

STATE OF CALIFORNIA
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
MINUTES OF THE PUBLIC MEETING & CLOSED SESSION
Held on May 9, 2012
Sacramento, California

PRESENT:

Art R. Carter, Chairperson
Ed Lowry, Member
Michael Wimberly, Executive Officer
Martin Fassler, Presiding Administrative Law Judge
Ursula Clemons, Presiding Administrative Law Judge
Jeff Mojcher, Chief Counsel
Kari Johnson, Industrial Relations Counsel III
Thomas Song, Industrial Relations Counsel II
Phyllis Eldredge, Staff Services Analyst
Lee Berlin, Executive Secretary

MINUTES OF APRIL 25, 2012:

(Approval of minutes recording actions of previous Board meeting)

ACTION: Member Ed Lowry moved that the Board approve the draft minutes of the April 25, 2012 Board Meeting. Chairperson Carter seconded. The Board voted to approve the draft minutes of the April 25, 2012 Board Meeting.

ADMINISTRATIVE MATTERS:

(Review and discuss most current Board statistics)

1. STATISTICS

ACTION: Executive Officer Wimberly reported on Board and hearing calendar statistics, and outcomes of serious violation citations before the Board during the month of April.

2. 2012 RULEMAKING MATTERS

ACTION: Counsel Johnson outlined the Board's rulemaking process and briefly reviewed matters to be discussed at the next Advisory Committee meeting.

NEW BUSINESS:

(The Appeals Board hears and/or discusses new matters brought before the members.)

1. ADVISORY COMMITTEE MEETINGS

ACTION: The Board will hold an Advisory Committee Meeting on June 1 in conjunction with a previously-scheduled meeting of the rulemaking working group.

2. 2012/2013 BUDGET

ACTION: No report

OLD BUSINESS:

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

1. 2011/2012 BUDGET

ACTION: Executive Officer Wimberly reported that the Board is still finalizing its 2011-2012 budgeting activities in preparation for the new fiscal year.

LEGISLATION:

ACTION: Executive Officer Wimberly reported that the Department of Industrial Relations asked for an analysis of AB2346. The analysis was completed and submitted to the Department of Industrial Relations.

CHAIRPERSON'S REPORT:

ACTION: No report.

BOARD MEMBERS' REPORTS:

ACTION: Member Lowry reported that he represented the Board and gave a short talk at a Worker's Memorial Day event in Oakland on April 27.

EXECUTIVE OFFICER'S REPORT:

ACTION: Executive Officer Wimberly thanked Phyllis Eldredge and the members of the Legal Unit for their assistance in crafting the analysis of AB 2346. He also reported on steps being taken to replace the phone system in the West Covina office and explained actions required to revamp or replace the Oracle system that staff uses to track cases and hearings.

STAFF REPORTS:

ACTION: No report

Any matter not completed at this meeting may be continued to subsequent meetings.

PUBLIC COMMENT:

ACTION: No report.

The Board recessed to its Closed Session.

DECISIONS OF ADMINISTRATIVE LAW JUDGES:

GARY PELLANDINI DBA GARY PELLANDINI DAIRY, 10-R2D1-1979
JACKSON & BLANC, 11-R3D2-0977 AND 0978

ACTION: Member Lowry moved that the Board approve these Decisions

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of Administrative Law Judges. Chairperson Carter seconded. The Board voted to approve these Decisions of Administrative Law Judges. Orders with asterisks are deemed approved as amended.

ORDERS OF ADMINISTRATIVE LAW JUDGES:

