

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

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

Wednesday, November 6, 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 25, 2024**  
**RE: Closed Session of the Board to be held on November 6, 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.

1719411      Ramon Camiro Santiago, An Individual

**Orders Dismissing Appeal:**

1609241      Darnell Caster, LLC

1718168      Eureka Restaurant Group, LLC

1684649      Hasa, Inc.

1652716 Pacifica Senior Living LLC

1661252 Top Design Commercial, Inc.

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

There are no Orders Denying Leave to File Late Appeal.

**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.*

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.*

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- 1238985 Grimmway Enterprises, Inc.  
*Was the ALJ correct in holding that Employer did not violate section 4002, subdivision (a)? Was the ALJ correct in finding that Employer satisfied the IEAD with respect to the alleged violation of section 3314, subdivision (c)?*
- 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.*
- 1760736 RJS Electric  
*Was the ALJ's Order Denying Late Appeal correctly decided?*
- 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.*

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- 1483438 Sutter Bay Hospitals dba Mills-Peninsula Medical Center  
*Was the ALJ correct in granting Employer's appeals of the citations alleging violations of section 342, subdivision (a) and section 5199, subdivision (i)?*
- 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.*
- 1498595 Western Oilfields Supply Company  
*Did the ALJ err by affirming a citation alleging that Employer did not guard a machine at its point of operation? And did the ALJ err by allowing an amendment to the citation so the Division could assert an alternate theory?*

**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)
9. Arana Residential and Commercial Painting, Inc. (1568252)

**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.)*

1545510	Alexander Valley Cellars, LLC
1751918	Allen Industries, Inc.
1712447	Allied Construction Services
1727996	Aluminum Precision Products, Inc.
1644510	Amazon.com Services, LLC
1656334	American Scaffold, LLC
1629732	Ana Rita Borba
1715773	Aquatic Trucking Company
1702226	Avalon Transportation, LLC
1622744	Aviation Fuel Systems Repair, Inc.
1716331	BHI Energy   Specialty Service, LLC
1694108	Big Ones Tires, Inc.
1736849	Black Eagle Pallet Logistics, Inc.
1661917	Brandt Company, Inc.
1728211	C M C Steel Fabricators, Inc.
1670452	California Department of Corrections and Rehabilitation – Corcoran State Prison
1737317	Cardinal Health
1685669	Contra Costa Waste Services, Inc.
1638748	Corona Millworks Co., Inc.
1533392	D & M Traffic Services, Inc.
1685332	Darrell Thompson Tank and Construction, Inc.
1710709	DB Painting Maintenance, Inc.
1703415	DE Silva Brothers Company
1704542	DG Strategic VII, LLC
1706174	DS Fibertech Corp.
1700389	DTE Trading, Inc.
1601818	Dynamic Plastic
1743730	E & J Shutters and Blinds, Inc.
1715678	E V Builders, Inc.
1589011	Emanate Health / Queen of the Valley Hospital
1720240	Esparza Enterprises, Inc.
1688764	Family 1 Auto Body, Inc.
1674336	Finishing Touch Moulding, Inc.
1686012	Gonsalves and Santucci, Inc.
1748959	Groundwork Group, Inc.
1573737	GXO Logistics Supply Chain, Inc.

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1746715	Ingomar Packing Company, LLC
1706800	Interstate Commercial Construction Corp.
1720373	ISCO Machinery, Inc.
1506567	J & B Materials
1593096	J A Z Plastering
1656177	Jeff Penn Services, Inc.
1751754	Kagome, Inc.
1542345	Katch Environmental, Inc.
1737777	Kin Ming Chau, An Individual
1641277	Kohl's Department Stores, Inc.
1710380	Kurzeka Hardware Co., Inc.
1706726	L&S Framing, Inc.
1721579	Lafayette Ace Hardware, Inc.
1708999	Larry's Automotive, Inc.
1642172	Lawton Construction and Restoration, Inc.
1713422	Lewis Tree Service, Inc.
1735598	Los Angeles County Fire Department
1688363	Louie Loizu
1728830	M.W.K. Pattern Making, Inc.
1648907	Merit Aluminum, Inc.
1644841	Mid Valley Lender, Inc.
1716438	Mike's Auto Repair & Body Center, Inc.
1702217	Milosz Makarewicz
1469987	Mitsubishi Cement Corporation
1732598	North Bay Plumbing, Inc.
1679206	On-Target Indoor Shooting Range, LLC
1624987	Orco Block & Hardscape
1742634	Pacific Landscaping Designs, Inc.
1722236	Pacific Steel Group LLC
1727966	Pasha Stevedoring & Terminals, L.P.
1721102	Perch Construction, Inc.
1439563	PK Mechanical
1513320	Ralph's Grocery Company
1693734	Ranger Pipelines Incorporated
1604924	Restoration Hardware, Inc.
1436785	RND Contractors, Inc.
1699137	Roofing Logistics, Inc.
1740480	S. Martinelli and Company
1525793	San Diego Zoo Global
1671735	Santa Monica-Malibu Unified School District
1689521	Sea Shield Marine Products, Inc.
1633195	Sequoia Services, Inc.
1754189	Solevy Co., LLC
1729714	South Coast Lighting & Design, Inc.
1529421	Southern California Edison Company
1662672	Southern Marin Fire Protection District
1684651	Splendid Stone and Tile, Inc.

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1668826	Steve Robert Steinackle
1696885	Sun Valley Applicators, LLC
1500415	Sutter Bay Hospitals
1582928	T-Y Nursery, Inc.
1648419	TDI Refrigeration and Air Conditioning, Inc.
1676457	The Herrick Corporation
1366856	The Kraken, LLC
1696084	The Sheridan Group
1749359	The Vons Companies, Inc.
1570492	Tricamo Construction, Inc.
1516823	Trinity River Lumber Company
1569982	Trojan Battery Company, LLC
1564148	Underground Construction Company, Inc.
1663814	United Labor Services, Inc.
1706982	United Trim Cabinet Install
1693664	Van Beek Brothers Dairy
1698468	Vernon Sales, Inc.
1610335	Walmart, Inc.
1516815	Woodward HRT, Inc.

**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.