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 6, 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: **July 25, 2014**

RE: **Closed Session of the Board to be held on August 6, 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.

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.)

DECISIONS OF ADMINISTRATIVE LAW JUDGES:

PETITIONS FOR RECONSIDERATION:

1. A.B.S. MANUFACTURERS, INC., 14-R6D7-9075

2. REPUBLIC FURNITURE MFG., INC., 14-R6D2-9083

3. WC STAFFING INC DBA WEST COAST STAFFING, 13-R6D2-3522 AND 3523

DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):

1. DAMON, INC., 13-R6D5-1975 AND 1976

2. LEVY RESTAURANTS, 12-R1D5-2714 AND 2715

ORDERS DISMISSING APPEAL:

ORDERS GRANTING LEAVE TO FILE LATE APPEAL:

1. ABERCROMBIE & FITCH STORES INC., 14-R3D1-2248 THROUGH 2251

ORDERS DENYING LEAVE TO FILE LATE APPEAL:

1. RUBEN BARAJAS DBA CENTRAL VALLEY FARMS, 14-R2D4-9086

2. MANCIAS STEEL COMPANY, INC., 14-R6D7-9060

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. JAMES BALDWIN DBA LYON'S MUFFLER & BRAKE, 14-R6D5-9019

2. B & B ROOF PREPARATION, INC., 12-R3D6-2946

3. BELLINGHAM MARINE INDUSTRIES, 12-R2D2-3144 THROUGH 3146

4. BRAD STONER PAINTING, INC., 13-R3D2-9200

5. CABRILLO ECONOMIC DEVELOMENT CORP., 11-R4D3-3185 & 3186

6. DISH NETWORK CAL. SVC. CORP., 12-R4D3-0455

7. GMAC ELECTRIC, INC., 13-R6D5-9138

8. HARRIS CONSTRUCTION, 03-R2D5-3914

9. HHS CONSTRUCTION, 12-R3D2-0492-0497

10. KELLY GLOBAL LOGISTICS, INC., 12-R3D5-0014

11. K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375

12. LABOR READY, 13-R3D2-0164

13. LA VALENCIA HOTEL, 13-R3D2-9199

14. LYON'S MUFFER & BRAKE, 14-R6D5-9019

15. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR, 08-R2D1-3093 THROUGH 3098

16. MARCO RUFO DBA MARCO RUFO, 13-R6D5-9217

17. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406

18. McCARTHY BUILDING CO., INC., 12-R1D4-3458

19. MORROW MEADOWS CORP., 09-R3D3-2295

20. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791

21. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186

22. O.C. JONES AND SONS, INC. 13-R2D2-0310

23. ONESTOP INTERNET, INC., 11-R4D2-2636 AND 2637

24. JIM PARKER, 2014-R4D1-9009

25. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248

26. ROSENDIN ELECTRIC, INC., 12-R2D1-3028

27. SIERRA FOREST PRODUCTS, 09-R2D5-3979

28. SONIC DRIVE-IN, 12-R2D5-2734

29. STAFFCHEX, 10-R4D3-2456 THROUGH 2458

30. STARBUCKS DBA STARBUCK'S COFFEE #5867, 12-R3D2-3675 THROUGH 3678

31. TRADEMARK CONSTRUCTION CO., INC., 12-R4D1-0096 AND 0097

32. TREASURE ISLAND MEDIA, INC., 10-R6D1-1093 THROUGH 1095

33. 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. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-8000820 (03-R1D1-5170)

3. MASCON, INC., 34-2011-80000819 (08-R2D1-4278 AND 4279)

4. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965 (10-0188~0191)

5. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)

6. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)

7. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)

8. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)

9. DUININCK BROS., INC., 34-2012-80001129 (06-2871)

10. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)

11. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)

12. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)

13. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)

14. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)

15. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)

16. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)

17. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)

18. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)

19. HOME DEPOT USA, INC., BS141301 (10-3284)

20. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)

21. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)

22. AC TRANSIT, RG13687314 (08-R1D4-0135)

23. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)

