

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, December 5, 2007**  
**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: November 21, 2007**

**RE: Closed Session of the Board on December 5, 2007**

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. E. O. CONSTRUCTION dba E.J.O. CONSTRUCTION INC., 05-R3D7-3983 AND 3984
2. WILCO WIRE TECHNOLOGY, 05-R6D1-2021 AND 2022

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For December 5, 2007**  
**Page 2**

**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. ADVANCE COMPOSITE PRODUCTS & TECHNOLOGY, INC., (ACPT), 05-R3D1-2923
2. ALL STREET TOWING, INC., 05-R3D2-3304
3. AMERICAN PALLETS, 07-R2D5-1271 THROUGH 1273
4. ANDREWS AND THORNLEY CONSTRUCTION INC., 07-R1D5-3016 THROUGH 3018
5. B B Q LAND INC., 07-R4D3-3080
6. BISCOMERICA CORP., 07-R6D2-2464 THROUGH 2473
7. BRAND SCAFFOLD RENTAL & ERECTION OF CA., 07-R2D5-1918
8. C & H SUGAR COMPANY, INC., 04-R6D1-1703 THROUGH 1707
9. CALFORM STEEL CORP., 06-R3D3-550 AND 551
10. CALIFORNIA DEPARTMENT OF CORRECTIONS – R J DONOVAN PRISON, 05-R3D2-2936
11. CAMEO EMPLOYMENT SERVICES, INC., 07-R3D3-1552
12. CHALLENGER CAR WASH, 06-R3D2-4263 THROUGH 4266
13. JOSE LUIS CHAVEZ dba JOSE LUIS CHAVEZ, FLC, 06-R2D3-3718
14. CLOVERLEAF CONSTRUCTION, 06-R1D2-2650
15. DHL EXPRESS, INC., 06-R2D1-3076 AND 3077
16. D. L. MAYRA, 05-R6D2-1727 THROUGH 1730
17. DAWN FOOD PRODUCTS, 07-R2D4-1268 AND 1269
18. DEL VALLE, KAHMAN & COMPANY, 07-R4D4-783 AND 784
19. DOORWAY MANUFACTURING, 06-R4D5-3684 AND 3685

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For December 5, 2007**  
**Page 3**

20. DUTRA STEEL, 06-R2D3-3720
21. EPIC PLASTICS, INC., 07-R2D4-1270
22. FAIRBANKS MORSE ENGINE, 06-R3D2-5277 AND 5278
23. FISCHER TITLE & MARBLE, LP, 06-R2D1-3064
24. FOLSOM DAM AUTO REPAIR, 07-R2D1-2102
25. FORTY SOMETHING INC., dba KENNETH MGT GROUP, 04-R4D1-3758
26. FOSS NURSERY, INC., 07-R3D2-2591 AND 2592
27. FOXCONN ADVANCED TECHNOLOGY, INC. dba Q-EDGE, INC., 06-R3D1-1829 AND 1830
28. F. RODGERS SPECIALTY CONTRACTOR, INC., 06-R2D1-2464
29. G & G FOODS INC. dba G & G SPECIALTY FOODS INC., 07-R6D1-3219 THROUGH 3223
30. GUY EVANS INC., 06-R3D3-1842 THROUGH 1845
31. HOWARD S WRIGHT CONSTRUCTION CO., 07-R4D1-2725
32. JANUS CORPORATION, 07-R3D3-506
33. JOEL'S WELDING, 06-R2D1-3866
34. KAWA SUERMARKET, 07-R4D2-2973
35. KENYON PLASTERING, INC., 06-R1D2-2653
36. KEY ENERGY SERVICES, INC., 06-R4D3-3242
37. L.A. CITY, DEPT, OF PUBLIC WORKS, BUREAU OF ENGINEERING, 05-R4D3-3368
38. L.A. CITY, PUBLIC WORKS SANITATION BUREAU, 05-R4D3-3357
39. CITY OF LINCOLN, HUMAR RESOURCES, 07-R2D1-1847
40. MCP INDUSTRIES – MISSION RUBBER COMPANY, 07-R3D3-2933 AND 2934

