

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, June 11, 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: May 28, 2014**

**RE: Closed Session of the Board to be held on June 11, 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. LEVY PREMIUM FOODSERVICE LIMITED, 12-R1D5-2714 AND 2715

**PETITIONS FOR RECONSIDERATION:**

1. ALS FASHION, INC., 14-R6D5-9046

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

1. HONEYBAKED HAMS, 13-R3D1-0941
2. SPRECKLES SUGAR CO., INC., 13-R3D2-0945 THROUGH 0947

**ORDERS DISMISSING APPEAL:**

1. CLASSIC FOODS INTERNATIONAL CORP., 13-R3D1-1635 THROUGH 1637

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

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

1. BANYAN GROUP CONSTRUCTION, 14-R3D1-9067
2. CEDAR CREST RESORT, 14-R2D5-9066
3. FALKNER WINERY, INC., 14-R6D2-9055
4. REYNALDO MENDOZA DBA ELITE KREATIONS AUTO BODY, 14-R6D7-9069
5. NAKASH ENTERPRISES DBA SHELL GAS STATION, 14-R2D1-9068
6. R.M.T. CONTRACTING, INC., 14-R4D7-9070

**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. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
2. JAMES BALDWIN DBA LYON'S MUFFLER & BRAKE, 14-R6D5-9019
3. BELLINGHAM MARINE INDUSTRIES, 12-R2D2-3144 THROUGH 3146
4. BRAD STONER PAINTING, INC., 13-R3D2-9200
5. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
6. CABRILLO ECONOMIC DEVELOPMENT CORP., 11-R4D3-3185 & 3186
7. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282
8. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387

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9. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
10. DISH NETWORK CAL. SVC. CORP., 12-R4D3-0455
11. FERMA CORPORATION, 12-R2D2-1669
12. GMAC ELECTRIC, INC., 13-R6D5-9138
13. HARRIS CONSTRUCTION, 03-R2D5-3914
14. HHS CONSTRUCTION, 12-R3D2-0492-0497
15. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
16. KELLY GLOBAL LOGISTICS, INC., 12-R3D5-0014
17. K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375
18. LABOR READY, 13-R3D2-0164
19. LA VALENCIA HOTEL, 13-R3D2-9199
20. LYON'S MUFFER & BRAKE, 14-R6D5-9019
21. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
22. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR,  
08-R2D1-3093 THROUGH 3098
23. MARCO RUFO DBA MARCO RUFO, 13-R6D5-9217
24. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
25. MCCARTHY BUILDING CO., INC., 12-R1D4-3458
26. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
27. MORROW MEADOWS CORP., 09-R3D3-2295
28. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
29. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
30. O.C. JONES AND SONS, INC. 13-R2D2-0310

31. ONESTOP INTERNET, INC., 11-R4D2-2636 AND 2637
32. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
33. JIM PARKER, 2014-R4D1-9009
34. PERSONNEL PLUS, INC., 11-R3D5-1302
35. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
36. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
37. ROSENDIN ELECTRIC, INC., 12-R2D1-3028 (Board Order of Recon)
38. ROSENDIN ELECTRIC, INC., 12-R2D1-3028 (Employer)
39. SIERRA FOREST PRODUCTS, 09-R2D5-3979
40. SONIC DRIVE-IN, 12-R2D5-2734
41. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
42. STARBUCKS DBA STARBUCK'S COFFEE #5867, 12-R3D2-3675  
THROUGH 3678
43. TL PALVICH CONSTRUCTION, INC., 11-R3D6-1303 THROUGH 1310
44. TRADEMARK CONSTRUCTION CO., INC., 12-R4D1-0096 AND 0097
45. TREASURE ISLAND MEDIA, INC., 10-R6D1-1093 THROUGH 1095
46. VICTORY SCREEN PRINTING 12-R3D1-3673 & 3674

**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. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
2. SMUD, 34-2010-80000723 (08-R2D1-4887)
3. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-8000820 (03-R1D1-5170)
4. MASCON, INC., 34-2011-80000819 (08-R2D1-4278 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. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
9. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
10. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
11. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
12. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
13. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
14. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
15. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
16. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
17. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
18. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
19. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
20. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)

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21. HOME DEPOT USA, INC., BS141301 (10-3284)
22. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
23. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00628178 (10-3667)
24. THYSSENKRUPP ELEVATOR CORP., 34-2013-80001456 (11-2217 ~ 2219)
25. BIG LOTS STORES, INC., 37-2013-00045936 (11-R3D2-1929 ~ 1931)
26. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)
27. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00652023 (12-0439)
28. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00651875 (12-0440)
29. AC TRANSIT, RG13687314 (08-R1D4-0135)
30. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575  
(12-R5D1-337)
31. BAY AREA RAPID TRANSIT DISTRICT, RG13689346 (09-R2D2-1219 & 1221)
32. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)
33. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
34. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-  
80001749 (2008-R2D1-3414 THROUGH 3418)
35. SHIMMICK-OBAYASHI, 34-2014-80001750 (2008-R3D3-5023 THROUGH 5025)
36. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
37. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056  
THROUGH 3058) (DOSH)
38. LAND O'LAKES PURINA FEED, LLC, RG14715717 (08-R2D4-1843 AND 1844)  
(DOSH)
39. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056  
THROUGH 3058) (3<sup>rd</sup> Party)
40. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817 (09-  
R6D2-2238 ~ 2241)

41. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)

**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. SHERWOOD MECHANICAL, INC., D065322, 37-2012-00101466 (08-R3D2-4690 ~  
4693)

**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. ACCO ENGINEERED SYSTEMS, 13-R6D2-2565
2. A M DRYWALL, INC., 14-R1D4-0766
3. AMPAC FINE CHEMICALS, LLC, 14-R2D1-0242
4. AMTREN CORPORATION, 13-R6D2-2963 THROUGH 2966
5. GEORGE AYALA DBA AYALA CONSTRUCTION, 13-R6D5-2294
6. A.V. THOMAS PRODUCE, INC., 14-R2D4-1089
7. JOSEPH BRADLEY DBA BELMEX CONSTRUCTION, 13-R4D4-2636
8. CAL STATE STEEL CORPORATION, 13-R4D1-1848
9. ANDRES CHAVEZ AND JORGE LOPEZ DBA OAKLAND LINEN SERVICE,  
14-R1D4-0740 THROUGH 0744
10. CONTAINER INTERMODAL TRANSPORT, INC., 113-R6D2-1902
11. CORNERSTONE STAFFING SOLUTIONS, 13-R4D4-2048
12. C.S. LEGACY CONSTRUCTION, INC., 13-R3D3-3546
13. CVS PHARMACY, 14-R3D1-0991

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14. DEVELOPLUS, INC., 13-R3D3-3786 THROUGH 3790
15. EAST BAY MUNICIPAL UTILITY DISTRICT, 14-R1D4-1312
16. FOOTHILL SUITES, LLC., 13-R4D4-2361
17. G & P AG MANAGEMENT CONTRACTORS, INC., 13-R6D7-2376
18. HERZOG REYES, A JOINT VENTURE, 14-R3D5-1291
19. HIGHLAND MANOR, 14-R6D2-1080 THROUGH 1082
20. ITAL CUSTOM SIGNS, INC., 13-R4D4-2028 THROUGH 2030
21. NADER JAVID, 14-R2D4-0806 THROUGH 0808
22. JJ HARVESTING, 13-R3D2-2737 THROUGH 2740
23. JOBBER'S WHOLESALE, INC., 13-R3D5-1715 AND 1716
24. JWCH INSTITUTE INC. DBA THE ABBEY, 13-R4D1-2289
25. ADELBERTO LUGO DBA CAL STATE CONSTRUCTION, 13-R6D5-3036
26. MARINE FENDERS INTERNATIONAL, INC., 13-R3D5-2263 AND 2264
27. MESQUITE ENTERPRISES, INC., 13-R3D3-2288
28. MING INTERNATIONAL DBA CARPET SOLUTIONS, INC., 13-R3D5-3103  
THROUGH 3105
29. NELLSON NUTRACEUTICAL LLC., 13-R4D4-0138 AND 0139
30. NORWALK INDUSTRIES, L.P. 13-R3D3-2021 THROUGH 2023
31. ORGANIC MILLING ACQUISITION, 14-R6D2-0185 THROUGH 0193
32. PACIFIC EDGE REAL ESTATE, 11-R4D3-1274 AND 11-R4D3-1559
33. PACIFIC GAS & ELECTRIC COMPANY, 13-R2D1-1013 AND 1014
34. PACIFIC STEEL CASTING CO., 13-R6D1-3868 THROUGH 3870
35. PARAGON INDUST., INC. DBA BEDROSIAN TILE & MARBLE, 13-R3D1-2326  
THROUGH 2329 AND 14-R3D1-1039

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36. PHOENIX MOTORCARS, 13-R4D4-2610
37. RDO EQUIPMENT CO., 13-R3D2-1221 AND 1222
38. RICHARD BAGDASARIAN, INC., 13-R3D3-1996
39. ROADSTER WHEELS DBA WHEEL VINTIQUES, INC., 13-R2D5-2286
40. SILVERLINE CONSTRUCTION, 13-R4D1-0292 AND 0293
41. S.J. DENHAM, INC., 13-R2D3-3665
42. SOUTH COAST SPECIALTY SYSTEMS, INC., 13-R3D2-1157
43. SOUTHERN WINE & SPIRITS OF AMERICA, INC., 13-R4D4-2362 AND 2363
44. SPRAGUE'S ROCK AND SAND COMPANY, 13-R4D4-2511
45. TIME WARNER CABLE, 13-R3D2-1522
46. TRIUMPH PAINTING, 14-R3D5-0480
47. KEVIN TURNER DBA KA TURNER CONSTRUCTION, 13-R6D7-3671  
AND 3672
48. WESLAR, INC., 13-R4D3-2225 AND 2226
49. WESTERN EXTERMINATOR COMPANY, 13-R3D3-1186
50. WESTMONT CORP. DBA WILDWOOD MOBILE COUNTRY CLUB,  
13-R4D4-1461

**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.