

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, July 18, 2012**  
**10:00 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: July 6, 2012**

**RE: Closed Session of the Board to be held on July 18, 2012**

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.

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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. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3793 AND 3794
2. VLADIMIR PETRIK DBA V & S MASONRY DEVELOPMENT, 10-R2D1-1419 AND 1420

**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. 515 WEST SEVENTH, LLC., DBA CANDELLA LIGHTING COMPANY,

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11-R6D2-1905 THROUGH 1908

2. ACME CLEAN AIR INC., 11-R4D1-2677 AND 2678
3. ACTION RENTALS & LDJ INC., 11-R2D1-1924 THROUGH 1926
4. AEROJET-GENERAL CORPORATION, 09-R2D1-0477
5. ALPHA OMEGA QUALITY PAINTING AND DECORATING,  
11-R1D4-0693 AND 0694
6. AMCOR RIGID PLASTICS USA, INC., 11-R2D2-1601 THROUGH 1603
7. ASHKINS MEDICAL AESTHETICS DBA ASHKINS LASER CENTER,  
11-R2D1-0873
8. ASSOCIATED WINERY SYSTEMS, INC., 11-R1D5-0598
9. A TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 11-R2D5-0051
10. BANNER AUTO SALES INC., DBA VICTORY TOWING, 11-R6D7-0647
11. BARRETT BUSINESS SERVICES, INC., 11-R6D7-0724
12. BARRETT BUSINESS SERVICES, INC. 11-R1D3-2091
13. FEROZE DIN BATH DBA LOS BANOS FLC, 10-R2D1-4014 AND 4015
14. BAUMAN LANDSCAPE & CONSTRUCTION, 10-R1D1-2963 AND 2964
15. BENNINGTON GROUP WEST, INC., 11-R2D2-0376
16. BEN'S TRUCK REPAIRS, INC., 09-R2D1-4268 THROUGH 4270
17. BEST BUY COMPANY, INC., 10-R1D4-3579 AND 3580
18. BRILLIANT GENERAL MAINTENANCE, INC., 11-R1D3-1444
19. CALIFORNIA DAIRIES, INC., 11-R2D5-0765
20. CITY OF SUNNYVALE WATER POLLUTION CONTROL PLT., 12-R6D3-0689
21. CONCORDIA UNIVERSITY, 12-R3D1-0436
22. COMPASS EQUIPMENT INC., 09-R2D1-3823 THROUGH 3828

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23. CORNELL ROOFING CO., INC., 12-R2D2-0008 AND 0009
24. COTATI ROHNERT PARK SCHOOL DISTRICT, 11-R1D5-0085
25. COUNTRY CLUB CLEANERS, 11-R2D2-3105
26. DASCO COMMERCIAL CONSTRUCTION CO., 11-R6D7-1916 AND 1917
27. DAVID J. PECK LANDSCAPE SERVICES, 12-R2D5-0983
28. JIMMIE R. DAVIS DBA ATWATER CHRISTIAN LIFE CENTER, 11-R2D4-3288
29. DECCO CASTINGS, INC., 11-R6D2-1660 THROUGH 1666
30. DE GRAFF DEVELOPMENT, INC., 11-R6D7-3061 THROUGH 3063
31. DEL MONTE FOODS, PLANT #1, 11-R6D3-2250
32. DELTA STAR INC., 11-R1D3-0870 AND 0871
33. DEPARTMENT OF MENTAL HEALTH DBA CMH, 11-R2D2-0147
34. DIEDRICH AG SPRAY, 11-R2D5-2055
35. D R HORTON BAY INC., 11-R1D3-1769
36. EL CHICO PRODUCE, INC., 11-R1D1-1686
37. EMPIRE DEMOLITION INC., 12-R3D3-1174 AND 1175
38. ENVY DIST. INC., DBA CADIVEU USA, 11-R4D2-1624
39. EAST BAY REGIONAL PARK DISTRICT, 12-R1D4-1201
40. LINO JOSEPH FINATTI JR., DBA LINO FINATTI JR., 11-R1D2-2913  
THROUGH 2918
41. FIVE STAR PACKING LLC, 11-R2D5-2277
42. FOUNDATION CONSTRUCTORS, INC., 12-R1D4-1306
43. FOX MERCHANDISING INT. INC DBA FOX MARBLE & GRANITE,  
11-R1D1-2430
44. JAMES BRIAN GUERTON DBA NORCAL PLASTERING, 12-R6D7-0627

