

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, March 3, 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: February 18, 2010**

**RE: Closed Session of the Board to be held on March 3, 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. E.S. LABOR, INC., 09-R6D5-1057
2. PADRE DAM MUNICIPAL WATER DISTRICT, 09-R6D4-2087 THROUGH 2089
3. PERFORMANCE CONTRACTING GROUP, INC. DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
4. SCHREINER FARMS, INC., 08-R2D3-0287

**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. ACCEL FRAMING, INC., 09-R3D2-3255 THROUGH 3257
2. ADAMS SERVICES, INC., 09-R4D2-2824
3. ADAMS-CAMPBELL COMPANY LTD., 09-R3D6-1641 THROUGH 1643
4. ALLEN T. MITCHELL & SON, INC. DBA MITCHELL'S PLUMBING, 09-R3D3-1757 AND 1758
5. AMERICAN CYLINDER HEAD, INC., 08-R1D4-2590
6. ARB, INC., 08-R1D3-0894 THROUGH 0896
7. ASTRO ALUMINUM TREATING CO., 09-R4D2-2433 AND 2434
8. AUTOMATION TECHNOLOGIES GROUP, INC., 09-R3D2-2805
9. BELLFLOWER UNIFIED SCHOOL DISTRICT – CRAIG WILLIAMS, 09-R3D5-4061
10. BRONCO ELECTRIC, INC., 09-R4D3-1824 THROUGH 1826
11. BURKE INDUSTRIES, 09-R1D2-1475 THROUGH 1480 and 09-R1D2-1988
12. CAL CRAFT CORPORATION, 09-R6D2-2965 THROUGH 2973
13. CARRIER CORPORATION, 09-R4D2-1979 AND 1980
14. CASEY FOGLI CONCRETE CONTRACTORS, INC., 08-R1D2-3468
15. CLP RESOURCES, 09-R6D5-2796
16. CONTRA COSTA WATER DISTRICT, 08-R2D2-3716
17. CREST BEVERAGE CO., 09-R3D2-2802 THROUGH 2804
18. DJM CONSTRUCTION, INC., 09-R4D2-1736 AND 1737
19. EL TORERO & ADOLFO'S, INC., 09-R6D7-3572
20. EUROCONE GROUP, INC., 09-R3D6-2887
21. EXIDE TECHNOLOGIES, 09-R4D2-2915 AND 2916
22. FABCO STEEL FABRICATION, INC., 09-R6D2-2787 THROUGH 2795

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23. FABRIC INSTALLATIIONS BY STEVE MELENDEZ, 09-R4D3-2435
24. GDT FRAMING, INC., 09-R3D6-2696 AND 2697
25. GLR COMPANY, 08-R3D3-4781
26. GOLD COAST HARVESTING, INC., 09-R3D2-2768 AND 2769
27. H.M. CONSTRUCTION, INC., 08-R3D2-3791 THROUGH 3796
28. HELENA CHEMICAL COMPANY, 09-R6D4-3113 AND 3114
29. IMANCO ENTERPRISES, INC. DBA NORTH HILLS CAR WASH, 09-R6D7-4090
30. INPAC CONTAINER, INC., 09-R4D1-3235 THROUGH 3237
31. JAGUAR FARM LABOR CONTRACTORS, INC., 09-R6D7-3691
32. JOSE CAMACHO FARMS, 09-R6D2-3528 AND 3529
33. KAISER PERMANENTE, 09-R3D5-4089
34. KEITHLY-WILLIAMS SEEDS, 09-R3D2-2012 THROUGH 2015
35. KERN RIDGE GROWERS, 09-R6D4-1398
36. LA COUNTY REGISTRAR RECORDER, 09-R3D6-4161
37. LAKEVIEW FARMS, INC., 09-R4D2-1487 AND 1488
38. LANCASTER SCHOOL DISTRICT, EL DORADO ELEMENTARY, 09-R4D3-2412
39. LEGACY BUILDING SERVICES, INC., 09-R6D5-1839
40. LOMA LINDA CHERRCO, 09-R3D3-0202
41. LOS ANGELES DEPT. OF WATER & POWER, 09-R4D3-1759 AND 1760 and 09-R4D3-1795
42. MERCURY AIR CARGO, 09-R4D1-2365
43. MISSION CUSTOM EXTRUSIONS, INC., 09-R3D3-0216 AND 0217
44. PACIFIC GAS & ELECTRIC COMPANY, 08-R1D1-3576 THROUGH 3578

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45. PARADISE PIER HOTEL DISNEYLAND RESORT, 09-R3D1-3312
46. PREFERRED FRAMING, 09-R3D3-1112
47. R & D STEEL, INC., 09-R6D2-3686 THROUGH 3690
48. RANCH ROCK PRODUCTS, INC., 09-R5D3-2892
49. RED CHAMBER, INC. DBA BUENA PARK COLD STORAGE, 09-R6D4-2560  
THROUGH 2566
50. RELIABLE PROPERTIES, 09-R3D6-2886
51. RIVERTON STEEL CONSTRUCTION, 09-R3D5-2912
52. RICHARD J. ROBERTS DBA O.A. ROBERTS COMPANY, 09-R3D3-1441 AND  
1442
53. RYDER TRUCK RENTAL, INC., 09-R3D3-4060
54. JOEL SALAZAR DBA JOEL SALAZAR FARM LABOR, 09-R6D5-2266  
THROUGH 2269
55. SECURITAS SECURITY SERVICES USA, INC., 09-R3D3-2649 AND 2650
56. SECURITAS SECURITY SERVICES USA, INC., 09-R3D5-3677
57. SEQUAL CONTRACTORS, INC., 09-R3D1-3060
58. SHELL OIL PRODUCTS, US, 09-R6D3-0251
59. SOUTHEAST SECURITY SERVICE, INC., 09-R4D1-2549
60. SOUTHERN CA GAS COMPANY, 09-R4D2-2631
61. STANLEY ACCESS TECHNOLOGIES, 09-R6D5-1692
62. DARRELL STRATTON DBA VILLAGE COLLISION AUTO REPAIR, 09-R6D7-  
3344
63. THE PALMS HOA, 08-R1D1-4725 AND 4726
64. TRANSDIGM, INC. DBA ADEL WIGGINS GROUP, 09-R3D6-2296 AND 2297
65. TRANSPORTATION LOGISTICS COMPANY LLC, 09-R3D5-3232

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66. VERSA COLD LOGISTICS SERVICES, 08-R6D3-4500 THROUGH 4502
67. VICTORY DISPLAY & STORE FIXTURE, 09-R4D1-2734 AND 2735
68. W A RASIC CONSTRUCTION CO., INC., 09-R3D5-2997
69. WASH DEPOT HOLDINGS, INC. DBA MISSION CAR WASH, 09-R6D5-4258 THROUGH 4261

**ORDER OF REMAND:**

1. BUTTON & TURKOVICH, 09-R2D1-9277

**ORDERS AFTER REMAND:**

1. CITY OF POWAY DEPARTMENT OF PUBLIC WORKS, 09-R3D2-2165 AND 2166
2. NEW CREATION BUILDERS, 09-R3D1-1460
3. OFFICE DEPOT, INC., 09-R3D1-1718
4. UGO, 09-R4D1-0819 AND 0820

**PETITION FOR RECONSIDERATION:**

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

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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
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

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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
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

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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
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

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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
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

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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)
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)

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**PERSONNEL:**

*(Issues regarding staff.)*

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