

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**For**

**Wednesday, February 4, 2009**

**10:00 AM**

**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: January 23, 2009**

**RE: Closed Session of the Board on February 4, 2009**

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 (ALJ). The decision summarizes the evidence received from the Division of Occupational Safety and 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. HB PARKCO CONSTRUCTION, INC., 07-R4D2-1730 AND 1731
2. PACIFIC GAS & ELECTRIC CO., 08-R4D3-0848

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**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge (ALJ) after a pre-hearing conference in which the Division of Occupational Safety and 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. 7 UP/RC COMPANY OF SO CAL, 08-R3D1-3431
2. ADAMS & BROOKS, INC., 08-R6D2-1674 THROUGH 1677
3. AG WISE, 07-R2D5-4381 AND 4382
4. AHERN RENTALS, INC., 06-R2D2-4711
5. AKZO NOBEL COATINGS, INC., DBA CHEMCRAFT COATINGS TECH, 08-R2D3-1960 AND 1961
6. JOSEPH J. ALBANESE, INC., 07-R1D1-2144
7. ANGELES WELDING & MFG., INC., 08-R4D4-1372
8. APEX BULK COMMODITIES, INC., 08-R5D3-1432
9. ARCHITECTURAL GLASS & ALUMINUM CO., INC., 07-R1D4-3924 THROUGH 3926
10. AW ENGINEERING, 08-R4D4-0609 AND 0610
11. AZTEC HARVESTING, INC., 08-R6D5-3327
12. B-12 DRYWALL, 07-R2D1-2895 AND 2896
13. BELLCORE CONSTRUCTION, INC., 07-R1D4-2564 AND 2565
14. THE BOEING COMPANY, 07-R3D5-4422 AND 4423
15. BOLTHOUSE FARMS, 07-R2D5-4549
16. FRANK M. BOOTH, INC., 07-R2D3-2181 AND 2182
17. FRANK M. BOOTH, INC., 07-R2D3-2183 THROUGH 2185
18. JIM BORCHARD DBA JIM BORCHARD FARMING, 07-R2D1-5293

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19. PAUL BROWN CONSTRUCTION, INC., 07-R2D4-4232 AND 4233
20. TERRY BUWAL, 07-R2D3-4658
21. C CONSTRUCTION, INC. DBA SELECT BUILD, 08-R3D1-3289
22. CALIFORNIA DAIRIES, INC., 07-R2D5-5168
23. CALIFORNIA ROCK TRANSPORTATION LLC, 08-R1D2-0514 AND 0515
24. CAMARENA GRADING, 08-R4D2-2868 AND 2869
25. CERADYNE, INC., 08-R3D1-3200
26. CHALLENGER CAR WASH, 08-R3D2-2480
27. CHARTER OAKS USD OAK KNOLL, 08-R4D4-0933 AND 0934
28. CONCO CEMENT COMPANY, 06-R1D4-5248 AND 5249
29. CORONA CITY OF DEPT. OF WATER AND POWER, 06-R3D3-1435 AND 1436
30. CUSTOM CONVERTING COMPANY LLC, 08-R4D4-1532
31. DAVISON IRON WORKS, INC., 07-R2D1-4999
32. DELTA PAINTING & COATING, INC., 08-R2D4-2712 THROUGH 2715
33. DO-CYCLE, INC., 08-R2D5-0165
34. DR B'S CHICKEN DBA THE GREAT AMERICAN LUNCH BOX, 08-R3D1-4288  
THROUGH 4290
35. R.J. DONDERO, INC., 08-R2D4-0553
36. ECONOMY LUMBER COMPANY OF OAKLAND, 08-R1D4-2825 AND 2826
37. EDCO WASTE & RECYCLING SERVICES, 08-R6D2-1249 AND 1250
38. FARMERS' RICE COOPERATIVE, 06-R2D3-1770 THROUGH 1772
39. FONSECA & FONSECA, INC., 07-R2D1-3552 AND 3553
40. FOODS CO., 08-R2D5-0166 AND 0167

