

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, February 5, 2014**  
**9:30 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: January 24, 2014**

**RE: Closed Session of the Board to be held on February 5, 2014**

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. Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.

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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. GEO PLASTICS, 13-R6D2-0810
2. HHS CONSTRUCTION, 12-R3D2-0492 THROUGH 0497

**PETITIONS FOR RECONSIDERATION:**

1. BRAD STONER PAINTING, INC., 13-R3D2-9200
2. O.C. JONES & SONS, INC., 13-R2D2-0310
3. DICK MILLER, INC., 13-R3D2-0578
4. S&D NORTHGATE, LLC, 13-R2D1-9210

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5. ROY SHUMMARD DBA ROY'S AUTO CENTER, 13-R2D1-9196

6. LUCKY HONG FARMS, INC., 14-R3D1-9004

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

1. DAMION MANTLE DBA DAMION MANTLE PAINTING AND DECORATING,  
12-R1D1-2569 AND 2570

**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. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786

2. ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655

3. BELLINGHAM MARINE INDUSTRIES, 2012-R2D2-3144 THROUGH 3146

4. BODEGA LATINA CORP., DBA EL SUPER, 12-R2D2-3500

5. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239  
THROUGH 2241

6. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563

7. CABRILLO ECONOMIC DEVELOPMENT CORP., 11-R4D3-3185 & 3186

8. CHEVRON PRODUCTS COMPANY, 13-R6D4-3506 AND 3507

9. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282

10. COFFMAN SPECIALTIES, INC., 10-R3D3-3532

11. COMMERCIAL METAL FORMING, 09-R3D1-1592

12. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960

13. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387

14. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038

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15. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
16. DISH NETWORK CAL. SVC. CORP., 12-R4D3-0455
17. FERMA CORPORATION, 12-R2D2-1669
18. GMAC ELECTRIC, INC., 13-R6D5-9138
19. HARRIS CONSTRUCTION, 03-R2D5-3914
20. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
21. KANA PIPELINE, INC., 13-R3D3-9108
22. KELLY GLOBAL LOGISTICS, INC., 12-R3D5-0014
23. K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375
24. LABOR READY, 13-R3D2-0164
25. LA VALENCIA HOTEL, 2013-R3D2-9199
26. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
27. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
28. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
29. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR,  
08-R2D1-3093 THROUGH 3098
30. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
31. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
32. MORROW MEADOWS CORP., 09-R3D3-2295
33. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
34. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
35. ONESTOP INTERNET, INC., 11-R4D2-2636 AND 2637
36. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022

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37. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
38. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
39. PERSONNEL PLUS, INC., 11-R3D5-1302
40. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
41. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
42. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
43. SIERRA FOREST PRODUCTS, 09-R2D5-3979
44. SONIC DRIVE-IN, 12-R2D5-2734
45. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
46. STARBUCKS DBA STARBUCK'S COFFEE #5867, 12-R3D2-3675 THROUGH 3678
47. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
48. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
49. TL PALVICH CONSTRUCTION, INC., 11-R3D6-1303 THROUGH 1310
50. TRADEMARK CONSTRUCTION CO., INC., 12-R4D1-0096 AND 0097
51. VICTORY SCREEN PRINTING 12-R3D1-3673 & 3674

**ORDERS DISMISSING APPEAL:**

1. GOLD GROWER SERVICES, INC., 11-R3D3-0261 AND 0263
2. HERB THYME FARMS, INC, 12-R3DD3-3574
3. SILHOUETTE LLC, 10-41D1-0662 AND 0663
4. TWIN SPRINGS LLC, 10-R4D1-0664 THROUGH 0666

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

1. AVALONBAY COMMUNITIES, INC., 14-R1D1-0051

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

**MATTERS HELD OVER FROM PREVIOUS MEETINGS:**

*(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)*

**LEGISLATION:**

**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. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
2. SMUD, 34-2010-80000723 (08-R2D1-4887)
3. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
4. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
5. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965 (10-0188~0191)
6. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459 THROUGH 2461)
7. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
8. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 12CV01039 (07-R2D3-0275)
9. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)

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10. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
11. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
12. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
13. SHERWOOD MECHANICAL, INC., 37-2012-00101466 (08-R3D2-4690 ~ 4693)
14. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
15. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
16. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
17. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
18. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
19. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
20. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
21. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
22. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
23. A. TEICHERT & SON, DBA TEICHERT AGGREGATES, RG12 659881 (10-R5D1-3029)
24. HOME DEPOT USA, INC., BS141301 (10-3284)
25. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
26. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00628178 (10-3667)
27. THYSSENKRUPP ELEVATOR CORP., 34-2013-80001456 (11-2217 ~ 2219)
28. BIG LOTS STORES, INC., 37-2013-00045936 (11-R3D2-1929 ~ 1931)
29. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)

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30. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00652023 (12-0439)
31. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00651875 (12-0440)
32. AC TRANSIT, RG13687314 (08-R1D4-0135)
33. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575  
(12-R5D1-337)
34. BAY AREA RAPID TRANSIT DISTRICT, RG13689346 (09-R2D2-1219 & 1221)
35. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-3426)
36. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)

**APPELLATE COURT:**

1. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, C075477,  
34- 2011-80000640 (08-R2D1-0027 THROUGH 0030)
2. XL CONSTRUCTION, C074514, 34-2009-80000300 (08-R1D2-1191  
THROUGH 1193)

