

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

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

for

Wednesday, August 20, 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: August 8, 2025

RE: Closed Session of the Board to be held on August 20, 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.)

1654479 City of Los Angeles Department of Animal Services

1606843 Gray Construction, Inc

1458699 Primula Mozzarella LLC

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.)

1703764 The Don Chapin Co., Inc.

1628750 Tad Van Nguyen

Orders Dismissing Appeal:

1621493 Ayers Landscape Services, Inc.

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted August 8, 2025

1733273 Natanael Subuyuj, An Individual

1771129 Stremicks Heritage Foods, LLC.

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.

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| 1473644 | Amazon.com Services, LLC <i>Whether the employer's training program was in compliance with the applicable safety order.</i> |
| 1466722 | Bragg Investment Company, Inc. <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. <i>Whether there was good cause for the late appeal.</i> |
| 1488312 | Indiana Finish Line, Inc. <i>Whether the cited employer established procedures adequate to protect employees from COVID-19.</i> |
| 1371294 | KPRS Construction Services, Inc. <i>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.</i> |
| 1486257 | Kroger Company <i>Whether the cited employer adequately trained employees regarding workplace hazards.</i> |
| 1692964 | L & S Framing, Inc. |

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted August 8, 2025

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).

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. Hamilton Iron Works, Inc., 24WM000100 (1497263)
3. Arana Residential and Commercial Painting, Inc., 24CV104142 (1568252)
4. Western Oilfields Supply Company, 24WM000169 (1498595)
5. The Geo Group, Inc., 25WM000023 (1609228)
6. Uber Technologies Inc, 30-2025-01462427 (1594663)
7. 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.)

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| 1470795 | 518 Farming, Inc. |
| 1812306 | AC Framers Inc |
| 1782601 | Agee Construction Corporation |
| 1515671 | AJM Packaging Co. |
| 1745353 | AJT Construction Inc |
| 1803261 | Anderson Logging, Inc. |
| 1652451 | Angeles Contractor, Inc. |
| 1670757 | Berkeley Cement, Inc. |
| 1581704 | Bomel Construction Co., Inc. |
| 1739852 | Building Opportunities for Self-Sufficiency |

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted August 8, 2025

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| 1689208 | Camblin Steel Service, Inc. |
| 1786112 | Consolidated Disposal Services LLC |
| 1775568 | Crystal Creamery |
| 1791363 | Egourmet Solutions, Inc. |
| 1797117 | Elk Grove Unified School District/ Samuel Kennedy |
| 1819569 | Elsie Biotechnologies, Inc. |
| 1776593 | Employbridge, LLC |
| 1777298 | Express Employment Professionals |
| 1753897 | FCA Plaster Inc. |
| 1570820 | Firestorm Wildland Fire Suppression, Inc. |
| 1755679 | Frontier Communications |
| 1795464 | Gary C Tanko Well Drilling Inc |
| 1675684 | General Dynamics Nassco |
| 1758957 | Glendale Classic Car Wash, Inc. |
| 1752189 | Golden West Packaging Group |
| 1599661 | Gonsalves & Santucci, Inc. |
| 1749234 | Goodrich Corporation |
| 1539439 | Guava Holdings, LLC |
| 1803465 | Impulse Space |
| 1697828 | In-N-Out Burger |
| 1779666 | Infante Builders |
| 1374393 | Insurance Auto Auction, Inc. |
| 1616448 | Jabil, Inc. |
| 1830662 | Jessee Heating & Air Conditioning |
| 1778205 | La Jolla Playhouse |

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted August 8, 2025

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| 1808690 | Lindauer Farm Management Inc |
| 1802983 | Manna Beverages & Ventures |
| 1693218 | Nicker-Crenshaw, Inc. |
| 1827884 | O.C. Jones & Sons, Inc. |
| 1636757 | Otis Elevator |
| 1775077 | Pacific Coast Producers |
| 1780175 | Pacwest Security Services |
| 1678025 | PBF Energy, Inc. |
| 1651988 | Pedro Pilar Lopez |
| 1593351 | Phoenix Renewable Services, Inc. |
| 1738536 | Process Cooling International, Inc. |
| 1795304 | Propak Logistics, LLC |
| 1780918 | Quality Tong Service, Inc. |
| 1777910 | Riverside County |
| 1666655 | Roadsafe Traffic Systems, Inc. |
| 1782525 | Sanctuary Clothing LLC |
| 1601416 | Shasta Mountain Guides, LLC |
| 1782900 | Sheehan Construction, Inc. |
| 1796998 | Sierra Pacific Industries, Inc |
| 1771595 | SVR Management II, LLC |
| 1705016 | True Fresh HPP, LLC |
| 1589150 | United Parcel Service, Inc. |
| 1655423 | Unlimited Remodeling Inc |
| 1706668 | Vache Hayrapetian |
| 1732272 | Valley Marble |

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted August 8, 2025

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| 1783217 | Watson AG Chemicals, Inc. |
| 1831649 | Watson Companies Inc |
| 1786118 | West Coast Energy Systems, LLC |
| 1804867 | William DYT and DYT Family Trust, A General |
| 1809968 | Wolfsdorf Rosenthal LLP |
| 1634166 | Worldwide Flight Services, 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.