

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 17, 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: December 5, 2014

RE: Closed Session of the Board to be held on December 17, 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. SEARS ROEBUCK & CO., 13-R3D1-0598

PETITIONS FOR RECONSIDERATION:

1. B.A.R.T., 11-R2D2-3137 THROUGH 3139
2. RYLAND HOMES, 14-R3D2-9164

DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):

1. CALIFORNIA ROYALE LLC DBA MONTE VISTA FARMING, 14-R2D4-9149
2. INTERNATIONAL PITA BREAD, INC., 14-R4D1-9153
3. KDTD, INC. DBA KD DEVELOPMENT, INC., 14-R3D2-1935 AND 1936

4. KEY ENERGY SERVICES, LLC, 13-R4D3-2239
5. McGRATH CONTRACTING, INC, 11-R4D1-0274 THROUGH 0276
6. SECURITY PAVING, INC., 13-R4D7-0771 AND 0772

ORDERS DISMISSING APPEAL:

1. JEAN GENIE STUDIO, INC. DBA JEAN GENIE WASH STUDIO, 11-R4D2-33096 THROUGH 3310
2. KODIAK CONCEPTS, INC., 14-R6D5-1032 AND 1033
3. RDV CONSTRUCTION, INC., 14-R3D3-0997 AND 0998

ORDERS GRANTING LEAVE TO FILE LATE APPEAL:

1. GOLDEN STATE LLC DBA AMAZON FULFILLMENT, 14-R3D3-3102 THROUGH 3104

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. A TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895 (ER)
2. A TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 11-R5D1-1895 (DOSH)
3. HARRIS CONSTRUCTION, 03-R2D5-3914
4. HHS CONSTRUCTION, 12-R3D2-0492-0497
5. LANGER FARMS, LLC, 13-R4D7-231 THROUGH 0233
6. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
7. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR, 08-R2D1-3093 THROUGH 3098

8. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
9. McCARTHY BUILDING CO., INC., 12-R1D4-3458
10. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
11. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
12. SIERRA FOREST PRODUCTS, 09-R2D5-3979
13. TREASURE ISLAND MEDIA, INC., 10-R6D1-1093 THROUGH 1095
14. 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)
2. MASCON, INC., 34-2011-80000819 (08-R2D1-4278 AND 4279)
3. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
4. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
5. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
6. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
7. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
8. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
9. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)

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10. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
11. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
12. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
13. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
14. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
15. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
16. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
17. HOME DEPOT USA, INC., BS141301 (10-3284)
18. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
19. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)
20. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)
21. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)
22. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
23. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)
24. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)
25. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
26. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056 THROUGH 3058) (DOSH)
27. LAND O'LAKES PURINA FEED, LLC, RG14715717 (08-R2D4-1843 AND 1844) (DOSH)
28. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056 THROUGH 3058) (3rd Party)

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29. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817
(09-R6D2-2238 ~ 2241)
30. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
31. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
32. BHC FREMONT HOSPITAL INC, RG13731145 (13-R1D2-0204)
33. IRWIN INDUSTRIES, BS14-9634 (12-R4D3-3276 & 3277)
34. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303
THROUGH 1310)
35. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360
THROUGH 3362)
36. MORROW MEADOWS CORP., BS151385 (09-R3D3-2295)
37. 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. AC TRANSIT, A142799, RG13-687314 (08-R1D4-0135)
4. 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. 4 CRANE SERVICE INC., 13-R4D3-3659 THROUGH 3661
2. A.C. PAIVA CONSTRUCTION, 14-R4D3-1716
3. ADVANCED POOL COATINGS, 14-R3D1-2038 AND 2039
4. A PLUS HOME IMPROVEMENT SPECIALISTS, 14-R3D3-0415

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5. APROPOS COMPANY, 13-R3D2-3565
6. A TOKARSE CONSTRUCTION CORPORATION, 14-R6D5-0355 AND 0356
7. BARRETT BUSINESS SERVICES, INC., 14-R3D3-1585
8. STEPHEN BASSETT DBA STEVE BASSETT CONSTRUCTION, 14-R6D5-1946 AND 1947
9. BECS PACIFIC LIMITED, 14-R4D4-1920 THROUGH 1923
10. CURTIS BERESFORD DBA FULL SERVICE SCAFFOLD, 14-R2D1-2171
11. BOBCO METALS LLC. DBA BOBCO METALS DEPO, 13-R4D1-2345 THROUGH 2354
12. CA DEPT OF CORRECTIONS – CHADERJIAN YOUTH FACILITY, 14-R2D4-2020
13. CALIFORNIA DIE CASTING, 14-R6D2-2735 AND 2736
14. CALIFORNIA PAPER PRODUCTS, LLC., 14-R4D7-2511 THROUGH 2513
15. CANNATA CONSTRUCTION, INC., 14-R6D5-1056 AND 1057
16. CARDINAL CHURCH FURNITURE, 14-R6D2-1658 AND 1659
17. CAST PRODUCTS DBA CONSOLIDATED PRECISION PRODUCTS, 14-R6D2-2846 AND 2847
18. CHRISTIANSEN AMUSEMENT CORPORATION, 13-R3D1-2159
19. CITY OF REDONDO BEACH WORK PUBLIC WORKS, 14-R3D5-2853
20. CLARCLOR AIR FILTRATION PRODUCTS INC., 14-R6D2-3602 AND 3603
21. CLARK BUILDERS GROUP, LP, 14-R1D3-3083
22. COLONIAL ELECTRIC, INC., 14-R3D3-3418
23. CORPORATE RESOURCE SERVICES INC. DBA ACCOUNTABILITIES, 14-R4D1-1962
24. DESERT ELECTRIC SUPPLY, 14-R3D3-2067
25. DISCOVERY BUILDERS, INC., 14-R1D4-1666

