

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), (e) and (f)
for
Thursday, July 14, 2016
9:30 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: July 1, 2016

RE: Closed Session of the Board to be held on July 14, 2016

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session. Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.

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. HOME DEPOT U.S.A., INC. DBA HOME DEPOT #6683, 15-R3D3-4516 THROUGH 4518
2. MOORE'S PUMPKINS AND CHRISTMAS TREES, 15-R1D4-1504
3. W. A. RASIC CONSTRUCTION COMPANY, INC., 13-R4D4-1422

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. KEY ENERGY SERVICES, INC., 15-R4D7-0255 & 0256

DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):

1. AVALON BAY COMMUNICATIONS, INC., 15-R3D2-0751

ORDERS DISMISSING APPEAL:

1. JOSE LUIS GALLINDO JR. DBA ABSOLUTE AUTO BODY, 15-R6D5-3672 AND 3673

ORDER DENYING LEAVE TO FILE LATE APPEAL

2. CONSTRUCTURE, INC., 16-R3D3-9089
3. INTERNATIONAL DBA MOD SHOP, 16-R3D5-9090

MATTERS HELD OVER FROM PREVIOUS MEETINGS:

(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)

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.)

1. A TO Z TREE NURSERY, INC. dba A TO Z SPECIMEN TREE MOVERS, 15-R6D1-2277 through 2279
2. ATKINSON CONSTRUCTION, LP, 14-R3D1-4111
3. BARRETT BUSINESS SERVICES, INC., 12-R3D1-1204 THROUGH 1206
4. BIGGE CRANE & RIGGING CO., 14-R1D2-1798
5. CALSTRIP STEEL CORPORATION, 12-R3D6-1998 & 1999
6. COAST WASTE MGNMT OF CA, INC., 11-R3D2-2385 & 2386
7. COMPASS CONTAINER GROUP, INC., 16-R1D4-9014
8. CYBERNET ENTERTAINMENT, LLC, 14-R6D1-0364
9. DAVEY TREE SURGERY CO., 13-R3D3-1018 THROUGH 1021
10. DYNAMIC CONSTRUCTION SERVICES, INC., 15-R4D1-1471 AND 1472
11. FEDEX FREIGHT, INC., 14-R2D1-0144

12. FIRST PRIORITY DESIGN & CONSTRUCTION, 16-R3D5-9073
13. FOUNDATION BUILDING MATERIALS LLC, 14-R1D2-3533 THROUGH 3535
14. GATEWAY PACIFIC CONTRACTORS, INC., 10-R2D3-1502 THROUGH 1508
15. GIBRALTAR PARTNERSHIP LP, 15-R3D2-4782 THROUGH 4785
16. HERMAN WEISSKER, INC., 13-R3D1-3279
17. JD MILLER CONSTRUCTION, INC. dba M & M FRAMING, 16-R4D4-9058
18. JM ENVIRONMENTAL, INC., 15-R2D1-9232
19. KEY ENERGY SERVICES, LLC, 15-R4D7-0255 AND 0256
20. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
21. MAGNA TOOL INC., 15-R3D1-9214
22. MASTER CARE WINDOW WASHING, 15-R1D4-9230
23. MORROW-MEADOWS CORP., 12-R4D1-0717 THROUGH 0719
24. NOLTE SHEET METAL, INC., 14-R6D7-2777 through 2783
25. RUSSELL FABRICATION CORP. dba AMERICAN FABRICATION, 15-R6D2-90
26. SHIMMICK CONSTRUCTION CO., INC/OBAYASHI CORP., 11-R3D1-2562
THROUGH 2570
27. UNITED PARCEL SERVICE, 13-R3D2-2664 and 2665
28. WALT OXLEY ENTERPRISES INC. dba CIARRA CONSTRUCTION,
16-R1D2-9075

LEGISLATION:

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. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
2. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
3. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
4. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
5. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
6. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
7. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
8. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
9. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
10. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
11. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
12. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)
13. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
14. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)
15. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)
16. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
17. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817 (09-R6D2-2238 ~ 2241)
18. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
19. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)

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20. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360 THROUGH 3362)
21. KDTD, INC. DBA KD DEVELOPMENT, INC., 37-2015-00003550-CU-WM-CTL (14-R3D2-1935 & 1936)
22. HHS CONSTRUCTION, 34-2015-80002052 (12-R3D2-0492 THROUGH 0497)
23. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR, 15CV-00945 (08-R2D1-3093 ~ 3098)
24. STANISLAUS FOOD PRODUCTS CO., 34-2015-80002087 (13-R2D4-0572 ~ 0574)
25. OLDCASTLE PRECAST, INC., 34-2015-80002167 (13-R3D3-0583)
26. SHIMMICK CONSTRUCTION CO., INC./OBAYASHI CORP., 34-2015-80002204 (12-R3D1-0781)
27. CHARLES PANKOW BUILDERS, LTD., 34-2015-8000221 (13-R4D1-1759)
28. NATIONAL DISTRIBUTION CENTERS, LP, 12-R6D2-0391
29. TRI STATE STAFFING, 12-R6D2-0378
30. CHEVRON U.S.A., N15-2013 (13-R6D3-0655 THROUGH 0662)
31. T & R CONSTRUCTION GROUP, BS159712 (14-R4D3-4120 & 4121)
32. ABM FACILITY SERVICES, INC. dba ABM BUILDING VALUE, 30-2016-00831661, 12-R3D6-3496 ~ 3498
33. MCM CONSTRUCTION, INC., 34-2016-80002312 (13-R1D2-3851 ~ 3854)
34. SOLARCITY CORP., 14-R3D2-3707, 34-2016-80002345
35. BURTECH PIPELINE, INC., 13-R3D2-0830 and 0831, 37-2016-00013806
36. RAAM CONSTRUCTION, INC., RG16-810863 (15-R1D4-0155)