ACCU AIR, INC., 11-R3D2-2322
ALTEN CONSTRUCTION, INC., 10-R2D2-3892 AND 3893
PETER AMANZE ANGELI & JASON CLAY BERTLOW DBA ANGELI BERTLOW
CONSTRUCTION, 11-R1D5-0574
ATLAS TREE SURGERY, INC., 10-R1D5-1390
BAILEY TREE COMPANY, INC., 11-R6D7-2150 AND 2151*
BAY AREA RAPID TRANSIT DISTRICT, 11-R1D3-2350
BAY VALVE SERVICE & ENGINEERING, 10-R2D2-2828 AND 2829
B & B MOTORS INC., DBA THOUSAND OAKS TOYOTA/SCION,
11-R6D2-2313
B & B RANCH, 11-R2D4-2054
BELLA VISTA WATER DISTRICT, 10-R2D3-1797
BLACKSTONE CRAKE & TIRE REPAIR INC., 11-R6D7-3278 THROUGH 3280
BRIDGFORD FOODS CORPORATION, 11-R6D2-1999 THROUGH 2010
CAHILL CONTRACTORS, INC., 10-R1D4-2737
CALIFORNIA SKATEPARKS, 11-R4D1-2343
CONSOLIDATED DISPOSAL SERVICE LLC, 11-R4D1-1059
CONTINENTAL MACHINE WORKS, INC., 12-R1D4-0628 THROUGH 0631
COUNTY OF PLACER – DEPT. OF PUBLIC WORKS, 09-R2D1-0440 and 0441*
CROP PRODUCTION SERVICES, 10-R6D3-3258
C&R WALL SYSTEMS, INC., 11-R2D1-2926
C & S WHOLESALE GROCERS, INC. DBA TRACY LOGISTICS, LLC,
10-R2D4-3449 AND 3450
CUSTOM DRYWALL INC., 10-R1D4-3270
DAYLIGHT FOODS, INC., 10-R1D2-4055 THROUGH 4057*
MARTIN DE DIOS & LUZE DBA CONQUISTA PANADERIA Y TAQUERIA,
11-R6D7-0568
DIVERSIFIED UTILITY SERVICES, INC., 10-R3D1-0421 THROUGH 0423
DORIS M. SEARS HOLDING COMPANY DBA K-MART, 11-R2D2-0151
DYNAPAC HARVESTING, INC., 11-R6D7-2622*
ENSIGN WELL SERVICES 11-R4D3-3247
EVAPTECH, 12-R3D2-0325
FBD VANGUARD CONSTRUCTION, INC., 11-R2D4-1604
FEDEX GROUND, 11-R2D1-0251
FISH MARKET RESTAURANTS, 12-R3D2-0127 AND 0128
FINIGAN & THONSON, 09-R2D1-0973 THROUGH 0977
FUQUA PHYSICAL THERAPY, 11-R2D1-2659*
FUTURE PLASTERING INC., 11-R6D7-2080
GENESCO INC., DBA HAT WORLD, 11-R1D4-0298 THROUGH 0300
GEORGE AMARAL RANCHES INC., 11-R1D2-1260
G & N RUBICON GEAR INC., 11-R3D1-1381

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GOLDEN BY-PRODUCTS, INC., 11-R2D4-2128 THROUGH 2130
GOLDEN VALLEY CITRUS INC., 11-R2D5-3144 AND 3145*
GRAYD-A METAL FABRICATORS, 11-R3D6-3112 AND 3113
GSE CONSTRUCTION CO. INC., 08-R2D1-5141 AND 5142
HALL MANAGEMENT CORPORATION, 11-R6D5-2646 AND 2647
HARTMARK CABINET DESIGN & MANUFACTURING INC., 11-R6D2-2011
THROUGH 2015
HISTORY OF SAN JOSE, 11-R1D2-1328 AND 1329
HOSTESS BRANDS, 11-R4D1-1015
INTERLOCKING PAVERS SPECIALIST, 11-R1D2-0864 AND 0865
J & B BODY & PAINT, INC., 10-R6D7-3233 AND 3234
J MCCABE PLUMBING INC., 11-R1D2-1261 AND 1262
J & R FARMS TRANSPORTATION, INC., 10-R2D5-1359 THROUGH 1361
KAN-DI-KI, LLC DBA DIAGNOSTIC LABORATORIES, 11-R1D4-0484
KENYON PLASTERING INC., 10-R6D7-3923
KEYS ALUMINUM, 11-R6D2-2619
K H S & S OF CONCORD, INC., 11-R2D2-0374 AND 0375
KIRKLEY CORPORATION, INC., 11-R4D2-1030
LANDMARK BUILDERS INC., 11-R6D7-2263 THROUGH 2269
LAWNMAN, INC., 11-R2D1-2656
MARMITEC CORPORATION DBA CITADEL TILE & MARBLE,
11-R6D67-2152*
MARTIN JEFFERSON & SONS, 11-R6D7-1287 AND 1288
MARUBENI SUSTAINABLE ENERGY, INC. DBA DG FAIRHAVEN POWER LLC,
10-R2D1-3094 THROUGH 3096
MARY'S PIZZA SHACK INC. #18, 12-R2D1-0297
MESA ENVIRONMENTAL SERVICES, INC., 11-R3D5-1880
MICHAELS/JAYDEE/COLUCCIO JOINT VENTURE, 11-R5D1-1707
MICHAELS/JAYDEE/COLUCCIO JOINT VENTURE, 11-R5D1-2241
MILT GUGGIA ENTERPRISES, INC., 11-R4D5-1319
MICRO-TECHNIC TOOL & STAMPING CORP., 11-R3D1-2383 AND 2384
MJO STAFFING INC., 11-R3D6-3037*
SALVADOR MUNOZ DBA LA CASA BUILDING CONTRACTORS,
11-R4D2-2141
MV TRANSPORTATION, 11-R2D2-1563
NAZARETH ENTERPRISES DBA YUBA SKILLED NURSING CENTER, INC.,
11-R2D1-0486
NISSIN FOODS, 11-R4D1-1621
NORTHGATE GONZALEZ LLC DBA NORTHGATE MARKET 22,
11-R6D2-1667 THROUGH 1670
OLIN'S FLOOR COVERING, 11-R6D1-0542
ORR BUILDERS, 12-R3D3-0326
PACIFIC EXCAVATION INC., 11-R2D1-1084
PENNINGTON CONSTRUCTION COMPANIES, 11-R4D1-2387
PRO PACIFIC PEST CONTROL LTD, 12-R3D2-0080 THROUGH 0082
QUANTA COMPUTER USA, INC., 11-R1D2-0481 AND 0482*

