

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Thursday, October 15, 2015**  
**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: October 2, 2015**

**RE: Closed Session of the Board to be held on October 15, 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. BURTECH PIPELINE INC., 13-R3D2-0830 AND 0831
2. DPR CONSTRUCTION, A GENERAL PARTNERSHIP, 13-R3D2-3734
3. EMPLOYER SOLUTIONS STAFFING GROUP II, LLC, 12-R3D6-3207
4. FASTEMPS INC., 12-R3D6-3208

**PETITIONS FOR RECONSIDERATION:**

1. REALTIME STAFFING SERVICES, INC. dba SELECT STAFFING, 12-R4D3-3687 THROUGH 3689

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2. SHIMMICK CONSTRUCTION CO., INC/OBAYASHI CORP., 11-R3D1-2562 THROUGH 2570

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

1. CGK INC DBA PREMIER STEEL FABRICATION, 13-R4D4-0518 & 0519

**ORDERS DISMISSING APPEAL:**

1. ORANGE COUNTY FIRE AUTHORITY, 14-R3D1-3164
2. RGS ARBOR CARE, 14-R3D1-3137

**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)*

ORDER DENYING LATE APPEAL

1. BARRETT BUSINESS SERVICES, INC. DBA BBSI, 15-R3D3-9161

ORDER GRANTING 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. ACTION METAL RECYCLING, INC., R2D2-1125 THROUGH 1126
2. CHEVRON U.S.A. INC., 13-R6D3-0655 THROUGH 0662

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3. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
4. CYBERNET ENTERTAINMENT, LLC, 14-R6D1-0364
5. DIONYSUS DREAM INC., DBA NEWPORT MESA CARWASH & SERVICE,  
15-R6D5-9087
6. ECHO ALPHA INC. ET AL, 14-R3D1-0802 THROUGH 0804
7. EKEDAL CONCRETE, INC., 13-R3D1-0131 THROUGH 0133
8. GOLDEN STATE WARRIORS, 15-R1D4-9060
9. HERMAN WEISSKER, INC., 13-R3D1-3279
10. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
11. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
12. McCARTHY BUILDING CO., INC., 12-R1D4-3458
13. MCM CONSTRUCTION, INC., 13-R1D2-3851 THROUGH 3854
14. GONZALO OLASCOAGA DBA GONZALO OLASCOAGA, 13-R6D5-2097  
AND 2098
15. SIERRA FOREST PRODUCTS, 09-R2D5-3979
16. UNITED PARCEL SERVICE, 14-R2D1-1779
17. W.A. RASIC CONSTRUCTION, INC., 13-R3D1-2952

**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. 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)
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. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
19. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)
20. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)

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21. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
22. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817  
(09-R6D2-2238 ~ 2241)
23. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
24. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
25. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303  
THROUGH 1310)
26. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360  
THROUGH 3362)
27. FEDEX GROUND PACKAGING SYSTEM, INC., CIVDS1415696 (13-R3D1-1220)
28. KEY ENERGY SERVICES, INC., S-1500-CV-283958, EB (13-R4D3-2239 ~ 2242)
29. KDTD, INC. DBA KD DEVELOPMENT, INC., 37-2015-00003550-CU-WM-CTL  
(14-R3D2-1935 & 1936)
30. HHS CONSTRUCTION, 34-2015-80002052 (12-R3D2-0492 THROUGH 0497)
31. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR,  
15CV-00945 (08-R2D1-3093 ~ 3098)
32. STANISLAUS FOOD PRODUCTS CO., 34-2015-80002087 (13-R2D4-0572 ~ 0574)
33. OLDCASTLE PRECAST, INC., 34-2015-80002167 (13-R3D3-0583)

