

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, September 17, 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: September 5, 2014**

**RE: Closed Session of the Board to be held on September 17, 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. GEORGE E. MASKER INC. DBA MASKER PAINTING, 13-R2D1-0570
2. UNITED PARCEL SERVICE, 13-R1D2-0040

**PETITIONS FOR RECONSIDERATION:**

1. ADVANCED RIGGERS & MILLWRIGHTS, LLC, 13-R3D1-2057
2. A TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895 (ER)
3. A TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895 (DOSH)

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

1. 840 THE STRAND, LLC, 13-R3D3-3353 AND 3354
2. MF MILLER COATINGS, INC., 12-R2D1-3488 AND 3489

**ORDERS DISMISSING APPEAL:**

1. KEITH KC LEE, INC., 13-R4D4-2418
2. PRIMO CORP., 14-R4D1-0347

**ORDERS GRANTING LEAVE TO FILE LATE APPEAL:**

**ORDERS DENYING LEAVE TO FILE LATE APPEAL:**

1. FERCO GROUP, INC., 14-R4D4-9110

**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.)*

1. CAL PAC SHEET METAL, INC., 13-R3D1-0547

**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. B & B ROOF PREPARATION, INC., 12-R3D6-2946
2. BELLINGHAM MARINE INDUSTRIES, 12-R2D2-3144 THROUGH 3146
3. CABRILLO ECONOMIC DEVELOPMENT CORP., 11-R4D3-3185 & 3186
4. DOUBLE S. FASHION, INC., 14-R6D5-1751 AND 1752
5. FEDEX GROUND, 13-R3D1-1220
6. HARRIS CONSTRUCTION, 03-R2D5-3914

7. HHS CONSTRUCTION, 12-R3D2-0492-0497
8. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR,  
08-R2D1-3093 THROUGH 3098
9. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
10. McCARTHY BUILDING CO., INC., 12-R1D4-3458
11. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
12. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
13. O.C. JONES AND SONS, INC. 13-R2D2-0310
14. REPUBLIC FURNITURE MFG., INC., 14-R6D2-9083
15. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
16. ROSENDIN ELECTRIC, INC., 12-R2D1-3028
17. SIERRA FOREST PRODUCTS, 09-R2D5-3979
18. SONIC DRIVE-IN, 12-R2D5-2734
19. TREASURE ISLAND MEDIA, INC., 10-R6D1-1093 THROUGH 1095
20. VICTORY SCREEN PRINTING 12-R3D1-3673 & 3674
21. WC STAFFING INC., DBA WEST COAST STAFFING, 13-R6D2-3522 AND 3523

**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)

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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)

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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) (3<sup>rd</sup> 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. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
36. BHC FREMONT HOSPITAL INC, RG13731145 (13-R1D2-0204)
37. IRWIN INDUSTRIES, BS14-9634 (12-R4D3-3276 & 3277)
38. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303  
THROUGH 1310)
39. 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)
5. AC TRANSIT, A142799, RG13-687314 (08-R1D4-0135)
6. 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. ACE WELDING, INC., 14-R2D1-2269 AND 2270
2. ALTMAN SPECIALTY PLANTS, INC., 14-R3D2-0839
3. ANTELOPE VALLEY COLLEGE, 14-R4D3-0763
4. ARROWHEAD TIMBER STRUCTURES, 14-R3D2-0867 AND 0868
5. ASTRO CUSTOM INJECTION MOLDING, INC. DBA ADDICKS ENGINEERING, 14-R3D5-0776 THROUGH 0778
6. BEIT T'SHUVAH, 14-R6D2-0627 THROUGH 0630
7. BENTLEY PRINCE STREET, INC., 14-R4D4-0634
8. BOGLE VINEYARDS INC., 14-R2D1-1015
9. CALIFORNIA METAL SERVICE, INC., 13-R3D2-2484 AND 2485

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10. CAL TECH PRECISION, INC., 14-R3D1-0179
11. CAPITAL ROOFING AND SHEET METAL, INC., 14-R3D3-2500  
THROUGH 2506
12. ERIC CARBAJAL DBA BAYSHOR BUILDERS, 14-R6D7-1099 AND 1100
13. ERIC CARBAJAL DBA BAYSHOR BUILDERS, 14-R6D7-1101 AND 1102
14. CHICO ELECTRIC, 14-R2D3-1868
15. COMPREHENSIVE ADDICTION PROGRAMS INC DBA CAP, 14-R6D1-1054  
AND 1055
16. CORRAL CONSTRUCTION & DEVELOPMENT, INC., 14-R3D5-2434  
THROUGH 2436
17. CRANEVEYOR CORP., 13-R4D1-2265
18. CRESTONE GROUP LLC, 14-R3D2-1034 AND 1035
19. DAVE SHAW CONCRETE & BLOCK, INC., 10-R4D1-3021 THROUGH 3026
20. DMS FACILITY SERVICES, INC., 13-R4D4-2170
21. DOLE FRESH VEGETABLES, INC., 13-R1D2-1098 AND 1099
22. DYESOFT, INC., 13-R4D1-3518 AND 3519
23. ECO FARMS AVOCADOS INC., 13-R6D2-3718 AND 3719
24. ELI INDUSTRIES, INC., 14-R4D1-0215
25. EMERGENCY VEHICLE OUTFITTERS, INC., 14-R2D1-1017
26. JOHN EVANSKI INC., DBA WESTERN MANUFACTURING CORP,  
14-R2D3-1136
27. FARMER'S RICE COOPERATIVE, 14-R2D1-1536 AND 1537
28. FIVE STAR ELECTRIC, 14-R3D2-0815
29. GARFIELD BEACH CVS, LLC., 14-R3D1-1085
30. GARZA CONTRACTING, INC., 14-R2D5-0836

