

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, March 12, 2008**  
**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 29, 2008**

**RE: Closed Session of the Board on March 12, 2008**

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. CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION 07-R3D3-1873 THROUGH 1876
2. DAKOTA COMPANIERS UNLIMITED, 05-R4D3-392 AND 393
3. GENERAL TRUSS CO., INC., 06-R2D1-0782 THROUGH 0784
4. KHS & S CONTRACTORS, 06-R3D2-2759 AND 2760
5. PG & H CONTRACTING, INC dba ROYAL ROOF 06-R4D3-1657 AND 1658

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**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. ACCURATE MANUFACTURING, 06-R4D2-1309 AND 1910
2. ADVANCE MECHANICAL INSULATION, 06-R3D2-3150
3. JOSEPH J. ALBANESE INC., 07-R1D1-3289
4. ALCOA FASTENING SYSTEMS, 06-R3D1-3404 AND 3405
5. ALM SERVICES, INC., 06-R3D3-751
6. AMERICAN COOLING INC., - SALINAS VALLEY COOLING, LLC  
07-R6D3-5242
7. AMERON INTERNATIONAL, 07-R6D2-2456 THROUGH 2460
8. AMERON INTERNATIONAL CORPORATION, 06-R6D1-2505  
THROUGH 2511
9. ARCHER TRUCKING INC., 06-R5D1-0140
10. DAVID BELL, 07-R1D1-1986 THROUGH 1990
11. BLOIS CONSTRUCTION, INC., 07-R5D2-786
12. CALIFORNIA CANOE & KAYAK, INC., 07-R2D1-2316
13. CAMPANILE II LP dba CAMPANILE, 07-R6D2-4964 THROUGH 4971
14. COLUMBIA FABRICATING COMPANY, 07-R4D1-0757 AND 0758
15. COMMUNITY RECYCLING, INC., 07R4D3-4063
16. CUBE COMPANY INC., 07-R4D1-3596
17. DELLABARCA DESIGN AND BUILD, INC., 05-R2D4-974 THROUGH 976
18. DISCOUNT TIRE, 07-R4D3-5220
19. DISNEYLAND RESORT, 07-R3D1-0566
20. DITECH MAUFACTURING COMPANY, 07-R6D2-5416 THROUGH 5419

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21. DOUGLAS STEEL SUPPLY, 06-R4D2-603 AND 604
22. DOUGLAS WHEEL INC., 06-R6D2-4910 THROUGH 4915
23. DPR CONSTRUCTION, INC., 05-R3D3-349 AND 350
24. DYNAMIC COOKING SYSTEMS, INC., 06-R3D5-3664 AND 3665
25. EHMCKE SHEET METAL CORP., 06-R6D2-2431 THROUGH 2433
26. ESCONDIDO UNION HIGH SCHOOL DISTRICT, 07-R3D2-1294
27. G & K SERVICES, 07-R2D1-1362
28. GENCO, 07-R3D3-748 THROUGH 750
29. GENERAL MILLS, INC., 07-R6D2-4761 THROUGH 4763
30. GLASER MANAGEMENT, 07-R4D1-0759 AND 0760
31. GLENDALE IRON AND ORNAMENTAL, 06-R6D2-2524 THROUGH 2528
32. GRATING PACIFIC, INC., 06-R6D2-1716 THROUGH 1725
33. GUARDSMARK, 06-R1D3-1406 AND 1407
34. HACIENDA LA PUENTE USD- GLEN A WILSON HIGH SCHOOL  
05-R4E4-5217
35. HARDESTY & SONS, INC., 07-R2D3-2013
36. HEARTLAND FARMS, 06R4D4-4171 AND 4172
37. ICON METAL WORKS dba ICON STRUCTURES, 05-R3D3-4417  
THROUGH 4419
38. INDUSTRIAL MASONRY, INC., 07-R3D2-0735 AND 0736
39. INDUSTRIAL WASTE AND DEBRIS BOX RENTALS INC. dba INDUSTRIAL  
CARTING INC., 06-R1D5-2138 THROUGH 2140
40. JAVA CITY, INC., 07-R2D1-1360 AND 1361
41. JOHNSON-BATEMAN COMPANY, 05-R3D3-3747 THROUGH 3750
42. JONES SCAFFOLD COMPANY, 07-R4D4-3609

