

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), (e) and (f)
for
Wednesday, March 18, 2015
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: March 6, 2015

RE: Closed Session of the Board to be held on March 18, 2015

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.

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. U.S. DEMOLITION, INC., 13-R3D2-2407

PETITIONS FOR RECONSIDERATION:

1. FLEETLOGIX, INC., 14-R4D1-1252
2. GRACIANA TORTILLA FACTORY, 15-R4D3-9010
3. GONZALO OLASCOAGA, 13-R6D5-2097 AND 2098
4. STANISLAUS FOOD PRODUCTS CO., 13-R2D4-0572 THROUGH 0574

DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):

1. PAUL DOMINGUEZ, BUILDING CONTRACTOR, INC., 14-R6D7-9193

MATTERS INVOLVING LATE APPEALS:

(These are matters such as orders dismissing appeal, orders granting leave to file late appeal and orders denying leave to file late appeal)

1. CALIFORNIA DRYWALL & PLASTER INC., DBA BEST DRYWALL

ORDERS DISMISSING APPEAL:

1. FLEETLOGIX, INC., 14-R4D1-1252
2. GANG NAM STYLE, INC., 14-R6D5-0464 THROUGH 0467

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.)

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. A TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895 (ER)
2. A TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895 (DOSH)
3. B.A.R.T., 11-R2D2-3137 THROUGH 3139 (ER)
4. BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1218 THROUGH 1221 (DOSH)
5. RANDALL JOHN BILLINGTON, 2014-R3D3-9170
6. CHEVRON U.S.A. INC., 13-R6D3-0655 THROUGH 0662
7. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
8. INTERNATIONAL PAPER COMPANY, 14-R2D5-1189 THROUGH 1191
9. LANGER FARMS, LLC, 13-R4D7-231 THROUGH 0233
10. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822

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11. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
12. McCARTHY BUILDING CO., INC., 12-R1D4-3458
13. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
14. ORANGE COUNTY SANITATION DISTRICT, 2013-R3D1-0287
15. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
16. SIERRA FOREST PRODUCTS, 09-R2D5-3979
17. TESORO REFINING & MARKETING, 14-R6D3-9015
18. TREASURE ISLAND MEDIA, INC., 10-R6D1-1093 THROUGH 1095

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. MASCON, INC., 34-2011-80000819 (08-R2D1-4278 AND 4279)
3. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
4. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
5. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
6. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
7. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
8. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
9. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)

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10. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
11. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
12. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
13. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
14. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
15. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
16. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
17. HOME DEPOT USA, INC., BS141301 (10-3284)
18. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
19. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)
20. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)
21. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)
22. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
23. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)
24. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)
25. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
26. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056 THROUGH 3058) (DOSH)
27. LAND O'LAKES PURINA FEED, LLC, RG14715717 (08-R2D4-1843 AND 1844) (DOSH)
28. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056 THROUGH 3058) (3rd Party)

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29. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817
(09-R6D2-2238 ~ 2241)
30. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
31. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
32. BHC FREMONT HOSPITAL INC, RG13731145 (13-R1D2-0204)
33. IRWIN INDUSTRIES, BS14-9634 (12-R4D3-3276 & 3277)
34. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303
THROUGH 1310)
35. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360
THROUGH 3362)
36. MORROW MEADOWS CORP., BS151385 (09-R3D3-2295)
37. FEDEX GROUND PACKAGING SYSTEM, INC., CIVDS1415696 (13-R3D1-1220)
38. KEY ENERGY SERVICES, INC., S-1500-CV-283958, EB (13-R4D3-2239 ~ 2242)
39. KDTD, INC. DBA KD DEVELOPMENT, INC., 37-2015-00003550-CU-WM-CTL
(14-R3D2-1935 & 1936)

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)
3. AC TRANSIT, A142799, RG13-687314 (08-R1D4-0135)
4. THYSSENKRUPP ELEVATOR CORPORATION, C077115, 34-2013-80001456
(11-R2D1-2217 ~ 2219)

