

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, April 17, 2013**  
**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: April 5, 2013**

**RE: Closed Session of the Board to be held on April 17, 2013**

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 item not resolved in this meeting will be continued to subsequent meetings as indicated in the minutes.

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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. CABRILLO ECONOMIC DEVELOPMENT CORP., 11-R4D3-3185 AND 3186
2. HILL CRANE SERVICE, INC., 12-R3D3-1569
3. OLD D's APPAREL, INC., 12-R4D1-1177 AND 1178, 12-R4D1-2236 THROUGH 2238

**PETITIONS FOR RECONSIDERATION:**

1. BILL NELSON GENERAL ENGINEERING CONSTRUCTION, INC.,  
10-R2D5-2399 AND 2400

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

1. ORANGE COUNTY FIRE AUTHORITY, 12-R3D1-0439

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2. ORANGE COUNTY FIRE AUTHORITY, 2012-R3D1-0440
3. ABDUL G. ZADEH DBA ISLAND AUTO PARTS WAREHOUSE, 11-R3D3-1213 AND 1214

**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-1 PROTECTIVE SERVICES, INC., 10-R1D1-1592
2. AC TRANSIT, 08-R1D4-0135
3. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
4. ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655
5. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
6. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239 THROUGH 2241
7. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445 AND 3448
8. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
9. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
10. C & L BLUE INC., 11-R4D1-2942 AND 11-R4D1-2943 THROUGH 2945
11. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282
12. COFFMAN SPECIALTIES, INC., 10-R3D3-3532
13. COMMERCIAL METAL FORMING, 09-R3D1-1592
14. COMMUNITY RECONSTRUCTION SOLUTIONS, INC., 11-R1D1-1484
15. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
16. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
17. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038

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18. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
19. EZ MIX, INC., 08-R4D3-1898
20. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687
21. HARRIS CONSTRUCTION, 03-R2D5-3914
22. HYDRO-SCIENCE OPERATIONS INC., 10-R1D2-0389
23. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
24. IRWIN INDUSTRIES, 08-R6D4-1454
25. K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375
26. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
27. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
28. LION RAISINS, INC., 08-R2D5-2253 AND 2254
29. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
30. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
31. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
32. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
33. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
34. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
35. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
36. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
37. PERSONNEL PLUS, INC., 11-R3D5-1302
38. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
39. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710

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40. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
41. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
42. SIERRA FOREST PRODUCTS, 09-R2D5-3979
43. SMUD, 08-R2D1-4887 THROUGH 4889
44. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
45. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
46. SUNRISE GROWERES FROZ SUN FOODS, 09-R4D3-2850
47. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
48. TL PALVICH CONSTRUCTION, INC., 11-R3D6-1303 THROUGH 1310

**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.)*

**ORDERS DISMISSING APPEAL:**

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

1. SEARS ROEBUCK & CO, 13-R3D1-0598

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

1. USF REDDAWAY, INC., DBA REDDAWAY, 13-R2D1-9025

**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:**

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1. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
2. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
3. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
4. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-80006047  
(07-R5D1-3611)
5. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP,  
34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
6. SMUD, 34-2010-80000723 (08-R2D1-4887)
7. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
8. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
9. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965  
(10-0188~0191)
10. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459  
THROUGH 2461)
11. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
12. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 12CV01039  
(07-R2D3-0275)
13. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
14. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
15. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
16. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
17. SHERWOOD MECHANICAL, INC., 37-2012-00101466 (08-R3D2-4690 ~ 4693)
18. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219  
AND 0220)
19. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)

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20. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258  
(05-R2D4-2650 AND 2651)
21. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
22. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
23. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
24. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
25. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
26. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332  
(09-R4D5-0459 & 0460)
27. A. TEICHERT & SON, DBA TEICHERT AGGREGATES, RG12 659881  
(10-R5D1-3029)
28. HOME DEPOT USA, INC., BS141301 (10-3284)
29. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
30. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00628178 (10-3667)

**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. 99 CENTS ONLY STORES, 12-R2D2-3603
2. ACCO ENGINEERING SYSTEMS, INC., 11-R1D4-2888
3. AIR SYSTEMS OF SACRAMENTO INC., 12-R2D1-2632
4. ALEGACY FOOD SERVICES GROUP INC., 12-R6D2-1968 THROUGH 1970
5. AMPAC FINE CHEMICAL LLC., 12-R6D3-1313 THROUGH 1316
6. AMPAC FINE CHEMICAL LLC., 12-R6D3-1332
7. AMPAC FINE CHEMICAL LLC., 12-R6D3-1333 THROUGH 1338

