

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, November 5, 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: October 24, 2014**

**RE: Closed Session of the Board to be held on November 5, 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. J. PEREZ MATA TRUCKING, INC., 13-R3D7-0862
2. KEY ENERGY SERVICES, INC., 13-R4D3-2239 THROUGH 2242
3. NORDBY WINE CAVES, 13-R5D1-3886
4. SECURITY PAVING, INC., 13-R3D7-0771 AND 0772

**PETITIONS FOR RECONSIDERATION:**

1. LEVEL 3 CONSTRUCTION, INC., 14-R1D5-9131
2. MICROWAVE ANTENNA SPECIALTIES, A NEVADA CORPORATION,  
12-R1D4-3132-3138

3. UNITED BARK PRODUCTS, INC., 2012-R2D3-3252

4. WEST BEACH MAINTENANCE, 14-R3D5-1333 THROUGH 1336

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

**ORDER AFTER REMAND:**

1. L & S CONSTRUCTION, INC., 10-43D1-1821 AND 1822

**ORDERS DISMISSING APPEAL:**

1. CITY-WIDE ELECTRONIC SYSTEMS INC., 14-R3D2-2111

2. KDTD, INC., DBA KD DEVELOPMENT, INC., 14-R3D2-1935 AND 1936

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

1. STEVE DOVALI CONSTRUCTION, INC., 14-R2D4-3263

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

1. OMNIA ITALIAN DESIGN, INC., 14-R6D2-9151

2. WRIGHT CONTRACTING INC., 14-R1D5-9150

**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. CLASSIC BATH DESIGNS, INC., 14-R6D2-9104
4. HARRIS CONSTRUCTION, 03-R2D5-3914
5. HHS CONSTRUCTION, 12-R3D2-0492-0497
6. BENJAMIN KIMMICH dba KIMMICH CONSTRUCTION, 14-R1D4-9107
7. LANGER FARMS, LLC, 13-R4D7-231 THROUGH 0233
8. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR,  
08-R2D1-3093 THROUGH 3098
9. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
10. McCARTHY BUILDING CO., INC., 12-R1D4-3458
11. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
12. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
13. O.C. JONES AND SONS, INC. 13-R2D2-0310
14. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
15. ROSENDIN ELECTRIC, INC., 12-R2D1-3028
16. SIERRA FOREST PRODUCTS, 09-R2D5-3979
17. TREASURE ISLAND MEDIA, INC., 10-R6D1-1093 THROUGH 1095
18. 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:**

1. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)

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2. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-8000820 (03-R1D1-5170)
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) (3<sup>rd</sup> 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. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
36. BHC FREMONT HOSPITAL INC, RG13731145 (13-R1D2-0204)
37. IRWIN INDUSTRIES, BS14-9634 (12-R4D3-3276 & 3277)
38. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303  
THROUGH 1310)
39. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360  
THROUGH 3362)
40. MORROW MEADOWS CORP., BS151385 (09-R3D3-2295)
41. FEDEX GROUND PACKAGING SYSTEM, INC., CIVDS1415696 (13-R3D1-1220)

**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)
5. AC TRANSIT, A142799, RG13-687314 (08-R1D4-0135)
6. THYSSENKRUPP ELEVATOR CORPORATION, C077115, 34-2013-80001456 (11-R2D1-2217 ~ 2219)

**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. AAAA'S DEVELOPMENT, 14-R3D5-1589 THROUGH 1593
2. ACCOUNTABILITIES, INC. DBA CORP RESOURCE SERVICES, 13-R2D4-3098 THROUGH 3100
3. ALAMEDA COUNTY SOCIAL SERVICES AGENCY, 13-R1D4-1798
4. AMERICAN APPAREL (USA), LLC., 12-R3D1-0943 THROUGH 0945
5. A PROS AUTO REPAIR & TRANSMISSION, 14-R3D1-1174
6. ARGO SPRING MANUFACTURING CO. INC., 14-R6D2-0921 THROUGH 0931
7. ASBURY TRANSPORTATION CO., INC., 14-R4D7-0617
8. AZAD GROUP, INC. DBA SUBWAY #50988, 14-R2D1-1801
9. DON BEEMAN DBA DON BEEMAN FARMS, 14-R2D1-1380 AND 1381
10. BENCHMARK CONTRACTORS, INC., 14-R4D1-1048