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RAMIREZ HARVEST CO INC DBA LIBERTY STAFFING,
11-R1D2-0867 AND 0868
RDR PRODUCTION BUILDERS INC, 09-R2D1-1189 THROUGH 1192
REDWOOD PAINTING COMPANY INC., 12-R6D3-0472
CORINA RIALTOS DBA MAIN STREET TIRE & WHEEL, 11-R6D7-1478
RIVERSIDE COMMUNITY DEVELOPMENT CODE ENFORCEMENT,
11-R3D3-2776
SACRAMENTO REFRIGERATION, 11-R2D1-0840
SAFEWAY INC., RICHMOND BREAD PLANT, 11-R2D2-0377
SALIM M. MOHAMMADI DBA A & K AUTO BODY & PAINT, 11-R1D4-0872
SAN JOSE ENVIRONMENTAL SERVICES DEPARTMENT,
11-R1D2-1920 AND 1921
SG WHOLESALE ROOFING SUPPLIES INC., 11-R3D1-2378 AND 2379
SHAW DIVERSIFIED SERVICES, 11-R3D6-3154
SIERRA PACIFIC INDUSTRIES, 09-R2D3-1951
SMITTY'S CONCRETE PUMPING INC., 11-R6D2-2805 THROUGH 2807
SNAK KING CORP., 11-R3D6-3227
SOLARCITY CORP. DBA SOLAR CITY, 11-R1D1-2557 AND 11-R1D1-2653
SOUTH FEATHER WATER & POWER AGENCY, 11-R6D3-2111*
SSA TERMINALS (SAN DIEGO), 11-R6D2-0823 THROUGH 0825
STEBBINS, INC DBA CREST CONSTRUCTION, 12-R1D4-0597
SULLIVAN AUTO GROUP DBA ROSEVILLE TOYOTA, 12-R2D1-0296
SUNNYVALE SANTA CLARA LLC DBA EL POLLO LOCO, 11-R1D2-1042
SUNRISE COMMUNITY CHURCH, 11-R2D1-2664
SUNVIEW COLD STORAGE, 11-R4D3-2639 THROUGH 2641
TENNYSON COMPANY, 11-R2D4-0615
TERRA PACIFIC LANDSCAPE, 11-R3D1-2994
THE ASTRA GROUP, 12-R3D2-0604
THE CARTER GROUP DBA ALLING IRON WORKS,
09-R2D1-2576 THROUGH 2578
THERMASOURCE, INC., 11-R1D5-1639
TIBURON VISTA RESTAURANT CORPORATION DBA GUAYMAS RESTAURANT,
10-R1D5-3620 THROUGH 3622
TIN INC. DBA TEMPLE-INLAND, INC., 11-R3D6-2817 THROUGH 2723
TRAXX CORPORATION, 11-R3D6-1881 THROUGH 1887
TRI QUALITY, INC., 09-R2D1-1770 THROUGH 1772
UPS FREIGHT, 10-R1D2-3348*
US JOINER LLC, 12-R6D2-0244 THROUGH 0246
VANTAGE CONSTRUCTION, 11-R6D7-2187 AND 12-R6D7-0973
VEOLIA WATER PROCESS SOLUTIONS, 12-R6D2-0042
VINTAGE PAVING CO., 09-R2D3-4199*
WAL-MART STORES, INC. STORE 5434, 11-R1D4-1079 TO 1080
W.E. O'NEIL CONSTRUCTION COMPANY OF CALIFORNIA, 11-R4D1-2041
WINDMILL COVE RESORT AND MARINA LLC, 11-R2D4-1691
THROUGH 1694
WINDOW WORLD OF CA – SAN DIEGO, 12-R3D2-0083 THROUGH 0085

