

**State of California**  
**California Occupational Safety and Health Appeals Board**  
**Minutes of the Public Meeting & Closed Session**  
**Held on September 2, 2026**  
**Sacramento, California**  
**Zoom Platform**

**Present:**

Ed Lowry, Public Member, Chair  
Judith Freyman, Management Member  
Marvin Kropke, Labor Member  
Scott Pease, Executive Officer  
Kerry Lewis, Presiding Administrative Law Judge  
Sam E. Lucas, Presiding Administrative Law Judge  
Christopher Jessup, Administrative Law Judge  
Les Murad II, Administrative Law Judge  
Kathryn Woods, Administrative Law Judge  
Weiru Wang, Administrative Law Judge  
Aaron Jackson, Chief Counsel  
Jeffrey Mojcher, Chief Counsel Emeritus  
Karen Halbo, Staff Counsel  
Brian Nichols, Staff Counsel  
Camille Dixon, Staff Counsel  
Amy N. Lara, Operations Manager  
Maria Rios, Legal Analyst  
Beth Reiken, Executive Secretary  
Keith Mackenzie, Staff Counsel, DOSH  
David Wiseman, Staff Counsel, Cal Fire  
Kevin D. Bland, Ogletree Deakins  
Kathryn Tanner, Conn Maciel Carey, LLP  
Jordan Uter, Worksafe  
Matt Smylie, Ford Construction Company, Inc.  
Mona Fran

**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**

No request.

**Minutes of August 19, 2026, Meeting:**

(Approve or amend minutes of previous Board meeting.)

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Action: The Board voted to approve the minutes of the August 19, 2026, meeting.  
This was moved by Marvin Kropke.  
It was seconded by Judith Freyman.  
The vote was 3-0.

**New Business:**

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

Action: No report.

**Old Business:**

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

1. Discussion of comments received at the Stakeholder's Roundtable.

Action: Ed Lowry offered updates on the Stakeholders Roundtable comments that were distributed to the Board. Judith Freyman commented that she appreciated that the Board was reviewing the comments to make the necessary tweaks as the Board is always looking to improve its processes and procedures.

**Legislation:**

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

Action: Karen Halbo provided updates on the following legislation: SB-1046, AB-2321, SB-966, AB-1729, HR-86, and HR-6213.

**Chairperson's Report:**

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

Action: Ed Lowry reported that he is meeting with the new DIR Chief Deputy Director, Grecia Staton, this Friday.

**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: Scott Pease introduced, and welcomed, the Board's new Administrative Law Judge, Kathryn Woods. He also reported that the interviews for the Analyst I position are scheduled for the next two weeks, and then the interviews for the Analyst II position will begin.

**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: Aaron Jackson shared that the Board is currently drafting regulatory text regarding expert witnesses as well as motions to compel.

Presiding Judge Sam E. Lucas & Kerry Lewis will be hosting another presentation on October 7<sup>th</sup> at 2 p.m. to educate the public on the appeals process. They are planning to host a class on the hearing process in the future. Presiding Judge Lucas reported that in August 407 status conferences were held, as well as 31 settlement conferences, 33 prehearing conferences and 22 days of hearing. Also, Presiding Judge Lucas announced and welcomed the Board's newest Administrative Law Judge, Kathryn Woods.

2. Litigation Update

Action: Aaron Jackson provided the following litigation update:

The Board prevailed in the matters of Los Angeles Police Department (1599318) and Waterproofing and Roofing Solutions, Inc (1690885). There is a hearing on Employbridge Holding Company (1499137) on September 16<sup>th</sup>.

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 from the public on topics including the Stakeholder's Roundtable comments, deadlines for motions to amend citations and affirmative defenses, motions for bifurcation and a potential public list related to bifurcations, settlement conference practices and availability of approvers, and suggestions for a review

process regarding late citations similar to the review process for late appeals. Attendees also congratulated and welcomed new ALJ Kathryn Woods to the Board.

**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 may, in their discretion, decide to reconsider the ALJ Decision on their own motion.)*

There are no Decision of Administrative Law Judges.