24. BAY AREA RAPID TRANSIT DISTRICT, RG13689346 (09-R2D2-1219 & 1221)

25. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)

26. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)

27. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)

28. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)

29. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)

30. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056 THROUGH 3058) (DOSH)

31. LAND O'LAKES PURINA FEED, LLC, RG14715717 (08-R2D4-1843 AND 1844) (DOSH)

32. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056 THROUGH 3058) (3rd Party)

33. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817 (09-R6D2-2238 ~ 2241)

34. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)

35. IRWIN INDUSTRIES, BS14-9634 (12-R4D3-3276 & 3277)

36. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303 THROUGH 1310)

37. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360 THROUGH 3362)

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)

4. ORANGE COUNTY FIRE AUTHORITY, G050220, 30-2013-00628178 (CONSOLIDATED)

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. 3 PHASE LINE CONSTRUCTION INC., 13-R2D3-0545

2. AGRICULTURAL COMPUTERIZED TECHNOLOGY, INC., 14-R4D7-0147

3. ALL METAL SUPPLY INC., 14-R2D3-1613

4. ALL VALLEY AG, INC., 13-R4D3-3860 THROUGH 3863

5. ALPHA ARCHITECTURAL SIGNS & LIGHTING INC., 14-R2D3-1217 AND 1218

6. ANDREWS INTERNATIONAL, INC., 13-R3D1-3732 AND 3733

7. ANNING JOHNSON COMPANY INC., 14-R4D4-0377

8. AT&T, 13-R2D1-2789

9. DAN AVILA & SONS, 13-R2D4-1297 THROUGH 1300

10. DAN AVLA DBA DAN AVILA & SONS, 13-R2D4-1563 THROUGH 1565

11. DAN AVILA DBA DAN AVILA & SONS, 13-R2D4-1566

12. AYALA BORING, INC., 13-R5D2-3958 AND 3959

13. BARAJAS CONSTRUCTION & PAINTING, 13-R4D7-0535 AND 0536

14. BHI PLUMBING, HEATING AND AIR CONDITIONING DBA REDDI ROOTER, 14-R3D3-2065

15. BLACKWELL CONSTRUCTION, INC., 13-R4D3-3107

16. BODEGA LATINA CORP., DBA EL SUPER, 13-R4D3-2861 THROUGH 2863

17. BROKAW NURSERY, LLC, 14-R4D3-0428

18. BRONCO ROOFING, 13-R4D1-3417

19. JOSE GUADALUPE CARRANZA DBA CARRANZA FARM LABOR CO, 14-R2D4-0773 THROUGH 0775

20. JOSE LUIS CASTRO DBA GARMENT PROCESS DYE, 14-R6D5-0795 THROUGH 0799

21. CEC ECO SOLUTIONS, INC., 14-R4D7-1118

22. CENTRAL TRANSPORT, 13-R4D4-3793

23. CLEMENTE'S DYE INC., 14-R6D5-1305 THROUGH 1311

24. COAST IRON & STEEL CO., 14-R6D2-0901 THROUGH 0910

25. CONTINENTAL INSTALLATION, INC., 14-R4D3-1444 AND 1445

26. CONTRACT SERVICES GROUP, INC., 13-R3D1-1917

27. CORRECTIONAL ALTERNATIVES, 13-R3D2-3128

28. COYLE REPRODUCTIONS, INC., 13-R4D4-2923 AND 2924

29. DAESHIN, USA, 13-R3D1-2480 AND 2481

30. DBI BEVERAGE SACRAMENTO, 14-R1D5-0516