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41. FRESH & EASY NEIGHBORHOOD MARKET, 09-R3D2-0010
42. MO AMIR GHAHARI, 08-R6D5-3871 THROUGH 3874
43. GENERAL MILLS, INC., 08-R4D2-2659
44. GRANITE CONSTRUCTION COMPANY, 07-R2D5-4360 AND 4361
45. BOB & KAREN HANA DBA LOS ANGELES SALAD COMPANY, 08-R6D2-3697  
THROUGH 3792
46. RYAN HERCO PRODUCTS CORP., 06-R1D2-4920 AND 4921
47. HUSEBO CORP. DBA SOUTH COAST STEEL, 08-R3D5-1154 AND 1155
48. INDUSTRIAL TECTONICS BEARINGS CORPORATION, 08-R4D2-3843 AND 3844
49. JA ELECTRIC, 08-R3D5-2865
50. JUANITAS FOODS, 06-R3D5-0575 AND 0579
51. KENYON PLASTERING, INC., 08-R2D5-0047
52. LA BRUNA INDUSTRIES, INC., 08-R3D3-1612 AND 1613
53. LA VINA RANCH, 08-R2D5-0169
54. LION RAISIN, 07-R2D5-4365
55. LOS GATOS TOMATO PRODUCTS, 08-R2D5-0162 AND 0163
56. MAGORIAN MINE SERVICES, 08-R5D1-0480
57. MAGORIAN MINE SERVICE, 07-R5D1-5230
58. MARSRING CORPORATION DBA LOS ANGELES FIBER CO., 08-R4D2-2914  
THROUGH 2918
59. BRENDAN MCKENNY DBA MCKENNY & SONS, INC., 07-R2D3-5260
60. MCM CONSTRUCTION, INC., 07-R2D3-1265 THROUGH 1267
61. MIMI'S CAFÉ, 08-R3D2-2761 AND 2762

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62. JUAN MORENO, 08-R3D2-2482
63. KENNY NGUYEN & ANA VU, 07-R3D1-1026 THROUGH 1028
64. ORMCO CORP., 08-R4D4-3157
65. OVERHILL FARMS, INC., 08-R4D2-3631
66. OVERHILL FARMS, INC., 08-R4D2-4070 THROUGH 4073
67. OVERHILL FARMS, INC., 08-R4D2-4184 THROUGH 4186
68. PALMER WESTBROOK, INC., 08-R2D3-0151
69. PATTERSON VEGETABLE COMPANY, 08-R2D4-0161
70. PECK AND HILLER COMPANY, 07-R2D4-5162
71. GARY PENDERGRAFT MASONRY, GPM, 08-R1D1-1472 THROUGH 1475
72. PLEASANTON HOTEL LTD, LP, DBA PLEASANTON HOTEL LIMITED, 08-R1D4-1384 THROUGH 1386
73. POUK & STEINLE, INC., 08-R3D3-0182
74. PRO AMERICA PREMIUM TOOLS, 07-R4D4-4913 THROUGH 4915
75. PRO PACKING, INC., 08-R3D5-2326 AND 2327
76. PROUD AUTO BODY & PAINT, INC., 08-R6D5-4867 AND 4868
77. RESEARCH TOOL AND DIE WORKS, 08-R3D5-3864
78. RMP CONCRETE CONSTRUCTION, INC., 07-R2D1-1013 AND 1014
79. JACK RUBIN & SONS, 08-R4D2-3748 & 08-R4D2-3755 AND 3756
80. RUSSO ENVIRONMENTAL SERVICES, INC., 08-R1D4-0677
81. S.O.S. STEEL CO., INC., 07-R1D1-5096 THROUGH 5099
82. SAN JOAQUIN VALLEY AG SERVICES, CO., 08-R2D4-0155