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45. HIGH END DEVELOPMENT, INC., 11-R1D4-1043
46. HILLTOWN PACKING CO., INC. 11-R6D1-1429 AND 1430
47. H & H TRENCHING INC., 10-R2D1-2667 THROUGH 2669
48. HOME DEPOT USA, INC., HOME DEPOT 0612, 12-R4D3-0069
49. HUMBOLDT BAY MUNICIPAL WATER DISTRICT, 11-R6D3-3049
50. INCREDIBLE ENTERTAINMENT, INC., DBA JOHN'S INCREDIBLE PIZZA COMPANY, 11-R2D1-0944 THROUGH 0949
51. INDUCTION TECHNOLOGY CORPORATION, 12-R3D3-0534
52. J & H TREE SERVICES INC., 11-R2D5-2794 THROUGH 2796
53. JIM MURPHY AND ASSOCIATES, 11-R1D5-2762
54. JOHN BOYD ENTERPRISES, INC., DBA JB RADIATOR SPECIALITIES, INC., 09-R2D1-0074 THROUGH 0076
55. J & M SALES, 11-R4D1-2975
56. J.R. SIMPLOT CO. DBA SIMPLOT GROWERS SOLUTIONS, 12-R2D5-1252
57. KATE'S FARMS, 10-R2D5-2365
58. KEITH A. NILMEIER FARMS, 09-R2D5-4112 THROUGH 4114.
59. KERMANIG, INC., 11-R6D2-1434 THROUGH 1438
60. LA COUNTY FIRE – CAMP 11 ACTON, 12-R4D3-0290
61. LAUSD FLORENCE GRIFFITH JOYNER ELEMENTARY SCHOOL, 11-R4D2-3239
62. LBA REALTY LLC, 11-R3D1-1987
63. LODI UNIFIED SCHOOL DISTRICT DBA VINEWOOD ELEMENTARY SCHOOL, 11-R2D4-3216
64. LOS BANOS FLC., 10-R2D1-3446
65. LOS RIOS FARMS INC., 10-R2D1-2867

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66. LOWES HIW, INC. – STORE NO. 790, 12-R4D3-0070 AND 0071
67. LUNDAY THAGARD, 11-R6D4-3270 AND 3271
68. THOMAS HENRY LUTGE DBA QSE CONSTRUCTION, 09-R6D7-2897  
AND 2898
69. MAPLEGROVE GLUTEN FREE FOODS INC., 12-R3D3-0609 AND 0610
70. MARTINEZ UTILITY SERVICES DBA MARTINEZ POLE & TREE  
MAINTENANCE, 10-R1D5-3617 AND 3618
71. MARTINEZ UTILITY SERVICES, INC., 11-R2D2-2026
72. MASTER PLASTICS INCORPORATED, 11-R2D2-2025
73. MATICH CORPORATION, 12-R5D3-0338 AND 0339
74. MICKE GROVE GOLF LINKS, 11-R2D4-3176
75. MING HONG, 11-R3D6-3114 AND 3115
76. MPM & ASSOCIATES INC., 11-R4D1-1451 AND 1452
77. NAIM HAMDY JAMALI DBA ZACKS AUTO BODY & PAINT, 11-R6D7-1676  
AND 1677
78. STEVE NAGEL, 11-R3D2-1533 AND 1544
79. NCM DEMOLITION & REMEDIATION LP, 11-R2D2-3174
80. PFEIFFER CA CUSTOM PACKING INC., 09-R2D5-2497 THROUGH 2499
81. PINNACLE PEST CONTROL, 09-R2D1-3580 THROUGH 3583
82. PRO-TECH CONSTRUCTION, 11-R1D4-2334
83. R-3 BUILDERS, INC., 10-R6D1-2411 THROUGH 2415
84. RAMCO ENTERPRISES LP DBA RAMIREZ LABOR SERVICES, 11-R6D7-1140
85. RITE-AID CORPORATION, 10-R2D1-4013
86. RGW VANGUARD, A JOINT VENTURE, 11-R2D4-1264
87. RON THORN CONSTRUCTION INC., 10-R1D4-3323 AND 3324

