

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), (e) and (f)
for
Wednesday, August 20, 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: August 7, 2014

RE: Closed Session of the Board to be held on August 20, 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.

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. WEBCOR CONSTRUCTION L.P., 14-R1D1-0527

PETITIONS FOR RECONSIDERATION:

1. CAL PAC SHEET METAL INC, 13-R3D1-0547

DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):

1. A.B.S. MANUFACURERS, INC., 14-R6D7-9075

ORDER AFTER REMAND:

1. BODEGA LATINA CORP. DBA EL SUPER, 12-R4D1-3500

ORDERS DISMISSING APPEAL:

1. CARTER'S METAL FABRICATORS INC., 14-R6D2-0543 THROUGH 0545
2. HERBTHYME FARMS, INC., 12-R3D6-3009 THROUGH 3011
3. WEST COAST & SONS DEMOLITION, 14-R4D3-0136

ORDERS GRANTING LEAVE TO FILE LATE APPEAL:

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. B & B ROOF PREPARATION, INC., 12-R3D6-2946
2. BELLINGHAM MARINE INDUSTRIES, 12-R2D2-3144 THROUGH 3146
3. CABRILLO ECONOMIC DEVELOPMENT CORP., 11-R4D3-3185 & 3186
4. DOUBLE S. FASHION, INC., 14-R6D5-1751 AND 1752
5. HARRIS CONSTRUCTION, 03-R2D5-3914
6. HHS CONSTRUCTION, 12-R3D2-0492-0497
7. KELLY GLOBAL LOGISTICS, INC., 12-R3D5-0014
8. K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375
9. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR,
08-R2D1-3093 THROUGH 3098
10. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
11. McCARTHY BUILDING CO., INC., 12-R1D4-3458

12. MORROW MEADOWS CORP., 09-R3D3-2295
13. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
14. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
15. O.C. JONES AND SONS, INC. 13-R2D2-0310
16. REPUBLIC FURNITURE MFG., INC., 14-R6D2-9083
17. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
18. ROSENDIN ELECTRIC, INC., 12-R2D1-3028
19. SIERRA FOREST PRODUCTS, 09-R2D5-3979
20. SONIC DRIVE-IN, 12-R2D5-2734
21. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
22. TRADEMARK CONSTRUCTION CO., INC., 12-R4D1-0096 AND 0097
23. TREASURE ISLAND MEDIA, INC., 10-R6D1-1093 THROUGH 1095
24. VICTORY SCREEN PRINTING 12-R3D1-3673 & 3674
25. WC STAFFING INC., DBA WEST COAST STAFFING, 13-R6D2-3522 AND 3523

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. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-8000820 (03-R1D1-5170)

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3. MASCON, INC., 34-2011-80000819 (08-R2D1-4278 AND 4279)
4. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965 (10-0188~0191)
5. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
6. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
7. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
8. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
9. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
10. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
11. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
12. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
13. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
14. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
15. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
16. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
17. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
18. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
19. HOME DEPOT USA, INC., BS141301 (10-3284)
20. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
21. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)
22. AC TRANSIT, RG13687314 (08-R1D4-0135)

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23. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575
(12-R5D1-337)
24. BAY AREA RAPID TRANSIT DISTRICT, RG13689346 (09-R2D2-1219 & 1221)
25. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)
26. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
27. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-
80001749 (2008-R2D1-3414 THROUGH 3418)
28. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)
29. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
30. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056
THROUGH 3058) (DOSH)
31. LAND O'LAKES PURINA FEED, LLC, RG14715717 (08-R2D4-1843 AND 1844)
(DOSH)
32. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056
THROUGH 3058) (3rd Party)
33. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817
(09-R6D2-2238 ~ 2241)
34. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
35. IRWIN INDUSTRIES, BS14-9634 (12-R4D3-3276 & 3277)
36. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303
THROUGH 1310)
37. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360
THROUGH 3362)

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)
4. ORANGE COUNTY FIRE AUTHORITY, G050220, 30-2013-00628178
(CONSOLIDATED)

