

**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 20, 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: November 8, 2024**  
**RE: Closed Session of the Board to be held on November 20, 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.)*

1647115	Concord Farms, Inc.
1749164	La Quinta Inn & Suites by Wyndham Redding
1713315	Porter & Sons Painting & Construction Inc
1760736	RJS Electric

**Orders Dismissing Appeal:**

There are no Orders Dismissing Appeal

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

- 1719077      BAJ Management, Inc.
- 1641429      Toro Enterprises Inc.
- 1722758      Prime Flight Aviation Services, 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 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., 24CV097096 (1568252)
10. Western Oilfields Supply Company, 24WM000169 (1498595)

**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.)*

1520742	Agri-Quip, Inc.
1603435	Avalon Care Center – Merced Hy-Lond, LLC
1743916	Blue Ridge Forest Products, Inc.
1747342	Broward Builders Inc
1696415	California Department of Forestry and Fire
1764093	California Gas Transport Inc
1576893	Castle West Construction, Inc.
1556611	Cerca Trova Steakhouse LP
1716380	Chris Jackson Roofing LLC
1701711	City of Los Angeles, Department of Public Works
1696965	Conception Nurseries
1718643	Conifer Communications, Inc.
1507409	Covenant Care California, LLC
1707091	Denault's Ace Hardware Home Centers, Inc.
1585357	Employbridge, LLC
1753876	Fanelli Dairy
1756906	Heritage Grocers Group, LLC
1558243	Holland Partner Group Management, Inc.

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1630516	Incast Asset Management, Inc.
1733195	J.F.S. Specialty Services Inc.
1730304	Jazzar Construction Group, Inc.
1685998	Jireh, Inc.
1516812	K & J AG Services, Inc.
1754375	K.A. Vanderham Dairy
1729944	Magnificent Family Tree, Inc.
1693826	Mark Sawaya, An Individual
1601948	Maurices Incorporated
1725502	Miguel Zacapala Rojas & Crecencio Gomez
1710392	Munoz Roofing and Roof Removal Inc.
1712166	Nobu Restaurant Group, LLC
1733930	Pacific Coast Farms LLC
1666852	Pacific Coast Investments, Inc.
1664358	Pacific Gas and Electric Company
1483577	Prime Now LLC
1704560	Quiring General LLC
1546548	R N R Construction, Inc.
1564489	Rebel AG Service, Inc.
1689585	Redding Drywall Systems Inc.
1486139	Regents of the University of California
1668664	RGF Properties, Inc.
1690993	Riverside Public Utilities
1736857	Rodolfo Cortez
1445170	S & A Industries Inc.

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1702698	Sierra Pacific Industries
1728244	Skanska USA Civil West California District Inc
1741196	Spreckels Sugar Company, Inc.
1744801	Statewide Roofing, Inc.
1125287	SW Forage LLC
1732029	Tesoro Refining & Marketing Company LLC
1527008	Thompson Builders Corporation
1484126	Ugly Brothers, LLC
1639051	Vallarta Food Enterprises, Inc.
1717575	Voral Construction
1728304	Webb Builders, Inc.
1752692	World Class Distribution Inc.
1672449	Wright Tree Service of the West 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.