

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, April 16, 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: April 4, 2008**

**RE: Closed Session of the Board on April 16, 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. DPS PLASTERING, INC. 03-R3D3-2731
2. GAMBOA & COMPANY INC. dba LA COMPONENTS INC., 06-R6D2-2529 THROUGH 2541
3. SHEA KENNY JV, 07-R5D3-3218
4. SOUTHERN CALIFORNIA EDISION, 06-R4D2-2062

**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. AAYCO PALLET SYSTEMS, LLC., 06-R6D2-1137 THROUGH 1142

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2. ALADDIN COACHWORKS, INC., 07-R3D3-2225
3. AMERICAN POWDER COATING & PAINTING, INC., 07-R4D4-2375 AND 2376
4. THE BAUMEISTER COLLECTIVE, 06-R1D1-2640, AND 06-R1D1-2749
5. BAY VALLEY FOODS. 07-R4D4-2057 AND 2058
6. CA CORRECTION & REHAB, PRISON INDUSTRY AUTHORITY, 07-R4D3-2249
7. CERTIFIED PRECISION WELDING, 07-R6D2-1597 THROUGH 1599
8. CH2O, INC., 06-R3D3-2778 THROUGH 2779
9. CHAPARRAL CONCRETE CO., 07-R5D2-2061 AND 2062
10. CJW BUILDERS, INC, 06-R4D2-3930
11. COASTAL PACIFIC FOOD DISTRIBUTORS, 07-R3D3-2720 AND 2721
12. COCA COLA BOTTLING CO. OF SO. CA., 06-R6D2-4896 AND 4898
13. COCA COLA BOTTLING CO. OF SO. CA., 07-R6D2-0591 AND 0592
14. COLD STEEL ERECTORS, INC., 07-R2D2-2366
15. CORRWOOD CONTAINERS, 06-R2D5-4033
16. CPD INDUSTRIES, 07-R6D2-2274 THROUGH 2277
17. CRAFTTECH EMD CORP., 07-R6D2-2341 THROUGH 2345
18. CROWN PALLET CO., INC., 06-R6D2-1143 THROUGH 1150
19. DEVI PLAZA LLC., 07-R2D1-0634
20. DOME CONSTRUCTION, 0-R1D3-0378 AND 0379
21. DRI COMMERCIAL, 06-R2D1-4210
22. EAGLE IRON ERECTORS, 06-R3D3-148
23. ELLIOTT/DRINKWARD CONSTRUCTION, INC., 07-R3D5-2039 AND 2040
24. ENNIS HOMES, 06-R2D5-4614

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25. EZ DENIM, 07-R4D1-2231 THROUGH 2233
26. EZRA CONSTRUCTION, 06-R1D4-0009 THROUGH 0012
27. FOR JAAC, INC. dba JJ'S CUSTOM WINDOW AND DOORS, 07-R4D3-414 AND 417
28. FRYE CONSTRUCTION INC., 06-R4D3-279 AND 280
29. GENERAL PRODUCTION SERVICES, INC., 07-R3D7-4428
30. GOLFSMITH, 06-R4D2-3212 AND 3213
31. HAY BROTHERS SHEEP, 07-R4D3-418 AND 419
32. HBK INVESTORS, LLC., 07-R3D1-2367 AND 2372
33. HILL BROTHERS CHEMICAL CO., 07-R3D7-863
34. INGALLS CONVEYORS, INC., 06-R4D4-2621 and 2622
35. INLAND VALLEY STAFFING dba, PRIORITY STAFFING SERVICES, 06-R4D2-3584 AND 3585
36. JACK IN THE BOX, INC., 07-R2D4-2403
37. JACOBS FIELD SERVICES NORTH AMERICA, 06-R4D3-2865
38. JACOBS FIELD SERVICES NORTH AMERICA, 06-R4D3-4064
39. JAKMA, INC., 07-R6D2-5413 AND 5414
40. JTWIMSATT CONTRACTING COMPANY, INC. 07-R3D2-1549 AND 1550
41. KAISER PERMANENTE, 07-R2D4-2186 THROUGH 2188
42. KNIGHT BUILDERS, INC., 07-R3D3-2216 THROUGH 2218
43. KRETSCHMAR & SMITH, INC., 07-R3D3-2221 THROUGH 2223
44. L. A. COUNTY SANITATION DISTRICT, 06-R4D3-3676 AND 3677
45. BRIAN LeBARON dba, B-12 DRYWALL, LLC., 06-R2D1-2696
46. McDANIEL CONSTRUCTION, 07-R1D1-4112
47. MEMO'S SCAFFOLDING NORWALK, INC., 07-R4D1-2533 THROUGH 2535

