

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Thursday, June 4, 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: May 21, 2015**

**RE: Closed Session of the Board to be held on June 4, 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.

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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. OLDCASTLE PRECAST, INC., 13-R3D3-0583

**PETITIONS FOR RECONSIDERATION:**

1. ALCAUTER INC, DBA HEMET AUTO SPA & DETAIL, 15-R3D3-9057
2. BENCHMARK CONTRACTORS, INC., 14-R4D1-1048
3. CYBERNET ENTERTAINMENT, LLC DBA KINK.COM, 14-R6D1-0364 THROUGH 0367
4. NATIONAL DISTRIBUTION CENTERS, LP, 12-R6D2-0391
5. PAUL DAVIS RESTORATION, 14-R3D2-3848 THROUGH 3489

6. SKYLINE HOMES, INC., 15-R3D3-9035
7. TRI-STATE STAFFING, 12-R6D2-0378

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

1. PDM STEEL SERVICE CENTERS, INC., 13-R1D3-2446 THROUGH 2448
2. ROBERT ONWELLER dba PACIFIC HAULING AND DEMOLITION,  
14-R1D3-1087 AND 1088

**ORDERS DISMISSING APPEAL:**

**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)*

**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. ECHO ALPHA INC. ET AL, 14-R3D1-0802 THROUGH 0804
9. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822

10. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
11. McCARTHY BUILDING CO., INC., 12-R1D4-3458
12. GONZALO OLASCOAGA DBA GONZALO OLASCOAGA, 13-R6D5-2097  
AND 2098
13. SIERRA FOREST PRODUCTS, 09-R2D5-3979
14. TREASURE ISLAND MEDIA, INC., 10-R6D1-1093 THROUGH 1095
15. HERMAN WEISSKER, INC., 13-R3D1-3279

**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. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
3. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
4. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
5. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
6. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
7. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219  
AND 0220)
8. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
9. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258  
(05-R2D4-2650 AND 2651)

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM

For June 4, 2015

Page 4

10. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
11. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
12. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
13. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
14. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
15. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332  
(09-R4D5-0459 & 0460)
16. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
17. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575  
(12-R5D1-337)
18. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)
19. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
20. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-  
80001749 (2008-R2D1-3414 THROUGH 3418)
21. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)
22. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
23. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056  
THROUGH 3058) (DOSH)
24. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056  
THROUGH 3058) (3<sup>rd</sup> Party)
25. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817  
(09-R6D2-2238 ~ 2241)
26. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
27. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
28. IRWIN INDUSTRIES, BS14-9634 (12-R4D3-3276 & 3277)
29. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303  
THROUGH 1310)

30. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360 THROUGH 3362)
31. MORROW MEADOWS CORP., BS151385 (09-R3D3-2295)
32. FEDEX GROUND PACKAGING SYSTEM, INC., CIVDS1415696 (13-R3D1-1220)
33. KEY ENERGY SERVICES, INC., S-1500-CV-283958, EB (13-R4D3-2239 ~ 2242)
34. KDTD, INC. DBA KD DEVELOPMENT, INC., 37-2015-00003550-CU-WM-CTL (14-R3D2-1935 & 1936)
35. HHS CONSTRUCTION, 34-2015-80002052 (12-R3D2-0492 THROUGH 0497)

**APPELLATE COURT:**

1. XL CONSTRUCTION, C074514, 34-2009-80000300 (08-R1D2-1191 THROUGH 1193)
2. AC TRANSIT, A142799, RG13-687314 (08-R1D4-0135)
3. THYSSENKRUPP ELEVATOR CORPORATION, C077115, 34-2013-80001456 (11-R2D1-2217 ~ 2219)
4. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, C078953, 34-2011-80000965, (10-R6D2-0188 THROUGH 0191)

**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. ACLA LLC, 15-R4D1-0179 AND 0180
2. AGRX, 14-R4D3-4152
3. BARNARD IMPREGILO HEALY JV, 14-R5D1-2311
4. BARNARD IMPREGILO HEALY JV, 14-R5D1-3371
5. BSA FRAMING, INC., 14-R3D3-1177