LANCE ZIMMER DBA ZIMMER CONSTRUCTION, 11-R2D3-1641 AND 1642
ZONNEVELD DAIRIES INC., 12-R2D5-0269

ACTION: Member Lowry moved that the Board approve these Orders of Administrative Law Judges. Chairperson Carter seconded. The Board voted to approve these Orders of Administrative Law Judges. Orders with asterisks are deemed approved as amended.

KINDER MORGAN ENERGY PARTNERS, LP, 05-R5D1-2013 AND 2014

ACTION: The Board took no action on this Order of an Administrative Law Judge.

ORDER GRANTING LEAVE TO FILE LATE APPEAL:

ALPHA CERAMIC SUPPLIES, IN. DBA ALPHA FIRED ARTS, 12-R2D1-1191

ACTION: Member Lowry moved that the Board approve this Order Granting Leave to File Late Appeal. Chairperson Carter seconded. The Board voted to approve this Order Granting Leave to File Late Appeal.

ORDERS DENYING LEAVE TO FILE LATE APPEALS:

MICHELANGELO LEASING INC., 12-R3D2-9049
WILLIAMS JANITORIAL, 12-R2D5-9047

ACTION: Member Lowry moved that the Board approve these Orders Denying Leave to File Late Appeal. Chairperson Carter seconded. The Board voted to approve these Orders Denying Leave to File Late Appeal.

ORDERS DISMISSING APPEALS:

DOLLAR MAXX, 11-R1D1-1289
FRANCIS MONGOL DBA CAR LLC AUTO BODY, 10-R2D2-3830
THROUGH 3835
N.A. GENERAL FORKLIFT INC., 10-R1D4-3805 THROUGH 3807

ACTION: Member Lowry moved that the Board approve these Orders Dismissing Appeals. Chairperson Carter seconded. The Board voted to approve these Orders Dismissing Appeals.

PETITIONS FOR RECONSIDERATION:

FRG OIL, INC. DBA INSTANT SMOG CHECK, 11-R3D2-1056
ROSAL AUTO RECYCLERS, INC. DBA CONTINENTAL TOWING, INC.,
10-R2D2-1050 THROUGH 1052
WILLIAMS JANITORIAL, 12-R2D5-9047

ACTION: Member Lowry moved that the Board vote to accept the Legal Unit's recommendation to deny these Petitions for Reconsideration. Chairperson Carter seconded. The Board voted to accept the Legal Unit's recommendation to deny these Petitions for Reconsideration.

DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFTS):

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

ACTION: Member Lowry moved that the Board approve this draft Denial of Petition for Reconsideration. Chairperson Carter seconded. The Board voted to approve this draft Denial of Petition for Reconsideration.

MATTERS PENDING RECONSIDERATION:

A-1 PROTECTIVE SERVICES, INC., 10-R1D1-1592
A-CO TEMPORARY POWER, 10-R4D1-3110 AND 11-R4D1-9206

ALIKA IKAIKA ENTERPRISES INC., DBA ATTENTION TO DETAILS, INC.,
10-R1D2-1191

ACTION: Member Lowry moved that the Board approve this draft Decision After Reconsideration for signature. Chairperson Carter seconded. The Board voted to accept this draft Decision After Reconsideration for signature.