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11. BEN'S ASPHALT MAINTENANCE COMPANY INC. DBA MEDINA CONSTRUCTION, 13-R3D2-3086
12. BETHANY HOME SOCIETY OF S.J. COUNTY, 14-R2D4-0641
13. B.J.'S RESTAURANT #517, 14-R2D2-1780
14. BMC WEST BUILDING MATERIALS & CONSTRUCTION SERVICE, 14-R2D5-2951
15. BURRTEC WASTE INDUSTRIES, INC., 14-R3D3-2575
16. CA FORESTY & FIRE PROTECTION, 13-R2D1-3664
17. CALUCO LLC DBA ALUMINUM PATIO FURNITURE, 14-R6D2-1974
18. CAMPBELL CERTIFIED, INC., 13-R3D2-1257 THROUGH 1261
19. CANNON FABRICATION INC., 14-R6D2-1581 AND 1582
20. C.D.C. CONSTRUCTION INC., 15-R2D4-1723
21. CEDARLANE NATURAL FOODS, INC., 14-R3D5-2488 AND 2489
22. CEDTECH TESTING LABORATORY, 14-R3D5-2483 THROUGH 2485
23. CENTRAL CALIFORNIA POWER, 13-R4D7-2228
24. ZHOU XIAN CHEN & LI XIU JIANG DBA CHINA WOK RESTUR, 14-R2D4-1781
25. CHEVRON PRODUCTS COMPANY, 14-R6D4-1637
26. CITY OF HUNTINGTON BEACH FIRE DEPT., 13-R3D1-3891
27. CITY OF SAN LUIS OBISPO, 14-R4D7-1630
28. CORNERSTONE EQUIPMENT MANAGEMENT, INC., 13-R4D1-3236
29. CROWN TONKA DBA THERMALRITE, 14-R6D2-2449 THROUGH 2453
30. DAMATO ASSOCIATES, INC., 14-R3D5-2432
31. DOLLAR TREE DISTRIBUTION INC., 14-R3D3-1859 AND 1860

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32. DONALDSON CO INC. DBA WESTERN FILTER COMPANY INC., 14-R6D2-2403 THROUGH 2408
33. DORADO HOLDINGS LLC DBA TOOLSHED EQUIPMENT RENTAL, 13-R3D2-3776
34. ECO CONCRETE, INC., 14-R6D5-0732
35. JERROLD A. FINE, 13-R3D1-3895
36. FLOWERS BAKING CO. OF MODESTO LLC, 14-R2D4-1896
37. FOUR STAR FRUIT, INC., 14-R4D7-0881 AND 0882
38. GALINDO BROTHERS CORPORATION, 13-R6D5-2428 AND 2429
39. GEORGE REED INC., 13-R2D3-2814
40. G & G PAINTING INC., 14-R1D2-2014 THROUGH 2016
41. GRANDPA MOOO, 13-R4D1-2765 AND 2766
42. HI TECH STENCILS, INC., 14-R3D2-1624 AND 1625
43. HOSS LEE STAIRWAYS, INC., 14-R2D1-1851 THROUGH 1853
44. INTERLINK INC. DBA PRECISION PLASTICS PRINTING CO., 14-R3D1-1192 AND 1193
45. JADE, INC., 14-R4D1-1094
46. JF LANDSCAPE, INC., 14-R4D1-1095 AND 1096
47. JJ ENGINEERING, 14-R3D1-1043 THROUGH 1045
48. KEENAN HOPKINS SUDER & STOWELL CONTRACTORS, INC., DBA KHS&S CONTRACTORS, 13-R2D1-1625 AND 1626
49. HEIDI CHUN KIM DBA HWANG HAE DO KOREAN RESTAURANT, 14-R6D5-1028
50. L & B CORNERSTONE CONSTRUCTION CO., 13-R4D1-2746 AND 2747
51. LOS ANGELES DEPT OF WATER & POWER, 13-R3D5-0169 THROUGH 0173