**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. APEX BULK COMMODITIES, 13-R3D5-1326
2. APOLLO FUTURE TECHNOLOGY, INC., 13-R2D2-3365
3. ARROTIN PLASTIC MATERIALS, INC., 14-R303-0062
4. BIG J TIRE INC., 13-R6D2-3287 AND 3290
5. BURLINGTON COAT FACTORY DISTRIBUTION CENTER, 13-R6D2-0992  
THROUGH 0994
6. CA CORRECTIONS & REHAB CENTRAL FILL PHARMACY, 13-R2D1-3564
7. ESTEBAN LUVIANO CASIMIRO, 13-R4D1-0465 AND 0466
8. CEDAR FAIR DBA KNOTTS BERRY FARM, 13-R3D1-1573

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9. CHEVRON PRODUCTS CO., 13-R6D4-0905
10. CHEVRON PRODUCTS COMPANY, R6D4-2715 AND 2716
11. CHEVRON PRODUCTS COMPANY., 13-R6D4-1353 THROUGH 1355
12. CHEVRON U.S.A., 13-R6D4-1536
13. CHEVRON USA, 13-R6D4-2566
14. CHEVRON U.S.A., INC, 13-R6D4-1537 THROUGH 1544
15. COASTAL GROWERS SUPPLY, INC., 13-R1D2-1614
16. COMMERCIAL CONSTRUCTION, INC., 13-R4D1-0760
17. CUSTOM INTERIORS, 13-R2D2-3919 THROUGH 3922
18. DIGNITY HEALTH SERVICES CENTL COAST ARROYO GRANDE,  
12-R4D6-2514 AND 2515
19. DRI COMMERCIAL, INC., 13-R4D1-0895 AND 0896
20. EASTON FRAMING CORP., 13-R4D3-2508 AND 2509
21. FRASIER AVIATION, INC., 13-R4D3-2416 AND 2417
22. GOURMET FOODS INC., 13-R6D2-2611 THROUGH 2625
23. GREENWAY BIOTECH OF SANTA FE SPRINGS, INC., 13-R4D4-0696  
AND 0697
24. HAYKINGDOM, INC., 13-R3D2-3480 THROUGH 3484
25. H & H GENERAL CONTRACTORS, INC, 13-R3D3-3600 AND 3601
26. GROVER HOLLINGSWORTH AND ASSOCIATES, INC., 12-R4D1-3504  
THROUGH 3506
27. INGRAM MICRO, INC., 13-R3D3-1647 THROUGH 1649
28. INTRAOP MEDICAL CORPORATION, 13-R1D3-2053
29. KELLOG USA INC., 13-R1D2-2102

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30. KRAMAR'S IRON & METAL, INC., 13-R4D3-1057 THROUGH 1058
31. KTA CONSTRUCTION, INC., 13-R3D2-3632 AND 3633
32. MAPLEGROVE GLUTEN FREE FOODS, INC., 12-R6D2-2995 THROUGH 2313
33. MEMO SCAFFOLDING NORWALK, INC., 13-R4D1-1000
34. MENU PRINTERS, INC., 13-R3D1-2452 AND 2453
35. MERCEDES DIAZ HOMES, INC., 13-R6D2-2371
36. M UNITED PLASTERING, INC., 13-R4D4-0753 THROUGH 0755
37. NATIONAL DISTRIBUTION CENTER LP DBA NFI, 13-R3D3-0049  
THROUGH 0053
38. NUMINUS, 13-R3D2-3352
39. ORANGE COUNTY PEST CONTROL, 13-R3D1-1819
40. HENRY ORTIZ DBA ORTIZ RESIDENTIAL & COM, 13-R2D2-1739  
THROUGH 1745
41. PRIME AG SERVICES, 13-R3D2-1223
42. PAULES, CO., 13-R6D5-0679 AND 0680
43. PIEDMONT AIRLINES INC DBA US AIRWAYS EXPRESS-USE, 13-R3D1-1393
44. QUALITY CABINETS AND FIXTURES COMPANY, 13-R3D2-3124  
THROUGH 3127
45. ROSS DRESS FOR LESS INC., 13-R1D4-3831
46. SANTA ROSA LEAD PRODUCTS, INC., 13-R4D4-0699
47. SFMTA-MUNI (CABLE CAR DIVISION), 13-R1D1-2035
48. SOLISTONE, INC., 13-R4D4-0645
49. STEVE'S PLATING CORP, 13-R4D3-2461 AND 2462 AND 13-R4D3-2752
50. SYLVESTER ROOFING COMPANY INCORPORATED, 13-R3D2-3414

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51. SYNGERY LEARNING SYSTEM, 13-R1D2-2630
52. TFD, INC. DBA THIN FILM DEVICES, INC., 13-R3D1-0751
53. JEFFREY W. TIMBLIN DBA THIRD MILLENIUM, 13-R4D4-0698
54. THE CARPENTER GROUP DBA CARPENTER RIGGING, 13-R1D1-3556
55. THREE D PLASTICS DBA THREE D TRAFFIC WORKS, 13-R4D3-1600
56. WASTE MANAGEMENT OF ALAMEDA COUTNY, INC., 13-R1D4-3773
57. WARREN WIGLEY DBA WARREN'S MACHINE & WELDING, 13-R2D1-3330  
AND 3331

**PERSONNEL:** *(Issues regarding staff.)*

Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.