APPELLATE COURT:

1. XL CONSTRUCTION, C074514, 34-2009-80000300 (08-R1D2-1191 THROUGH 1193)
2. AC TRANSIT, A142799, RG13-687314 (08-R1D4-0135)

3. THYSSENKRUPP ELEVATOR CORPORATION, C077115, 34-2013-80001456
(11-R2D1-2217 ~ 2219)
4. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, C078953, 34-2011
80000965, (10-R6D2-0188 THROUGH 0191)
5. KEY ENERGY SERVICES, INC., F073567, S-1500-CV-283958-LHB

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. 24 HR SOLUTIONS PALLETS, INC., 16-R6D5-1877 AND 1878
2. A & M MARBLE, INC., 16-R3D1-0520 AND 0521
3. ADVOCACY FOR RESPECT AND CHOICE, 16-R3D5-1789
4. ALL AMERICAN WINDOW CLEANING, INC., 11-R3D1-2612 THROUGH 2614
5. ALWAYS BLUE POOLS, 16-R4D7-0733 THROUGH 0735
6. AMERICAN TIRE DISTRIBUTORS, INC., 16-R4D7-1708 AND 1709
7. AMERICAN WALL PANELS, LLC, 16-R3D3-0666 AND 0667
8. AMF SUPPORT SERVICES INC., DBA TRIDEN MEDICAL, 13-R3D3-2454
THROUGH 2460
9. ARCHDIOCESE OF LOS ANGELES DBA ST. CHRISTOPHER CATHOLIC
CHURCH, 15-R4D4-4660
10. ASSEMBLY AND FITTING SHOE GROUP, INC., 16-R6D2-1541
11. A.T.A. PLUMBING & CONSTRUCTION INC., 16-R4D4-0999
12. AVATAR MACHINE, LLC., 15-R3D1-3996 THROUGH 3998
13. BLUE CHIP 2000 COMMERCIAL CLEANING, INC., 15-R2D1-3465
14. BOTTLES & WOOD II LLC DBA BOTTLES & WOOD, 15-R3D2-2720
THROUGH 2722
15. BRAVO CONCRETE CONSTRUCTION SERVICES, INC., 15-R3D1-4405

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16. KATHRYN JAMI BRUNO DBA JUANITA JUANITA, 16-R6D7-0785 AND 0786
17. BURRTEC WASTE & RECYCLING SERVICES LLC, 15-R3D3-0419 AND 0420
18. CARSON TRAILER INC., 16-R6D2-0468 AND 0469
19. CASE PACIFIC COMPANY, 15-R4D7-4266
20. CEJA-REYES INC, 16-R2D1-0955 AND 0956
21. CENTRAL TRANSPORT LLC, 16-R3D3-0890 AND 0891
22. CHARTWELL STAFFING SOLUTIONS, 16-R4D1-0724 AND 0725
23. CONSENSUS ORTHOPEDICS, 16-R2D1-1893
24. COSTCO WHOLESALE CORPORATION, 15-R4D7-4153 THROUGH 4155
25. CUT AND STITCH SHOE GROUP, INC., 16-R6D2-1539 AND 1540
26. DEL MAR PLASTERING, 16-R3D1-0929 THROUGH 0931
27. DESERT OASIS CONSTRUCTION INC., 16-R6D5-1690 AND 1691
28. DESERT RECREATION DISTRICT DBA PAWLEY POOL, 16-R3D3-1763
29. DISNEYLAND RESORT, 16-R3D1-0433
30. E & R CONSTRUCTION, INC., 16-R3D1-0802 AND 0803
31. ELEC NOR BELCO ELECTRIC, INC., 16-R3D3-1706 AND 1707
32. EURODRIP USA, 16-R2D5-1499
33. FORD FRAMING COMPANY, INC., 16-R3D1-0611 THROUGH 0614
34. FOUR SEASONS CONSTRUCTION AND DESIGN INC., 16-R6D5-0827 AND 0828
35. FRESNO CITY POLICE DEPT, 16-R2D5-0719 AND 0720
36. GLOBE MARKET INC. DBA FRESH FOODS INTERNATIONAL, 15-R4D7-4262 AND 4263
37. H. LIMA COMPANY INC., 15-R5D2-4491

