

**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 23, 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: July 11, 2025**  
**RE: Closed Session of the Board to be held on July 23, 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.)*

1703764      The Don Chapin Co., 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.)*

There are no Petitions for Reconsideration.

**Orders Dismissing Appeal:**

1579281      Ampco Contracting, Inc.

1660526      Largo Concrete, Inc.

1732263      M & M Three Marble Inc.

1740541      Roger & Z Electric 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.

- |         |  |
|---------|--|
| 1473644 | Amazon.com Services, LLC<br><i>Whether the employer's training program was in compliance with the applicable safety order.</i>   |
| 1466722 | Bragg Investment Company, Inc.<br><i>Whether the Employer violated the crane operating safety order as alleged while repositioning a crane at a construction site.</i>   |
| 1360156 | CA Forestry and Fire Protection  |
| 1647115 | Concord Farms, Inc.<br><i>Whether there was good cause for the late appeal.</i>  |
| 1420923 | Drill Tech Drilling & Shoring, Inc.<br><i>Whether the Employer failed to enforce its IIPP as required.</i><br><i>Whether the Employer violated the lockout/tagout requirements of section 3314 as alleged.</i>                     |
| 1488312 | Indiana Finish Line, Inc.<br><i>Whether the cited employer established procedures adequate to protect employees from COVID-19.</i>   |
| 1371294 | KPRS Construction Services, Inc.<br><i>Whether the employer violated section 1632 as alleged?</i><br><i>Whether the ALJ's ruling that the Division did not meet its burden of proof regarding the employer's IIPP was correct.</i> |
| 1486257 | Kroger Company<br><i>Whether the cited employer adequately trained employees regarding workplace hazards.</i>  |

California Occupational Safety & Health Appeals Board  
Closed Session Agenda  
Posted July 11, 2025

- 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.*
- 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).*
- 1777892      Van Duerr Industries, Inc.

**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*

California Occupational Safety & Health Appeals Board  
Closed Session Agenda  
Posted July 11, 2025

*regarding pending litigation.)*

**Superior Court:**

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

- |         |   |
|---------|---|
| 1772559 | Acci Roofing Services                           |
| 1594131 | Air Products and Chemicals, Inc.                |
| 1756158 | Albertson's LLC Irvine Dist Center              |
| 1771351 | Allstate Sales Group (ASG) Inc                  |
| 1813434 | Alpha Restoration & Waterproofing               |
| 1779899 | American Commodity Company, LLC                 |
| 1712476 | Artistic Tile & Stone Pride Prestige Perfection |
| 1711286 | Binder Metal Products, Inc.                     |

California Occupational Safety & Health Appeals Board  
Closed Session Agenda  
Posted July 11, 2025

1787520	BMC Transportation Company
1580543	Byrd Harvest, Inc.
1820992	Calex Drywall, Inc.
1801124	California Institute of Technology- Facilities- Grounds
1765917	Camblin Steel Service, Inc.
1473654	CHA Health Systems, Inc/ CHA Hollywood Medical
1641443	City of Redwood City
1716606	County of Tulare- Health & Human Services Agency
1216996	Courtney Inc.
1782581	Daifuku Services North America
1798295	Desert Water Agency
1657574	Dickinson Cameron Construction Company Inc.
1779371	Dinubhai Patel, LLC
1555510	Diversifab, Inc.
1812803	El Dorado County Fire Protection District
1778347	F&O Farm Labor Contracting, Inc.
1710865	Fire Guard Corporation
1666645	Green Lot
1778575	Hollywood Park Management LLC.
1794134	Idyllwild Inn
1765130	James Island Plastering, Inc.
1744262	Janco Industries, Inc.
1660963	Joe's Paving Company, Inc.
1790260	Jordan Drywall Inc.
1749199	Juliet Marie Perry

California Occupational Safety & Health Appeals Board  
Closed Session Agenda  
Posted July 11, 2025

1510890	Kaiser Foundation Hospitals
1487568	Land O'Lakes, Inc
1713574	Legacy Framers, Inc.
1616315	Lin R. Rogers Electrical Contractors, Inc.
1777710	Los Gatos Tomatoes Products
1732263	M & M Three Marble Inc.
1778403	Master Painting & Decorating LLC
1668835	McGuire and Hester
1724174	Membrane Technology and Research (MTR), Inc.
1825767	Millcreek Electrical Inc
1610330	Monterey Pacific Inc
1606970	MP Nexlevel, LLC
1669073	Pacific Metal Fab & Design, Inc
1685815	Pacific Rim Mechanical
1717909	Partners Personnel Management Services, LLC
1781474	Partners Personnel Management Services, LLC
1780279	PeeweeH, LLC
1670932	Penguin Natural Food Inc.
1631183	Pick Your Part Auto Wrecking Corp.
1779884	Planasa LLC
1751888	PRL Glass Systems, Inc.
1816233	Proframe Construction Inc.
1550805	Proset, Inc.
1698808	Pyramid Stone
1754061	Redi-Carpet, Inc.

California Occupational Safety & Health Appeals Board  
Closed Session Agenda  
Posted July 11, 2025

1804059	Revive Mechanical
1625339	Rexel USA, Inc.
1769729	Santa Clara Valley Water District
1735020	Santa Monica City Code Enforcement
1693420	Security Paving Company, Inc.
1785901	Sensient Natural Ingredients, LLC
1406465	Simco Mechanical, Inc.
1787466	Southern California Pizza Company, LLC
1683486	State of California Department of Veterans Affairs
1543752	Sunrun Inc.
1665071	Sunwest Electric
1810081	Sunwest Milling, Inc.
1791056	T R Wurster Construction Company, Inc.
1797054	Taylor-Listug, Inc.
1545505	Teledyne Technologies, Inc.
1786582	Traffic Signal Hardware, Inc.
1751895	Trinity Construction Enterprises, Inc.
1607843	United Natural Foods, Inc.
1781377	Valiplug, Inc.
1473682	Verigent, LLC
1694867	Z Pro Painting Limited Liability Company
1816238	Zebra Construction, 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 adjourn.