

**State of California**  
**Department of Industrial Relations**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, April 25, 2012**  
**10:00 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 12, 2012**

**RE: Closed Session of the Board to be held on April 25, 2012**

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.

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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. BAY AREA STAIRS INC., 09-R2D2-2025 AND 11-R2D2-1362 AND 1363
2. J.R. PIERCE PLUMBING CO. INC OF SACRAMENTO, 09-R2D1-4108 AND 4109
3. MARIO MONTANO, 11-R4D1-1060 THROUGH 1062
4. NATIONAL STEEL AND SHIPBUILDING COMPANY, 11-R6D2-0987
5. SIERRA FOREST PRODUCTS, 09-R2D5-3979

**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*

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*appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. ACLA DERMATOLOGY AND MEDICAL CLINIC, 11-R4D1-1546 THROUGH 1549
2. ADDINK TURF DBA A-G SOD FARMS, 11-R4D3-2905
3. ALTA SERVICES INC. DBA ALTA CONTRACTING, 11-R3D1-1697
4. ALTEN CONSTRUCTION, INC., 10-R1D1-2931
5. PASCUAL SALDANA ALVAREZ, 10-R2D5-2940
6. AMERICAN MEDICAL RESPONSE INC., 10-R1D4-1665
7. ANWAN, INC. DBA LA BABY, 11-R3D6-1990 AND 1991
8. ARROW CONCRETE CUTTING CO., 11-R4D1-1994 AND 1995
9. CHRISTOPHER BARBOZA DBA BLUE CASTLE CONSTRUCTION, 11-R1D2-0432
10. BAY COUNTIES WASTE SERVICES (SMART STATION), 10-R1D3-3198 AND 3199
11. JACK BENZ DBA PENINSULA FENCE COMPANY, 11-R6D1-0111
12. BEVERLY FABRICS, INC., 11-R1D2-2697
13. BIG VALLEY LABOR, LLC, 10-R1D2-4058 THROUGH 4060
14. BISHOP RANCH VETERINARY CENTER, 10-R2D2-2868
15. BROOKSIDE SKILLED NURSING HOSPITAL, 10-R1D3-1480
16. CA DEPARTMENT OF MENTAL HEALTH VACAVILLE, PSYCHIATRIC PROGRAM, 11-R2D2-0952
17. CALAVERAS PUBLIC UTILITY DISTRICT, 11-R6D3-3013 THROUGH 3015
18. CARDINAL INDUSTRIAL FINISHES, 11-R3D6-2571 AND 2572
19. C B HARVESTING LLC, 11-R1D2-0648 AND 0649
20. C C & D ELECTRIC INC., 12-R3D3-0327 THROUGH 0330

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21. CIMINO'S CABINET DOORS, INC., 10-R6D1-3112 THROUGH 3114
22. CIMINO'S CABINET DOORS, INC., 10-R6D1-3115 AND 3116
23. CITY OF SAN JOSE, 11-R1D2-0249
24. CLAWSON CONSTRUCTION, INC., 11-R1D4-1222
25. COMMAND CENTER, INC., DBA COMMAND CENTER STAFFING,  
11-R1D4-0593
26. COMPLETE BUILDING SERVICES, 11-R1D4-0244 THROUGH 0246
27. CONSTRUCTION SERVICES GROUP INC. DBA HUNT BROTHERS,  
11-R3D1-1569
28. COOKS CONSTRUCTION, 11-R4D3-2978 AND 2979
29. COUNTY OF ALAMEDA SOCIAL SERVICES AGENCY, 11-R1D4-1103
30. CUSTOM COOLER, INC., 11-R6D2-1212 AND 1213
31. CUSTOM DRYWALL INC., 10-R1D4-3271
32. DOLPHIN RENTS INC., 11-R4D2-1126
33. DRAGON PRODUCTS ESP, LTD, 11-R2D4-0155 THROUGH 0157
34. DUNLOP MANUFACTURING, INC., 10-R2D2-1421 AND 1422
35. DUTRA STEEL INC., 11-R2D3-1154
36. FRANK JR. FARMS, 12-R1D2-0478 AND 0479
37. GARFIELD BEACH CVS LLC, 11-R3D6-2899 AND 2900
38. GEORGE CHIALA FARMS, INC., 11-R1D2-0401
39. EARL GIACOLINI, 10-R2D5-0818 AND 0819
40. GRANITE CONSTRUCTION COMPANY, 09-R2D5-2424 THROUGH 2426
41. GRANITE ROCK COMPANY, 11-R1D2-0343 AND 0344
42. GUDGEL ROOFING INC., DBA YANCEY ROOFING, 10-R2D1-1601