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43. KRAMA INC., 07-R1D4-3294 AND 3295
44. LOS ANGELES COUNTY DEPARTMENT OF SOCIAL SERVICES-  
BELVEDERE, 07-R4D4-3610
45. LT FARM INC., 07-R4D3-3711
46. MARTIN CONTAINER, INC., 06-R4D2-1214 AND 1215
47. METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA  
06-R3D3-3909
48. MILLER EQUIPMENT CO., 06-R4D3-4382 THROUGH 4384
49. NATIONSRENT INC., 07-R3D3-751
50. NORCAL WASTE SYSTEMS, INC., 07-R6D2-4521
51. NORTHERN TRUCK & CRANE, INC., 07-R2D3-1263 AND 1264
52. OCEAN MIST FARMING, CO. dba VELLEYPRIDE, INC., 07-R3D3-1432  
THROUGH 1434
53. OHNO CONSTRUCTION, 07-R3D3-3465 AND 3466
54. PATENT CONSTRUCTION SYSTEMS, 06-R3D3-531 THROUGH 533
55. GEORGE PERRY & SONS INC., 07-R2D4-3873
56. CITY OF RICHMOND, 07-R2D2-0489
57. RIVER GARDEN FARMS COMPANY, 07-R2D1-2393 THROUGH 2395
58. JAMES E. ROBERTS – OBAYASHI CORP., 07-R1D4-2387 THROUGH 2390
59. ROLL FORM ENGINEERING, 06-R3D3-146
60. CHESTER E. ROSE & SONS, 08-R2D3-0045
61. SACRAMENTO COUNTY TRANSPORTATION, 07-R2D1-3545
62. SAN MARINO PLASTERING, INC., 07-R2D2-2398
63. SANTEE DAIRIES dba HEARTLAND FARMS, 07-R3D7-1718 THOROUGH 1721
64. EARL SCHEIB, INC., 07-R2D4-2014

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65. LES SCHWAB TIRE, 05-R2D1-3915 THROUGH 3917
66. SELECT PAINTING, 08-R4D2-0083 AND 0084
67. SIGN WIZE, 07-R4D4-2126
68. SISTONE, INC. 07-R4D3-2543
69. BRIAN F. SMITH & ASSOCIATES, 07-R3D2-5178 AND 5179
70. STEVEN R. SMITH, INC. dba STEVE SMITH AUTOSPORTS, 07-R3D1-2407  
AND 2408
71. STANDARD STRUCTURES INC., 06-R1D5-2136 AND 2137
72. STATE COMPENSATION INSURANCE FUND, 07-R1D5-2391
73. STRUCTURAL MATERIALS COMPANY, 06-R4D2-0072 THROUGH 0074
74. SUN VALLEY FARM LABOR, 06-R4D3-627
75. SUN VALLEY GROUP, 07-R4D3-3712 THROUGH 3714
76. SUNSERI ASSOCIATES, INC., 07-R2D1-2396
77. TAJIMA CORP. USA, 07-R4D1-0770
78. A. TEICHERT & SON INC. dba TEICHERT CONSTRUCTION, 06-R2D4-740  
THROUGH 742
79. TINK, INC., 07-R2D3-0727
80. TNT LOGISTICS OF NORTH AMERICA INC., 07-R2D4-1619 AND 1620
81. TODD TRAYLOR dba TODD TRAYLOR CONSTRUCTION, 07-R2D1-372  
AND 373
82. TRG WOOD PRODUCTS INC., 07-R6D2-0696 THROUGH 0702
83. UNIPOLO FABRIC CORPORATION, 06-R4D2-4638 AND 4639
84. WAL-MART DISTRIBUTION CENTER #7033, 05-R3D3-224 THROUGH 226
85. WATERPROOFING EXPERTS, 07-R4D1-1944 AND 1945
86. WEST LAKE FOOD CORPORATION, 05-R6D2-4036 THROUGH 4044

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87. WESTERN INSTALLATIONS, 06-R4D2-616

88. WHITING-TURNER CONTRACTING COMPANY, 08-R4D3-0086

89. TONY XIAO, 07-R1D1-617

**ORDERS DISMISSING APPEALS:**

1. GMA CONSTRUCTION, INC., 04-R6D2-3609 AND 3610

2. JIMMY MOSLEY & SONS, 04-R1D5-2525

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

NONE.

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

NONE.

**ORDERS DENYING LEAVE TO REOPEN APPEALS:**

NONE.

**ORDERS GRANTING APPEALS:**

NONE.