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52. L.P. KOWALSKI INC. DBA MO'S SMOKEHOUSE BBQ, 13-R4D7-3896 AND 3897
53. MAGORIAN MINE SERVICES, 13-R5D1-2126
54. FRED & ALICE MANAS DBA MANAS RANCH, 13-R2D1-2881 THROUGH 2883
55. MANPOWER, INC., 14-R3D1-0474
56. MEARS GROUP, INC., 14-R2D1-0772
57. MEDINA CONSTRUCTION, 14-R3D3-0946
58. MODERN SPIRITS LLC. DBA GREENBAR DISTILLERY, 14-R4D1-1143 THROUGH 1145
59. MOUNT ST. MARY'S COLLEGE, 14-R4D1-1557
60. MYDAX, INC., 14-R6D1-1926
61. NORTH AMERICAN PET PRODUCTS, 14-R3D3-3112 THROUGH 3115
62. NICE AND COOL, INC., 14-R4D1-0611 THROUGH 0613
63. O'DONOGHUE CONSTRUCTION INC., 14-R1D1-1644
64. ONE TIME CONSTRUCTION, INC., 14-R6D5-1122
65. ONTRA CONSTRUCTION, INC., 13-R4D4-3132
66. PAC DISTRIBUTION WAREHOUSING, 14-R3D2-0726
67. JOE PEREZ DBA J P ROOFING, 14-R4D1-1617
68. PLANTAFLOR U.S.A. INC., 13-R4D3-3520 AND 3521
69. PNS STORES INC. DBA BIG LOTS #4466
70. QUALITY ALUMINUM FORGE, LLC., 13-R3D1-1638 THROUGH 1640
71. RAHN INDUSTRIES INC., 14-R6D2-1845
72. RAINBOW OF HOPE AKA RAINBOW OF HOPE FOUNDATION, 12-R4D3-0651 THROUGH 0659

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73. ARMANDO CRUZ RAMIREZ DBA CREATIVE CONSTRUCTION,  
14-R6D7-2314
74. RANCHO HARVEST, INC., 13-R4D3-1143
75. R.A.P. SECURITY INC., 14-R6D2-0148 THROUGH 0151
76. REV-CO SPRING MANUFACTURING INC., 14-R6D2-1885 THROUGH 1890
77. R. MORA FARM LABOR SERVICES, INC., 14-R4D7-2599
78. SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY, 14-R5D1-2858
79. DOMINGO SAUCEDO DBA DS INTERIORS, 13-R6D5-2749
80. SCHAEFER AMBULANCE SERVICE INC. DBA GOLD CROSS AMB, 13-R2D3-  
0952 THROUGH 0957
81. SCHUFF STEEL, 13-R4D1-3602
82. SCOTT A. HUMPHREYS INC. DBA METAL CRAFTERS, 13-R4D3-0852  
THROUGH 0855
83. SKP, INC., 14-R6D5-0152 THROUGH 0154
84. SOCAL FRAMING, INC., 13-R6D5-3693 AND 3694
85. SPROUTS FARMERS MARKET, 14-R3D1-2143 AND 2144
86. STRATEGIC MATERIALS CORPORATION, 14-R6D2-1927 THROUGH 1929
87. STRATEGIC SCIENCES, INC., 12-R4D3-0669 THROUGH 0677
88. SULLIVAN COUNTER TOPS INC., 14-R6D1-1793 AND 1794
89. SUNDANCE NATURAL FOODS CO., 13-R3D2-2835 THROUGH 2837
90. SUSTAINABLE PACKAGING PARTNERS, LLC., 14-R2D4-0642  
THROUGH 0644
91. TESORO REFINING AND MARKETING COMPANY LLC, 14-R6D3-2812  
THROUGH 2817
92. THE COCA COLA COMPANY, 14-R2D5-1583
93. THE KELLOGG COMPANY, 14-R1D2-1569

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94. THUY DIEM TRAN DBA SIMPLY MAID HOME, 14-R1D5-1549
95. TOTAL TERMINALS INTERNATIONAL, LLC, 14-R1D4-2189
96. USA WASTE OF CA, INC. DBA CAL SIERRA DISPOSAL, 14-R2D4-1914
97. UTILIQUEST, LLC, 14-R1D2-1753
98. WILCOX MACHINE CO., 14-R3D5-1961
99. WILLIAMS FURNACE COMPANY, 14-R6D2-1908
100. W.K. McCLELLAN CO., 14-R1D5-0080 AND 0081
101. WORKFORCE OUTSOURCING, INC., 13-R4D1-3355
102. YUNG'S HOBBY, INC., DBA HOBBYTOWN USA, 14-R2D5-2992 AND 2993

**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.