

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, March 4, 2015**  
**9:30 A.M.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: February 20, 2015**

**RE: Closed Session of the Board to be held on March 4, 2015**

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. 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.

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**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.)*

**PETITIONS FOR RECONSIDERATION:**

1. PAUL DOMINGUEZ, BUILDING CONTRACTOR, INC., 14-R6D7-9193
2. TESORO REFINING & MARKETING, 14-R6D3-9015

**DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):**

**MATTERS INVOLVING LATE APPEALS:**

*(These are matters such as orders dismissing appeal, orders granting leave to file late appeal and orders denying leave to file late appeal)*

1. BEST AUTO REPAIR & SALES, LLC., 15-R6D7-9019

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2. BLH CONSTRUCTION, 15-R3D5-0310 THROUGH 0312
3. GRAPEMAN FARMS LP DBA LUCICH FARMS, 15-R4D7-9016
4. STRAYHAN INVESTMENTS INC., DBA RUBICON BREWING CO.,  
15-R2D1-9017

**MATTERS HELD OVER FROM PREVIOUS MEETINGS:**

*(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)*

**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.)*

1. A TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895 (ER)
2. A TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895  
(DOSH)
3. B.A.R.T., 11-R2D2-3137 THROUGH 3139 (ER)
4. BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1218 THROUGH 1221  
(DOSH)
5. RANDALL JOHN BILLINGTON, 2014-R3D3-9170
6. CHEVRON U.S.A. INC., 13-R6D3-0655 THROUGH 0662
7. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
8. INTERNATIONAL PAPER COMPANY, 14-R2D5-1189 THROUGH 1191
9. LANGER FARMS, LLC, 13-R4D7-231 THROUGH 0233
10. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
11. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
12. McCARTHY BUILDING CO., INC., 12-R1D4-3458
13. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
14. ORANGE COUNTY SANITATION DISTRICT, 2013-R3D1-0287

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15. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
16. SIERRA FOREST PRODUCTS, 09-R2D5-3979
17. TREASURE ISLAND MEDIA, INC., 10-R6D1-1093 THROUGH 1095
18. VICTORY SCREEN PRINTING 12-R3D1-3673 & 3674

**LEGISLATION:**

**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. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
2. MASCON, INC., 34-2011-80000819 (08-R2D1-4278 AND 4279)
3. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
4. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
5. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
6. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
7. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
8. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
9. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
10. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
11. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
12. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)

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13. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
14. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
15. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
16. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332  
(09-R4D5-0459 & 0460)
17. HOME DEPOT USA, INC., BS141301 (10-3284)
18. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
19. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)
20. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575  
(12-R5D1-337)
21. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
22. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-  
80001749 (2008-R2D1-3414 THROUGH 3418)
23. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)
24. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
25. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056  
THROUGH 3058) (DOSH)
26. LAND O'LAKES PURINA FEED, LLC, RG14715717 (08-R2D4-1843 AND 1844)  
(DOSH)
27. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056  
THROUGH 3058) (3<sup>rd</sup> Party)
28. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817  
(09-R6D2-2238 ~ 2241)
29. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
30. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
31. BHC FREMONT HOSPITAL INC, RG13731145 (13-R1D2-0204)

32. IRWIN INDUSTRIES, BS14-9634 (12-R4D3-3276 & 3277)
33. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303 THROUGH 1310)
34. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360 THROUGH 3362)
35. MORROW MEADOWS CORP., BS151385 (09-R3D3-2295)
36. FEDEX GROUND PACKAGING SYSTEM, INC., CIVDS1415696 (13-R3D1-1220)
37. KEY ENERGY SERVICES, INC., S-1500-CV-283958, EB (13-R4D3-2239 ~ 2242)
38. KDTD, INC. DBA KD DEVELOPMENT, INC., 37-2015-00003550-CU-WM-CTL (14-R3D2-1935 & 1936)

**APPELLATE COURT:**

1. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, C075477, 34- 2011-80000640 (08-R2D1-0027 THROUGH 0030)
2. XL CONSTRUCTION, C074514, 34-2009-80000300 (08-R1D2-1191 THROUGH 1193)
3. AC TRANSIT, A142799, RG13-687314 (08-R1D4-0135)
4. THYSSENKRUPP ELEVATOR CORPORATION, C077115, 34-2013-80001456 (11-R2D1-2217 ~ 2219)

**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.)*

1. ACADEMY OF ART UNIVERSITY, 14-R1D1-1797
2. ADVANCED FRAMING STRUCTURES, INC., 13-R4D3-3178
3. BAY MOUNTAIN AIR, INC., 14-R1D2-2084 AND 2085
4. BORG PRODUCE SALES, INC., 14-R4D1-0761 AND 0762