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD

CLOSED SESSION MEMORANDUM

For June 4, 2015

Page 6

6. REBECCA BAUTISTA & MARCO A CUEVA DBA REMAC TIRE SERVICE, 14-R3D2-2691 THROUGH 2693
7. BUCKLE INC., 15-R2D1-1207
8. CALIFORNIA WEST COMMUNITIES, 13-R3D2-3950
9. CHAVEZ FARM LABOR CONTRACTOR, INC, 14-R2D1-0226
10. CHILDREN'S HOSPITAL & RESEARCH INSTITUTE AT OAKLAND, 15-R1D4-0297
11. CIRCLE M CONTRACTORS INC., 13-R3D2-3545
12. COMSTOCK SIGN COMPANY, 15-R4D7-0279 AND 0280
13. CROWN EQUIPMENT CORP DBA CROWN LIFT TRUCKS, 14-R2D1-2208
14. MARK DEWSNUP INDIVIDUAL DBA MARK DEWSNUP, 12-R2D3-0912 AND 0913
15. DIAMOND RESORT MANAGEMENT, INC., 14-R2D1-3132
16. DOLE BARRY COMPANY, 14-R6D4-1560
17. DON AND SUSAN HORNOR FARMS, 15-R2D5-0624 AND 0625
18. RIGOBERTO GUTIERREZ ESPARZA DBA A&R AUTO REPAIR, 15-R6D5-0288 AND 0289
19. EVERGREEN PACKAGING DBA EVERGREEN BEVERAGE PACKAGING, 14-R2D4-3594
20. FEGHALI FOODS DBA LITTLE CAESAR'S , 15-R4D7-0257
21. FORMATION CREATION INC., 14-R6D2-3790 THROUGH 3793
22. GM CONSTRUCTION AND DEVELOPERS, INC., 14-R2D1-1959
23. GRID ALTERNATIVES, 15-R1D4-0480 AND 0481
24. HDB LTD, LP [MATRIX SERCICE, INC.,], 14-R4D7-4231 AND 4232
25. HOLT OF CALIFORNIA, 14-R2D1-2271
26. J&A FOOD SERVICE, INC, DBA BURGER KING, 15-R2D3-0726

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM

For June 4, 2015

Page 7

27. LOS ANGELES COUNTY OLIVE VIEW UCLA MEDICAL CENTER,  
14-R4D3-3520 THROUGH 3531
28. LOVIN OVEN LLC, 14-R4D4-3586
29. RICHARD LUDLAM DBA GLASS ACT PROFESSIONAL WINDOW  
CLEANING, 14-R2D1-3698 THROUGH 3670
30. MC RADIATORS & WELDING, INC., 15-R6D7-0290
31. MICHELS CORPORATION DBA MICHELS POWER, 14-R3D2-0401
32. MORALES WATERPROOFING, 15-R4D1-0115 AND 0116
33. MOTHER LODE PLASTICS MOLDING, INC. DBA CENTRAL PLASTICS &  
MANUFACTURING 14-R2D4-3551 AND 3552
34. NATIONAL EWP, INC., 14-R4D3-1642
35. PACIFIC BELL TELEPHONE CO DBA AT&T CALIFORNIA, 15-R3D2-0024
36. PALISADES CONSTRUCTION, 14-R4D1-2873 AND 2874
37. PATAGONIA TRADING CO. INC., 14-R6D2-2840 THROUGH 2845
38. PPPL FARM LABOR INC., 14-R2D5-3842 AND 3843
39. PRO DRYWALL SYSTEMS, INC., 13-R2D5-3315
40. PT WELDING, INC., 13-R2D1-2876
41. RAGO AND SON, INC., 15-R1D4-0355 THROUGH 0357
42. REED MANUFACTURING INC. DBA AMERICAN CASTING CO.,  
15-R6D1-0432 AND 0433
43. RIKA CORP. DBA DIVERSIFIED METALWORKS, 14-R4D3-3421
44. DAVID RODRIGUEZ DBA DAVID'S AUTOMOTIVE, 13-R1D2-3397  
THROUGH 3399
45. SAN JOAQUIN LUMBER CO., 15-R2D4-0138
46. SELECT STAFFING, 14-R4D1-2638

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM

For June 4, 2015

Page 8

47. SENIOR AEROSPACE SSP, 15-R4D3-0089 THROUGH 0091
48. SERRES CORPORATION, 15-R1D5-0852 AND 0853
49. S.M.S. BRINERS, INC., 14-R2D4-2946 AND 2947
50. SOLUS INDUSTRIAL INNOVATIONS, LLC., 09-R3D1-3362 THROUGH 3367
51. STATE OF CA CDCR NORTH KERN STATE PRISON, 13-R4D7-2983 AND 2984
52. TESORO REFINING AND MARKETING COMPANY, 15-R6D3-0451  
THROUGH 0455
53. THE PORTICO COLLECTION DBA JESSIE UPHOLSTERY, 15-R6D2-0505  
THROUGH 0508
54. THE SUN VALLEY GROUP, INC., 13-R2D1-2653 THROUGH 2656
55. TRANSPower TESTING INC., 14-R3D2-0782 THROUGH 0785
56. USF REDDAWAY DBA REDDAWAY, 12-R3D3-3257 AND 3258
57. VENCO POWER SWEEPING, INC., 14-R4D3-4219 AND 4220
58. WESTERN JET AVIATION, INC., 14-R4D3-2439
59. WISE LIVING, INC., 14-R4D1-1985

**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.