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88. R & S SUPPLY, 10-R2D5-0525
89. RUDOLPH & SLETTEN, 11-R3D2-1446 AND 1447
90. SALINAS VALLEY COOLING, 10-R6D3-3712 AND 3713
91. SAN FRANCISCO SUPERIOR COURT, 11-R1D1-1039
92. SBM SITE SERVICES, INC., 10-R2D1-3810
93. SECURITAS SECURITY SERVICES USA, INC., 11-R2D2-1292
94. SECURITAS SECURITY SERVICES USA, INC., 11-R2D4-1876 THROUGH 1878
95. SELMA PALLET, INC., 10-R2D5-1760 AND 1761
96. SHULTZ STEEL COMPANY, 11-R4D2-2864 AND 2865
97. SIGN DESIGNS, INC., 10-R6D1-3912
98. SMITH RANCHES, 10-R2D3-3448
99. SOLANO COUNTY ROOFING, INC., 10-R2D3-2615
100. SONNY JACKSON ROOFING, INC., 11-R2D2-3172
101. SOUTHWEST WATER CO., 11-R6D3-2525
102. SOUTHWEST WATER CO., 11-R6D3-2548 AND 2549
103. STAPLES, INC., 11-R1D4-2127
104. STRAWBERRY SHORES APARTMENTS, A PARTNERSHIP, 11-R1D5-0403
105. SUNSWEET GROWERS, INC., 10-R2D1-2741 TO 2742
106. SUNVIEW VINEYARDS, 10-R2D5-0481
107. TDG LLC DBA THE DAVIDSON GROUP, 11-R3D5-2100
108. TEICHERT CONSTRUCTION, 10-R2D1-3272
109. THE 54 CONSTRUCTION CO., 10-R2D1-3814 AND 3815
110. THE ULTIMATE COMPANY, 11-R4D1-2858 AND 2859

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111. TIC THE INDUSTRIAL COMPANY, 12-R5D3-1463
112. TRANSPORT DRIVERS, INC., 11-R3D6-2716
113. UNITED PARCEL SERVICE DBA UPS, 11-R2D2-3287
114. VALLEY CREST LANDSCAPE DEVELOPMENT, INC., 12-R4D3-0100
115. VEOLIA ENERGY LOS ANGELES, INC., 11-R4D1-2999
116. HERMELINDA VIRAMONTES DBA SOUTH VALLEY CONTRACTING,  
11- R6D7-3133 AND 3134
117. WASTEXPERTS DBA LENTZ AND ORTEGA INDUSTRIES, INC.,  
12-R1D4-0420
118. WEST COAST ARBORISTS, INC., 11-R4D1-3072
119. WEST COAST DEMOLITION, 11-R2D4-3217 AND 3218
120. WHOLE FOODS MARKET CALIFORNIA, INC., 12-R1D1-0256 AND 0257
121. WILDWOOD PACKING & COOLING INC., 12-R2D5-0301
122. WINDOW & CO. DBA MR. WINDOW CLEANING INC., 12-R3D3-0274  
AND 0275
123. WOODSMITH ARCHITECTURAL CASEWORK & MILLWORK DBA  
WOODSMITHS, 10-R2D1-2968 AND 2969
124. YUBA RIVER MOULDING AND MILLWORK, INC., 10-R2D3-2890 AND 2891

**ORDERS DISMISSING APPEAL:**

1. ANACLETO GUTIERREZ DBA C & H TIRE SHOP, 11-R6D7-3275  
THROUGH 3277
2. GILBERTO HUERTA DBA GILBERTO'S ORNAMENTAL IRON WORKS,  
12-R6D5-0341 THROUGH 0343
3. ZORIA FARMS INC., 09-R2D5-3486 THROUGH 3488

**ORDER AFTER REMAND:**

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1. LAST CHANCE, INC., DBA A STAR RECYCLING, 10-R4D3-3468 AND 3469

