

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, April 30, 2014**  
**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: April 16, 2014**

**RE: Closed Session of the Board to be held on April 30, 2014**

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.)*

1. ROSENDIN ELECTRIC INC., 12-R2D1-3028
2. TTM TECHNOLOGIES TTM SANTA CLARA DIVISION, 13-R1D3-3095

**PETITIONS FOR RECONSIDERATION:**

1. BAY CITIES PAVING & GRADING, INC., 12-R3D2-1665
2. BHC FREMONT HOSPITAL, INC., 13-R1D2-0204
3. FRANK M BOOTH, INC., 12-R2D3-0601
4. KEVIN SEMIEN, 13-R1D11499

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

1. VISTA CONSTRUCTION, 14-R6D7-9015

**ORDERS DISMISSING APPEAL:**

1. CALIFORNIA CONSTRUCTION CONSULTANTS, INC., 13-R4D1-2122 AND 2123

**ORDERS GRANTING LEAVE TO FILE APPEAL:**

1. MASONRY DESIGN, 14-R3D2-1037 AND 1038

**ORDERS GRANTING LEAVE TO FILE APPEAL:**

1. M. UNITED PLASTERING INC., 14-R3D1-9029
2. PRIMO CORP., 14-R4D1-9043

**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. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
2. JAMES BALDWIN DBA LYON'S MUFFLER & BRAKE, 14-R6D5-9019
3. BELLINGHAM MARINE INDUSTRIES, 2012-R2D2-3144 THROUGH 3146
4. BRAD STONER PAINTING, INC., 13-R3D2-9200
5. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
6. CABRILLO ECONOMIC DEVELOPMENT CORP., 11-R4D3-3185 & 3186
7. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282

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8. COFFMAN SPECIALTIES, INC., 10-R3D3-3532
9. COMMERCIAL METAL FORMING, 09-R3D1-1592
10. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
11. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
12. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
13. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
14. DISH NETWORK CAL. SVC. CORP., 12-R4D3-0455
15. FERMA CORPORATION, 12-R2D2-1669
16. GMAC ELECTRIC, INC., 13-R6D5-9138
17. HARRIS CONSTRUCTION, 03-R2D5-3914
18. HHS CONSTRUCTION, 12-R3D2-0492-0497
19. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
20. KELLY GLOBAL LOGISTICS, INC., 12-R3D5-0014
21. K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375
22. LABOR READY, 13-R3D2-0164
23. LA VALENCIA HOTEL, 2013-R3D2-9199
24. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
25. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
26. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR,  
08-R2D1-3093 THROUGH 3098
27. MARCO RUFO DBA MARCO RUFO, 13-R6D5-9217
28. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
29. MCCARTHY BUILDING CO., INC., 12-R1D4-3458

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30. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
31. MORROW MEADOWS CORP., 09-R3D3-2295
32. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
33. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
34. O.C. JONES AND SONS, INC. 13-R2D2-0310
35. ONESTOP INTERNET, INC., 11-R4D2-2636 AND 2637
36. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
37. JIM PARKER, 2014-R4D1-9009
38. PERSONNEL PLUS, INC., 11-R3D5-1302
39. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
40. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
41. SIERRA FOREST PRODUCTS, 09-R2D5-3979
42. SONIC DRIVE-IN, 12-R2D5-2734
43. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
44. STARBUCKS DBA STARBUCK'S COFFEE #5867, 12-R3D2-3675  
THROUGH 3678
45. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
46. TL PALVICH CONSTRUCTION, INC., 11-R3D6-1303 THROUGH 1310
47. TRADEMARK CONSTRUCTION CO., INC., 12-R4D1-0096 AND 0097
48. TREASURE ISLAND MEDIA, INC., 2010-R6D1-1093 THROUGH 1095
49. VICTORY SCREEN PRINTING 12-R3D1-3673 & 3674

**LEGISLATION:**

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**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. SMUD, 34-2010-80000723 (08-R2D1-4887)
3. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-8000820 (03-R1D1-5170)
4. MASCON, INC., 34-2011-80000819 (08-R2D1-4278 AND 4279)
5. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965 (10-0188~0191)
6. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459 THROUGH 2461)
7. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
8. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
9. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
10. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
11. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
12. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
13. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
14. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
15. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
16. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)

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17. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
18. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
19. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
20. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332  
(09-R4D5-0459 & 0460)
21. A. TEICHERT & SON, DBA TEICHERT AGGREGATES, RG12 659881  
(10-R5D1-3029)
22. HOME DEPOT USA, INC., BS141301 (10-3284)
23. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
24. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00628178 (10-3667)
25. THYSSENKRUPP ELEVATOR CORP., 34-2013-80001456 (11-2217 ~ 2219)
26. BIG LOTS STORES, INC., 37-2013-00045936 (11-R3D2-1929 ~ 1931)
27. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)
28. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00652023 (12-0439)
29. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00651875 (12-0440)
30. AC TRANSIT, RG13687314 (08-R1D4-0135)
31. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575  
(12-R5D1-337)
32. BAY AREA RAPID TRANSIT DISTRICT, RG13689346 (09-R2D2-1219 & 1221)
33. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)
34. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
35. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-  
80001749 (2008-R2D1-3414 THROUGH 3418)
36. SHIMMICK-OBAYASHI, 34-2014-80001750 (2008-R3D3-5023 THROUGH 5025)
37. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)

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38. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056 THROUGH 3058) (DOSH)
39. LAND O'LAKES PURINA FEED, LLC, RG14715717 (08-R2D4-1843 AND 1844) (DOSH)
40. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056 THROUGH 3058) (3<sup>rd</sup> Party)

