

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, March 17, 2010**  
**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: March 4, 2010**

**RE: Closed Session of the Board to be held on March 17, 2010**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) 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. AMERICAN REMEDIAL TECHNOLOGIES, 08-R4D2-3154 THROUGH 3156
2. GAYLE MANUFACTURING COMPANY, INC., 07-R2D1-3104
3. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
4. SHEEDY DRAYAGE, 06-R1D4-3053 THROUGH 3055

**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.)*

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1. A BAR AG ENTERPRISES, INC., 08-R2D4-4426 AND 4427
2. A. SAMBADO & SONS, INC., 09-R2D4-3360
3. ALCOA FASTENING SYSTEMS, 09-R3D6-1609
4. AMG CONSTRUCTION, 09-R6D5-1562 THROUGH 1564
5. ARMARK UNIFORM SERVICE, 07-R2D5-4240 AND 4241
6. AUTO SPA CONNECTION, INC., DBA MAJESTIC CARWASH, 09-R4D1-2736 THROUGH 2739
7. JUAN LOUIS AYALA-LOPEZ DBA J A CONTRACTING, 08-R2D5-3039
8. B & B FLYING SVC., INC. DBA INTERSTATE AG PLASTICS, 09-R4D3-2550 AND 2551
9. BOMEL CONSTRUCTION COMPANY, INC., 09-R4D1-2028
10. BRAGG CRANE AND RIGGING, 09-R4D3-2475 AND 2476
11. LANNIE BRANSON DBA L & S CONSTRUCTION, 09-R6D7-3376
12. BURKE ROOFING, INC., 08-R2D3-3928 AND 3929
13. CA DEPARTMENT OF WATER RESOURCES, 07-R2D4-3566 THROUGH 3569
14. CALIFORNIA UNITED TERMINALS, 08-R6D2-3232
15. CERADYNE, INC., 09-R3D1-2952
16. COMM-FAB, INC., 09-R3D3-2880 AND 2881
17. COUNTY OF LOS ANGELES – OFFICE OF EDUCATION, 10-R3D6-0373
18. STEVEN CHARLES COVEY DBA ROSEVILLE RECYCLING, 09-R2D1-1681
19. DEL MAR DIE CASTING, 09-R4D1-3496
20. DELTA OILFIELD SERVICES, INC., 09-R2D3-1865
21. DESERT MIST FARMS, 09-R6D5-2264 AND 2265
22. DICALITE MINERALS CORPORATION, 09-R5D1-2519

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23. DNA CONSTRUCTION, 09-R4D3-2825
24. DR. GUTTERS, INC., 09-R4D3-1241 AND 1242
25. EL BAJIO PACKING, INC., 09-R1D2-2675
26. EL DORADO HILLS SELF STORAGE LLC DBA GOLD KEY STORAGE, 08-R2D1-2709
27. EL DORADO MOLDS, INC., 09-R2D1-1860
28. EMMA CORPORATION, 09-R4D3-3144
29. ENNIS INCORPORATED, 09-R4D5-2226 AND 2227
30. E T BALANCING, 09-R4D2-1598
31. EWELL CONSTRUCTION, INC., 09-R4D1-4287 AND 4288
32. FERRARI-CARANO VINEYARDS AND WINERY LLC, 08-R1D5-4195 THROUGH 4197
33. FIRE GUARD CORPORATION, 09-R4D1-3781
34. FORWARD VENTURES, 09-R3D2-2832
35. GECKO CONCRETE, 09-R1D4-2636
36. GENE WEST & CO. LLC, 09-R2D1-0900 AND 0901
37. GLACIER COLD STORAGE, INC., 09-R6D4-3659 THROUGH 3661 and 3666
38. HERAEUS METAL PROCESSING LLC, 09-R3D6-2864
39. INTERNATIONAL PAPER, 09-R2D5-0036 THROUGH 0038
40. JAGUAR FARM LABOR CONTRACTING, INC., 08-R2D4-4262
41. JUANITA'S FOOD, INC., 09-R6D2-3331 THROUGH 3334
42. K C PLUMBING, 09-R3D5-3321 and 09-R3D5-3472
43. L.A. DEPARTMENT OF WATER & POWER, 09-R4D2-2596
44. LINDBLADE METAL WORKS, INC., 09-R6D2-1600 THROUGH 1605

