

**State of California**  
**Department of Industrial Relations**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, March 7, 2012**  
**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: February 16, 2012**

**RE: Closed Session of the Board to be held on March 7, 2012**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) 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. ARIAL TECHNOLOGIES, LLC., 11-R3D2-1383 AND 1384
2. CHEVRON PRODUCTS CO. EL SEGUNDO REFINERY DBA CHEVRON, 11-R6D4-1463 AND 1464
3. FDO INC. DBA GRAND AMERICAN DOORS, 10-R6D2-1215 THROUGH 1219
4. LEHIGH SOUTHWEST CEMENT COMPANY, 10-R5D1-1517 AND 1518
5. SKANSA USA CIVIL WEST CA DISTRICT, INC., 09-R3D2-3886 AND 3887

**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*

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*reconsider or remand the issued order.)*

1. CARLOS GABRIEL AVINA DBA SUPREME VALLEY AG INC., 10-R6D7-3054
2. BARRETT BUSINESS SERVICES INC., 11-R3D1-2671
3. BD & G SANDBLASTING, 11-R4D2-1580 AND 1581
4. BEAUCHAMP DISTRIBUTING COMPANY, 11-R4D1-1577 AND 1578
5. BENDPAK, INC., 11-R4D3-3095
6. JOHN BENWARD CO. INC., 11-R1D5-1144 THROUGH 1146
7. BIMBO BAKERIES USA., 10-R6D2-1102 AND 1106
8. BRAGA RANCH, 10-R1D2-3615
9. BRITHINEE ELECTRIC, 11-R3D3-2797
10. BUTTE STEEL & FABRICATION, INC., 10-R1D2-2440
11. CALIFORNIA PAVEMENT MAINTENANCE COMPANY, INC., 10-R2D1-0346
12. CAMERON BROS CONSTRUCTION CO INC. DBA CAMERON BROTHERS CONSTRUCTION, 11-R3D2-0353 THROUGH 0354
13. CARDINAL ENVIRONMENTAL CONSULTANTS, INC. DBA 5M CONSULTANTS, 10-R3D6-3642
14. ROGER CARUSO ENTERPRISES INC. DBA CENTURY PALLETS, 11-R4D2-1089 AND 1090
15. CEMEX INC. – REDLANDS PLANT, 11-R3D3-2742
16. CENTURY HILL ASSOCIATION, INC. 11-R4D1-1612
17. CHINA PACIFIC CO., INC., 11-R6D2-1455 THROUGH 1462
18. CLARK'S HARDWOOD FLOORS INC., 11-R1D2-1191
19. COLOR SPOT NURSERIES INC., 11-R6D7-1477
20. CONOCO PHILLIPS, 11-R6D4-2101
21. CORINTHIAN COLLEGES, INC. DBA WYOTECH, 11-R1D2-2731

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22. DEL RIO CONVALESCENT CENTER, 11-R6D2-2306 THROUGH 2312
  