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM**

**For December 5, 2007**

**Page 4**

41. MARQUEZ BROTHERS, 07-R2D5-1274 THROUGH 1277
42. MARUICHI AMERICAN CORPORATION, 07-R6D2-4159 THROUGH 4166
43. MCCONNELL CABINETS, INC. dba COASTAL WOOD PRODUCTS, 06-R6D2-3821 THROUGH 3827
44. MCCONNELL CABINET, 06-R6D2-2434 THROUGH 2436
45. MELO CONCRETE CONSTRUCTION, INC., 07-R1D4-1910 AND 1911
46. MIKE MALETIC CONSTRUCTION, 06-R2D1-3364
47. MOODY WESTERN COOLING, 07-R4D3-81
48. MOVING SOLUTIONS INC., 07-R1D2-3005
49. NOVA PARTNERS, INC., 06-R1D2-4681
50. OASIS RANCH MANAGEMENT, 06-R3D3-2781 AND 2782
51. PACIFIC GAS AND ELECTRIC COMPANY, 05-R1D1-4214
52. PEARL HABARA FARMS INC., 07-R2D4-2704
53. PETERSEN DEAN ROOFING SYSTEMS, 06-R2D1-3365
54. JORGE PLASENCIA dba LA ESPERANZA ENTERPRISE, INC., 07-R2D1-1671
55. PREFERRED PERSONNEL, 07-R4D2-1204
56. PREFERRED WINDOW PRODUCTS, INC., 07-R2D1-3940
57. QUALITY PLASTERING, 06-R3D1-1196 THROUGH 1198
58. RLS PLASTERING CORP., 06-R3D1-1408 THROUGH 1411
59. R Q CONSTRUCTION, INC., 06-R5D3-4447
60. RAMCO ENTERPRISES, LP, 07-R1D2-1901 AND 1902
61. REX MOORE, 06-R2D1-3542
62. RHINO ROOTER, INC., 07-R2D2-1912
63. DR. KAREN RICHARDT, DDS dba BARSTOW DENTAL CENTER, 07-R3D3-

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For December 5, 2007**  
**Page 5**

1937 AND 1938

64. RIVER RANCH FRESH FOODS, 07-R3D7-1641 THROUGH 1643
65. ROSSCRETE ROOFING, INC., 06-R3D3-554 AND 555
66. ST. GEORGE WAREHOUSE, 06-R4D2-5082 THOROUGH 5084
67. SCHAEFER RANCH, 07-R2D5-1278
68. SCULLY DISTRIBUTION SERVICES, INC., 07-R1D3-1907 THROUGH 1909
69. STANFORD UNIVERSITY, 06-R1D2-2098
70. SUNDANCE ENTERPRISES, INC., 05-R4D3-4443 AND 4444
71. TWR ENTERPRISES INC., 06-R3D3-2243 THROUGH 2245
72. TRAC TRAN, 06-R3D1-496
73. U.S. POLE COMPANY, 06-R4D3-1324
74. VALLEY CAR WASH, 07-R4D2-68 AND 69
75. VALLEY IRON & METAL EDMAN STEEL, 07-R3D2-0057 THROUGH 0059
76. HERMAN WEISSKER, 06-R3D1-1067
77. WESTERN STATES GLASS, INC., 07-R3D5-1801 AND 1802
78. WEST VALLEY ENGINEERING, 06-R1D4-2458
79. WILCOX MACHINE CO., INC., 07-R4D2-0072 THROUGH 0075

**ORDERS DISMISSING APPEALS:**

1. EL TAPATIO INC., 03-R4D2-4754 AND 4755
2. GMA CONSTRUCTION, INC., 04-R6D2-3609 AND 3610
3. LUWA USA, 06-R4D1-3770

**ORDER DENYING LEAVE TO FILE LATE APPEAL**

1. S.T. BAGGETT, INC., 06-R2D5-4952

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For December 5, 2007**  
**Page 6**