**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)

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**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. ACCULIGN SERVICES, INC., 15-R1D4-1561 THROUGH 1563
2. ADVANEX AMERICAS, INC., 14-R3D1-2690
3. AMERICAN LICORICE COMPANY, 15-R1D4-2878 AND 2879
4. AMERICAN RESOURCES CORPORATION, 15-R4D4-2485
5. AMERILLUM LLC DBA AMERILLUM BRANDS, 15-R3D2-0384
6. ANDERSON CHARNESKY STRUCTURAL STEEL INC., 15-R3D3-1780 AND 1781
7. ANDRUS SHEET METAL, INC. DBA SEAPORT STAINLESS, 15-R6D1-2216 THROUGH 2218
8. APEX PERSONNEL INC AKA D&D HR SERVICES, 15-R4D4-1189 THROUGH 1193
9. ASI HASTINGS, INC. DBA ASI HEATING AND AIR CONDITIONING, 15-R6D5-2526 AND 2527
10. ATLANTIC AUTO CENTER, LLC, 14-R3D5-3554 AND 3555
11. BARNARD CONSTRUCTION COMPANY, INC., 13-R5D3-1068 THROUGH 1075
12. BCI COCA-COLA BOTTLING COMPANY OF LOS ANGELES, 15-R4D7-2964
13. BRAND NAMES HOLDING GROUP, 15-R4D1-1265 THROUGH 1268
14. BUMBLE BEE FOODS, LLC., 13-R4D4-1450 THROUGH 1455
15. BUMBLE BEE FOODS, 13-R4D4-1456 AND 1457
16. BUMBLE BEE FOODS, 13-R4D4-1462
17. CALICO BRANDS INC, 15-R4D4-1400 AND 1401
18. CENTRE FOR NEURO SKILLS, 14-R4D7-1883 AND 1884
19. COUNTY OF LOS ANGELES DEPARTMENT OF CORONER, 15-R4D1-0114
20. CRC ROOFING INC., 15-R6D7-1372 AND 1373

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21. DECTON, INC., 14-R3D1-4112
22. DIAL SECURITY, 15,R4D4-1598 AND 1599
23. EAGLE MARINE SERVICES LTD, 14-R3D5-3145 AND 3146
24. EMMONS ROOF SERVICE INC., 15-R3D3-2363 AND 2364
25. EMPLOYCO USA, INC., 15-R3D1-0490 AND 0491
26. FAN DISC CORPORATION, DBA JANDI MACHINE & TOOL, 15-R4D3-2001  
AND 2002
27. FIRST SOLAR ELECTRIC, 13-R4D7-3280 THROUGH 3282
28. FOOTHILL FIRE PROTECTION INC., 15-R2D3-2854
29. GARZA CONTRACTING, INC DBA A.A. CONTRACTING, 15-R4D7-2989
30. GERDAU REINFORCING STEEL WEST, 14-R1D3-1433 THROUGH 1435
31. GIUMARRA VINEYARDS CORPORATION, 15-R4D7-0254
32. GOLDEN STATE CONSTRUCTION & FRAMING, INC., 15-R1D4-0927 AND  
0928
33. GOLDENWEST LUBRICANTS, INC., 15-R4D1-3124 AND 3125
34. GRIFFITH COMPANY, 15-R5D2-0792
35. GRIFFITH COMPANY, 15-R3D3-1395
36. GRIMMWAY ENTERPRISES, INC., 13-R4D7-3864 THROUGH 3866
37. ROBERT GROSSMAN DBA SACRAMENTO CABINET SPECIALTIES,  
14-R2D1-3872
38. HERNANDEZ PALLETS, A GENERAL PARTNERSHIP DBA HERNANDEZ  
PALLETS, 15-R6D5-3264
39. INDIVEST, INC., 14-R4D1-3166
40. INTERNATIONAL METALS EKCO, LTD, 15-R4D1-1333 THROUGH 1335
41. JAGUR TRACTOR, 14-R4D3-2855

