

**BEFORE THE STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD**

In the Matter of the Appeal of:

**SHOOTERS PARADISE, INC.
1910 Sunkist Circle
Oxnard, CA 93033**

Employer

Inspection No.

1751481

**DENIAL OF PETITION FOR
RECONSIDERATION**

The Occupational Safety and Health Appeals Board (Board), acting pursuant to authority vested in it by the California Labor Code hereby denies the Petition for Reconsideration filed in the above-entitled matter by Shooters Paradise, Inc. (Employer).

JURISDICTION

The California Division of Occupational Safety and Health (Division) issued one citation with 10 separate items assessing total penalties of \$16,800.00 for alleged Regulatory, General, and Repeat General violations of the safety orders contained in title 8¹ of the California Code of Regulations.² Employer timely appealed the citation and Presiding Administrative Law Judge (PJ) Sam Lucas scheduled a status conference for May 5, 2025, which Employer did not attend. PJ Lucas found good cause for Employer's nonappearance and re-scheduled the status conference to June 16, 2025, which Employer again failed to attend.

On June 25, 2025, PJ Lucas issued an Order Dismissing Appeal for Failure to Appear (Order). The 15-day deadline for objecting to the Order, customarily extended by 5 days for service of process by email or mail under section 348(c), expired on July 15, 2025, on which day the Order became final. Pursuant to Labor Code section 6614, Employer was required to file a petition for reconsideration within 30 days of the final Order, by August 14, 2025.

¹ Unless otherwise specified, references are to title 8 of the California Code of Regulations (CCR).

² Item 1 alleged a Regulatory violation of § 3203 regarding an Injury and Illness Prevention Program (IIPP) with two Instances, for failing to keep records of inspections and documentation of training. Item 2 alleged a Regulatory violation of § 5198, for failing to keep records of lead exposure monitoring. Item 3 alleged a Repeat General violation of § 3203 for failing to maintain an effective IIPP. Item 4 alleged a General violation of § 5194 for failing to maintain a written lead hazard communication program. Item 5 alleged a Repeat General violation of § 5198 for failing to monitor employee lead exposure. Item 6 alleged a General violation of section 5198 for failing to conduct monitoring when there was possible employee lead exposure at or above the action level. Item 7 alleged a General violation of § 5198 for failing to establish a written compliance program to reduce lead exposure. Item 8 alleged a Repeat General violation of § 5198 for failing, in the presence of lead, to provide mechanical ventilation and recirculation of air, alleging three Instances of violations. Item 9 alleged a Repeat General violation of § 5198 for failing to keep all surfaces free of accumulated lead particles. Item 10 alleged a Repeat General violation of § 5198 for failing to provide employee information and training about lead exposure alleging four Instances of violations. The repeat Citations all relate to a July 29, 2020, citation that became final on March 15, 2024.

Employer did not file its Petition for Reconsideration (Petition) until September 15, 2025 (the date on the proof of service).³ Viewed in the light most favorable to Employer, this is still thirty-two days after the statutory filing deadline for Employer's Petition.

Employer's Petition consists of:

- a one-page typed statement by owner John Barrison (Barrison),
- two medical charts showing Barrison's iron and hemoglobin levels in 2024 and 2025 potentially indicating how sick he was at the time of the violation and his nascent improvement by the missed status conferences,
- a copy of a box of Brukinsa (Zanubrutinib), a chemotherapy drug dispensed to Barrison on July 7, 2025,
- a typewritten May 11, 2024, Note to File,
- a typewritten and hand-dated June 2, 2024, Response to Information Requests #1-3 that explain how the violation occurred and was rectified,
- a verification of the Petition by Barrison, and
- a proof of service by mail dated September 15, 2025 signed by John Conti.

The Division did not answer the Petition.

ISSUE

Does the Board have jurisdiction to consider the Petition?

REASON FOR DENIAL OF PETITION FOR RECONSIDERATION

The Board has fully reviewed the record in this case, including the arguments and documents presented in the petition for reconsideration. We have taken no new evidence.

Labor Code section 6617 sets forth five grounds upon which a petition for reconsideration may be based:

- (a) That by such order or decision made and filed by the appeals board or hearing officer, the appeals board acted without or in excess of its powers.
- (b) That the order or decision was procured by fraud.
- (c) That the evidence does not justify the findings of fact.
- (d) That the petitioner has discovered new evidence material to him, which he could not, with reasonable diligence, have discovered and produced at the hearing.
- (e) That the findings of fact do not support the order or decision.

³ The postmark date on the envelope in which the Petition was mailed to the Board was September 17, 2025. Board regulation section 348(b) states the Board should not presume the filing date is the postmark date when it differs from the date on the proof of service.

Employer’s petition asserts none of the statutory grounds upon which the Board may grant reconsideration, which is reason alone to deny the petition. (*Arodz Motorsports, LLC, dba Al Tune & Lube*, Cal/OSHA App. 1087194, Denial of Petition for Reconsideration (Nov. 22, 2017).) Even if the Petition had stated one or more of the statutory grounds for reconsideration, the Board would be required to deny it.

As previously mentioned, Employer’s time to file a petition for reconsideration expired on August 14, 2025. Even if the filing date is viewed in the light most favorable to Employer, Employer did not file its petition until September 15, 2025, making its petition late.

Labor Code section 6614, subdivision (a), establishes a 30-day period in which a party may petition for reconsideration. The Board **lacks jurisdiction** to grant reconsideration of a late-filed petition. (*Victor C. Garcia, dba Flores Auto Service*, Cal/OSHA App. 1359495, Denial of Petition for Reconsideration (Sep. 16, 2021) citing *Amerisk Engineering Corp.*, Cal/OSHA App. 1129146, Denial of Petition for Reconsideration (Dec. 21, 2018), citing Labor Code sections 5900 and 5903; *Nestle Ice Cream Co., LLC v. Workers' Comp. Appeals Bd.* (2007) 146 Cal.App.4th 1104, 1108; citing *Scott v. Workers' Comp. Appeals Bd.* (1981) 122 Cal.App.3d 979, 984.) Here, Employer did not file its petition within the time required by law; therefore, we lack to jurisdiction to consider it.

DECISION

For the reasons stated above, the petition for reconsideration is denied. The Order is affirmed.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

/s/ Ed Lowry, Chair
/s/ Judith S. Freyman, Board Member
/s/ Marvin P. Kropke, Board Member



FILED ON: 10/30/2025