**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. AGS CONSTRUCTION SERVICES, 07-R2D3-9573

2. BRS INC., 08-R2D1-9003

3. JAMES E. CAIRNES dba SMALL WORLD TREE CO., 07-R1D5-9516

4. GSF ENTERPRISES, INC., dba GOLDEN STATE FRAMERS, 07-R4D3-9526

5. LA PIZZA GROTTO, 07-R3D1-9520

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**DENIAL OF PETITION FOR RECONSIDERATION (DRAFTS):**

1. GILL LAND COMPANY, 05-R2D5-978 THROUGH 980
2. TAMAG ELECTRIC, 07-R2D5-9454

**DECISIONS AFTER RECONSIDERATION (DRAFTS):**

*(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)*

1. A. TEICHERT & SON, INC., A CORPORATION dba TEICHERT AGGREGATES, 04-R5D2-850 AND 851
2. AC FRAMERS INC., 03-R2D3-3475
3. A & C LANDSCAPING, INC., aka A & C CONSTRUCTION, INC., 03-R4D4-4791
4. ASC PROFILES, INC., 06-R2D1-1181
5. AMERIPRIDE UNIFORM 04-R4D2-106 AND 107
6. BART, 03-R1D1-5170
7. BAY AREA SYSTEMS & SOLUTIONS, dba BASS ELECTRIC, 01-R1D3-106
8. BIMBO BAKERIES USA, 03-R1D3-5215 THROUGH 5217
9. BLF, INC., dba LARRUBURE FRAMING, 02-R4D1-4675 THROUGH 4680
10. BLF, INC., dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429
11. BLUE DIAMOND MATERIALS, 02-R5D2-1268
12. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
13. CALIFORNIA FAMILY FITNESS, 03-R2D1-095 & 096
14. CALIFORNIA FRESH FARMS LLC., 06-R2D4-4127 AND 4224
15. CENTRAL CHEVROLET, 05-R1D4-2615 THROUGH 2618
16. CENTRAL VALLEY CONTRACTING, 05-R4D3-2351
17. COX COMMUNICATIONS, 03-R3D2-1942
18. DADE BEHRING, 05-R2D1-2203

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19. DAVIS BROTHERS FRAMING, INC., 03-R3D1-0114
20. DAVIS BROTHERS FRAMING, INC., 05-R3D3-634 THROUGH 636
21. DYNALECTRIC, 03-R1D1-4101
22. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
23. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
24. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
25. GLASS PAK, 03-R2D2-0750 AND 0751
26. GRAND BUILDERS, 07-R4D3-9344
27. HARRY L. MURPHY, INC., 06-R1D2-218 AND 219
28. HEARN CONSTRUCTION, INC., 02-R6D1-3533 THROUGH 3536
29. HELPMATES STAFFING SERVICES, 05-R3D3-2239
30. HUSSMAN CORPORATION, 03-R3D1-2939
31. ILH CONSTRUCTION, 02-R1D1-4172
32. JOHN LAING HOMES, 04-R3D1-194 AND-195
33. KELLY SERVICES, INC., 06-R1D2-1024
34. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323
35. KIMES-MORRIS CONSTRUCTION, 02-R1D4-1204 THROUGH 1209 & 02-1273
36. LONG BEACH CITY COLLEGE, 03-R3D5-2747
37. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
38. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA),05-R4D2-2541
39. O & M INDUSTRIES, 04-R1D5-1597
40. PMR RACE CARS, 03-R3D3-1825
41. POUK & STEINLE, INC., 03-R4D2-1495 & 1496
42. RII PLASTERING INC., 02-R3D1-2679

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43. R & L BROSAMER, INC., 03-R1D5-4832
44. SACRAMENTO MUNICIPAL UTILITY DISTRICT, 02-R2D1-1654  
THROUGH 1656
45. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
46. STACY & WITBECK INC., 05-R1D1-1142
47. STATE CENTER COMMUNITY COLLEGE DISTRICT, 05-R2D5-1688  
THROUGH 1692
48. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
49. SUN VALLEY SKYLIGHTS, INC., 03-R4D1-2613 AND 2614
50. TEICHERT AGGREGATES, 04-R5D1-2982
51. TRIO METAL, 03-R4D4-0317
52. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2556 AND 2557
53. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
54. WESTERN DOOR, 01-R3D1-2827
55. WEST VALLEY CONSTRUCTION COMPANY, INC., 01-R1D2-3017 AND 3018

**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. BRUTOCO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159  
(07-9223)
2. HFS INVESTMENTS, INC., 01CS00981 (96-3079)
3. MURRAY COMPANY, BS112469 (07-9190-9192)

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4. UNITED ASSOCIATION LOCAL UNION 246, AFL-CIO; IDEPSCA INSTITUTO DE EDUCACION POPULAR DEL SUR DE CALIFORNIA AND CENTRO LEGAL DE LA RAZA, (HARRIS CONSTRUCTION COMPANY, INC.), 07CS00518 (02-3914)
5. INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, LOCAL LODGE 1781; JULIA SMITH, (UNITED AIRLINES dba UNITED AIRLINES SFO SYC), 07CS00331 (00- 2844)
6. WESTERN MILLING, LLC, 06 CE CG 04007 (06- 9039/9040)
7. IRBY CONSTRUCTION COMPANY, ECU03759 (03-2728)
8. JERLANE v DIVISION OF OCCUPATIONAL SAFETY & HEALTH, 37-2007-0005631-CU-WM-NC, (01-4344-4345)
9. DIVISION OF OCCUPATIONAL SAFETY AND HEALTH v. OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD (J.F. SHEA CONSTRUCTION, INC) 34-2007-00882187-CU-WM-GDS, (02-801)
10. DIVISION OF OCCUPATIONAL SAFETY AND HEALTH v. OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD (E. L. YEAGER CONSTRUCTION COMPANY, INC.), 34-2007-00882192-CU-WM-GDS, (01-3261)

**APPELLATE COURT:**

NONE.

**OTHER LEGAL MATTERS:**

*(Any legal matter that comes about after the agenda is noticed 10 days in advance of the meeting announcement and that must be acted upon or legal matters pending before the Board requiring specific Board action but do not fall within the above categories.)*

NONE.

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

NONE.

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