**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.)*

- |         |                                                                                                                                                                                                                      |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1842156 | 3Sixty Innovation Inc<br>Action: The Board discussed this matter.                                                                                                                                                    |
| 1752837 | Chevron U.S.A. Inc.<br>Action: The Board voted to issue a Denial of Petition for Reconsideration.<br>It was moved by Marvin Kropke.<br>It was seconded by Judith Freyman.<br>The vote was 3-0.                       |
| 1701872 | Costco Wholesale<br>Action: The Board voted to issue an Order Taking the Petition for Reconsideration Under Submission.<br>It was moved by Marvin Kropke.<br>It was seconded by Judith Freyman.<br>The vote was 3-0. |
| 1866346 | Mesa Foods, Inc. dba Tropicana Supermarket<br>Action: The Board discussed this matter.                                                                                                                               |
| 1531603 | San Francisco Bay Area Rapid Transit District<br>Action: The Board discussed this matter.                                                                                                                            |
| 1869449 | Sodexo America LLC<br>Action: The Board voted to issue a Denial of Petition for Reconsideration.<br>It was moved by Marvin Kropke.<br>It was seconded by Judith Freyman.<br>The vote was 3-0.                        |

**Orders Dismissing Appeal:**

There are no Orders Dismissing Appeal.

**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 authority of Labor Code sections 6620 through 6623.

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|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1296297 | Alliance Diversified Enterprises, Inc.<br><i>Whether Employer committed the violations alleged in the citations, including alleged violations of section 1509, subdivision (b) [failure to adopt code of safe practices]; section 1511, subdivision (b) [failure to survey the worksite]; and (3) section 1541.1 [failure to provide adequate protective system in excavation], and whether the Division established the repeat classification for one of the citations.</i> |
| 1625267 | Boulay Construction                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 1573582 | CA Department of Corrections & Rehab<br><i>Whether several of the ALJ's findings of fact are supported by the record, and whether those findings support the decision.</i>                                                                                                                                                                                                                                                                                                   |
| 1360156 | CA Forestry and Fire Protection<br><i>Did the Decision of the Administrative Law Judge properly affirm a violation for failure to wear thermal protection for ears and neck during wildland fire fighting?</i>                                                                                                                                                                                                                                                               |
| 1731627 | City of Los Angeles Department of General Services                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 1446266 | Creative Packaging<br><i>Whether the employer violated hazard energy control regulations as alleged.</i>                                                                                                                                                                                                                                                                                                                                                                     |

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- 1703764     The Don Chapin Co., Inc.  
*Did the Decision of the Administrative Law Judge properly find that employees were exposed to the hazard of a failure to provide a swinging gate or equivalent protection at the entrance to a ladder opening on a platform?*
- 1314977     Empire Equipment Service, Inc.
- 1545777     Entact, LLC  
*Did the Decision of the Administrative Law Judge properly affirm violations for failure to ensure that employees operated industrial trucks in a safe manner by maintaining a safe distance from other vehicles, and for failure to ensure that employees traveled with the load trailing when the load being carried obstructed forward view?*
- 1644980     Herman Weissker Power, Inc.  
Was the ALJ correct in granting employer's appeal of an alleged violation of electrical safety order section 2943, subdivision (e)?
- 1518442     JT2, Inc.  
*How should the term "issue" or "issued" as used in Labor Code section 6317, subdivision (e)(1) be interpreted. How should the notice requirements of Labor Code 6319 be interpreted?*
- Action: The Board discussed this matter.
- 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.*
- 1692164     L & S Framing, Inc.
- 1642084     Los Angeles County Probation Department
- 1652861     Los Angeles County Probation Department  
*Did the evidence support the finding that it was appropriate for Employer not to report an incident causing a serious injury where a guard received facial cuts that left him with visible scarring? Did the evidence support the finding that Employer implemented its established IIPP procedures?*
- 1529748     Los Angeles Department of Water & Power  
*Did the Division cite the correct regulation section when it cited Employer for violating 8 CCR 2940.14, and was it established that under the stipulated facts that Employer violated that section?*

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- 1401587 Los Angeles Department of Water and Power
- 1469097 Lowe's Home Centers, LLC  
*Whether there was exposure to foot injuries from falling objects, crushing, or penetrating actions. If so, whether the employer required appropriate foot protection.*
- 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 (15)(B) [safe use of ladders], and whether Employer established its affirmative defense.*
- 1460783 Otis Elevator (ER)
- 1460783 Otis Elevator (ER)
- 1547223 Perry C. Thomas Construction, Inc.  
*Did employer commit a serious violation of section 1541, subdivision (j)(2) [trenching], as alleged?*
- 1458699 Primula Mozzarella LLC.  
*Whether the Employer's petition for reconsideration was timely.*
- 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)*
- 1552002 Tesla, Inc.
- 1626309 Universal Dust Collector MFG. & Supply Corp.
- 1660543 West Coast Drywall & Paint
- 1563307 XL Concrete Masonry, LLC

**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. Below is a list of active court cases filed against the Board in the Superior Court and Court of Appeal. Pursuant to Government Code section 11126, subdivision (e), the Appeals Board may confer with its Legal Unit for the purposes of receiving legal advice regarding the pending litigation and confer on litigation strategy.)

