

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

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

for

Wednesday, July 9, 2025

9:30 a.m.

Sacramento, California

Alternate locations:

West Covina, California

&

Held on Zoom

To: Members of the California Occupational Safety & Health Appeals Board

From: Aaron R. Jackson, Chief Counsel

Date: June 27, 2025

RE: Closed Session of the Board to be held on July 9, 2025

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.)

1713933 Proset, 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.)

1730290 Ahuis Building Development Inc

1764053 Golden Gate Bridge, Highway and Transportation District

1748579 Rolling Frito-Lay Sales, LP

1777892 Van Duerr Industries, Inc.

Orders Dismissing Appeal:

1721061 BOA Logistics LLC

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1685575	Irwindale Car Wash
1728821	Jaem, Inc.
1725458	Jesse Jay Ruger
1634629	Lane Security Paving Joint Venture
1670932	Penguin Natural Food Inc.
1698808	Pyramid Stone
1699584	Real Good Foods, LLC
1663135	Relin Supply Chain Solutions, LLC
1730988	Schmidt, Inc.
1751481	Shooters Paradise, Inc.
1716138	Sub-Zero Excavating Incorporated
1654519	Titan Solar Power

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 <i>Whether the cited employer was in violation of lockout/tagout requirements.</i>
1473644	Amazon.com Services, LLC <i>Whether the employer's training program was in compliance with the applicable safety order.</i>

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- 1466722 Bragg Investment Company, Inc.
Whether the Employer violated the crane operating safety order as alleged while repositioning a crane at a construction site.
- 1647115 Concord Farms, Inc.
Whether there was good cause for the late appeal.
- 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.
- 1488312 Indiana Finish Line, Inc.
Whether the cited employer established procedures adequate to protect employees from COVID-19.
- 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.
- 1692964 L & S Framing, Inc.
Whether Employer committed the violations alleged in the citations, including alleged violations of section 1704, subdivision (f) [failure to adopt a compliant Code of Safe Practices]; section 1704, subdivision (b)(2) [failure to ensure that nailers and staplers were operated in accordance with manufacturer's recommendations], and section 1704, subdivision (g), 1509, and section 3203 [inadequate safety training on the use of nailers and staplers].
- 1235941 McCarthy Building Companies, Inc.
Whether the Division proved exposure to Valley Fever.
- 1549611 Metcalf, Inc.
Whether Employer committed the violations alleged in the citations, including alleged violations of section 3203, subdivision (a)(6) [failure to correct an unsafe condition]; section 1621, subdivision (b) [failure to provide toeboards on scaffolding]; and (3) section 3276, subdivision (e)(15)(B) [safe use of ladders], and whether Employer established its affirmative defense.
- 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.
- 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)?
- 1454931 Tesla, Inc.
Whether the ALJ properly affirmed the citations and, if so, whether Employer established the due diligence defense?
- 1486176 Tutor Perini Corporation and O&G Industries, Inc.
Whether Employer committed a serious accident-related violation of section 3328, subdivision (a).

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. USA Waste of California, Inc., 34-2022-80003841 (1384029)
2. Angelus Block Co., Inc., CIVSB2417796 (1113026)
3. Hamilton Iron Works, Inc., 24WM000100 (1497263)
4. Arana Residential and Commercial Painting, Inc., 24CV104142 (1568252)
5. Western Oilfields Supply Company, 24WM000169 (1498595)
6. Waterproofing and Roofing Solutions, Inc., 24STCP03693, (1690885)
7. The Geo Group, Inc., 25WM000023 (1609228)
8. Uber Technologies Inc, 30-2025-01462427 (1594663)

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9. Employbridge Holding Company, 25CHCP00143 (1499137)

Appellate Court:

1. General Dynamics NASSCO, D085662, 37-2023-00024521, (1300984).

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.)

1785053	2 B Farming, Inc.
1784245	A-1 All American Roofing WLA, Inc.
1540933	Airgas USA, LLC
1797139	All Auto & Truck Specialists, Inc.
1795156	Allied Waste Systems, Inc. DBA Republic Services of San Diego
1758930	Allied West Paper Corp.
1633352	Amarjit Kandola
1573858	Amazon Logistics, Inc.
1596959	Amazon.com Services LLC
1792242	Amazon.com Services LLC
1753607	Amware Pallet Services, LLC
1733516	Argo Family Farms
1749530	Atech Logistics, Inc.
1767047	Balesteri Construction, Inc.
1789149	Barbier Security Group
1553884	Bayshore Family Market
1724503	Bell Brother's Heating and Air, Inc.