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45. LUCKY LABOR SOURCE, 08-R1D2-3403
46. MARICOPA PACKERS LP, 09-R4D3-3239 AND 3240
47. MARINE FENDER INTERNATIONAL, INC., 09-R3D5-0907 AND 0908
48. MCGUIRE BUILDERS, INC., 09-R4D1-2094
49. MO MO FASHION, 09-R6D5-2834 AND 2835
50. MORTON REINFORCING, INC., 08-R2D3-3691
51. NYK LOGISTICS (AMERICAS), INC., 09-R3D5-1733
52. PATRIOT DOORS, 09-R4D3-3002 THROUGH 3004
53. PCL INDUSTRIAL SERVICES, 09-R6D2-2414 THROUGH 2416
54. PRECISION FRAMING, INC., 07-R2D5-4674 THROUGH 4646
55. RAPID MOLDED PRODUCTS LLC, 09-R3D3-1235 AND 1236
56. READY PAC PRODUCE, INC., 09-R3D6-0243 THROUGH 0245
57. REGENCY GENERAL CONTRACTORS, INC., 09-R1D5-3121 THROUGH 3124
58. RICH'S JON DONAIRE DESSERTS, 09-R3D6-1734 AND 1735
59. ROSS PLASTERING, INC., 09-R4D3-1956 THROUGH 1958
60. S. NAVA & SON PLASTERING CO., INC., 08-R1D4-2882
61. SAFEWAY, INC., 08-R2D4-1144 THROUGH 1146
62. SEDIG MASONRY, INC., 09-R3D3-1519
63. SELVAGE CONCRETE PRODUCTS, INC., 08-R1D5-4680
64. SERRA MANUFACTURING CORP., 09-R4D2-2598 THROUGH 2600
65. SUN WORLD INTERNATIONAL LLC, 09-R6D2-2035 AND 2036
66. SYAR INDUSTRIES, INC., 09-R5D1-3556
67. TONY HARDY CONSTRUCTION, INC., 08-R2D1-3587

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68. VALLEY PRIDE, INC., 09-R6D5-2131 AND 2132
69. VENTURA COUNTY SHERIFF'S DEPT., 09-R4D3-3326
70. W A RASIC CONSTRUCTION COMPANY, 09-R5D2-3005
71. YANDELL TRUCKAWAY, INC., 09-R2D4-2149
72. YELLOW TRANSPORTATION, INC., 09-R3D6-1653 AND 1654
73. YUM YUM DONUT SHOPS, INC., 09-R3D5-3842

**ORDERS DISMISSING APPEALS:**

1. R3 AUTOMOTIVE, 08-R6D5-5133
2. INDALEX ALUMINUM SOLUTIONS DBA INDALEX, INC., 09-R3D6-0758
3. JOHNSTON FARMS, 07-R2D5-5163
4. JOSE MANUEL ROMERO FLC, 08-R2D5-1585
5. SIXELLS, 08-R2D1-0034
6. SUPERIOR PAINTING BUILDING & REMODELING, 08-R2D1-0681 AND 0682
7. TANDOORIE WOK, INC., 09-R6D5-1399
8. TOLEDO FARMS, 08-R2D4-0290 AND 0291