ALLIED SALES & DISTRIBUTION, INC., 11-R6D2-0480
AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
AC TRANSIT, 08-R1D4-0135
AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655
BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1219 AND 1221
BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239 THROUGH 2241
BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445 AND 3448
BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
CA RASMUSSEN, INC., 08-R4D5-219 AND 220
C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
CENTRAL VALLEY ENGINEERING & ASPHALT, INC.
08-R2D1 5001 AND 5002

C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155

ACTION: Member Lowry moved that the Board approve this draft Decision After Reconsideration for signature. Chairperson Carter seconded. The Board voted to accept this draft Decision After Reconsideration for signature.

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COFFMAN SPECIALTIES, INC., 10-R3D3-3532
COMMERCIAL METAL FORMING, 09-R3D1-1592
CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
DELTA TRANSPORTATION, INC., 08-R2D1-4999
DENIO'S ROSEVILLE FARMERS MARKET & AUCTION INC. 11-R2D1-2431
DESIGN BUILDERS, INC., 08-R4D4-1901
DISTRIBUTION CENTER MANAGEMENT GROUP (DCMG), 11-R3D3-2896
DUKE PACIFIC, INC., 08-R3D3-574
EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS,
09-R6D2-2325 THROUGH 2332
EZ MIX, INC., 08-R4D3-1898
FDO INC. DBA GRAND AMERICAN DOORS, 10-R6D2-1215 THROUGH 1219
FORTUNA IRON WORKS 06-R2D3-4222
GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687
HOME DEPOT, 10-R3D6-3284
HYDRO-SCIENCE OPERATIONS INC., 10-R1D2-0389
LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
LION RAISINS, INC., 08-R2D5-2253 AND 2254
LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
MARINE TERMINALS, 08-R6D2-1920
MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
ORANGE COUNTY FIRE AUTHORITY, 10-R3D1-3667
OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC.,
08-R2D1-0025 AND 0026
POUK & STEINLE, INC., 09-R3D3-0491
ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
SDCCD – CONTINUING EDUCATION N C CENTER, 11-R3D2-1196
SDUSD – PATRICK HENRY HIGH SCHOOL, 11-R3D2-1296 AND 1297
SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
SHERWOOD MECHANICAL, INC., 08-R3D2-4690 THROUGH 4693
SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
SMUD, 08-R2D1-4887 THROUGH 4889
MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR,
08-R2D1-3414 THROUGH 3418
McPHERSON ENTERPRISES, INC., 10-R2D5-0995
STAFFCHEX, 10-R4D3-2456 THROUGH 2458
SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850

A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION,
05-R2D4-2650 AND 2651

A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 09-R4D5-0459 AND 0460
VIC ROSS'S MASONRY, INC., 11-R3D2-0708 AND 0709

LEGISLATION:

ACTION: No report

PENDING LITIGATION:

SUPERIOR COURT:

1. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB)
(00-440)
ACTION: Chief Counsel Mojcher provided an update on this matter.
2. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
3. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
ACTION: Chief Counsel Mojcher provided an update on this matter.
4. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
5. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430
(09- 9280/9281)
6. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047 (07-
R5D1-3611)
7. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP,
34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
8. SMUD, 34-2010-80000723 (08-R2D1-4887)
9. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
10. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
11. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965 (10-
0188~0191)
12. GUILLAUME GRAPEVINE NURSERY, INC., 34-2011-800001010
(08-R2D1-3273)
13. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459)

THROUGH 2461)

14. FLATIRON CONSTRUCTION CORP, 34-2012-800001029 (10-R4D1-2789)

15. HOLLANDER HOME FASHION, BS-135444 (10-R4D2-3704)

16. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 12CV01039
(07-0275)

COURT OF APPEAL

1. JERLANE, INC., D060844 (2007-00056381) (01-4344 and 4345)

ACTION: Chief Counsel Mojcher reported that a response brief has been submitted to the court.

PERSONNEL:

ACTION: No report.

The Closed Session adjourned at 12:09 p.m. and the Board returned to the Public Meeting. The Appeals Board incorporated by reference its ACTIONS in the Closed Session, as indicated above. With no further business, the meeting was adjourned at 12:10 p.m.