**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. CONTROL AIR CONDITIONING CORP., 05-R4D2-1626 AND 1627
2. NORTHROP GRUMMAN CORP., 06-R1D2-4458
3. UNIS, INC., 07-R4D2-9308

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

1. AMERICAN CEMENT, INC., 06-R2D5-1061 AND 1062

**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. AC FRAMERS INC., 03-R2D3-3475
2. A & C LANDSCAPING, INC., aka A & C CONSTRUCTION, INC., 03-R4D4-4791
3. AGC COMMUNICATIONS, INC., 03-R1D4-3121
4. ASC PROFILES, INC., 06-R2D1-1181
5. AMERIPRIDE UNIFORM 04-R4D2-106 AND 107
6. A. TEICHERT & SON, INC., A CORPORATION dba TEICHERT AGGREGATES, 04-R5D2-850 AND 851
7. BART, 03-R1D1-5170
8. BAY AREA SYSTEMS & SOLUTIONS, dba BASS ELECTRIC, 01-R1D3-106
9. BIMBO BAKERIES USA, 03-R1D3-5215 THROUGH 5217
10. BLF, INC., dba LARRUBURE FRAMING, 02-R4D1-4675 THROUGH 4680
11. BLF, INC., dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM**

**For December 5, 2007**

**Page 7**

12. BLUE DIAMOND MATERIALS, 02-R5D2-1268
13. CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
14. CALIFORNIA FAMILY FITNESS, 03-R2D1-095 & 096
15. CALIFORNIA FRESH FARMS LLC., 06-R2D4-4127 AND 4224
16. CENTRAL CHEVROLET, 05-R1D4-2615 THROUGH 2618
17. CENTRAL VALLEY CONTRACTING, 05-R4D3-2351
18. COX COMMUNICATIONS, 03-R3D2-1942
19. DADE BEHRING, 05-R2D1-2203
20. DAVIS BROTHERS FRAMING, INC., 03-R3D1-0114
21. DAVIS BROTHERS FRAMING, INC., 05-R3D3-634 THROUGH 636
22. DAVIS ROOFING, INC., 05-R3D3-4127
23. DYNALECTRIC, 03-R1D1-4101
24. E. L. YEAGER CONSTRUCTION COMPANY, INC., 01-R5D3-3261
25. ETTER & SON CONSTRUCTION, INC., 03-R1D5-3131
26. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
27. GLASS PAK, 03-R2D2-0750 AND 0751
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. HEMMINGSEN CONSTRUCTION CO., INC., 07-R2D3-9277
32. HUSSMAN CORPORATION, 03-R3D1-2939
33. ILH CONSTRUCTION, 02-R1D1-4172
34. JOHN LAING HOMES, 04-R3D1-194 AND 195

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM**

**For December 5, 2007**

**Page 8**

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. MCI WORLDCOM INC., 00-R1D1-440 THROUGH 442
41. NIBBLELINK MASONRY CONSTRUCTION, 02-R3D3-1399 THROUGH 1401
42. O & M INDUSTRIES, 04-R1D5-1597
43. PMR RACE CARS, 03-R3D3-1825
44. POUK & STEINLE, INC., 03-R4D2-1495 & 1496
45. RII PLASTERING INC., 02-R3D1-2679
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 & 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

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For December 5, 2007**  
**Page 9**

57. WEST VALLEY CONSTRUCTION COMPANY, INC., 01-R1D2-3017 & 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. HFS INVESTMENTS, INC., 01CS00981 (96-3079)
2. DESILVA GATES CONSTRUCTION, 05CS00008 (01-2742)
3. 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)
4. INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, LOCAL LODGE 1781; JULIA SMITH, (UNITED AIRLINES dba UNITED AIRLINES SFO SYC), 07CS00331 (00- 2844)
5. TRIPPLETT MANAGEMENT CORP. dba McDONALD'S RESTAURANT NO. 10660 v OSHAB, CIB464877, (03-4116)
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-R3D2-4344-4348

**APPELLATE COURT:**

NONE.

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

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