

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, January 5, 2011**  
**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: December 23, 2010**

**RE: Closed Session of the Board to be held on January 5, 2011**

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. HOME FRONT, INC., 10-R4D2-0680 THROUGH 0682
2. J & J SPREADING, 08-R2D5-4761
3. MATT CONSTRUCTION, 08-R2D5-4324
4. SZEMENYEI CONSTRUCTION, INC., 10-R3D1-0007 AND 0008

**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. ALLIED INDUSTRIES, INC. DBA ALLIED ENVIRONMENTAL SERVICES, 10-

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- R3D2-1945
2. AMAN ENVIRONMENTAL CONSTRUCTION, 09-R5D1-0182 AND 0183
  3. AMERICAN MEDICAL RESPONSE, INC., 10-R4D3-2952
  4. AMERICAN TECHNOLOGIES, INC., 09-R1D4-3052
  5. ANASPEC, INC., 09-R1D2-3047 THROUGH 3051
  6. ANNING-JOHNSON COMPANY, 10-R3D3-2572
  7. ARROW TRUSS CO., 10-R6D2-3039
  8. AUTO COLLISION SPECIALTIES, 10-R6D5-1496 AND 1497
  9. BUDGET AUTO BODY, 10-R6D5-0586 AND 0587
  10. CALIFORNIA CONCRETE PIPE CORP., 09-R2D4-1454
  11. CALIFORNIA FRUIT PROCESSORS LLC, 09-R6D3-1543 THROUGH 1550
  12. CARDENAS MARKET, INC., 10-R3D3-2598
  13. CARMi FLAVOR & FRAGRANCE CO., INC., 10-R6D2-0236 THROUGH 0240
  14. CEMEX CONSTRUCTION MATERIALS PACIFIC LLC, 10-R5D3-2600
  15. CENTRAL VALLEY CHEESE, INC., 09-R2D4-3439 THROUGH 3441
  16. CHAMP STEEL, 10-R3D1-0779 AND 0780
  17. CHETT PACIFIC, INC. DBA PRECISION WALL COVERINGS, 10-R3D1-2367
  18. PETER CHUNG DBA JTAC CORPORATION, 09-R1D1-1853 THROUGH 1857
  19. CITY OF ALAMEDA FIRE DEPARTMENT, 09-R1D4-3354
  20. CONTINENTAL AIRLINES, 09-R1D2-3352
  21. COUNTY OF SANTA CLARA – FACILITIES & FLEET DEPARTMENT, 09-R1D2-3476 AND 3477
  22. DAVIS ENTERPRISES, 10-R3D6-2637 AND 2638
  23. DE SILVA GATES, 09-R1D4-3432

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24. DEL TACO, 10-R4D1-0919
25. DELTA PIPELINE, INC. DBA DELTA COMPANY, 10-R3D5-2575
26. DESIGN SHAPES IN STEEL, INC., 10-R3D6-1906 THROUGH 1909
27. DRILL TECH DRILLING & SHORING, INC., 10-R5D1-1924 AND 1925
28. DRILL TECH DRILLING & SHORING, INC., 10-R5D1-2555
29. DUTTON RANCH CORPORATION, 09-R1D5-3548
30. GENERAL UNDERGROUND FIRE PROTECTION, INC., 10-R3D1-3452  
THROUGH 3454
31. GOLDEN BEAR RESTAURANT GRP., INC. DBA ARBY'S #6460, 10-R2D3-0208
32. GROUNDWORKS, INC., 09-R2D2-2937
33. HANSEN BROTHERS ENTERPRISES, 10-R2D1-2327
34. HARRISON CONTRACTING, INC. DBA HARRISON DRYWALL, 10-R2D3-  
0413 AND 0414
35. HMN, INC., 10-R2D5-2135
36. IMR CONTRACTOR CORP., 09-R1D4-2906
37. JEFF'S GOURMET, 09-R4D1-4284 AND 4285
38. DWIGHT LANDIS DBA LANDIS RANCH, 10-R4D3-2453 AND 2454
39. LONG BEACH TRANSIT, 10-R3D5-2267
40. LYNN INDUSTRIES, INC. DBA NORTHERN CALIFORNIA ROOFING CO., 09-  
R2D1-1188
41. M. W. REID WELDING, INC. DBA SOUTH BAY WELDING, 10-R6D2-0364  
AND 0365
42. MAACO, 09-R1D4-1694
43. MARAVILLA FOUNDATION, 10-R3D6-2747
44. MEDLINE INDUSTRIES, INC., 09-R2D4-2836 THROUGH 2838