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8. ARBOR WEST TREE SURGEONS, 12-R3D2-1720
9. BEAUCHAMP DISTRIBUTING COMPANY, 12-R4D1-1217
10. BENCHMARK ELECTRONICS, 12-R2D2-3268
11. BLACK DIAMOND ELECTRIC, INC., 12-R6D7-3188
12. BUZZBOYS INC., DBA BUZZ WINE BEER SHOP, 12-R4D2-2193 AND 2194
13. CHATEAU LAKE SAN MARCOS HOA, 12-R6D2-1939
14. COASTAL PACIFIC FOOD DISTRIBUTION INC., 12-R2D4-2903
15. CORTEZ FARM LABOR INC., 12-R3D2-2586 AND 2587
16. COSTCO WHOLESALE CORP., STORE #765, 12-R2D1-3636
17. DEARDORFF FARM MANAGEMENT INC., 12-R2D4-3314
18. DOUBLE M RANCHES, INC., 12-R3D2-1995
19. DRILL TECH DRILLING AND SHORING INC. 12-R5D1-2278
20. DRIVEN BRANDS, INC., DBA MEINEKE CAR CARE CENTER, 13-R3D2-0048
21. EAGLE PEAK ROCK & PAVING INC., 12-R5D1-3588
22. EARTHGRAINS BAKING COMPANIES, INC., DBA SARA LEE CORPORATION, 11-R2D1-2821 THROUGH 2824
23. ECONOMY TREE SERVICE, INC., 12-R4D3-1404 AND 1405
24. FACTORY SALES & ENGINEERING, INC., 12-R2D4-2902
25. FAMILY RANCH, INC., 12-R6D7-3298 AND 3299
26. FAXON AUTO LITERATURE, 12-R3D3-2426 AND 2427
27. FMI PRODUCTS, LLC., 12-R3D1-1831 AND 1832
28. JAMES A. GARCIA, 12-R3D3-2473
29. GE AVIATION SYSTEMS, 12-R3D1-3530

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30. GRANITE CONSTRUCTION COMPANY, 12-R5D2-2800
31. HICKEL & HICKEL FARMING, 12-R2D3-0859 AND 0860
32. JA FARM LABOR INC., 12-R2D5-2184
33. JA FARM LABOR INC., 12-R2D5-2185
34. J-M MANUFACTURING COMPANY, INC. DBA J-M EAGLE, 12-R2D4-3196  
AND 3197
35. JOHN BOYD ENTERPRISES, INC. DBA JB RADIATOR SERVICES,  
12-R2D1-1247 THROUGH 1250
36. LAKEPORT, CITY OF MUNICIPAL SEWER DISTRICT, 12-R6D3-2533
37. LAKE WILDWOOD WASTE WATER TREATMENT PLANT, 12-R6D3-2169
38. LEND LEASE (US) CONSTRUCTION INC., 12-R1D1-2177
39. LONGVIEW FIBRE PAPER & PACKAGING, INC., 12-R1D4-3663
40. LOU'S DOORS, INC., 12-R6D1-2435
41. LOU'S DOORS, INC., 12-R6D1-2439 AND 2440
42. JAIME MATA DBA M S MARBLE, 12-R3D2-0443
43. MORENO 760 INC., DBA IHOP 760, 13-R3D3-0165
44. MONTEJO LANDSCAPING, 12-R3D2-1991 THROUGH 1993
45. TIM MUELLER DBA RIVERDOG FARM, 12-R2D1-2180
46. ANTHONY/JOSEPH NELES DBA JOHNSON & NELES DAIRY, 12-R6D7-2867  
AND 2868
47. NORTH BAY WATERPROOFING, INC., 11-R1D1-1809
48. NORTH RANCH BUILDERS, INC., 12-R6D7-3624 THROUGH 3626
49. PACIFIC BELL TELEPHONE COMPANY, DBA AT&T, 12-R2D4-0602  
AND 0603
50. PACIFIC WESTERN PAINTING INC., 12-R3D2-1424 THROUGH 1427

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51. PAPA CANTELLA'S INC., 12-R6D2-2381 THROUGH 2385
52. PARAMOUNT FARMS INTERNATIONAL, LLC., 11-R4D3-3096 THROUGH 3098
53. MOHAMMAD POURNAMDARI, 12-R4D1-2079 THROUGH 2081
54. PREMIUM PACKING, INC. DBA PREMIUM HARVESTING, 12-R2D4-2038
55. PRIORITY ONE MEDICAL TRANSPORT, 12-R2D4-2263
56. QUALITY DESIGN DRYWALL, INC., 12-R6D5-1733
57. QUALITY DESIGN DRYWALL, INC., 12-R6D5-1734 AND 1735
58. REAL MEX FOODS, 12-R6D2-2122 THROUGH 2129
59. RIKA CORPORATION DBA DIVERSIFIED METALWORKS, 12-R3D2-2751
60. RUDOLPH & SLETTEN, INC., 12-R3D2-3203 AND 3204
61. RUSSELL & BOALS PAINTING INC., 12-R2D3-2395
62. SACRAMENTO METROPOLITAN FIRE DISTRICT, 11-R2D1-3284 AND 3285
63. SAFEWAY INC AKA RICHMOND BREAD PLANT, 12-R2D2-3147 THROUGH 3150
64. SANTA FE AGGREGATES INC., 12-R5D1-2798
65. SFUSD – JOSE ORTEGA ELEMENTARY SCHOOL, 12-R1D1-1523
66. SOUTH VALLEY MUSHROOM FARM, INC., 12-R6D7-3300 THROUGH 3302
67. STEVE MANNING CONSTRUCTION, INC., 11-R2D1-3211 AND 3212
68. TERMINIX INTERNATIONAL INC., 12-R3D2-2189
69. TERMINIX INTERNATIONAL, INC., 12-R1D3-2572
70. TRI-STATE STAFFING, INC., 12-R6D2-0374 THROUGH 0377; 12-R6D2-0379 THROUGH 0384 AND; 12-R6D2-0385 THROUGH 0390
71. TUTOR-SALIBA CORPORATION, 12-R2D3-0914

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72. UNITED CONTINENTAL HOLDINGS INC., 12-R6D2-2006 AND 2007

73. UNIVERSITY OF CALIFORNIA, SAN FRANCISCO MEDICAL CENTER,  
10-R1D1-1653 AND 1654

74. YRC, INC. DBA YRC FREIGHT, 12-R3D3-3395

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

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