

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, December 5, 2012**  
**10 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: November 21, 2012**

**RE: Closed Session of the Board to be held on December 5, 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. BERNARDS/BARTON MALOW, A JOINT VENTURE, 11-R6D2-2421 THROUGH 2423
2. SOLAR SERVICE CENTER, INC., 12-R3D3-0924
3. SOUTHLAND/TUTOR PERINI, JV, 11-R5D1-1858 THROUGH 1860

**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. ABLE BUILDING MAINTENANCE, 11-R2D2-2989

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
FOR DECEMBER 5, 2012**

**Page 2**

2. APEX PAINTING INC., 12-R2D1-0809
3. ARB, INC., 12-R1D3-1343
4. MARK & LORIE BENNETT DBA BENNETT ENTERPRISES, 12-R2D1-0879
5. BIG VALLEY LABOR LLC., 12-R6D7-1884
6. JAMES D CARLSEN DBA CARLSEN AND COMPANY, 11-R1D5-3209  
AND 3210
7. CENTRAL STRIPING SERVICE INC., 11-R2D1-2959
8. RICHARD COBERLY, 12-R6D7-1100 THROUGH 1102
9. CONSTRUCTION CONTRACTOR CORP., 12-R4D1-0818
10. CUSTOM BUILT CONSTRUCTION, 12-R4D2-1130 & 12-R4D2-1232  
THROUGH 1235
11. ECOLOGY CENTER, 12-R1D4-2348
12. EVERGREEN DISTRIBUTORS, INC., 10-R3D2-3102 AND 3103
13. FOSTER POULTRY FARMS, DBA FOSTER FARMS, 11-R2D5-0846
14. GOLDEN SPECIALTY FOODS, LLC., 11-R6D2-2866 THROUGH 2876
15. NEIL, ARNOLD & MARK HOFFART DBA QUAD H RANCHES, INC.,  
12-R2D1-0568
16. HOME DEPOT, 11-R3D5-2673
17. HUY FONG FOODS, INC., 12-R4D2-0965
18. INTERNATIONAL CARGO EQUIPMENT INC., 12-R3D5-0957
19. ITT CORPORATION, 11-R1D5-2700 AND 12-R1D5-3240 AND 3241
20. RICHARD LAU DBA BAMBOO GARDEN RESTAURANT, 12-R6D7-1789
21. MONTEABARO MASONRY, INC., 12-R4D3-0756 AND 0757
22. NATIONAL RETAIL TRANSPORTATION, 11-R6D2-3047 AND 3048
23. PERFECTEX PLUS, LLC, 12-R6D2-1958 THROUGH 1967

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
FOR DECEMBER 5, 2012**

**Page 3**

24. PHILP ENTERPRISES, INC., DBA ALL WEATHER HEATING & COOLING,  
12-R1D5-0694
25. PRECISION WATERJET AND LASER, 12-R3D1-1451
26. QUINN ENGINEERING, 11-R1D1-2086
27. RONSAN, INC., 12-R6D7-1517 THROUGH 1519
28. SHASTA CONSTRUCTORS, INC., 11-R2D2-3173
29. SNOWDEN ENTERPRISES, INC., 12-R6D3-0471
30. SPD GRASS VALLEY INC DBA SPD MARKET, 12-R2D1-0878
31. STATER BROTHERS (STORE #98), 12-R6D2-0796
32. STEVEN EARL WILLIAMS DBA WEST COAST CONSTRUCTION,  
11-R3D6-1700
33. SURE FIT ROOFING & INSULATION, 12-R6D7-1660
34. SYMANTEC CORPORATION, 11-R1D3-2193
35. TILTON PACIFIC CONSTRUCTION, INC., 11-R1D3-1408 THROUGH 1409
36. TUTOR-SALIBA CORPORATION, 11-R5D1-1208 THROUGH 1210
37. TUTOR-SALIBA CORPORATION, 12-R5D1-2556
38. VICTOR VALLEJO DBA VICTOR VALLEJO AND SONS PAINTING,  
12-R2D1-0856 AND 0857
39. VINCENT ENTERPRISES, INC. DBA ROSS PLASTERING, 12-R1D1-1662
40. WESTLAND INDUSTRIES, INC., 11-R3D6-1701 THROUGH 1705
41. JEANNE XU, 12-R3D6-1031 THROUGH 1033