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. ADAMS VEGETABLE OILS, INC., 13-R2D1-2154 THROUGH 2156
2. AGS CORPORATION DBA SMITH AND COMPANY, 14-R6D2-0009
THROUGH 0017
3. AMERICAN COMMUNITY HOME BUILDERS, INC., 13-R4D1-3087
4. AMR STAFFING, 14-R3D5-1872
5. AT&T, 13-R2D1-2970
6. BAL INC., DBA SERVPRO OF WESTWOOD/W BEVERLY HILLS,
13-R4D1-2522 AND 2523
7. BARRERA & ASSOCIATES CONSTRUCTION, INC., 14-R1D4-2077
THROUGH 2081
8. BASILE INC., 14-R3D2-0036
9. MARCO T. BETETA DBA MEXICALI AUTO REPAIR, 13-R6D5-2177
AND 2178
10. BODEGA LATINA CORP DBA EL SUPER, 12-R4D1-3500
11. BUTTONWILLOW GINNING COMPANY, 13-R4D7-3935 THROUGH 3937
12. CALFABCO INC., DBA MR. WASHERMAN, 14-R4D4-0281 THROUGH 0283
13. CALHOME INC. DBA T-MOTORSPORTS, 14-R4D4-0146
14. CALIFORNIA STATE POLYTECHNIC UNIVERSITY POMONA,
14-R4D4-0295 THROUGH 0297

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15. CARMONA'S COLLISION REPAIR, INC., 13-R6D5-2643 THROUGH 2645
16. CA SPECIALTY CONTRACTING SERVICES, INC., 13-R4D1-3578 AND 3579
17. CORN MAIDEN FOODS, INC., 13-R3D5-3320 THROUGH 3322
18. CORONADO COASTAL DEVELOPMENT, INC., 13-R6D5-2669 AND 2670
19. CSI ELECTRICAL CONTRATORS, INC., 13-R4D7-2799
20. DENNIS ALLEN ASSOCIATES DBA ALLEN ASSOCIATES CONST.,
14-R4D3-1398
21. D.W. HIBBERT ELECTRIC CO., 13-R3D2-3034 THROUGH 3035
22. ELADIN GONZALEZ FLORES DBA FLORES FARMS, 14-R4D7-0221
23. FRESNO UNIVERSITY PRESBYTERIAN CHURCH, 14-R2D5-1248
24. GARZA, INC., 14-R4D7-0320 AND 0321
25. GENERAL MILLS, INC., 14-R2D4-1235
26. GLOBAL NETWORKS INFRASTRUCTURE SOLUTIONS, INC.,
13-R6D5-3499
27. GONSALVES & SANTUCCI, INC DBA CONCO, 14-R1D1-0635 AND 0636
28. GOODWILL OF SILICON VALLEY, 13-R6D1-1673
29. GRAHAM TREE SERVICE, INC., 14-R1D4-2155 AND 2156
30. GRIGOLLA & SONS CONSTRUCTION CO., INC., 14-R6D5-0463
31. GROSSI FARMS, 14-R4D4-0533 THROUGH 0535
32. HAYES WELDING INC., 14-R3D3-0414
33. H & B EQUIPMENT COMPANY, INC., 13-R4D7-1726 AND 1727
34. HE ZHANG DBA GARDEN GREENING SERVICES, 13-R4D1-1595
35. HIGH-LIGHT ELECTRIC INC., 14-R3D3-1421
36. H J H CONSTRUCTION, INC., 14-R3D3-0478 AND 0479