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38. INLAND EMPIRE FRAMING INC., 16-R3D1-0589 THROUGH 0593
39. INTERLINK, INC DBA PRECISION PLASTICS PRINTING CO., 16-R3D1-0033
40. JAIME PARTNERS, INC. DBA JAIME PARTNERS, 16-R3D2-1756
41. JON RICHARDS COMPANY INC, 16-R3D3-1669 AND 1670
42. JOUD CONSTRUCTION COMPANY INC, 16-R3D3-1187 AND 1188
43. KEHE DISTRIBUTORS, 16-R3D1-0108
44. LAUSD TERESA P HUGHES ELEMENTARY, 16-R3D5-0448 AND 0449
45. LB3 ENTERPRISES INC, 16-R3D2-1531
46. LDI MECHANICAL, INC., 16-R3D1-0927 AND 0928
47. LES TREE CARE, INC., 14-R4D3-3949
48. MANUEL D. & MARIA I. GONZALES, 16-R6D5-1218
49. MEADOWLARK HARVESTING, INC., 16-R4D7-0692 AND 0693
50. MEDWAY PLASTICS CORP., 16-R3D5-1793
51. MID-STATE STEEL ERECTORS, INC., 15-R1D3;4615 THROUGH 4618
52. MIRAMONTE WINERY DBA ETCHED WINE.COM, 16-R3D3-1667 AND 1668
53. MORLEY BUILDERS, INC., 15-R4D1-4740
54. NOBLE MARKETS INC DBA POKERVILLE MARKET 15-R2D4-4634
55. OASIS MEDICAL, INC., 16-R4D4-1897 THROUGH 1900
56. OMNICAL, INC., 16-R4D3-0681 THROUGH 0683
57. ONNIK SHOE CO., INC., 16-R6D2-0736 AND 0737
58. PACIFIC STEEL GROUP, 16-RD3-1221 THROUGH 1223
59. PARAMOUNT CITRUS PACKING CO, LLC., 15-R4D7-4264
60. PARAMOUNT FARMING COMPANY, LLC, 15-R4D7-2442 AND 2443

61. PARAMOUNT FARMS INTERNATIONAL, LLC., 14-R4D7-4071
62. PHS/MWA DBA PHS/MWA AVIATION SERVICES, 16-R3D3-0935
63. PMC, 16-R3D2-1354
64. POWER DISTRIBUTION, INC., 15-R3D1-4456
65. Q G PRINTING CORPORATION, 14-R3D3-3369 CONSOLIDATED WITH
14-R3D3-3370
66. ROYAL ROOFING CORP., 11-R4D3-1231 THROUGH 1234
67. S. A. CAMP PUMP COMPANY, 16-R4D7-0563 THROUGH 0565
68. S & M CABINETS, INC. 16-R6D5-0473 THROUGH 0477
69. SEA-LOGIX, LLC DBA SEA-LOGIX, 16-R1D4-1615
70. SEA TEL INC. DBA COBHAM SATCOM, 16-R1D5-0749
71. SECURITY PAVING COMPANY INC., 15-R4D3-4482 AND 4483
72. SHOOK & WALLER CONSTRUCTION, INC., 15-R1D5-4535
73. CHERYL SKOLNICK & DAVID SKOLNICK, 16-R6D5-1879 THROUGH 1881
74. STATE OF CALIFORNIA, DEPARTMENT OF CORRECTIONS &
REHABILITATION, 16-R1D5-1260 THROUGH 1264
75. STK, INC. DBA BIG PENNY CAR WASH, 16-R3D5-1728
76. SUPERIOR STONE PRODUCTS, INC., 16-R3D1-0522 THROUGH 0524
77. TANIMURA & ANTLE, 16-R2D5-0422
78. TBGA, LLC., 15-R4D4-3212
79. TEC EQUIPMENT INC., 16-R3D3-1721
80. THE SHOOTING RANGE, INC. DBA FIRING LINE SHOOTING RANGES,
16-R3D1-1079
81. TOKAY RECYCLING CENTER, 16-R2D4-0715 AND 0716

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82. TOM BEATTIE, INC. DBA ROYAL ROOFING & CONSTRUCTION CO.,
11-R4D3-1235 THROUGH 1239
83. USA WASTE OF CALIFORNIA, INC. DBA BLUE BARREL DISPOSAL,
16-R4D3-0732
84. VALLEY CREST TREE CO. INC. DBA VALLEY CREST TREE COMPANY,
15-R6D2-4064 AND 4065
85. VINTAGE ROOFING AND SOLAR CO., INC. DBA VINTAGE ROOFING,
15-R3D3-3179
86. WEST COAST WOOD PRESERVING, LLC., 15-R4D7-4432 THROUGH 4435
87. WILLIAMS & SONS MASONRY INC., 15-R3D2-3434
88. WMJ FARMS, INC., 15-R2D5-4393
89. WORK RIGHT PROPERTY SERVICES, 16-R3D3-0668 THROUGH 0670
90. YUSEN LOGISTICS, 16-R3D5-1358 AND 1359
91. ZUCKERMAN FAMILY FARMS, INC., 15-R2D4-1308 THROUGH 1310

PERSONNEL:

(Issues regarding staff.)

Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.