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48. MILLER METALS, 07-R3D2-0571 AND 0572
49. E.W. MOON, INC., 07-R3D3-2220
50. MURRAY COMPANY, 07-R5D2-1746
51. NEWMAN-CROWS LANDING UNIFIED SCHOOL DISTRICT, 07-R2D4-2015 AND 2016
52. NOLEX CONSTRUCTION CORP., 07-R4D3-0328
53. NORTH BAY PLUMBING INCORPORATED, 06-R6D1-3807 THROUGH 3809
54. PACIFIC COAST STEEL, INC., 06-R3D3-2766
55. MIGUEL L. PRADO, FLC #5262, 07-R2D4-3028
56. RAPID RACK INDUSTRIES, INC., 06-R4D4-2896 THROUGH 2899
57. ROAD KYLL APPAREL GRAPHICS, 08-R6D2-0107
58. SADDLEBACK MATERIALS CO., INC. 06-R3D3-560 AND 2589
59. SADDLER ROOFING, INC., 07-R3D5-2036 AND 2037
60. SAKURA NOODLE, INC., 06-R4D1-4378 THROUGH 4381
61. SAN BERNARDINO COUNTY SHERIFF'S DEPT., 07-R3D3-2224
62. SELECT REMEDY SERVICES, 07-R4D2-2539
63. SN CONSTRUCTION, INC. 07-R3D5-2041 THOROUGH 2044
64. SOLAHART ALL VALLEY ENERGY SYSTEM, 07-R2D5-1680 AND 1681
65. SPICE AVENUE INDIAN RESTAURANT, 07-R4D3-0673
66. SPRAY BOOTH TECHNOLOGIES, 03-R3D3-4910
67. SSA TERMINALS dba, PACIFIC CONTAINER TERMINAL, 07-R6D2-1837 AND 1838
68. STANOVENSKY CORP., dba STANCON ROOFING, 07-R6D1-1959 AND 1960
69. TABLE BLUFF BREWING, INC. dba LOST COAST BREWERY, 07-R2D3-

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2399 AND 2400

70. TOWNE CENTER CAR WASH, 07-R3D5-4425 THROUGH 4427
71. TWR ENTERPRISES, 06-R3D3-2608 THROUGH 2610
72. UNITED AIRLINES, 05-R1D3-3910
73. UNITED ROCK PRODUCTS, 06-R5D2-0105 THROUGH 0107
74. US AIR CONDITIONING DISTRIBUTION, 06-R4D3-2352 AN 2353
75. USED PALLET COMPANY, 07-R2D5-3878 THROUGH 3880
76. VIKING SHEET METAL & AIR CONDITONING , INC., 06-R6D2-1004 THROUGH 1011
77. VINTAGE NURSERIES, 06-R4D3-839
78. VULCAN MATERIAL COMPANY, CARROL CANYON PLANT, 07-R5D2-2546
79. WASHINGTON GROUP INTERNATIONAL OBAYASHI CORP., 07-R3D3-2035 AND 2668
80. WASTE CONNECTION INC. dba, MADERA DISPOSAL, 07-R2D5-3959
81. WHITE GLOVE 100% HAND CAR WASH, 07-R2D5-3875 THORUGH 3877
82. WWL, [WWL VEHICLE SERVICES AMERICAS, INC.] 06-R3D5-5295
83. YHK TRANSPORTATION, INC., 07-R3D3-4415
84. KEVIN YOUNG CONCRETE CO., INC. 06-R2D1-3065 THROUGH 3068
85. Z STREET, INC. 07-R2D1-2002 THROUGH 2005