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31. GARZA CONTRACTING, INC., 14-R2D5-0837
32. GARZA CONTRACTING, INC. 14-R2D5-0838
33. GLOBE IRON FOUNDRY INC., 14-R6D2-0845 THROUGH 0850
34. HENKELS & MCCOY, INC., 13-R4D4-1770
35. VICTOR HERNANDEZ DBA HANDYMAN SERVICES, 14-R1D1-1159  
THROUGH 1165
36. NORMA HUDSON DBA WINDSOR STUCCO CO., 14-R6D1-0779
37. I.A.B. ENTERPRISES, INC. DBA BARTA HIDE CO., 14-R6D7-1279
38. INTERNATIONAL ASIA, INC., 13-R3D1-3370
39. AMARJIT S KANDOLA & BIKKRAM S KANDOLA DBA KANDOLA  
BROTHERS, 14-R2D4-1337
40. KERN MASONRY STRUCTURES, INC., 13-R4D7-1195 AND 1196
41. LA COUNTY FIRE DEPARTMENT, 14-R4D3-0427
42. LA COUNTY SUPERIOR COURT, 14-R4D3-0973
43. LLOYD W. AUBRY CO., INC., 14-R1D2-1436
44. LOVETT & LOVETT ROOFING CO., INC., 14-R1D4-2531 THROUGH 2533
45. LUSARDI CONSTRUCTION COMPANY, 13-R3D2-3142
46. LUXURY MOTORWORKS, LTD, 14-R4D4-1008
47. MASH INDUSTRIES, INC., 14-R6D2-1795
48. MATERIAL LOGISTICS & SERVICES, LLC., 14-R3D5-2433
49. MCH ELECTRIC INC., 14-R1D4-2614 AND 2615
50. MICHAEL MCNEILLY, 11-R4D1-1613 THROUGH 1620
51. MECHANICAL INDUSTRIES, INC., 14-R3D3-0564
52. MERCY HOUSING INC – COUNTRYWOOD APARTMENTS, 14-R2D1-1623

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53. M GAW INC DBA JET SETS, 14-R6D2-1119 THROUGH 1121
54. MILLER ENVIRONMENTAL INC., 12-R3D2-0919 AND 0920
55. MOOREFIELD CONSTRUCTION INC., 13-R4D4-0800
56. MORLEY BUILDERS INC., 13-R4D1-3183 AND 3184
57. NE-MO'S BAKERY, INC., 14-R3D2-1194 AND 1195
58. NEWSTAR FRESHFOODS, LLC., 14-R1D2-2299 THROUGH 2301
59. BA NGAN NGUYEN, 13-R6D5-2626 THROUGH 2628 AND 14-R6D5-1430 THROUGH 1432
60. ORANGE COUNTY FIRE AUTHORITY, 14-R3D1-0311
61. ORANGE COUNTY FIRE AUTHORITY, 13-R3D1-0828
62. ORANGE COUNTY FIRE AUTHORITY, 12-R3D1-2101
63. OPTUMRX, INC., 14-R3D1-0809
64. PACIFIC STEAM EQUIPMENT INC., 14-R6D2-2220 THROUGH 2230
65. PARAMOUNT CITRUS, LLC., 13-R4D7-3179 THROUGH 3180
66. PAR ELECTRICAL CONTRACTORS, INC., 13-R4D3-1717 THROUGH 1721
67. POLARIS ELECTRIC COMPANY INC., 14-R3D5-0520
68. PRN AMBULANCE, INC., 14-R4D3-0992
69. QUANTUM STRUCTURE & DESIGN, 13-R4D4-1061 AND 1062
70. KENNETH POMAR REBONG DBA ACTIVE MIND & BODY VITALITY CENTER, 14-R1D2-0961 THROUGH 0964
71. RGW CONSTRUCTION INC., 14-R2D4-1575
72. ROBERTSON'S READY MIX, INC., 14-R5D3-1597
73. ROSENDIN ELECTRIC INC., 14-R3D2-0894 THROUGH 0896
74. SAFEWAY INC. DBA THE VONS COMPANY, 12-R3D2-0365 THROUGH 0367

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75. SAFEWAY, INC., STORE 3122, 14-R2D1-0696
76. JOHN SKIRZYNSKI DBA SHARP ROOFING, 12-R3D1-0867 AND 0868
77. SOUSA & SCHILBER, INC., 14-R6D7-0050 AND 14-R6D7-2609
78. JERRY ROBERT STANLEY, RODNEY GUS STANLEY DBA G & S PAVING,  
12-R1D3-0850 THROUGH 0852
79. SUMMITT CONSTRUCTION SOLUTIONS INC., 14-R6D7-2206 AND 2207
80. THE CRANE GUYS, LLC., 13-R4D4-0552
81. THE WINDSFORD CORP. DBA FORBES INDUSTRIES, 14-R4D4-0524
82. THOEMMES CABINET MAKERS INC., 14-R6D2-0378
83. TIMBER RIDGE FRAMING INC., 14-R3D2-2196
84. TOTAL PRODUCTIVE STAFFING DBA COST PERSONNEL SERVICES,  
14-R1D2-0860
85. TRAPEZE SCHOOL. NEW ORK CA LLC., 14-R4D1-0268 AND 0269
86. UNITED CABINET COMPANY, INC., 14-R6D2-1930 THROUGH 1932
87. WESTSIDE HULLING ASSOCIATION, 14-R2D4-2390 AND 2391
88. WOODEN WINDOW, INC., 14-R1D4-0767
89. SAMUEL H. YEE, DDS., 14-R3D1-0261
90. YUBA-SUTTER ONCOLOGY CENTER, 14-R2D1-1187 AND 1188

**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.