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42. J C INTERIORS INC, 14-R2D5-1782
43. JD2 INCORPORATION, 15-R2D4-1754
44. JEROME AND HORNER SHEET METAL, INC, 15-R6D1-0570 THROUGH 0574
45. J.J. JR.'S TRUCK REPAIR AND MAINTENANCE, 15-R1D4-2948 THROUGH 2952
46. KAWEAH CONTAINER, INC, 15-R2D5-2086
47. KIRK CONSTRUCTION, INC., 15-R6D5-1720
48. KI WAN TAK, 15-R4D1-2162 AND 2163
49. KUEHNE CONSTRUCTION, 15-R1D2-2947
50. LAEL'S INTERNATIONAL AUTO SERVICE, 15-R6D5-1167 AND 1168
51. LANGER JUICE COMPANY INC., 14-R4D4-2728 THROUGH 2732
52. LASSEN CANYON NURSERY, INC., 15-R2D4-1679 AND 1680
53. JOE LAU DBA JL CONSTRUCTION, 15-R1D4-2138 THROUGH 2141
54. LAUSD 49<sup>TH</sup> STREET ELEMENTARY, 15-R4D1-1263 AND 1264
55. LANGER JUICE COMPANY INC., 14-R4D4-2728 THROUGH 2732
56. MAID FAST CONSTRUCTION, 14-R3D2-4114
57. MANUEL VILLA ENTERPRISES, INC. DBA LA PERLA MEXICANA, 15-R2D4-1574 THROUGH 1578
58. MASTER METAL PRODUCTS COMPANY, 15-R6D1-1974 THROUGH 1976 AND 15-R6D1-2723
59. MCDANIEL INC, 14-R4D1-3598 THROUGH 3600
60. MERITAGE HOMES OF CALIFORNIA, INC., 14-R2D1-2974
61. MOHANNAD SHAHRIAH DBA PHOTO GALLERY, 14-R2D4-4208
62. PACIFIC COAST PRODUCERS, 15-R2D1-0524
63. PERFORMANCE NURSERY INC, 15-R6D2-1223-1224

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64. PERSPECTIVE LANDSCAPING, INC., 15-R6D5-2601 THROUGH 2603
65. PG&E CORPORATION, 15-R1D4-3187 AND 3188
66. PHILIPS ELECTRONICS NORTH AMERICA CORPORATION DBA PHILIPS LIGHTING COMPANY, 15-R4D4-2156
67. POCINO FOODS COMPANY, 14-R4D4-2770 THROUGH 2771
68. RICHARD RADAVERO DBA R RADAVERO FARMS, 15-R2D5-1760
69. REVOLVE SOLAR CA, INC., 15-R2D3-2731
70. ROBERTO SEBASTIAN VELASQUEZ DBA ROBERT'S FASHION, 15-R6D5-2065 AND 2066
71. RTG MAINTENANCE CO., 14-R4D3-3946 AND 3947
72. S & B FILTERS INC, 15-R3D3-2365 THROUGH 2367
73. SACRAMENTO CITY COLLEGE, 15-R2D1-2051
74. SAFEWAY, INC. STORE 1824, 14-R2D1-4009
75. SANTA MONICA COLLEGE, 14-R4D1-3173
76. SANTOS & SONS DBA SANTOS M & SONS INC, 15-R2D4-1117 THROUGH 1119
77. JOHN SCHARFFENBERGER, 14-R2D1-4023 THROUGH 4030
78. DAVID SHAMP, 15-R2D5-2793 THROUGH 2795
79. SMM FACILITIES, INC., 14-R1D1-3923
80. JOSE SOLIS, 15-R4D1-1142 AND 1143
81. SPAN-O-MATIC INC., 15-R6D2-1422 THROUGH 1425
82. STAR SCRAP METAL CO., INC., 15-R4D4-1188
83. STERLING FOODS DBA BUENA VISTA FOOD PRODUCTS, INC., 15-R4D4-1339 THROUGH 1340
84. STERLING FOODS LLC DBA CARAVAN TRADING COMPANY, 14-R1D4-4204 AND 4205

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85. SWARTZ CONSTRUCTION INC., 15-R3D5-2180
86. TARGET CORPORATION STORE, #0222, 15-R4D4-2963
87. TEEFOR2, INC., 15-R4D4-0568
88. THE BOEING COMPANY, 15-R3D3-0667
89. THE ZIEGENFELDER COMPANY, 15-R4D4-1700 THROUGH 1704
90. TRISTAR FLC INC., 15-R3D3-0872-0875
91. TRUCK ACCESSORIES GROUP INC, 15-R2D1-2686
92. UFP THORNTON CORPORATE OFFICE, 15-R6D1-2188 AND 2189
93. ANTONIO VERDUZCO DBA VERDUZCO'S PAINTING, 15-R6D5-3007
94. WESTERN DRYWALL, INC., 15-R2D4-1677 AND 1678
95. WESTERN OIL SPREADING SERVICES INC., 15-R4D3-0611 THROUGH 0613
96. ZINUS, INC., 15-R1D4-2432 AND 2433

**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.