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43. HENRY'S HAULING CONSTRUCTION SERVICES DBA HH CONSTRUCTION,  
11-R6D5-2811
44. HOWROYD-WRIGHT EMPLOYMENT AGENCY INC. DBA ALLSOURCE,  
11-R4D1-1888
45. JELD-WEN INC., 10-R2D1-2441 AND 2442
46. JENSEN & PILEGARD, 11-R6D1-1790
47. JOHN KELLEHER, 11-R2D5-2227 AND 2228
48. KENAI DRILLING LIMITED, 11-R4D3-3040
49. KERN ASPHALT & PAVING, 11-R2D5-3084 AND 3085
50. KOOSHAREM CORPORATION DBA SELECT STAFFING, 11-R4D1-2040
51. LA AMAPOLA, INC. DBA AMAPOLA SUPER DELI MARKET, 11-R6D2-1277
52. LIBERTY STAFFING, 11-R6D3-0924
53. LOOMIS ARMORED US, LLC, 11-R2D5-1736
54. ALICIA LOPEZ DBA THE WOOD CARVER, 11-R6D5-3331 AND 3332
55. JUAN LUIS AYALA LOPEZ DBA JA CONTRACTING, 10-R2D5-0003 AND 0004
56. LOS GATOS-SARATOGA HIGH SCHOOL DISTRICT, 10-R1D2-2887
57. MCDCC1X, LP DBA MCDONALD'S, 11-R2D4-2849
58. MCE CORPORATION, 10-R2D2-3851
59. RADHIKA MOHANDAS, A PROFESSIONAL CORPORATION DBA  
MONTEREY MEDICAL CENTER, 10-R1D2-3886 THROUGH 3888
60. JUAN MORALES, 11-R6D7-2270 AND 2271
61. PATRICK MULDOON DBA LAW OFFICES OF PATRICK MULDOON,  
11-R3D5-1817
62. MY CAFÉ INC., 12-R1D4-0201
63. NEW CENTURY SNACKS, 11-R4D2-1182 AND 1183

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64. BENJAMIN LOPEZ ORTEGA, DBA BENJAMIN LOPEZ, FLC, 11-R2D4-1843
65. PACIFIC GAS & ELECTRIC – DIABLO CANYON POWER PLANT,  
11-R4D3-3000 AND 3001
66. PARAMOUNT CITRUS, 09-R2D5-2991 AND 2992
67. PODESTA PACKING, LLC, 11-R2D4-2276
68. PORTRAIT HOMES, 10-R1D1-2930
69. QUALITY STEEL BUILDERS, 09-R2D5-3551
70. RAMCO ENTERPRISES LP, 11-R6D3-0923
71. RAVA RANCHES, INC., 10-R1D2-3197
72. RC FARMS, LLC, 11-R1D2-0248
73. READY PAC, 11-R3D6-3038 AND 3039
74. REXAM BEVERAGE CAN COMPANY, 10-R2D2-3849 AND 3850
75. RH HOLDINGS WEST INC. DBA PETE’S STOP TIRE, 11-R6D7-0933
76. RONCO ELECTRIC, INC., 11-R4D3-3041 THROUGH 3043
77. RALPH ROOS, 1-R6D7-0934 AND 0935
78. SAGE CONTRACTING CO INC., 11-R3D1-1532
79. SANACT INC., DBA ROTO ROOTER, 11-R1D2-1220 AND 1221
80. SAN JOAQUIN REFINERY CO., INC., 11-R6D4-1092 AND 1094
81. SCHETTER ELECTRIC, INC., 10-R1D4-2736
82. SCHRYER/THOMPSON CONSTRUCTION, INC., 11-R2D2-0760  
THROUGH 0764
83. SILVERLINE CONSTRUCTION, INC. , 11-R1D2-1593
84. LAWRENCE SITU DBA LAWRENCE LANDSCAPING SERVICE, 10-R1D1-0939
85. SPRAY TECH PAINTING, INC., 12-R4D3-0456

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86. SQUARE H BRANDS, INC., 11-R6D2-0981 THROUGH 0986
87. STRATEGIC OUTSOURCING INC., 10-R2D5-0905 THROUGH 0914
88. SUNRISE FARMS, LLC, 11-R1D5-0005 AND 0006
89. SURFACE PUMPS, INC., 11-R4D3-2445
90. TANAMURA & ANTLE, INC., 11-R1D2-0345
91. THE PRINTER WORKS, 11-R1D4-0995
92. THERANOS, INC., 11-R1D3-0838 AND 0839
93. THE WINE GROUP, INC., DBA FRANZIA WINERY, 11-R2D4-1735 AND  
11-R2D4-1870
94. EARNEST A. THOMAS DBA TREE CARE OF CALIFORNIA, 11-R2D2-0801
95. TLG, INC. SECURITY SERVICES, 11-R1D2-1724
96. TRANSPAK, 11-R1D2-1519
97. TRU-COLOR CONCEPTS, 10-R6D7-3969 AND 3970
98. TSA SERVICES INC. DBA TSA STAFFING SERVICES, 11-R3D6-3053
99. TUFF SHED INC., 11-R1D2-0519
100. TUFF STUFF PRODUCTS BY KORMEX PLASTICS USA, INC., 11-R2D5-1375  
THROUGH 1377
101. ART VELASQUEZ DBA ARTS AUTO BODY & PAINT, 10-R6D7-3472  
AND 3473
102. VENTURA COASTAL LLC, 11-R2D5-2894
103. VENTURA COASTAL LLC, 12-R2D5-0121
104. WACHTER, INC., 12-R3D3-0529
105. WALNUT HILL ESTATE ENTERPRISES LLC DBA THE OROVILLE INN  
APARTMENTS, 10-R2D1-1484
106. DUSTIN WARANER DBA WARANER TREE EXPERTS, 10-R1D2-3353