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. A & A INTERNATIONAL SHIPPING, INC., 14-R3D5-3583

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2. ALL E WASTE INC., 14-R4D3-2358
3. ALL SEASONS ROOFING & WATERPROOFING INC., 14-R1D2-3264
4. AMERICAN IRONWORKS MANUFACTURING, INC., 14-R4D1-1984
5. AMERICAN METALS CORPORATION, 14-R2D1-0019 AND 0020
6. AMERIPAN, INC. DBA COMPLETE MECHANICAL SERVICE, 15-R3D3-0077
THROUGH 0079
7. APM TERMINALS PACIFIC LIMITED, 13-R6D2-1776
8. ARBORWELL, INC., 14-R3D1-1550
9. BCD FOODS INC., 14-R6D2-0567
10. BEVILL VINEYARD MANAGEMENT, LLC., 14-R6D7-3191
11. BJ'S RESTAURANTS, INC., 14-R3D3-2279 AND 2280
12. BLACK CREEK BUILDERS, INC., 15-R1D4-0293 THROUGH 0296
13. CARDINAL HEALTH, 14-R4D4-4017
14. CBC FRAMING, INC., 14-R1D2-3011
15. CBC FRAMING, INC., 14-R1D2-3012
16. CEN CAL PLASTERING INC., 14-R6D1-3081
17. CLASSIC ORGANIC, 14-R4D3-2877
18. CONDOMINIUM ASSOCIATION MANAGEMENT COMPANY DBA CAMCO,
14-R2D1-0100
19. DAVEY TREE SURGERY, 14-R2D3-0228
20. DESERT VALLEY CONSTRUCTION & ROOFING, 14-R3D3-0313
THROUGH 0318
21. DMSI STAFFING LLC, 14-R3D3-3464 AND 3465
22. DYNAPAC HARVESTING, INC., 14-R6D7-3613 THROUGH 3615
23. ECOWISE LANDCARE, 14-R3D3-1919

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24. EKRA GROUP, INC., 14-R3D1-2687 THROUGH 2689
25. ERMICO ENTERPRISES, INC., DBA ERMICO, 14-R6D1-3221 THROUGH 3224
26. FILTRATION GROUP LLC, 14-R1D5-1411 AND 1412
27. JOSE GARCIA JR. DBA JOSE'S TRANSMISSION, 15-R6D7-0308 AND 0309
28. OVIDIO GARZA GARZA, 14-R6D5-3869
29. GUSTAVO MARROQUIN GONZALEZ DBA MID-CAL FARM LABOR,
14-R2D5-2748 THROUGH 2750
30. GRIDLEY HONDA, 14-R2D3-3449
31. GLIKO CONTRACTING & ESTIMATING INC., DBA GCE INC. 14-R3D2-0122
THROUGH 0123
32. GUARDSMARK, LLC, 14-R1D2-2913 THROUGH 2915
33. HARMONY FOODS CORP. DBA SANTA CRUZ NUTRITIONALS,
15-R1D2-0292
34. HOLCOMB ENGINEERING CONTRACTORS, INC., 14-R4D1-1198 THROUGH
1203
35. XUAN THANH HUA DBA GREEN & CLEAN COMPANY, 14-R1D4-2704
THROUGH 2707
36. ARTHUR L. HUNOT, DBA HUNOT RETARDANT COMPANY, 14-R2D4-2818
37. JOHN BOAK LOGGING, LLC, 14-R2D3-0750 AND 0751
38. J.M. CABINETS, INC., 15-R6D1-0205
39. K LINE LOGISTICS, 14-R3D5-4217
40. L.A. COUNTY SHERIFF DEPT. FACILITIES SERVICE BUREAU, 14-R4D3-4094
AND 4095
41. LBCT LLC., 14-R3D5-3663
42. SCOTT LOOMIS DBA LOOMIS CONSTRUCTION, 15-R6D5-0226 AND 0227
43. JASON MICHAEL LOWE DBA J M L CONSTRUCTION, 14-R6D5-1948
AND 1949