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**ORDERS DISMISSING APPEALS:**

1. HABITAT CONSTRUCTION INC., 08-R2D1-9157

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

1. CAR QUEST AUTO PARTS, 08-R3D2-9136
2. FLATLAND CONSTRUCTION INC., 08-R3D3-9164

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

1. ABM INDUSTRIES, INC., dba ABM JANITORIAL SERVICES, 08-R1D1-1281 AND 1282
2. CALIFORNIA DISTRIBUTION, 08-R4D4-1234 AND 1235
3. JAMAL RAHMAN, 08-R4D4-1232 AND 1233

**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.)*

NONE.

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

1. DHL EXPRESS, 07-R3D5-9422
2. MARIANI PACKING, INC., 07-R2D3-9574
3. PRODUCTION ROOFING & SHEETMETAL, 07-R3D3-9544
4. ULTIMATE CONSTRUCTION, 05-R4D2-378 AND 379 AND 05-R4D2-2465

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**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
19. DAVIS BROTHERS FRAMING, INC., 03-R3D1-0114
20. DAVIS BROTHERS FRAMING, INC., 05-R3D3-634 THROUGH 636
21. DYNALECTRIC, 03-R1D1-4101

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22. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
23. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
24. GENERAL TRUSS CO. INC., 06-R2D1-0783 AND 0784
25. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
26. GLASS PAK, 03-R2D2-0750 AND 0751
27. GRAND BUILDERS, 07-R4D3-9344
28. HARRY L. MURPHY, INC., 06-R1D2-218 AND 219
29. HEARN CONSTRUCTION, INC., 02-R6D1-3533 THROUGH 3536
30. HELPMATES STAFFING SERVICES, 05-R3D3-2239
31. HUSSMAN CORPORATION, 03-R3D1-2939
32. ILH CONSTRUCTION, 02-R1D1-4172
33. INDUSTRIAL MASONRY, INC., 07-R3D2-0735 AND 0736
34. JOHN LAING HOMES, 04-R3D1-194 AND-195
35. KELLY SERVICES, INC., 06-R1D2-1024
36. KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323
37. KIMES-MORRIS CONSTRUCTION, 02-R1D4-1204 THROUGH 1209 & 02-1273
38. LONG BEACH CITY COLLEGE, 03-R3D5-2747
39. LOS ANGELES, CITY OF, FIRE DEPARTMENT, 03-R2D5-3960
40. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA),05-R4D2-2541
41. O & M INDUSTRIES, 04-R1D5-1597
42. PMR RACE CARS, 03-R3D3-1825
43. POUK & STEINLE, INC., 03-R4D2-1495 & 1496
44. RII PLASTERING INC., 02-R3D1-2679
45. R & L BROSAMER, INC., 03-R1D5-4832

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46. SACRAMENTO MUNICIPAL UTILITY DISTRICT, 02-R2D1-1654  
THROUGH 1656
47. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
48. STACY & WITBECK INC., 05-R1D1-1142
49. STATE CENTER COMMUNITY COLLEGE DISTRICT, 05-R2D5-1688  
THROUGH 1692
50. STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
51. SUN VALLEY SKYLIGHTS, INC., 03-R4D1-2613 AND 2614
52. TEICHERT AGGREGATES, 04-R5D1-2982
53. TRIO METAL, 03-R4D4-0317
54. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2556 AND 2557
55. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
56. WESTERN DOOR, 01-R3D1-2827
57. 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)
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)

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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.)*

LETTER REGARDING APPEAL FORM REQUIREMENTS

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

NONE.

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