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83. SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, 08-R1D2-0264
84. SMITH EMERY COMPANY, 08-R4D1-4265
85. STEVEN-THOMAS ANTIQUES, INC., 08-R3D1-3199
86. SUNRISE HARVEST, 08-R6D5-3610 and 09-R6D5-0063
87. THOMAS & ASSOCIATES MFG, INC., 07-R3D3-4555 AND 4556
88. KEN TODD & TIM TODD DBA TODD BROTHERS, 08-R1D5-1302 AND 1303
89. TREJOS CONTRACTOR SERVICE, 08-R6D5-2294 AND 2295
90. UNION PLUMBING COMPANY, 08-R3D5-3451
91. UNITED BARK PRODUCTS LLC, 07-R2D3-4225
92. ROGELIO VALDEZ GARDENING, 06-R3D2-2755
93. VICTORVILLE CITY FIRE DEPT. STA 311, 08-R3D3-1335
94. VICTORVILLE CITY FIRE DEPT. STA 313, 08-R3D3-1336 THROUGH 1338
95. MICHAEL VU, 07-R3D1-1542 AND 1543
96. WALLACE & HINZ, 07-R2D3-4647
97. WASTE MANAGEMENT DBA STOCKTON SCAVENGERS ASSOC., 08-R6D1-0769
98. WEI-CHUN USA, INC., 08-R4D2-4905 THROUGH 4909
99. WES-DER WOOD PRODUCTS, INC., 08-R6D5-1457 THROUGH 1460
100. JOHN LEE WESTBROK PAINTING & DECORATING, 08-R4D1-3629 AND 3630
101. R D WINKLE COMPANY, 08-R3D3-1611
102. WNA COMET WEST, 08-R4D4-1030
103. XELECTRIX, 07-R2D1-4334 AND 4335

**ORDERS DISMISSING APPEALS:**

1. AYALA BORING, INC., 07-R5D3-4478
2. CALIFORNIA PRUNE PACKING CO., 03-R2D3-2546 THROUGH 2548
3. HIJON, INC., 07-R1D1-2292 AND 2293

**STIPULATIONS:**

1. JOHN BIRDSSELL CONSTRUCTION, 06-R2D5-5162 THROUGH 5164
2. CONOCO PHILLIPS COMPANY, 07-R6D3-4788
3. KINDER MORGAN, 05-R2D4-2013 AND 2014
4. PACIFIC GAS AND ELECTRIC, 06-R2D5-4599
5. SAN FRANCISCO ZOOLOGICAL SOCIETY DBA S.F. ZOO, 07-R1D1-2871

**PETITIONS FOR RECONSIDERATION:**

*(The Division of Occupational Safety and 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. PACIFIC SCIENTIFIC COMPANY, 07-R6D3-2662 THROUGH 2667

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

1. LUU'S BROS. CORP., DBA A & A SUPERMARKET, 07-R2D1-5156 AND 5157

**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. AC FRAMERS INC., 03-R2D3-3475
3. ASC PROFILES, INC., 06-R2D1-1181
4. ANNING-JOHNSON COMPANY, 06-R1D3-1976

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5. BART, 03-R1D1-5170
6. BIMBO BAKERIES USA, 03-R1D3-5215 THROUGH 5217
7. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
8. BLF, INC. dba LARRABURE FRAMING, 02-R4D1-4675 THROUGH 4680
9. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
10. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
11. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
12. CALIFORNIA FAMILY FITNESS, 03-R2D1-95 AND 96
13. CENTRAL VALLEY CONTRACTING, 05-R4D3-2351
14. CVS PHARMACY GARFIELD BEACH LLC, 08-R3D1-9368
15. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
16. DAVIS BROTHERS FRAMING, INC., 03-R3D1-114
17. DAVIS BROTHERS FRAMING, INC., 05-R3D3-634 THROUGH 636
18. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
19. DYNALECTRIC, 03-R1D1-4101
20. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
21. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
22. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
23. FORTUNA IRON WORKS 06-R2D3-4222
24. G.T. ALDERMAN, INC., 05-R4D3-3513
25. GAUTHIER CONSTRUCTION, 06-R3D2-3564
26. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784