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**Superior Court:**

1. USA Waste of California, Inc., 34-2022-80003841 (1384029)
2. Arana Residential and Commercial Painting, Inc. (1568252)
3. Western Oilfields Supply Company, 24WM000169 (1498595)
4. Employbridge Holding Company, 25CHCP00143 (1499137)
5. Sun Belt Rentals, 25CU041526C (1465119)
6. Drill Tech Drilling & Shoring, Inc. N25-1793 (1420923)
7. Los Angeles Police Department 25STCP05034 (1599318)
8. L & S Framing, Inc. S-CV-0057345 (1692964)
9. L & S Framing, Inc. 26CV011326 (1720076)
10. M.C.M Construction, Inc. 26WM000146 (166693)
11. Fontenoy Engineering, Inc. (1847651)
12. Republic Electric Court West, Inc. (1355061)

**Appellate Court:**

1. Waterproofing and Roofing Solutions, Inc. 24STCP03693 (1690885)
2. Metropolitan News Company, 25STCP04455 (1689021)

**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 may, in their discretion, decide if they will reconsider or remand the issued order.)

|         |                                          |
|---------|------------------------------------------|
| 1875749 | 860 Garnet Operations LLC                |
| 1870228 | A & M Ybasket Inc.                       |
| 1836007 | Accelerated Environmental Services, Inc. |
| 1853781 | Adept HR                                 |
| 1844225 | Ali Reza Tehranian                       |
| 1866324 | AMC Farms LLC                            |

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| 1676313 | AR Pipeline                              |
| 1842708 | Arreola's Framing, Inc.                  |
| 1859132 | Aztec Roofing Inc                        |
| 1863261 | Boskovich Farms, Inc.                    |
| 1762311 | Boswell Construction Inc.                |
| 1870959 | Brazil Quality Roofing Inc.              |
| 1598247 | CIM Group, L.P                           |
| 1681333 | Costco Wholesale                         |
| 1672019 | Costco Wholesale Corporation             |
| 1781246 | Costco Wholesale Corporation             |
| 1858797 | D&D Pipelines Inc.                       |
| 1873672 | D.F. Stauffer Biscuit Co., Inc.          |
| 1886866 | El Monte Comprehensive Health Center     |
| 1590039 | Elliott/Drinkward Construction, Inc.     |
| 1613047 | Evans Food Group LTD.                    |
| 1867607 | FN Logistics, LLLC                       |
| 1690410 | Food Express, Inc.                       |
| 1836095 | HM.Clause, Inc.                          |
| 1818125 | Homeguard Incorporated                   |
| 1816138 | International Silicone Technologies Inc. |
| 1858959 | J.D. Miller Construction, Inc.           |
| 1851784 | Jalos Food Enterprises, Inc.             |
| 1831644 | Kehe Distributors, LLC                   |
| 1850533 | Lennox Keith Smith                       |
| 1852018 | Machine Building Specialists, Inc.       |
| 1890334 | Manuel Villa Enterprises, Inc.           |
| 1797351 | Moffat & Nichol                          |
| 1629190 | Owens Construction & Engineering, Inc.   |
| 1871188 | Polycorp US, LLC                         |
| 1848555 | Quality Environmental, Inc.              |
| 1874375 | Ralphs-Pugh Co. Inc                      |
| 1658995 | Recycled Base Materials, Inc             |
| 1864315 | Regency Enterprises Incorporated         |
| 1851783 | Resma Construction LLC                   |
| 1858158 | Roofing Standards, Inc.                  |
| 1882874 | Salida Union School District             |
| 1859351 | SC Welding & Metal Works, Inc.           |
| 1863687 | Sean D Pitcher                           |
| 1859071 | SRE Development, LLC                     |
| 1848801 | Stan's Hardware LLC.                     |
| 1858767 | Steven Ginter Construction               |
| 1844364 | Talley Oil Inc.                          |
| 1698772 | Tesla, Inc.                              |
| 1876294 | TForce Freight, Inc.                     |
| 1857347 | The Milo Foundation                      |
| 1565714 | Tim Demera Construction, Inc.            |

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| 1821823 | UPS Industrial Services of California Inc. |
| 1679380 | Veridiam Inc.                              |

Action: The Board has reviewed the Settlement Orders issued by the ALJs.

**Personnel:**

*(Issues regarding staff)*

The Closed Session adjourned at 11:28 a.m. and the Board returned to the Public Meeting. The Appeals Board incorporated, by reference, its actions taken in the Closed Session as indicated above. The Board meeting was adjourned at 11:29 a.m.