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1784775	Bellingham Marine Industries, Inc.
1745236	Bellwether Farms LLC
1621382	Beneficial AG Services
1780276	Big L, Inc.
1804482	Black and Veatch Corporation
1761055	Bloehmof Farm Management, Inc.
1785132	Boss Plumbing Company, Inc.
1712221	Boston Barricade Company, Inc.
1769482	Breezlyte LLC
1767013	Brett George Company, Inc
1788303	Brinker International
1652280	Cahill Contractors, LLC
1726712	Cal Closets Retail Inc
1780931	California Dairies, Inc.
1761268	CBC Framing, Inc.
1768060	Cebro Frozen Foods, Inc.
1618112	Cedars-Sinai Medical Center
1769610	Ceeson USA Inc.
1724833	City of Oakland/ Oakland Fire Department
1812662	City of Sacramento
1762638	Clark Bros LLC
1637718	Constant Staffing, LLC
1771172	Court Concepts, Inc
1743719	Court Galvanizing, Inc
1500340	Cream of the Crop AG Service, Inc

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1645557	Cypress Senior Living Operations, LP
1767670	Duravent Inc.
1586471	El Super
1558446	Enterprise Holding, Inc and its Subsidiaries
1567349	FD Thomas, Inc.
1563595	FedEx Express
1584347	FedEx Ground Package System, Inc.
1729503	Flatiron Construction
1721872	Fogo De Chao
1767836	Forebay Farms, LLC
1771050	Franco-American Bakery
1691272	Frank Schipper Construction Co.
1601171	Fruitvale Operating Company, LP
1426614	Gilton Solid Waste Management, Inc.
1614309	Greystar, LP
1775810	Haley Underground, Inc.
1752413	Harold E. Robben Jr.
1687227	I V Mechanical Inc
1807380	IA Marketing, LLC
1713065	ICD Waterjet Inc
1770857	In-Shape Solutions, LLC
1800014	Industrial Threaded Products
1794558	Ink Systems, Inc
1713392	Integrated Turbo Machinery
1779739	J's Custom Painting

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1748912	JAC Ag Services, Inc.
1775946	John Muir Medical Center
1770182	Jones NR, Inc.
1778172	Kingdom Roofing
1740504	Klink Orange Cove Citrus
1723336	Largo Concrete Inc.
1724287	Largo Concrete Inc.
1772486	Love's Country Stores of California
1758045	Mar-Val Emporium Inc.
1779362	Martin Paredes, An Individual
1794903	Master's Window & Gutter Cleaning, Inc.
1702370	Mattress Firm, Inc.
1649800	Maui and Sons
1745485	Mesa Cold Storage, LTD
1780280	Mex Restaurant, Inc.
1756934	Myles Davis Electric, Incorporated
1715785	National Trench Safet
1716431	O.R. Builders, Inc.
1630206	Olli Salumeria Americana, LLC
1603443	Orco Block & Hardscape
1782531	PabloDanel Badillo Lopez
1788793	Packaging Specialist Incorporated
1792266	Palacios Renovations, Inc.
1781482	Paragon Textiles, Inc.
1631851	Pavilions Management, LLC, DBA McDonald's No. 10235

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1633385	Performance Team, LLC, A Maersk Company
1773495	Pomona Scrap Metal Co
1671788	Professional Restoration Services, Inc.
1565852	R&R Christo Constructions, LLC
1753885	R.C. Home Remodeling Inc.
1685101	Randstad North America, Inc.
1664114	Reborn Cabinets, LLC.
1760462	Red Triangle Oil Company
1679698	Ross Stores, Inc.
1629256	Safeway, Inc.
1801500	Shake Shack California LLC
1784095	Sierra Pacific Industries
1777973	Sierra Roofing and Solar, Inc.
1639030	Southwest Airlines Co
1791989	Stone Family Spreading, Inc.
1668285	Sudyka Construction, Inc.
1777304	Sunpol Resins and Polymers, Inc.
1777179	T.J. Janca Construction, Inc.
1689272	Team Finish, Inc.
1794875	Terra Bella Nursery, Inc.
1600292	The Nevell Group, Inc @Sonic Homes Convina
1784800	The Posh Bakery, Inc.
1796282	Thompson Industrial Supply, LLC
1790391	TK Pax, Inc.
1693858	Tractor Supply Company

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1724180	Trademark Construction Co., Inc.
1701402	Tropicale Foods, LLC
1677080	Tula1 LLC
1653581	U.S. Venture, Inc.
1622106	Unisource Solutions
1700662	USA Waste of California, Inc.
1813766	Valdez Plastering, Inc
1713695	Valencia Farm Labor, Inc.
1677224	W.E. Lyons Construction Co.
1588102	West Coast Arborists, Inc.
1647443	Western Sign Company, Inc.
1692839	XYZ Security Corp

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 adjourn.