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44. MATT CONSTRUCTION CORP., 14-R4D4-1700
45. M. CARATAN, INC., DBA COLUMBINE VINEYARDS, 13-R4D7-3009
46. MELKONIAN ENTERPRISES INC. DBA LONESTAR DEHYDRATOR,
14-R2D5-2686
47. METRO CONCRETE PUMPTING, INC., 14-R6D5-2165 THROUGH 2167
48. MINING CONSTRUCTION INC., 14-R5D1-0118 AND 0119
49. MRB HOLDINGS, INC DBA BURGER KING, 14-R2D1-2759
50. M.S. CLARK DOOFING, INC., 14-R1D2-3818 AND 3819
51. NATURAL ENVIRONMENTAL PROTECTION COMPANY, 14-R6D2-3744
THROUGH 3747
52. PACIFIC GAS & ELECTRIC COMPANY, 11-R2D4-3219 AND 3220
53. PACIFIC TRUCK EQUIPMENT, INC., 15-R4D4-0220
54. PALMDALE MOTEL MANAGEMENT INC. DBA DAYS INN & SUITES HOTEL,
14-R4D3-1987
55. PEGASUS FOODS INC., 14-R4D1-1269 AND 1270
56. ADAN PEREZ DBA PEREZ CONSTRUCTION, 14-R6D7-3403 AND 3408
57. PREMIUM CONCRETE CONSTRUCTION, INC., 15-R6D5-0183
58. RAMCO ENTERPRISES LOP, 14-R1D2-2971 THROUGH 2972
59. RANCHO SANTA FE TRUST, 15-R3D2-0317 AND 0318
60. R & K INDUSTRIAL PRODUCTS COMPANY, 14-R6D1-3506 AND 3507
61. ROBYN CONSTRUCTION INC., 14-R1D2-3536
62. ROSS STORES, INC., MORENO VALLEY DISTRICUTION CENTER,
14-R3D3-3466 AND 3467
63. ADRIAN SANCHEZ, 14-R6D7-3139 AND 14-R6D7-3245
64. FERNANDO SANCHEZ DBA SANCHEZ FARM LABOR, 14-R2D1-2535

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65. SHEEHAN CONSTRUCTION, INC., 14-R1D2-2552
66. SEAL METHODS INC., 14-R4D4-3736 AND 3737
67. SO CAL SANITATION LLC DBA SO CAL INDUSTRIES, 14-R4D4-2409 THROUGH 2411
68. STAR PLASTIC DESIGN, 14-R3D5-1594 AND 1595
69. STATE OF CA, CDC&R, CCI-TEHACHAPI, 14-R4D7-2297
70. SYSCO LOS ANGELES, INC., 14-R4D4-2561
71. TFC MANUFACTURING, INC., 14-R3D5-2868 THROUGH 2869
72. TIBBIT'S NEWPORT CORPORATION DBA TIBBET'S PAINTS, 14-R6D5-2566 THROUGH 2569
73. TRI-DIM FILTER CORPORATION, 14-R6D2-2939
74. UNIQUE IMPORTS AND EXPORTS, LLC, 14-R3D5-3708 AND 3709
75. VALLEY ROCK LANDSCAPE MATERIAL, INC., 14-R2D1-3131
76. W.A. RASIC CONSTRUCTION, 14-R5D2-2401
77. WELCOME MARKET, INC., DBA 99 RANCH MARKET, 14-R1D2-3066
78. WEST COAST RECYCLING DBA MISSION RECYCLING, 14-R6D5-2351
79. WOLF WALL COATINGS, INC., 14-R6D5-1809 THROUGH 1811
80. YELTON COMPANY, INC., 14-R6D7-3336 THROUGH 3338

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.