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45. NAMASCO CORPORATION, 10-R6D2-3085 THROUGH 3088
46. NORTH GATE SCAFFOLD, INC., 09-R1D5-0527 THROUGH 0529
47. NORTH VALLEY RAIN GUTTER, 10-R2D3-1239
48. PACIFIC SOUTHWEST LUMBER, 10-R6D2-2273 THROUGH 2275
49. PARRISH'S CAKE DECORATING SUPPLIES, 10-R4D1-0975 THROUGH 0977
50. PETSMART, 10-R3D1-2595
51. PHYTO TECH CORPORATION DBA BLUE CALIFORNIA, 10-R3D1-0873  
THROUGH 0875
52. ROBERT PLASENCIA, 10-R6D5-1641 THROUGH 1646
53. POULK & STEINLE, INC., 08-R3D3-3933 THROUGH 3937
54. PTRS, INC. DBA PRO-TECH ROOFING SYSTEMS, 09-R2D4-2319 AND 2320
55. PTRS, INC. DBA PRO-TECH ROOFING SYSTEMS, 09-R2D4-2344 AND 2345
56. QUIZNOS SUB, 08-R2D5-4516
57. REDDING CITY – CONVENTION CENTER, 10-R2D3-1696
58. REMEC DEFENSE & SPACE, INC. DBA COBHAM SENSOR SYSTEM, 10-  
R3D2-2265 AND 2266
59. RENT-A-CENTER, INC. #01071, 09-R2D4-2245
60. RIVERVIEW DAIRY, 08-R2D5-4517
61. RJS & ASSOCIATES, 09-R1D3-3353
62. RODRIGUEZ FLC, 08-R2D5-4204 AND 4205
63. ROSEBURG FOREST PRODUCTS, 10-R2D3-1204
64. SAFEWAY, INC., 09-R1D2-2953
65. SAN JOAQUIN VALLEY AG SERVICES, INC., 08-R2D1-3713
66. SBA TOWERS, INC., 10-R2D3-1284

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67. SBA TOWERS, INC., 10-R2D3-1285
68. SCHREINER FARMS, INC., 10-R2D3-0900
69. SHARPE INTERIOR SYSTEMS, 09-R4D1-3684
70. SIERRA PACIFIC INDUSTRIES, 10-R2D3-0673
71. SONCO, 10-R2D3-1357 AND 1358
72. SONIC AUTOMOTIVE DBA STEVENS CREEK BMW, 09-R1D2-2935 AND 2936
73. SOUTH BAY ALLERGY & ASTHMA ASSOCIATION, 10-R3D5-2369
74. SOUTHWEST WEAR PARTS CO., INC., 10-R3D6-2050 AND 2051
75. STAGECOACH TERRITORY, INC., 09-R1D2-0704
76. STILES CUSTOM METAL, INC., 09-R2D4-1457 AND 1458
77. STRUCT TECH BUILDERS, 10-R4D3-2337 THROUGH 2339
78. CLARA A. SUBIDO DBA MARANATHA LABOR SERVICES, 10-R2D5-2594
79. SUN IRON WORKS, INC., 09-R6D1-2893
80. SUNNYVALLEY SMOKED MEATS, 09-R2D4-2150 THROUGH 2152
81. SUNOPTA FRUIT GROUP, 10-R3D1-1155 THROUGH 1157
82. TED W. PAGE ENTERPRISES DBA CONCRETE CORING CO. L. A., 10-R3D5-2634
83. THE BOEING COMPANY, 10-R3D5-1958
84. TWF CONSTRUCTION, INC. DBA SELECTBUILD, 10-R3D3-2631
85. UNIFIED GROCERS, 09-R2D4-1004 AND 1005
86. VIP RUBBER CO., 10-R3D1-2870
87. WALLDESIGN, INC., 09-R2D1-2214 THROUGH 2216
88. WESTERN SUPREME, INC. DBA UNITED FOOD RETAIL, 10-R4D1-0880