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5. BRADSHAW RANCH GOLF COURSE, INC., 14-R2D1-3963 AND 3964
6. BRAGG INVESTMENT CO., INC. DBA BRAGG CRANE SERVICES,  
13-R3D2-3827
7. CA FORESTRY & FIRE PROTECTION – NORTHERN REGION, 13-R2D1-0638
8. CALAVERAS COUNTY (PUBLIC WORKS DEPT), 14-R2D4-2744 AND 2745
9. CALDWELL FRESH FOODS, 14-R3D5-2369 THROUGH 2370
10. CALIFORNIA ELECTRIC STEEL, 14-R6D1-2600 AND 2601
11. CBR ELECTRIC, INC., 14-R3D3-2278
12. CEMCON, INC., 15-R1D4-0230
13. CHIMENTI'S BAKING CO., INC., 11-R4D2-3240 AND 3241
14. CONDOMINIUM ASSOCIATION MANAGEMENT COMPANY DBA CAMCO,  
14-R2D1-0100 AND 0101
15. CROP PRODUCTION SERVICES, INC., 14-R2D5-2431
16. DEL MAR FARMS, 14-R2D4-2819
17. DIACON, INC., 14-R1D2-3105
18. DONALD F. GALLINDO, INC., 14-R2D3-3134
19. EL CAJON MOTORS AKA EL CAJON FORD, 14-R3D2-1918
20. ELSINORE VALLEY MUNICIPAL WATER DISTRICT, 14-R6D4-4133
21. ELUCIA, INC., DBA AMERICAN SHEET METAL, 14-R3D1-2710 AND 2711
22. EPLASTERING, INC., 14-R4D3-0216 THROUGH 0220
23. EVERGREEN PACKAGING INC., 14-R4D4-3231 THROUGH 3236
24. EXOPACK, LLC, 13-R4D4-2364 THROUGH 2366
25. FILTER FARMS INC., 14-R2D1-0055 AND 0056
26. FRANCES TODD INC DBA THE WOODEN DUCK, 14-R6D1-2714  
THROUGH 2716

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27. FRANCES TODD INC DBA THE WOODEN DUCK, 14-R6D1-2758
28. FUTURE PLASTERING, INC., 15-R2D1-0158
29. GARDENER POOL COMPANY, INC., 14-R6D5-1150
30. DAN HEATHCOTE DBA HEATHCOTE CONSTRUCTION, 14-R2D1-0529  
AND 0530
31. HOF & YATES INC., DBA H & Y REBAR, 14-R3D5-1709 AND 1710
32. HUBER & BURTON, INC., MASONRY CONTRACTORS, 15-R2D3-0233  
AND 0234
33. INTERNATIONAL ALUMINUM CORPORATION DBA INTERNATIONAL  
WINDOW NORTHERN CALIFORNIA, 14-R1D4-0981 THROUGH 0983
34. JACK NEAL & SONS VINEYARD MANAGEMENT, 14-R1D5-2416
35. KENYON PLASTERING INC., 14-R1D4-2139
36. LA CITY WATER & POWER, 14-R4D1-3666 AND 3667
37. LE GRAND CONFECTIONARY, INC., 14-R6D7-1230 & 1231 AND 14-R6D7-1243
38. LONESTAR TIMBER HARVESTING INC., 15-R1D2-0097
39. MEDLIN MATERIAL HANDLING EQUIPMENT INC., 14-R4D4-1513 AND 1514
40. MONT KASA, 14-R1D4-2944
41. MY BOTANICA, INC., 14-R6D5-2168
42. NEW HORIZON CONTRACTING, INC., 14-R3D3-3880 THROUGH 3882
43. OAKPORT PARTNERSHIP, LP, 14-R1D4-2135 THROUGH 2138
44. OMNIA SALES INC., 14-R4D3-1701 AND 1702
45. PACIFIC PERSONAL INC., 14-R6D7-4044
46. PERFORMANCE ALUMNIUM PRODUCTS INC., 14-R6D2-3237  
THROUGH 3244

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47. PERFORMANCE FOOD GROUP, INC., 14-R1D4-4142 AND 4143
48. PERFORAMNCE FOOD GROUP, INC., 15-R1D4-0154
49. PGP INTERNATIONAL, INC., 14-R2D1-3538 AND 3539
50. PINNACLE PLASTERING, INC., 13-R4D3-0631 AND 0632
51. PRIMESKILL STAFFING SERVICES, 14-R4D7-2315
52. ROLCOM, INC., 14-R4D4-3100 AND 3101
53. RAYBERN FOODS, LLC., 13-R1D4-3818 AND 3819
54. R WAGNER INC., DBA WAGNER ELECTRIC, 14-R2D3-3212
55. SAFEWAY STORE #954, 14-R2D3-3904
56. SAN BERNARDINO STEEL, INC., [PREVIOUSLY HERRICK CORP DBA SAN BERNARDINO STEEL, INC.], 14-R3D3-2173 AND 2174
57. SCHINDLER ELEVATOR CORPORATION, 14-R1D3-0158 THROUGH 0161
58. SIERRA CHEMICAL CO., 15-R2D4-0085 AND 0086
59. STERIS ISOMEDIX SERVICES, INC., 14-R4D4-0093 AND 0094
60. TERRABELLA NURSERY, 14-R3D2-3879
61. TITAN FRAMING, 14-R2D4-2878
62. TRI CAL, INC. 14-R2D5-4209
63. UC REGENTS UC DAVIS FACILITIES MAINTENANCE DEPT., 14-R2D1-3414 AND 3415
64. UNITED BEST SHEET METAL, INC., 14-R3D1-2392 AND 2393
65. USF REDDAWAY, INC., 14-R4D1-0066
66. VALLEYCREST COMPANIES, 13-R3D2-3878
67. VAL PRO INC., DBA VALLEY FRUIT & PRODUCE CO., 13-R4D1-2445
68. VELASQUEZ PACKING INC., 14-R6D7-3831

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69. YOU GOT MAIL, LLC INCORRECTLY CITED AS MIKE BURNETT DBA YOU GOT MAIL LLC, 14-R3D2-1991 AND 1992

70. ZAFIRO PRODUCE, INC., 14-R6D5-3423

**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 adjournment.