**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. SHERWOOD MECHANICAL, INC., D065322, 37-2012-00101466 (08-R3D2-4690 ~ 4693)

**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. A-1 FUMIGATION, 13-R3D5-1187 AND 1188
2. AGWOOD MILL AND LUMBER INC., 13-R2D3-1560 THROUGH 1562
3. A.L.L. ROOFING MATERIALS OF SAN JOSE, LLC., 13-R1D4-3361
4. AMORCAST PRODUCTS COMPANY, 13-R6D2-3686 THROUGH 3692
5. AMPAC FINE CHEMICALS LLC., 14-R2D1-0361 THROUGH 0363
6. ANGELUS BLOCK CO., INC., 13-R3D3-2337
7. WILLIAM AVILES DBA PINNACLE FLOOR COVERING, 13-R6D7-3945 THROUGH 3948
8. BELLINGHAM MARINE INDUSTRIES, INC., 13-R2D2-2385 AND 2386

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9. CACTUS MAT MANUFACTURING (A CORP), 13-R6D2-2892 THROUGH 2899
10. CA STATE UNIVERSITY EAST BAY, 14-R2D2-0717
11. CENTURY MOBILE HOMES, 14-R2D3-0373
12. CHURCH & LARSEN, INC., 13-R3D5-1941
13. COMPASS FOODS, INC., 13-R2D4-3460 AND 3461
14. D'ARRIGO BROS. CO., OF CALIFORNIA, 13-R6D7-3500 AND 3501
15. DH SMITH COMPANY, INC., 13-R2D2-1627
16. FREON FREE, INC., 14-R2D2-0208 AND 9209
17. FPI MANAGEMENT INC., 14-R2D1-1016
18. G4S SECURE SOLUTIONS (USA) INC., 14-R2D1-0557
19. ROBERT GILL DBA REVEILLE FARMS, 14-R2D2-0448
20. GRAPEMAN FARM DBA LUCHICH FARM-STEVECO, 13-R3D5-1591  
THROUGH 1594
21. GREEN MOUNTAIN ENGINEERING, 13-R3D3-3416
22. CLINTON AND MARY HALL, 14-R2D3-0229 AND 0230
23. HONEYBAKED HAMS, 13-R3D1-0941
24. INTEMATIX CORPORATION, 13-R1D2-3844 AND 3845
25. KELLY SERVICES, INC., 13-R2D5-1519 AND DOCKETS 14-R2D5-0359  
AND 0360
26. K-MART CORPORATION DBA K-MART STORE #3337, 13-R3D5-2860
27. LA CASA BUILDING CONTRACTORS, 13-R3D5-2338
28. L.A. CITY WATER & POWER, 13-R4D1-1655 AND 1656
29. L.A. CITY WATER & POWER, 13-R4D1-2197
30. MC METAL CREATIONS, INC, 13-R6D2-2908 THROUGH 2911

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31. MOORE BROS DRYWALL INC. DBA CONSTR SPECIALTIES, 14-R2D1-1060 AND 1061
32. CHOO WOO NAM DBA AR CONSTRUCTION, 13-R3D3-1752 AND 1753
33. NBC UNIVERSAL, 13-R4D3-1425 THROUGH 1436
34. OLTMANS CONSTRUCTION CO., 13-R1D3-2690
35. OTIS ELEVATOR COMPANY, 13-R1D1-3529
36. PALS DOWNEY, 13-R3D5-2552
37. RANDAZZO ENTERPRISES INC., 10-R1D2-3841 THROUGH 3843
38. RIZO-LOPEZ FOODS, INC DBA DON FRANCISCO CHEESE, 13-R2D4-3876
39. RMT CONTRACTING, INC., 13-R6D7-3673
40. ROCHA BROTHERS FARMS, LLC., 13-R6D7-3621 AND 3622
41. ROCKET FARMS, 13-R3D3-2488
42. SANTA ROSA ENTERTAINMENT GROUP DBA METRO 4 CINEMAS, 13-R2D5-3303
43. SAVS ENTERPRISES, 13-R4D2-2280
44. SCOTT ALLEY ASSOCIATES, LLC DBA 5A5 STEAK LOUNGE, 14-R1D1-0423
45. SC TERMITE CONTROL, INC., 13-R3D1-1031
46. SEARS OUTLET STORES LLC DBA SEARS OUTLET STORE, #4618, 13-R2D1-3645
47. SEVEN BROTHERS, INC., 13-R4D7-3432
48. SHIMEK PROPERTIES LLC DBA DIVISADERO TOUCHLESS CAR, 13-R1D1-2851
49. SOUTH BAY CONSTRUCTION, 14-R1D2-0765
50. SOURCE REFRIGERATION & HVAC, INC., 13-R2D4-3462
51. STEEL STRUCTURES, INC., 13-R2D5-3923

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52. STEVEN D. JESSER FARMS, 13-R2D5-2257 THROUGH 2259
53. STUDIO D, 14-R1D1-0937 THROUGH 0939
54. TAOBAO, INC. DBA GRAND AMERICAN DOOR, 13-R6D2-3756  
THROUGH 3765
55. UNITED CARE NETWORK, LLC., 13-R4D3-2063 AND 2064
56. UNITED PARCEL SERVICE, 13-R4D3-0230
57. VALLEY PROTEIN, LLC., 13-R2D5-3218
58. WARNER BROS TELEVISION/SOUTHLAND, 13-R4D1-2061
59. WATSONVILLE GRADING & EXCAVATION, INC., 13-R1D2-3890
60. WS PACKAGING GROUP, INC., 14-R3D1-0114

**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.