**ORDER DISMISSING LATE APPEAL:**

1. PEDRO MONTES DE OCA DBA ALFA & OMEGA BODY SHOP, 10-R6D7-9063

**ORDER TO PROCESS APPEAL AS TIMELY:**

1. FRICKE'S ELECTRICAL CONTRACTING, 10-R2D1-0552

**ORDERS ALLOWING APPEAL TO PROCEED:**

1. VERIZON, 10-R4D1-0598 AND 0599
2. WHOLE ENERGY FUELS, 10-R1D3-0591 THROUGH 0597

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

1. G.P. INDUSTRIES DBA RENO IRON WORKS, 10-R2D4-0515 AND 0516

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

1. HARBHAJAN SING DBA PONJAB FARMS, 10-R6D5-9042
2. JOSE R. HERNANDEZ DBA SUPER SPORT BODY & PAINT, 10-R6D5-9061
3. OVIDIO G. GARZA FARM LABOR CONTRACTOR DBA OVIDIO GARZA, 10-R3D3-9043
4. RANCHO DEL MAR, INC., 10-R6D5-9062
5. SUPER STAR MART LLC DBA OCEANVIEW SUPERMARKET, 10-R1D1-9040
6. THE ORTIZ COMPANY DBA INLINE CONSTRUCTION, 10-R3D1-9041
7. WHITMORE STEEL, INC., 09-R6D2-9039

**ORDER AFTER REMAND:**

1. PROAM ENTERPRISE, INC., DBA CLOVER ELECTRONICS USA, 09-R3D5-2027

**STIPULATIONS:**

1. C JONES & SONS, INC., 09-R1D2-3430
2. GREEN TEAM OF SAN JOSE, 07-R1D2-3088 AND 3089
3. JRK VINEYARD MANAGEMENT, INC. DBA STAGECOACH VINEYARDS LTD PARTNERSHIP, 08-R1D5-2976 THROUGH 2979

**PETITIONS FOR RECONSIDERATION:**

1. FRANKS ROOTER & PLUMBING SERVICE, INC., 09-R4D3-9312
2. INTERCON CONTRACTORS, INC., 09-R4D1-9348
3. STATE ROOFING SYSTEMS, INC., 08-R1D5-0275 AND 0276

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

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1. KINETIC SYSTEMS, INC., 06-R2D2-3627

**DECISIONS AFTER RECONSIDERATION (DRAFTS):**

*(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)*

1. A & C LANDSCAPING, INC. aka A & C CONSTRUCTION, INC., 03-R4D4-4791
2. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
3. AC FRAMERS INC., 03-R2D3-3475
4. AC TRANSIT, 08-R1D4-0135
5. ADVANCE DISPOSAL CO. & RECYCLING CENTER DBA BESTWAY DISPOSAL, 09-R3D3-9212
6. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
7. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
8. ANNING-JOHNSON COMPANY, 06-R1D3-1976
9. AVESON EDUCATIONAL COOPERATIVE, 09-R4D2-0337
10. BART, 03-R1D1-5170
11. BIMBO BAKERIES USA, 03-R1D3-5215 THROUGH 5217
12. BIMBO BAKERIES USA, 05-R6D2-856 AND 857
13. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
14. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445
15. BURTON L. SILVA FARMS, 09-R1D2-1498
16. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
17. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
18. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
19. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905

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20. CELTIC SCAFFOLDING, INC., 08-R1D1-1469 THROUGH 1471
21. PEN CHANG, 08-R2D4-3102
22. CLINE CELLARS, INC., 08-R1D5-2946
23. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336
24. CNL ROOFING COMPANY, 08-R1D2-1692 AND 1693
25. COMMERCIAL METAL FORMING, 09-R3D1-1592
26. CORE GENERAL CONTRACTOR, INC. DBA CORE BUILDERS, 08-R1D2-1379
27. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
28. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
29. DAVIS BROTHERS FRAMING, INC., 03-R3D1-114
30. DAVIS BROTHERS FRAMING, INC., 05-R3D3-634 THROUGH 636
31. DESIGN BUILDERS, INC., 08-R4D4-1901
32. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
33. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
34. DUKE PACIFIC, INC., 08-R3D3-574
35. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
36. DUININCK BROS., INC., 06-R4D3-2871
37. DYNALECTRIC, 03-R1D1-4101
38. E. C. U., INC., 09-R3D5-1094 AND 1095
39. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
40. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
41. EZ MIX, INC., 08-R4D3-1898
42. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477