31. DOUBLE S FASHION, INC., 14-R6D5-1751 AND 1752

32. DUNBAR ARMORED INC., 13-R4D4-3588

33. ROSA C. ESQUIVEL DBA C.N.S. GARMENT DYE, 14-R6D5-0790 THROUGH 0794

34. FLATIRON WEST, INC., 14-R4D3-0505 AND 0506

35. FOUNDATION PILE INC., 13-R4D4-3486

36. GRIFFIN FAMILY CARE HOME, INCORPORATED DBA GFCH BERKELEY HOUSE, 14-R6D1-1274

37. GRAPHIC ENTERPRISES INC., 14-R1D5-1245 THROUGH 1247

38. GREEN VALLEY CORPORATION DBA BARRY SWENSON BUILDER, 14-R1D3-0073 THROUGH 0078

39. LEHIGH HANSON, INC. DBA HANSON AGGREGATES, 14-R4D3-1051 AND 1052 & 14-R4D3-1796

40. HARVEST TIME PRODUCE, 13-R3D2-1310 AND 1312

41. HERAEUS PRECIOUS METALS NORTH AMERICA LLC., 14-R4D4-0041

42. DOUGLAS HUFNAGEL, D.D.S., 14-R2D1-1512

43. INTERNATIONAL WOOD INDUSTRIES, INC., 14-R2D4-0331 THROUGH 0333

44. J & J ACOUSTICS, INC., 13-R1D1-2852

45. JOYA FOOD ENTERPRISES INC., DBA VALLARTA SUPERMARKETS #26, 14-R4D3-0673 AND 0674

46. JEFF TRACY INC. DBA LAND FORMS CONSTRUCTION INC., 14-R4D4-0429

47. JEFF TUGWELL ROOFING COMPANY, 13-R2D3-2189

48. KRESKY SIGNS, INC., 14-R1D5-0679 AND 0680

49. LA COUNTY FIRE DEPARTMENT, 14-R3D5-1292

50. MIKE OWEN FABRICATION, 13-R6D2-3154 THROUGH 3157

51. MILLWORKS BY DESIGN, 13-R4D3-3054

52. MONACO PAINTING, INC., 13-R3D1-3678

53. JAIME MONTEON DBA UNITED KITCHEN DOORS, 13-R4D4-3683 AND 3684

54. NEW KOOSHAREM, INC. DBA SELECT STAFFING BRANCH #24, 13-R3D2-3817

55. OAK FURNITURE WEST LLC, 14-R6D2-1376 THROUGH 1378

56. PACIFIC STEEL CASTING CO., 13-R6D1-3381 THROUGH 3386

57. PARK WEST LANDSCAPE, INC., 14-R4D4-0137

58. PAUL BANCROFT ROOFING, INC., 13-R4D3-1662

59. PREMIER FLOOR CARE, INC., 14-R1D1-0403

60. PUENTE HILLS IMPORTS DBA PUENTE HILLS TOYOTA, 13-R4D4-3930

61. QUAIL H FARMS LLC., 14-R2D4-0686

62. RELIABLE CONTAINER CORP., 10-R3D6-3592 THROUGH 3594

63. RESTORATION HARDWARE, INC., 14-R2D2-1912 AND 1913

64. ROEDERER ESTATE, INC., 13-R2D3-3824

65. SAN FRANCISCO GENERAL HOSPITAL & TRAINING CENTER, 14-R1D1-0325

66. SANTA ANA UNIFIED SCHOOL DISTRICT, 13-R3D1-3350

67. SELECT STAFFING, 13-R4D1-2701

68. SHASTA GREEN INC., 13-R2D3-2677 AND 2678

69. SHULTZ STEEL COMPANY, 11-R4D2-2861 THROUGH 2863

70. SMILE BRANDS, INC DBA BRIGHT NOW DENTAL, 14-R2D4-0685

71. SOUTHWESTERN COLLEGE, 13-R3D2-3877

72. STONE BLUE, INC., 14-R3D5-1711 THROUGH 1714

73. SURFACING SOLUTIONS INCORPORATED, 13-R3D2-3317

74. TRAFFIX DEVICES, INC., 14-R3D3-2047 THROUGH 2049

75. TRU GREEN LANDCARE, 13-R4D1-1849

76. UNITED PARCEL SERVICE, 14-R2D2-0244

77. URBAN PIONEER PROPERTY MANAGEMENT, INC., 14-R1D1-0404 THROUGH 0410

78. WEST COAST PACKING, INC., 13-R6D7-2828 AND 2829

79. WONDERFUL POOLS & SPAS, 13-R4D1-3882

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.