**ORDERS DISMISSING APPEALS:**

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1. A1 QUALITY CLEANING, 10-R3D2-1735 AND 1736
2. THE RECON SPECIALIST, INC., 10-R6D5-1839

**STIPULATIONS:**

1. BIMBO BAKERIES USA, INC., 09-R3D2-3641 & 3642
2. CACIQUE, INC., 10-R3D6-1852 THROUGH 1854
3. WEST VALLEY PET CLINIC, 10-R4D3-1011

**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. SMURFIT STONE CONTAINER, 10-R3D3-9245
2. VEL-PACKER, 10-R6D5-9255

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

1. AJ BORBA HOLSTEINS, 08-R3D4-2710 & 2711
2. ALL AMERICAN ASPHALT, 09-R3D1-3872
3. JJALL LLC, 09-R6D5-1127
4. SAFER ARMS INDOOR & OUTDOOR GEAR, 08-R2D3-9081

**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. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
2. AC TRANSIT, 08-R1D4-0135
3. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
4. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY  
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
5. ANNING-JOHNSON COMPANY, 06-R1D3-1976

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6. AVESON EDUCATIONAL COOPERATIVE, 09-R4D2-0337
7. BART, 03-R1D1-5170
8. BIMBO BAKERIES USA, 05-R6D2-856 AND 857
9. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
10. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
11. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445
12. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239  
THROUGH 2241
13. BURTON L. SILVA FARMS, 09-R1D2-1498
14. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
15. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
16. CA CORRECTIONS, 08-R2D5-0975 THROUGH 0978
17. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
18. CALIFORNIA INTERSTATE EXPRESS, 09-R4D2-3460
19. CELTIC SCAFFOLDING, INC., 08-R1D1-1469 THROUGH 1471
20. CLINE CELLARS, INC., 08-R1D5-2946
21. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336
22. CNL ROOFING COMPANY, 08-R1D2-1692 AND 1693
23. COMMERCIAL METAL FORMING, 09-R3D1-1592
24. CORE GENERAL CONTRACTOR, INC. DBA CORE BUILDERS, 08-R1D2-1379
25. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
26. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
27. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
28. DESIGN BUILDERS, INC., 08-R4D4-1901

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29. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
30. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
31. DUKE PACIFIC, INC., 08-R3D3-574
32. DUININCK BROS., INC., 06-R4D3-2871
33. DYNALECTRIC, 03-R1D1-4101
34. E. C. U., INC., 09-R3D5-1094 AND 1095
35. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS, 09-R6D2-2325 THROUGH 2332
36. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
37. EZ MIX, INC., 08-R4D3-1898
38. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
39. FORTUNA IRON WORKS 06-R2D3-4222
40. FREAS PLASTERING CO., INC., 08-R1D1-1188 AND 09-R1D1-2568
41. G.T. ALDERMAN, INC., 05-R4D3-3513
42. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
43. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
44. GOLDEN WEST INDUSTRIES, INC., 08-R3D2-3930
45. GRISWOLD INDUSTRIES, 09-R6D2-0981 THROUGH 0984
46. HARBOR ORNAMENTAL, INC., 09-R3D5-2086
47. HB PARKCO, 07-R4D2-1730 AND 1731
48. HELPMATES STAFFING SERVICES, 05-R3D3-2239
49. HELM & SONS, INC., DBA HELM & SONS AMUSEMENTS, 08-R3D3-3513
50. THE HERRICK CORP., 07-R3D1-495
51. HUSSMAN CORPORATION, 03-R3D1-2939