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43. FORTUNA IRON WORKS 06-R2D3-4222
44. FREAS PLASTERING CO., INC., 08-R1D1-1188 AND 09-R1D1-2568
45. G.T. ALDERMAN, INC., 05-R4D3-3513
46. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
47. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
48. GLASS PAK, 03-R2D2-750 AND 751
49. GOLDEN WEST INDUSTRIES, INC., 08-R3D2-3930
50. GRISWOLD INDUSTRIES, 09-R6D2-0981 THROUGH 0984
51. HAMMOND POWER SOLUTIONS, INC., 09-R4D2-1124 AND 1125
52. HARBOR ORNAMENTAL, INC., 09-R3D5-2086
53. HB PARKCO, 07-R4D2-1730 AND 1731
54. HELPMATES STAFFING SERVICES, 05-R3D3-2239
55. HELM & SONS, INC., DBA HELM & SONS AMUSEMENTS, 08-R3D3-3513
56. THE HERRICK CORP., 07-R3D1-495
57. HUSSMAN CORPORATION, 03-R3D1-2939
58. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
59. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
60. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
61. JENSEN PRECAST, 05-R2D1-2377
62. JOHN LAING HOMES, 04-R3D1-194 AND 195
63. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
64. JT WINDOWS, INC., 09-R6D2-0693 THROUGH 0698
65. KELLY SERVICES, INC., 06-R1D2-1024

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66. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-323
67. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
68. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
69. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
70. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
71. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
72. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
73. MARINE TERMINALS, 08-08-R6D2-1920
74. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
75. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583
76. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
77. O & M INDUSTRIES, 04-R1D5-1597
78. PARKER-HANNIFIN CORPORATION, 08-R2D4-2508
79. POUK & STEINLE, INC., 03-R4D2-1495 AND 1496
80. POWER FREIGHT SYSTEMS, 06-R1D4-3347
81. PUSD ALEXANDER HAMILTON ELEMENTARY SCHOOL, 09-R4D2-0784
82. R.A. CAMPBELL, INC., 09-R6D2-1209 THROUGH 1211
83. R & L BROSAMER, INC., 03-R1D5-4832
84. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
85. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
86. SELECT REMEDY, 08-R2D5-0048 THROUGH 0050
87. STACY & WITBECK, INC., 05-R1D1-1142
88. STENDERUP AG PARTNERS, 09-R6D2-2111 AND 2112

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89. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
90. SUNOPTA FRUIT GROUP, 09-R3D1-9245
91. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT AGGREGATES, 04-R5D2-850 AND 851
92. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650 AND 2651
93. TEICHERT AGGREGATES, 04-R5D1-2982
94. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2256 AND 2557
95. UNITED PARCEL SERVICE, 07-R3D3-3322
96. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
97. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
98. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710
99. WINDMILL PROPANE, 08-R2D5-1217 AND 1218

**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. HARRIS CONSTRUCTION COMPANY, INC., 07CS00518 (02-3914)
2. JERLANE v DIVISION OF OCCUPATIONAL SAFETY & HEALTH, 37-2007-00056381-CU-WM-NC (01-4344/4345)
3. JERLANE V DIVISION OF OCCUPATIONAL SAFETY AND HEALTH, 37-2009-00059323-CU-WM-NC (08-1733)
4. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB), 34-2007-00882192-CU-WM-GDS, (01-3261)
5. BRUTOCO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159 (07-9223)

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6. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (00-440)
7. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
8. SOUTHERN CALIFORNIA EDISON COMPANY, BS 119297, LOS ANGELES SUPERIOR COURT (08-9062)
9. UNITED AIRLINES (SFO), 34-2009-80000256
10. XL CONSTRUCTION, SUPERIOR COURT (34-2009-80000300), 08-R1D2-1191 THROUGH 1193
11. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
12. WEBCOR CONSTRUCTION LP dba WEBCOR BUILDERS, 34-2009-80000384 (08-R1D2-2499 AND 2500)
13. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030 through 3032)
14. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430 (09-R1D3-9280 AND 9281)

**PERSONNEL:**

*(Issues regarding staff.)*

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