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26. ELLIOTT DRINKWARD CONSTRUCTION, INC., 14-R4D1-2636 AND 2637
27. ELS INVESTMENTS DBA ENVIRONMENTAL LANDSCAPE SOLUTIONS,
14-R1D4-2017 AND 2018
28. FMG FARM CONTRACTOR, INC., 14-R6D5-0069 THROUGH 0071
29. FVO SOLUTIONS, INC., 14-R4D1-1873 AND 1874
30. GIUMARRA VINEYARDS, 12-R4D7-3649
31. GOURMET SPECIALTIES, INC., 13-R4D3-1343 THROUGH 1346
32. GRAPERY, INC., 14-R4D7-0993
33. GRIMMWAY ENTERPRISES, INC., 13-R4D7-3911 THROUGH 3913
34. HAEMONETICS MANUFACTURING, INC., 13-R4D4-3088
35. HANOVER BUILDERS, 13-R4D1-2921
36. HINES, 13-R4D1-3656 THROUGH 3658
37. IHP OPERATIONS, LLC., 14-R3D1-2021 AND 2022
38. HMN INCORPORATED, 14-R2D5-1271
39. HTA ENGINEERING & CONSTRUCTION INC., 13-R3D2-0288 AND 0289
40. HYSpan PRECISION PRODUCTS INC., 14-R3D2-3416
41. JAY BHARAT FOODS, INC., DBA JAY BHARAT RESTAURANT, 14-R6D5-0357
AND 0358
42. J. HOWARD ENGINEERING, INC., 14-R1D4-1664 AND 1665
43. JENSON CONSTRUCTION, INC., 14-R2D1-2267 AND 2268
44. JOE'S ROOFING SERVICE, 14-R1D4-3411 AND 3412
45. J T WIMSATT, 14-R4D1-1996
46. KARLS CUSTOM SASH & DOORS, 14-R3D1-2272
47. KERN OIL & REFINING CO., 13-R6D3-2712 THROUGH 2714

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48. LA CITY GENERAL SERVICES, 14-R4D1-2398 AND 2399
49. L.A. COUNTY MTA – DIVISION 5, 13-R4D1-2557
50. LOS ANGELES COUNTY DEPT. OF ANIMAL CARE & CONTROL,
14-R4D3-2375
51. MARQUEE PARK PLACE HOMEOWNERS ASSOCIATION, 14-R3D1-2553
52. MEZA PALLETS, INC., 14-R2D4-2037
53. MICHELS CORPORATION, 14-R5D2-1447
54. MICHELS/JAY DEE/COLUCCIO JV, 14-R5D1-3601
55. MOARK LLC. DBA ROMOLAND RANCH, 14-R3D3-3542
56. ROBERT MORKEN DBA ROBERT MORKEN CONSTRUCTION, 14-R2D1-2172
57. MORRELS ELECTRO PLATING, INC., 14-R3D5-2371 AND 2372
58. NEW LEAF COMMUNITY MARKETS INC., 14-R1D3-2264
59. NINAS MEXICAN FOODS, INC., 14-R4D4-2697 THROUGH 2699
60. OJAI FARMS, INC., 13-R4D3-1341 AND 1342
61. OWENS & MINOR DISTRIBUTION, INC., 14-R2D4-2190
62. PACE LITHOGRAPHERS, INC., 14-R4D4-2526 THROUGH 2529
63. DAVID PARTIYELI, 14-R4D1-0709
64. PHILLIPS 66 COMPANY, 14-R6D3-0596 THROUGH 0598
65. P J & SONS, INC., 14-R3D3-2027
66. MARIA RENE RECINOS DBA H & M BODY SHOP, 14-R6D5-1029
THROUGH 1031
67. RELIABLE RESOURCES INC., 14-R4D4-1399
68. RIVERSIDE CEMENT COMPANY, 14-R5D3-1941
69. SAN FERNANDO TEMPORARY STAFFING SERVICES, LLC., 14-R4D4-1758

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70. SANTA PAULA ANIMAL RESCUE, 14-R4D3-1837
71. SHG HOLDING CORP. DBA ZEPHYR MANUFACTURING CO., INC.,
13-R4D1-3515 THROUGH 3517
72. SHIEKH SHOES LLC., 14-R4D4-1877
73. SKYLINE FLOWER GROWERS, 14-R4D1-2286
74. SUN PACIFIC FARMING COOPERATIVE, INC., 14-R4D7-3558
75. TDI NATION WIDE DBA OPTIMUM LOGISTICS, 14-R4D4-1596
76. THIBIANT INTERNATIONAL INC., 14-R4D3-1146
77. TOTAL TERMINALS INTERNATIONAL, LLC, 14-R3D5-3218 AND 3219
78. TRI-STATE STAFFING, 14-R3D5-2160
79. JOSE REYES UBALDO DBA JOSE REYES GARDENING, 11-R4D1-1650
THROUGH 1657
80. UNIVAR USA, INC., 14-R1D3-3537
81. VALENCIA SHEET METAL, 14-R3D3-1508 AND 1509
82. VOLT TELECOM GROUP, DIV. OF VOLT INFORMATION SCIENCES,
14-R3D3-3331
83. WEST COAST TURF, 14-R3D3-3436 AND 14-R3D3-3463
84. WESTMINSTER SUPERSTORE LLC., DBA WESTMINSTER SUPERSTORE,
13-R3D1-0339 THROUGH 0343
85. JEFFREY LEE WILLADSEN DBA WILLADSEN PLUMBING, 14-R6D5-1643
86. WILLIAM S. HART UNION SCHOOL DISTRICT, 14-R4D3-1703
87. WING HING FOOD LLC., 14-R4D4-0394 AND 0395

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.