**ORDER AFTER REMAND:**

1. CITY OF FOSTER CITY, 09-R1D3-4195

**ORDER GRANTING LEAVE TO FILE LATE APPEAL;**

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
FOR DECEMBER 5, 2012**

**Page 4**

1. HEADSTART NURSERY, INC., 12-R3D3-3304 AND 3305

**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-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. ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655
6. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
7. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239 THROUGH 2241
8. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445 AND 3448
9. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
10. CALIFORNIA ERECTORS, INC., 10-R1D2-2772 THROUGH 2775
11. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
12. CENTRAL VALLEY ENGINEERING & ASPHALT, INC., 08-R2D1 5001 AND 5002
13. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282
14. COFFMAN SPECIALTIES, INC., 10-R3D3-3532
15. COMMERCIAL METAL FORMING, 09-R3D1-1592
16. COMMUNITY RECONSTRUCTION SOLUTIONS, INC., 11-R1D1-1484

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
FOR DECEMBER 5, 2012**

**Page 5**

17. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
18. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
19. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
20. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
21. DENIO'S ROSEVILLE FARMERS MARKET & AUCTION INC. 11-R2D1-2431
22. DISTRIBUTION CENTER MANAGEMENT GROUP (DCMG), 11-R3D3-2896
23. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS,  
09-R6D2-2325 THROUGH 2332
24. EZ MIX, INC., 08-R4D3-1898
25. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687
26. HOME DEPOT, 10-R3D6-3284
27. HYDRO-SCIENCE OPERATIONS INC., 10-R1D2-0389
28. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
29. IRWIN INDUSTRIES, 08-R6D4-1454
30. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
31. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
32. LION RAISINS, INC., 08-R2D5-2253 AND 2254
33. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
34. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
35. MARINE TERMINALS, 08-R6D2-1920
36. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
37. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
38. ORANGE COUNTY FIRE AUTHORITY, 10-R3D1-3667

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
FOR DECEMBER 5, 2012**

**Page 6**

39. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
40. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
41. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
42. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
43. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
44. SDCCD – CONTINUING EDUCATION N C CENTER, 11-R3D2-1196
45. SDUSD – PATRICK HENRY HIGH SCHOOL, 11-R3D2-1296 AND 1297
46. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
47. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
48. SMUD, 08-R2D1-4887 THROUGH 4889
49. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
50. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
51. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
52. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
53. VAN EVERY CONSTRUCTION, INC., 11-R1D4-0936 AND 0937

**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. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
FOR DECEMBER 5, 2012**

**Page 7**

2. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
3. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
4. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430  
(09- 9280/9281)
5. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047  
(07-R5D1-3611)
6. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP,  
34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
7. SMUD, 34-2010-80000723 (08-R2D1-4887)
8. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
9. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
10. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965  
(10-0188~0191)
11. GUILLAUME GRAPEVINE NURSERY, INC., 34-2011-800001010  
(08-R2D1-3273)
12. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459  
THROUGH 2461)
13. FLATIRON CONSTRUCTION CORP, 34-2012-800001029 (10-R4D1-2789)
14. HOLLANDER HOME FASHION, BS-135444 (10-R4D2-3704)
15. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 12CV01039  
(07-R2D3-0275)
16. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
17. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
18. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
19. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
20. SHERWOOD MECHANICAL, INC., 37-2012-00101466 (08-R3D2-4690 ~ 4693)

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
FOR DECEMBER 5, 2012**

**Page 8**

21. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
22. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
23. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
24. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
25. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
26. PRESTON PIPELINES, INC., 34-8012-80001277 (09-R6D7-3345)
27. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)

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

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