

State of California
California Occupational Safety and Health Appeals Board
Minutes of the Public Meeting & Closed Session
Held on July 23, 2025
Sacramento, California
Zoom Platform

Present:

Judith Freyman, Management Member
Marvin Kropke, Labor Member
Patricia Hapgood, Executive Officer
Kerry Lewis, Presiding Administrative Law Judge
Sam E. Lucas, Presiding Administrative Law Judge
Rheeah Yoo Avelar, Administrative Law Judge
Jeffrey Mojcher, Chief Counsel Emeritus
Aaron Jackson, Chief Counsel
Elizabeth Clarke, Staff Counsel
Karen Halbo, Staff Counsel
Scott Pease, Operations Manager
Maria Rios, Legal Analyst
Beth Reiken, Executive Secretary
Denise Cardoso, Assistant Chief Counsel, DOSH
Luciane Yeh, Staff Counsel, DOSH
David Wiseman, Staff Counsel, Cal Fire
Ina Fitzgibbon, Office of Director, DIR
Kevin D. Bland, Ogletree Deakins
Karin Umpfrey, Worksafe
Bruce Wick, Risk Management Director, Housing Contractors of California
Lisa Prince, The Prince Firm

Ed Lowry, Public Member, Chair: Excused Absence

Notice of remote attendance:

As required by Government Code Section 11123.5, subdivision (d), notice is hereby given that Board member Marvin P. Kropke will be participating remotely pursuant to Government Code Section 11123.2, subdivision (j), paragraph (2), and Board member Judith Freyman will be participating remotely pursuant to Government Code Section 11123.2, subdivision (j), paragraph (1).

Request for remote attendance:

Member Marvin Kropke made a motion requesting to attend the August 6th and August 20th board meetings remotely pursuant to Government Code section 11123.2, subdivision (j)(2)(A).

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This motion was seconded by Judith Freyman.
The Board voted to approve the remote attendance request 2-0.

Minutes of July 9, 2025, Meeting:

(Approve or amend minutes of previous board meeting.)

Action: The Board voted to approve the minutes for the July 9, 2025, meeting.
This was moved by Marvin Kropke.
It was seconded by Judith Freyman.
The vote was 2-0.

New Business:

(The Appeals Board hears and discusses new reports presented by staff.)

1. Discussion regarding processing and handling of verification of abatement forms by both the Appeals Board and the Division.

Action: No Report.

Old Business:

(The Appeals Board hears and/or discusses matters on a follow-up basis.)

1. Discuss the newly prepared informational stakeholder videos (re “How to File an Appeal”) and discuss whether to post on OSHAB’s website. In addition, discuss whether the Board should explore any other avenues to publicize the availability of these videos to stakeholders.

Action: No Report.

Legislation:

(Review and discuss current legislation which may affect the appeals Board.)

Action: Karen Halbo informed the Board the CA legislature is on summer recess from July 21 through August 15, and provided a status update on bill not previously covered in her reports: SB 470

Chairperson’s Report:

(Hear report from the Chairperson on activities and issues affecting the Appeals Board.)

Action: No Report

Board Members’ Reports:

(Hear reports from Board members on activities and issues affecting the Appeals Board.)

Action: No Report.

Executive Officer's Report:

(Report regarding administrative matters.)

Action: Patricia Hapgood shared she has received 180 applications for the AGPA position. She will send her preliminary applicants to HR for approval and will have interviews scheduled in 2-3 weeks. She is looking for a location in Downtown Sacramento or near the Sacramento Airport to host the 2025 Stakeholders Meeting. Once a date and time is confirmed, she will put everyone on notice.

Staff Reports:

(Reports from the Supervising ALJ and the Chief Counsel regarding matters from the Hearing Operations and Legal Units.)

1. Discuss and may take action on proposals for new regulations or proposals for modifications to, or repeal of, existing regulations. In addition, discuss whether any concerns exist with existing regulations.

Action: No Report

2. Ligation Update

Action: Aaron Jackson provided the following updates: The Board will be filing a demurrer by the end of this week in the matter of the GEO Group, Inc. (1609228). The Board is awaiting an amended petition on the Baldi/Arana Residential and Commercial Painting, Inc. (1568252). In the General Dynamics NASSCO (1300984) matter, the Board's response brief is due next week.

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.

Public Comment:

(Public comments will be entertained during discussion of each agenda item of the open meeting.)

Action: The Board heard comments on the Settlement Conference process and requests to be notified in the Agenda that the discussion will be held so they can be included in determining the date and time of the 2025 Stakeholders Meeting.

Decisions of Administrative Law Judges:

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(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.

Action: The Board discussed this matter.

Petitions for Reconsideration:

(The Division of Occupational Safety & Health and the Employer each have 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.

Action: The Board discussed this matter.

1660526 Largo Concrete, Inc.

Action: The Board discussed this matter.

1732263 M & M Three Marble Inc.

Action: The Board discussed this matter.

1740541 Roger & Z Electric

Action: The Board discussed this matter.

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

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Board. Further, the Board may add and decide issues not included in the list or decide the matter on other grounds, under authority of Labor Code sections 6620 through 6623.

- 1473644 Amazon.com Services, LLC
Whether the employer's training program was in compliance with the applicable safety order.
- 1466722 Bragg Investment Company, Inc.
Whether the Employer violated the crane operating safety order as alleged while repositioning a crane at a construction site.
- 1360156 CA Forest and Fire Protection
- 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.

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- 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.
- 1475491 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 committed a serious accident-related violation of section 3328, subdivision (a).
- 1486176 Tutor Perini Corporation and O&G Industries, Inc.
Whether the Employer committed a serious accident-related violation of section 3328, subdivisions (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 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. (1568252)
4. Western Oilfields Supply Company, 24WM000169 (1498595)

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5. Waterproofing and Roofing Solutions, Inc., 24STCP03693, (1690885)
6. Action: The Board discussed this matter.
7. The Geo Group, Inc., 25WM000023 (1609228)
8. Uber Technologies Inc (1594663)
9. Employbridge Holding Company, 25CHCP00143 (1499137)

Appellate Court:

1. General Dynamics NASSCO (1300984)

Other Items:

There are no Other Items.

Orders Of Administrative Law Judges:

(Written order 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.
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

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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
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.
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

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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

Action: The Board discussed the Settlement Orders issued by the Administrative Law Judges.

Personnel:

(Issues regarding staff)

The Closed Session adjourned at 10:46 a.m. and the Board returned to the Public Meeting. The Appeals Board incorporated, by reference, its actions in the Closed Session as indicated above. The Board meeting was adjourned at 10:47 a.m.