**PETITIONS FOR RECONSIDERATION:**

*(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)*

1. CA DEPT. OF FORESTRY & FIRE PROTECTION, 10-R2D1-0728
2. CALIFORNIA HIGHWAY PATROL, 09-R2D1-3762
3. JOSH GENERAL ENGINEERING, INC., 11-R4D3-2801 AND 2802
4. JUSTIS ENTERPRISES DBA BILL'S ROOFING, 09-R2D1-0586
5. KENYON PLASTERING, INC., 10-R1D4-2710
6. K H S & S OF CONCORD, INC., 11-R2D2-0374 AND 0375

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

1. SHIMMICK CONSTRUCTION COMPANY, INC., 09-R2D3-0399

**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. ALLIED SALES & DISTRIBUTION, INC., 11-R6D2-0480
3. AC TRANSIT, 08-R1D4-0135
4. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
5. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
6. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN,  
INDIVIDUALLY DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
7. ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655
8. BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1219 AND 1221

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9. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
10. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239 THROUGH 2241
11. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445 AND 3448
12. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
13. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
14. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
15. CENTRAL VALLEY ENGINEERING & ASPHALT, INC. 08-R2D1 5001 AND 5002
16. COFFMAN SPECIALTIES, INC., 10-R3D3-3532
17. COMMERCIAL METAL FORMING, 09-R3D1-1592
18. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
19. COUNTY OF LOS ANGELES DEPT. OF PUBLIC WORKS, 07-R4D2-2540
20. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
21. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
22. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
23. DELTA TRANSPORTATION, INC., 08-R2D1-4999
24. DENIO'S ROSEVILLE FARMERS MARKET & AUCTION INC. 11-R2D1-2431
25. DISTRIBUTION CENTER MANAGEMENT GROUP (DCMG), 11-R3D3-2896
26. DUKE PACIFIC, INC., 08-R3D3-574
27. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS, 09-R6D2-2325 THROUGH 2332
28. EZ MIX, INC., 08-R4D3-1898
29. FDO INC. DBA GRAND AMERICAN DOORS, 10-R6D2-1215 THROUGH 1219

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30. FORTUNA IRON WORKS 06-R2D3-4222
31. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687
32. HOLLINGER CONSTRUCTION INC., 11-R4D1-0891
33. HOME DEPOT, 10-R3D6-3284
34. HYDRO-SCIENCE OPERATIONS INC., 10-R1D2-0389
35. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
36. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
37. LION RAISINS, INC., 08-R2D5-2253 AND 2254
38. MARINE TERMINALS, 08-R6D2-1920
39. McPHERSON ENTERPRISES, INC., 10-R2D5-0995
40. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
41. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
42. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
43. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
44. ORANGE COUNTY FIRE AUTHORITY, 10-R3D1-3667
45. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
46. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
47. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
48. POUK & STEINLE, INC., 09-R3D3-0491
49. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
50. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
51. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-3128 THROUGH 3131
52. SDCCD – CONTINUING EDUCATION N C CENTER, 11-R3D2-1196

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53. SDUSD – PATRICK HENRY HIGH SCHOOL, 11-R3D2-1296 AND 1297
54. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
55. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
56. SIERRA FOREST PRODUCTS, 09-R2D5-3979
57. SMUD, 08-R2D1-4887 THROUGH 4889
58. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR,  
08-R2D1-3414 THROUGH 3418
59. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
60. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
61. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
62. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION,  
05-R2D4-2650 AND 2651
63. A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 09-R4D5-0459  
AND 0460

**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. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSHS v. OSHAB)  
(00-440)
2. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
3. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)

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4. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
5. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430  
(09- 9280/9281)
6. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047  
(07-R5D1-3611)
7. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP,  
34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
8. SMUD, 34-2010-80000723 (08-R2D1-4887)
9. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
10. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
11. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965  
(10-0188~0191)
12. GUILLAUME GRAPEVINE NURSERY, INC., 34-2011-800001010  
(08-R2D1-3273)
13. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459  
THROUGH 2461)
14. FLATIRON CONSTRUCTION CORP, 34-2012-800001029 (10-R4D1-2789)
15. HOLLANDER HOME FASHION, BS-135444 (10-R4D2-3704)
16. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 12CV01039  
(07-R2D3-0275)
17. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
18. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
19. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
20. DUININCK BROS., INC., 34-2012-80001129 (06-2871)

**COURT OF APPEAL:**

1. JERLANE, INC., D060844 (2007-00056381) (01-4344 and 4345)

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

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