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27. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
28. GLASS PAK, 03-R2D2-750 AND 751
29. HARRY L. MURPHY, INC., 06-R1D2-218 AND 219
30. HELPMATES STAFFING SERVICES, 05-R3D3-2239
31. THE HERRICK CORP., 07-R3D1-495
32. HUSSMAN CORPORATION, 03-R3D1-2939
33. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
34. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
35. JENSEN PRECAST, 05-R2D1-2377
36. JOHN LAING HOMES, 04-R3D1-194 AND 195
37. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
38. KELLY SERVICES, INC., 06-R1D2-1024
39. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-323
40. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
41. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
42. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
43. BILL NELSON GENERAL ENGINEERING & CONSTRUCTION, 06-R2D5-1552  
THROUGH 1554
44. O & M INDUSTRIES, 04-R1D5-1597
45. PMR RACE CARS, 03-R3D3-1825
46. POUK & STEINLE, INC., 03-R4D2-1495 AND 1496
47. R & L BROSAMER, INC., 03-R1D5-4832

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48. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
49. STACY & WITBECK, INC., 05-R1D1-1142
50. STATE CENTER COMMUNITY COLLEGE DISTRICT, 05-R2D5-1688  
THROUGH 1692
51. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
52. A. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT AGGREGATES,  
04-R5D2-850 AND 851
53. A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650  
AND 2651
61. A. TEICHERT AGGREGATES, 04-R5D1-2982
62. TRIO METAL, 03-R4D4-317
63. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2256 AND 2557
64. UNITED PARCEL SERVICE, 07-R3D3-3322
65. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
66. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802

**PENDING LITIGATION:**

*(If the Division of Occupational Safety and Health or the Employer disagrees with a decision after 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. UNITED AIRLINES DBA UNITED AIRLINES SFO SYC, 07CS00331 (00-2844)
2. HARRIS CONSTRUCTION COMPANY, INC., 07CS00518 (02-3914)
3. JERLANE v DIVISION OF OCCUPATIONAL SAFETY & HEALTH, 37-2007-  
0005631-CU-WM-NC, (01-4344/4345)
4. J.F. SHEA CONSTRUCTION, INC. (DOSH V OSHAB), 34-2007-00882187-CU-WM-  
GDS, (02-801)

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5. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB), 34-2007-00882192-CU-WM-GDS, (01-3261)
6. BRUTOCO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159 (07-9223)
7. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (00-440)
8. KHS & S CONTRACTORS, 32-2008-00107284-CU-WM-GDS CJC (06-2759)
9. ARTHUR J. BREWSTER CORP. dba PRESTIGE KITCHENS, INC., 30-2008-00110573 (08-1121)
10. EMPIRE PRO-TECH INDUSTRIES, 37-2008-00091916-CU-WM-CTL (07-2837)
11. MENDOTA UNIFIED SCHOOL DISTRICT, 08-CE CG 04 324 (07-3572)
12. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
13. INTERNATIONAL TRANSPORTATION SERVICE (07-3824)
14. DSS ENGINEERING CONTRACTORS, 02CS00928

**APPELLATE COURT:**

1. MURRAY COMPANY, BS112469
2. HARRIS CONSTRUCTION COMPANY, INC. 07CS00518 (02-3914)

**OTHER LEGAL MATTERS:**

*(Any legal matter that comes about after the agenda is noticed 10 days in advance of the meeting announcement and that must be acted upon or legal matters pending before the Board requiring specific Board action but do not fall within the above categories.)*

**PERSONNEL:**

*(Issues regarding staff.)*

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