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52. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
53. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
54. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
55. JENSEN PRECAST, 05-R2D1-2377
56. JOHN LAING HOMES, 04-R3D1-194 AND 195
57. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
58. JT WINDOWS, INC., 09-R6D2-0693 THROUGH 0698
59. KELLY SERVICES, INC., 06-R1D2-1024
60. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
61. LA MINA CANTINA, 09-R2D5-0039
62. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
63. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
64. LION RAISINS, INC., 08-R2D5-2253 AND 2254
65. L N I CUSTOM MANUFACTURING, 10-R6D2-9154
66. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
67. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
68. MARINE TERMINALS, 08-08-R6D2-1920
69. MARTIN J. SOLIS, DBA SOLIS FARM LABOR, 08-R2D1-3415
70. MELMARC PRODUCTS, INC., 09-R3D1-2878
71. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
72. MOOREFIELD CONSTRUCTION, INC., 10-R3D5-9207
73. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583
74. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494

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75. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
76. PARKER-HANNIFIN CORPORATION, 08-R2D4-2508
77. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
78. POUK & STEINLE, INC., 09-R3D3-0491
79. PUSD ALEXANDER HAMILTON ELEMENTARY SCHOOL, 09-R4D2-0784
80. R.A. CAMPBELL, INC., 09-R6D2-1209 THROUGH 1211
81. R & L BROSAMER, INC., 03-R1D5-4832
82. RAMON ARANDA dba I & R PALLETS, 10-R6D5-9053
83. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730
84. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
85. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
86. SANTA PAULA HARVESTING, 09-R4D3-0510 THROUGH 0514
87. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
88. SELECT REMEDY, 08-R2D5-0048 THROUGH 0050
89. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
90. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
91. SMUD, 08-R2D1-4887 THROUGH 4889 (filed by DOSH)
92. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418 (Both DOSH & ER filed a Petit for Recon that was granted)
93. STACY & WITBECK, INC., 05-R1D1-1142
94. STENDERUP AG PARTNERS, 09-R6D2-2111 AND 2112
95. SUNOPTA FRUIT GROUP, 09-R3D1-9245
96. SUNRISE GROWERS FROZSUN FOODS, 09-R4D3-2850

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97. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT  
AGGREGATES, 04-R5D2-850 AND 851
98. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650  
AND 2651
99. TEICHERT AGGREGATES, 04-R5D1-2982
100. UKIAH FORD-LINCOLN=MERCURY, INC., 06-R1D5-2256 AND 2557
101. UNITED PARCEL SERVICE, 07-R3D3-3322
102. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
103. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
104. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710

**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. JERLANE, 37-2007-00056381-CU-WM-NC (01-4344/4345)
2. JERLANE, 37-2009-00059323-CU-WM-NC (08-1733)
3. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB),  
34-2007-00882192-CU-WM-GDS, (01-3261)
4. BRUTOCO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159 (07-  
9223)
5. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB) (00-440)
6. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
7. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
8. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)

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9. WEBCOR CONSTRUCTION LP dba WEBCOR BUILDERS, 34-2009-80000384 (08-R1D2-2499/2500)
10. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
11. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430 (09- 9280/9281)
12. FRESNO PRODUCE, CO., INC., 10CECG02394 (10-R6D1-9064)
13. MISSION FLAVORS AND FRAGRANCE, INC., 34-2010-80000599 (05-R6D2-1139)
14. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047 (07-R5D1-3611)
15. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
16. EMERSON RUSSELL MAINTENANCE CO., RG-10543219 (08-R1D4-4167)
17. SMUD, 34-2010-80000723 (08-R2D1-4887)
18. CAL ENERGY OPERATING CORP., 34-2010-80000735 (09-R3D2-3675 & 3676)

**COURT OF APPEAL**

1. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)
2. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)

**PERSONNEL:**

*(Issues regarding staff.)*

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