, 2024

- 1483438 Sutter Bay Hospitals dba Mills-Peninsula Medical Center
- 1486176 Tutor Perini Corporation and O&G Industries, Inc.  
*Whether Employer committed a serious accident-related violation of section 3328, subdivision (a).*
- 1594663 Uber Technologies, Inc.  
*How Proposition 22 interacts with the Board's statutes and operative regulations.*

**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. United Parcel Service, Inc. dba UPS, 34-2019-80003174 (1116529)
2. Davis Development Company, 34-2020-80003373 (1226084)
3. Hill Crane Service Inc., 34-2021-80003744 (1135350)
4. USA Waste of California, Inc., 34-2022-80003841 (1384029)
5. General Dynamics NASSCO, 37-2023-00024521 (1300984)
6. S.C. Anderson, Inc., 24WM000039 (1405107)
7. Angelus Block Co., Inc., CIVSB2417796 (1113026)
8. Hamilton Iron Works, Inc., 24WM000100 (1497263)

**Appellate Court:**

There are no cases currently filed with the Appellate Court.

**Other Items:**

There are no Other Items.

**Orders of Administrative Law Judges:**

*(Written orders 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.)*

California Occupational Safety & Health Appeals Board  
Closed Session Agenda  
Posted October 11, 2024

1600495	ACS Staffing, Inc.
1513185	All Ready Farm Labor, Inc.
1751146	Alpine Meats Inc.
1656526	Amazon.com Services, LLC
1432652	AmeriGas, Inc.
1582873	Balfour Beatty Infrastructure, Inc.
1691618	Benicia Public Library
1744487	Better Booch Inc.
1579995	Brent Fox
1557752	CA Public Health Licensing and Certification
1621641	California Solar Integrators, Inc.
1733047	Charles Bates, Inc.
1445287	City of Palo Alto
1471031	Community Support Network
1699236	Dino's Masonry, Inc.
1728317	Dong Jin America, Inc.
1743922	Dynamic Iron Works Inc.
1583189	Edward W. Scott Electric Co., Inc.
1749418	Emerald Textiles Services, Northern California
1636493	Erickson Framing CA, LLC
1406439	Fisher Ranch LLC
1756782	FPR-II, LLC
1710849	Full Steam Staffing, LLC
1691566	FXI
1612873	Galpin Motors, Inc.
1641280	Galpin Motors, Inc.
1457916	General Dynamics NASSCO
1595402	GGG Demolition, Inc.
1719948	Golden Bear Contracting Services, Inc.
1706435	Greenfield Construction, LLC
1736240	Harbor Island Hotel Group LP
316983386	Irwin Industries, Inc.
1711956	IVO Wall Experts, Inc.

California Occupational Safety & Health Appeals Board  
Closed Session Agenda  
Posted October 11, 2024

1633995	Jordan M Robinson
1680819	Juan Miguel Navarro Farias
1643223	Kellogg Supply, Inc.
1431361	Kindness General Contractors, LLC
1719330	Larry's Tires, Inc.
1749866	LDM Plumbing & Mechanical, Inc.
1692053	Lead Point Business Services
1744258	Llamas Construction Clean Up Inc.
1733549	Lodi Unified School District
1692051	M.B. Fast Foods Inc.
1752479	Madera Farm Labor, Inc.
1471923	Mario's Tree Service, Inc.
1739128	Mariposa Landscape & Tree Service, Inc.
1727187	Mason Building and Design LLC
1550807	Maxim Crane Works LP
1741509	Melgar Mechanical, Inc.
1700432	Midnight Harvest, Inc.
1718356	Miller Family Wine Company, LLC
1550689	Mission Boulevard Day Program LLC
1635913	My Favorite Neighbor, LLC
1717167	N & F Custom Builders
1709817	New Haven Youth and Family Services, Inc.
1729940	Oak Tree AG Mgt., Inc.
1713921	Pinnpack Capital Holdings LLC
1665270	Plaza Del Sol Real Estate, LLC
1531537	Prime Now, LLC
1729625	Q.E.D. Systems, Inc.
1694363	Reliable Resources, Inc.
1728299	Riverside Unified School District
1656656	RM Executive Transportation
1728602	Robert Meuschke Company, Inc.
1696668	Select Tech Inc.
1677681	Si Ya Na Ram, Inc.

California Occupational Safety & Health Appeals Board  
Closed Session Agenda  
Posted October 11, 2024

1350401	Silverado Contractors, Inc.
1706777	South Bay Collision Care Inc.
1741263	Speedco Truck Lube and Tires
1666953	Stantec Consulting Services, Inc.
1576863	Sutter Bay Hospitals
1580084	Sutter Bay Hospitals
1604810	Sutter Bay Hospitals
1730586	Tenderloin Neighborhood Development
1557759	TIC – The Industrial Company
1704787	Tom Woodburn
1708226	Tri Star Foods, LLC
1588166	Ultimate Flex, LLC
1644485	Umiyama Corporation
1698790	United Constructors, Inc.
1767707	Valencia Stucco
1495751	Ventura Directional Drilling
1662639	Weckworth Electric Group, Inc.
1697218	West Coast Drywall & Company Inc.
1697202	Westrock CP, LLC

**Personnel:**

*(Issues regarding staff.)*

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.