

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, February 15, 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 3, 2012

RE: Closed Session of the Board to be held on February 15, 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.

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. CHALLENGER ORNAMENTAL IRON WORKS, INC., 10-R6D2-2307 THROUGH 2311
2. COFFMAN SPECIALTIES, INC., 10-R3D2-3532

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. ADULT INDUSTRY MEDICAL HEALTHCARE FOUNDATION, 09-R6D2-4299 THROUGH 4301

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2. ANGELUS BLOCK CO. INC., 11-R4D1-0712 AND 0713
3. APPLIED TECHNOLOGIES ASSOCIATE, INC., 11-R4D3-2727
4. BAY AREA NEWS GROUP EAST BAY LLC, 10-R2D2-2570
5. BENJAMIN LOPEZ ORTEGA DBA BENJAMIN LOPEZ FARM LABOR,
10-R2D1-0347
6. BROWARD BUILDERS INC., 09-R2D1-1701
7. BLOIS CONSTRUCTION. INC., 11-R4D3-1956
8. BURKE, 11-R4D3-1514 AND 1515
9. CLP RESOURCES, INC., 08-R2D1-4618 AND 4619
10. COUSINS DIST. DBA NATURAL FRESH CHOICE TOBACCO, 10-R6D1-3030
AND 3031
11. THE DAVEY TREE SURGERY COMPANY, 11-R4D3-0628
12. ENVIRONMENTAL SOLAR DESIGN, INC., 08-R4D1-4368 AND 4369
13. FOLSOM RV, 09-R2D1-4106 AND 4107
14. GLOBAL LOGISTICS MANAGEMENT LLC, 11-R3D3-1767 AND 1768
15. GREENHECK FAN CORPORATION, 08-R2D1-4198
16. KEISER CORPORATION, 11-R2D5-0802 AND 0803
17. KWAN WO IRONWORKS INC., 08-R1D1-4161 THROUGH 4165
18. LOS ANGELES DEPARTMENT OF WATER AND POWER, 11-R4D2-1857
19. MCPHERSON ENTERPRISES, INC., 10-R2D5-0995
20. NABORS DRILLING USA, LP., 11-R4D3-2205
21. REITER BROTHERS, INC., 11-R4D3-2109
22. ROEL'S CONSTRUCTION COMPANY, 11-R2D5-2169 THROUGH 2171
23. SARDEE INDUSTRIES, INC., 11-R2D4-0975

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24. STRUCTURAL STEEL FABRICATORS, INC., 11-R4D1-0854
25. UNITED STORM WATER INC., 11-R3D6-1989
26. VENTURA COASTAL LLC, 09-R2D5-3057
27. WEST COAST GRAPE FARMING, INC., 09-R2D1-0103
28. WINCO, 11-R2D1-0371
29. XIUYAN CHEN DBA HOMETOWN NOODLE, 09-R2D1-1895 THROUGH 1897
30. ZACK'S SECURITY ONE, 09-R2D5-3831 AND 3832

ORDERS DENYING LATE APPEALS:

1. VAN NUYS AWNING CO., INC., 2012-R6D5-9003

MATTERS HELD OVER FROM PREVIOUS MEETINGS:

1. ALIKA IKAIKA ENTERPRISES INC., DBA ATTENTION TO DETAILS, INC.,
10-R1D2-1191

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. BEAR LABEL MACHINE INC., 11-R2D1-9219
2. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687
3. A TEICHERT & SON INC. DBA TEICHERT CONSTRUCTION, 09-R4D5-0459
AND 0460

DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):

1. DEVCON CONSTRUCTION, INC., 09-R1D2-3398
2. SIGN DESIGNS INC., 08-R2D3-4686
3. WF HAYWARD CO., 10-R6D7-2021 AND 2022

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.)

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1. A-CO TEMPORARY POWER, 10-R4D1-3110 AND 11-R4D1-9206
2. ALLIED SALES & DISTRIBUTION, INC., 11-R6D2-0480
3. DELTA TRANSPORTATION, INC., 08-R2D1-4999
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
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
16. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
17. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
18. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038

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19. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
20. DESIGN BUILDERS, INC., 08-R4D4-1901
21. DUININCK BROS., INC., 06-R4D3-2871
22. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
23. DUKE PACIFIC, INC., 08-R3D3-574
24. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS,
09-R6D2-2325 THROUGH 2332
25. EZ MIX, INC., 08-R4D3-1898
26. FORTUNA IRON WORKS 06-R2D3-4222
27. HB PARKCO, 07-R4D2-1730 AND 1731
28. THE HERRICK CORP., 07-R3D1-0495
29. HOME DEPOT, 10-R3D6-3284
30. JENSEN PRECAST, 05-R2D1-2377
31. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
32. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
33. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
34. LION RAISINS, INC., 08-R2D5-2253 AND 2254
35. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
36. MARINE TERMINALS, 08-R6D2-1920
37. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
38. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
39. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
40. ORANGE COUNTY FIRE AUTHORITY, 10-R3D1-3667
41. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022

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42. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
43. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
44. POUK & STEINLE, INC., 09-R3D3-0491
45. RAMON ARANDA DBA I & R PALLETS, 10-R6D5-9053
46. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
47. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
48. SDCCD – CONTINUING EDUCATION N C CENTER, 11-R3D2-1196
49. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
50. SHERWOOD MECHANICAL, INC., 08-R3D2-4690 THROUGH 4693
51. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
52. SMUD, 08-R2D1-4887 THROUGH 4889
53. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
54. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
55. SUNRISE GROWERES FROZUN FOODS, 09-R4D3-2850
56. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
57. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650 AND 2651
58. A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 09-R4D5-0459 AND 0460
59. UNITED PARCEL SERVICE, 07-R3D3-3322
60. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095

LEGISLATION:

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

PENDING LITIGATION:

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(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. JERLANE, 37-2009-00059323-CU-WM-NC (08-1733)
2. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB),
34-2007-00882192-CU-WM-GDS, (01-3261)
3. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB)
(00-440)
4. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
5. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
6. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
7. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430
(09- 9280/9281)
8. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047
(07-R5D1-3611)
9. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP,
34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
10. SMUD, 34-2010-80000723 (08-R2D1-4887)
11. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
12. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
13. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965
(10-0188~0191)
14. GUILLAUME GRAPEVINE NURSERY, INC., 34-2011-800001010
(08-R2D1-3273)
15. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459
THROUGH 2461)

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16. FLATIRON CONSTRUCTION CORP, 34-2012-800001029 (10-R4D1-2789)

COURT OF APPEAL

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

PERSONNEL:

(Issues regarding staff)

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