23. DHV INDUSTRIES INC., 11-R6D2-2371 AND 2373
  
24. DISTRIBUTION CENTER MANAGEMENT GROUP (DCMG), 11-R3D3-2896
  
25. DMS FACILITY SERVICES INC., 10-R4D1-2678 AND 2679
  
26. DOLE FRESH VEGETABLES, INC., 11-R1D2-2529
  
27. DYNAMEX, INC., 10-R1D4-2934
  
28. EAGLE MARINE SERVICE LTD, 10-R6D2-1442
  
29. EMPEROR'S COLLEGE OF TRADITIONAL ORIENTAL MEDICINE,  
11-R4D1-0979 and 0980 & 12-R4D1-0511
  
30. FERRARI COLOR, 11-R2D1-0524
  
31. FONTANA PAPER MILLS, INC., 11-R3D3-2852 AND 2853
  
32. FREEDOM AG, INC., 11-R6D5-3060
  
33. FRYMER DEVELOPMENT INC. DBA FRYMER CONSTRUCTION,  
11-R4D1-1424
  
34. PHILLIP W. GELLAR DBA PWG ENTERPRISES, 11-R6D5-30-51 AND 3051
  
35. GENMARK AUTOMATION, 11-R1D2-0493
  
36. GLOBAL CONSTRUCTION, INC., 11-R3D5-1162
  
37. GRAYD-A METAL FABRICATORS, 11-R3D6-2104 THROUGH 2106
  
38. HENKELS & MCCOY, 11-R3D6-1741 AND 1742
  
39. JJR CONSTRUCTION, INC., 10-R1D2-3196
  
40. J M PLUMBING, 10-R1D4-3002 THROUGH 3004
  
41. K2 DEMOLITION COMPANY, INC., 11-R4D2-1165 AND 1166
  
42. KAISER PERMANENTE, 10-R1D4-2708 AND 2709

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43. KELLOGG COMPANY, 10-R1D2-3574
44. LA CITY PUBLIC WORKS –CONTRACT ADMINISTRATION, 11-R4D1-0746
45. LA COLONIAL TORTILLA PRODUCTS, INC., 11-R4D2-1016
46. MAXIM CRANE WORKS LP, 11-R3D2-0167- AND 0168
47. MERRILL FARMS LLC, 10-R1D2-3091
48. MISSION PLASTICS INC., 11-R3D3-3052
49. NORCAL MASONARY BUILDERS, INC., 10-R2D1-3506
50. ERICK NIELSEN ENTERPRISES INC., 11-R2D5-1000
51. J S PALUCH COMPANY INC., 10-R3D6-3186 THROUGH 3188
52. SALGADO LABOR, 11-R4D3-1783
53. SANTA FE AGGREGATES, INC., 09-R5D1-2632
54. SEA CATCH DBA SEACATCH SEAFOODS, 11-R6D4-2424 AND 2425
55. SOUTHERN WINE & SPIRITS OF AMERICA, INC., 11-R3D6-1818 AND 1819
56. SSA TERMINALS (OAKLAND) LLC, 10-R1D4-3616
57. STONE ETC., INC., 11-R4D1-1426
58. TALTECH CONSTRUCTION INC., DBA TCI, 11-R4D1-1647 AND 1648
59. JOSE TORRES, DBA J & J AUTO BODY SHOP, 10-R6D7-2566 AND 2567
60. DELORIUS TODD DBA TODD CONSTRUCTION & DEMOLITION,  
11-R4D2-0557
61. TRUE BLUE, INC. DBA LABOR READY, 10-R1D4-2935
62. UNITED PACIFIC SERVICES, INC., 11-R4D3-2279
63. VICTORVILLE GLASS CO INC., 11-R6D2-2344
64. WAL MART #5766, 10-R1D2-3388 AND 3389
65. WESTWOOD BUILDING MATERIALS COMPANY, 11-R4D1-0624 AND 0625

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66. WORLD KITCHEN LLC, 11-R3D3-3092

67. YAWITZ INC. DBA EVERGREEN LIGHTING, 11-R3D6-1940 THROUGH 1944

**ORDERS DISMISSING APPEALS:**

1. METRO SHEET METAL, INC., 11-R6D2-0784 THROUGH 0793
2. PLAM MOTOR SPORTS, INC, DBA BMW OF SANTA CRUZ COUNTY, 10-R1D2-3442 THROUGH 3445
3. SALVADOR DELTORO & HECTOR GARCIA, 10-R6D5-2244
4. SORRENTO MESA AUTO CENTER, 10-R3D2-3181
5. STONE FRUIT HARVESTING, 10-R2D5-2165

**PETITIONS FOR RECONSIDERATION:**

*(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)*

1. UNDERGROUND CONSTRUCTION CO., INC., 09-R1D3-3518

**DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):**

1. BEAR LABEL MACHINE, INC., 11-R2D1-9219

**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-CO TEMPORARY POWER, 10-R4D1-3110 AND 11-R4D1-9206
2. ALIKA IKAIKA ENTERPRISES INC., DBA ATTENTION TO DETAILS, INC., 10-R1D2-1191
3. ALLIED SALES & DISTRIBUTION, INC., 11-R6D2-0480
4. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
5. AC TRANSIT, 08-R1D4-0135
6. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
7. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068

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8. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY  
DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
9. ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655
10. BAY AREA RAPID TRANSIT DISTRICT, 09-R2D2-1219 AND 1221
11. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
12. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445  
AND 3448
13. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239  
THROUGH 2241
14. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
15. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
16. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
17. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
18. COMMERCIAL METAL FORMING, 09-R3D1-1592
19. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
20. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
21. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
22. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
23. DELTA TRANSPORTATION, INC., 08-R2D1-4999
24. DESIGN BUILDERS, INC., 08-R4D4-1901
25. DUININCK BROS., INC., 06-R4D3-2871
26. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
27. DUKE PACIFIC, INC., 08-R3D3-574
28. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS,  
09-R6D2-2325 THROUGH 2332

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29. EZ MIX, INC., 08-R4D3-1898
30. FORTUNA IRON WORKS 06-R2D3-4222
31. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687
32. HB PARKCO, 07-R4D2-1730 AND 1731
33. THE HERRICK CORP., 07-R3D1-0495
34. HOME DEPOT, 10-R3D6-3284
35. JENSEN PRECAST, 05-R2D1-2377
36. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
37. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
38. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
39. LION RAISINS, INC., 08-R2D5-2253 AND 2254
40. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
41. MARINE TERMINALS, 08-R6D2-1920
42. McPHERSON ENTERPRISES, INC., 10-R2D5-0995
43. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
44. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
45. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
46. ORANGE COUNTY FIRE AUTHORITY, 10-R3D1-3667
47. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
48. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
49. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
50. POUK & STEINLE, INC., 09-R3D3-0491
51. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048

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52. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
53. SDCCD – CONTINUING EDUCATION N C CENTER, 11-R3D2-1196
54. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
55. SHERWOOD MECHANICAL, INC., 08-R3D2-4690 THROUGH 4693
56. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
57. SMUD, 08-R2D1-4887 THROUGH 4889
58. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR,  
08-R2D1-3414 THROUGH 3418
59. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
60. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
61. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
62. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION,  
05-R2D4-2650 AND 2651
63. A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 09-R4D5-0459  
AND 0460
64. UNITED PARCEL SERVICE, 07-R3D3-3322
65. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095

**LEGISLATION:**

*(Discussion of pending legislation which may affect the Board).*

**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. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB),  
34-2007-00882192-CU-WM-GDS, (01-3261)
2. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB)  
(00-440)
3. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
4. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
5. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
6. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430  
(09- 9280/9281)
7. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047  
(07-R5D1-3611)
8. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP,  
34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
9. SMUD, 34-2010-80000723 (08-R2D1-4887)
10. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
11. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
12. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965  
(10-0188~0191)
13. GUILLAUME GRAPEVINE NURSERY, INC., 34-2011-800001010  
(08-R2D1-3273)
14. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459  
THROUGH 2461)
15. FLATIRON CONSTRUCTION CORP, 34-2012-800001029 (10-R4D1-2789)
16. HOLLANDER HOME FASHION, BS-135444 (10-3704)

**COURT OF APPEAL**

1. JERLANE, INC., D060844 (2007-00056381) (01-4344 and 4345)

**PERSONNEL:**

*(Issues regarding staff)*

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