37. HYUNDAI OF ROSEVILLE, L.L.C. DBA HYUNDAI ROSEVILLE,
14-R2D1-0558
38. INFRARED DYNAMICS INC., 14-R6D2-1748 THROUGH 1750
39. JET DELIVERY INC., 14-R2D5-1689
40. JIS DESIGN INC., 13-R6D5-2499 THROUGH 3304
41. JT2, INC DBA TODD COMPANIES, 13-R2D5-2950
42. KEY ENERGY SERVICES INC., 13-R4D7-0904
43. LYDIG CONSTRUCTION, INC., 13-R3D3-2822
44. MANHEIM SOUTHERN CALIFORNIA DBA MANHEIM INVESTMENT,
14-R3D3-2159
45. MARS PETCARE US INC., 14-R3D3-2129 THROUGH 2132
46. MAZT, INC., 14-R6D7-0306
47. MB COATINGS, INC., 14-R6D5-0222
48. MICK OLIVEIRA FARMS, 14-R2D5-0588
49. VICENTE NARGANES, 14-R3D3-0374
50. NITE-LITE SIGNS, INC., 13-R4D3-2360
51. SELMA AMERICA OCHOA, 13-R3D3-2598
52. OCTOPUS RESTAURANT TUSTIN, INC. DBA GEN KOREAN BBQ AND
YAKITORI BAR, 14-R3D1-0034
53. PACIFIC MASONRY, 14-R2D5-1338 AND 1339
54. PACIFIC SOUTHWEST STRUCTURES, INC., 13-R3D3-3777
55. PACKAGING DYNAMICS CORP, DBA BAGCRAFTPAPERCON,
14-R4D4-0238
56. PARADISE MOTORSPORTS, 14-R6D5-0322 THROUGH 0324

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57. PARAMOUNT METALS & SUPPLY COMPANY, 13-R4D1-0557
THROUGH 0559
58. PENNINE PLUMBING, INC., 13-R3D1-3598 AND 3599
59. P.F.L. CONTRACTING, INC., 13-R6D7-2806
60. PIONEER DIECASTERS, INC., 14-R6D2-1340 AND 1341
61. POWER GRADE INC., 14-R2D5-1576
62. POWERHOUSE GRADING, INC., 14-R2D5-1577
63. REBAR ENGINEERING, INC., 13-R4D1-3581
64. RELIANCE STEEL AND ALUMINUM CO. DBA BRALCO METALS,
14-R4D4-0350
65. R.M. HARRIS COMPANY, INC., 13-R1D4-3899 AND 3900
66. ROBERT DAVIES ENTERPRISES INC., DBA BOLAR CEILINGS,
14-R1D4-1978 AND 1979
67. R.M.T. CONTRACTING, INC., 14-R4D7-2152
68. WILLIAM ROEDER DBA HELPING HANDS OF SACRAMENTO,
14-R2D1-0768
69. SARGENT AEROSPACE AND DEFENSE, 14-R3D5-2054
70. SCHARFF CONSTRUCTION, 13-R4D1-3580
71. SKY BRAND SERVICES, 13-R4D6-0143 AND 0144
72. SNOW SUMMIT, INC., 14-R3D3-0376
73. STARCO ENTERPRISES INC. DBA FOUR STAR CHEMICAL, 13-R6D4-3346
74. STOKER CONSTRUCTION, INC., 13-R6D5-2274 AND 2275
75. SUN CONSTRUCTION, 13-R4D4-0892 AND 0893
76. ROBERT THOMPSON & CHERYL THOMPSON, 14-R2D2-0170
THROUGH 0175

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77. TRAFFIX DEVICES INC., 14-R3D3-2050 THROUGH 2053
78. TRUGREEN LANDCARE INC., DBA TRUGREEN LANDCARE,
13-R4D1-0520 AND 0521
79. TWR ENTERPRISES, INC., 13-R6D5-2372 AND 2373
80. TYCO SIMPLEX GRINNELL DBA SIMPLEX GRINNELL LP, 13-R2D5-2934
AND 2935
81. U.S. BANK, 13-R3D1-1748
82. V.G. RAMIREZ, INC., 14-R3D3-0237
83. WAL-MART STORES, INC., 14-R2D5-0700
84. WALT OXLEY ENTERPRISES, INC. DBA CIARRA CONSTRUCTION,
14-R6D7-1210 THROUGH 1212
85. WEST COAST STEEL & PROCESSING INC., 14-R4D4-0675 THROUGH 0677
86. WESTERN CONCRETE PUMPING, INC., 13-R3D5-0167 AND 0168

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.