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107. WATERLOO ENTERPRISES DBA CLARION INN & SUITES, 11-R2D4-1341
108. WEATHERFORD U.S., LIMITED PARTNERSHIP, 11-R2D3-2689
109. WEST VALLEY STAFFING GROUP, 10-R1D2-3314
110. WHOLESALE EQUIPMENT, INC., 11-R2D5-1564
111. W. WHY ENTERPRISES INC. DBA EASTERN VAN LINES, 11-R3D6-3183
112. ZIVCO CORPORATION INC. DBA METAL BUILDING CO., 11-R1D2-1082

**ORDERS DISMISSING APPEALS:**

1. EMILIO PONCE JAUREGUI DBA PONCE FARM LABOR,  
10-R6D7-1791 AND 1792
2. RFG OIL, INC. DBA INSTANT SMOG CHECK, 11-R3D2-1056

**PETITIONS FOR RECONSIDERATION:**

*(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)*

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

**DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):**

1. ARIAL TECHNOLOGIES LLC 11-R3D2-1383 AND 1384
2. METRO SHEET METAL, INC., 11-R6D2-0784 THROUGH 0793
3. RMJ CONSTRUCTION, 11-R3D3-9013
4. SOUTHERN CALIFORNIA VALVE, INC., 12-R3D6-9014

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

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3. ALIKA IKAIKA ENTERPRISES INC., DBA ATTENTION TO DETAILS, INC.,  
10-R1D2-1191
4. ALLIED SALES & DISTRIBUTION, INC., 11-R6D2-0480
5. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
6. AC TRANSIT, 08-R1D4-0135
7. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
8. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
9. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY  
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
10. ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655
11. BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1219 AND 1221
12. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
13. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239  
THROUGH 2241
14. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445  
AND 3448
15. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
16. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
17. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
18. CENTRAL VALLEY ENGINEERING & ASPHALT, INC.  
08-R2D1 5001 AND 5002
19. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
20. COFFMAN SPECIALTIES, INC., 10-R3D3-3532
21. COMMERCIAL METAL FORMING, 09-R3D1-1592
22. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960

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23. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
24. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
25. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
26. DELTA TRANSPORTATION, INC., 08-R2D1-4999
27. DENIO'S ROSEVILLE FARMERS MARKET & AUCTION INC. 11-R2D1-2431
28. DESIGN BUILDERS, INC., 08-R4D4-1901
29. DISTRIBUTION CENTER MANAGEMENT GROUP (DCMG), 11-R3D3-2896
30. DUKE PACIFIC, INC., 08-R3D3-574
31. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS,  
09-R6D2-2325 THROUGH 2332
32. EZ MIX, INC., 08-R4D3-1898
33. FDO INC. DBA GRAND AMERICAN DOORS, 10-R6D2-1215 THROUGH 1219
34. FORTUNA IRON WORKS 06-R2D3-4222
35. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687
36. HOLLINGER CONSTRUCTION INC., 11-R4D1-0891
37. HOME DEPOT, 10-R3D6-3284
38. HYDRO-SCIENCE OPERATIONS INC., 10-R1D2-0389
39. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
40. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
41. LION RAISINS, INC., 08-R2D5-2253 AND 2254
42. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
43. MARINE TERMINALS, 08-R6D2-1920
44. McPHERSON ENTERPRISES, INC., 10-R2D5-0995
45. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274

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46. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
47. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
48. ORANGE COUNTY FIRE AUTHORITY, 10-R3D1-3667
49. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
50. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
51. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
52. POUK & STEINLE, INC., 09-R3D3-0491
53. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
54. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
55. SDCCD – CONTINUING EDUCATION N C CENTER, 11-R3D2-1196
56. SDUSD – PATRICK HENRY HIGH SCHOOL, 11-R3D2-1296 AND 1297
57. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
58. SHERWOOD MECHANICAL, INC., 08-R3D2-4690 THROUGH 4693
59. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
60. SMUD, 08-R2D1-4887 THROUGH 4889
61. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
62. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
63. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
64. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
65. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650 AND 2651
66. A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 09-R4D5-0459 AND 0460

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67. THAYER CONSTRUCTION, INC., 09-R3D3-4206 THROUGH 4208

68. VIC ROSS'S MASONRY, INC., 11-R3D2-0708 AND 0709

**LEGISLATION:**

*(Discussion of pending legislation which may require Board analysis pursuant to Government Code section §6254(l))*

**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. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB) (00-440)
2. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
3. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
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)

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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)

**PERSONNEL:**

*(Issues regarding staff)*

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