

**State of California**  
**California Occupational Safety and Health Appeals Board**  
**Closed Session Agenda**

Government Code § 11126 (a), (c)(3), (e) and (f)  
for

Wednesday, June 4, 2025

9:30 a.m.

Sacramento, California

Alternate locations:  
West Covina, California  
&

Held on Zoom

**To: Members of the California Occupational Safety & Health Appeals Board**

**From: Aaron R. Jackson, Chief Counsel**

**Date: May 23, 2025**

**RE: Closed Session of the Board to be held on June 4, 2025**

**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.**

**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.)*

1436014      MWL Solutions, Inc.

**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.)*

1360156      CA Forestry and Fire Protection

1751819      M-B Auto Body & Paint, Inc.

1728192      Westech Systems, LLC

**Orders Dismissing Appeal:**

1633722      All in One Services, Inc.

1666866      De Santiago FLC, Inc.

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1721688	Everlevel Holdings LLC
1695512	Jarquín and Gonzalez Inc
1706660	Javier Valdovinos
1650006	Partners Personnel- Management Services, LLC
1719967	RBM
1685885	Shoreline Constructors, Inc.
1723744	Triple I Press, LLC.

**Orders Denying Leave to File Late Appeal:**

1777892	Van Duerr Industries, Inc.
1759903	Woodmont Real Estate Services L.P.

**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.)*

The following list is intended to inform stakeholders and members of the public of what the Board believes is the issue of most interest to the general public presented in each of the following matters. The issues are listed to assist those interested in research or public information, and not litigation, and are not necessarily or exclusively the only issue or issues presented in each matter. The issues identified are not positions of the Board. Further, the Board may add and decide issues not included in the list or decide the matter on other grounds, under the authority provided in Labor Code sections 6620 through 6623.18.

1431672	A. Teichert & Son, LLC <i>Whether the cited employer was in violation of lockout/tagout requirements.</i>
1473644	Amazon.com Services, LLC <i>Whether the employer's training program was in compliance with the applicable safety order.</i>
1466722	Bragg Investment Company, Inc. <i>Whether the Employer violated the crane operating safety order as alleged while repositioning a crane at a construction site.</i>
1647115	Concord Farms, Inc. <i>Whether there was good cause for the late appeal.</i>
1420923	Drill Tech Drilling & Shoring, Inc.

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*Whether the Employer failed to enforce its IIPP as required.  
Whether the Employer violated the lockout/tagout requirements  
of section 3314 as alleged.*

- 1488312 Indiana Finish Line, Inc.  
*Whether the cited employer established procedures adequate to  
protect employees from COVID-19.*
- 1436480 Interline Brands, Inc.  
*Whether the employer violated foot protection standards.*
- 1371294 KPRS Construction Services, Inc.  
*Whether the employer violated section 1632 as alleged?  
Whether the ALJ's ruling that the Division did not meet its burden  
of proof regarding the employer's IIPP was correct.*
- 1486257 Kroger Company  
*Whether the cited employer adequately trained employees  
regarding workplace hazards.*
- 1692964 L & S Framing, Inc.  
*Whether Employer committed the violations alleged in the  
citations, including alleged violations of section 1704, subdivision  
(f) [failure to adopt a compliant Code of Safe Practices]; section  
1704, subdivision (b)(2) [failure to ensure that nailers and  
staplers were operated in accordance with manufacturer's  
recommendations], and section 1704, subdivision (g), 1509, and  
section 3203 [inadequate safety training on the use of nailers  
and staplers].*
- 1235941 McCarthy Building Companies, Inc.  
*Whether the Division proved exposure to Valley Fever.*
- 1549611 Metcalf, Inc.  
*Whether Employer committed the violations alleged in the  
citations, including alleged violations of section 3203, subdivision  
(a)(6) [failure to correct an unsafe condition]; section 1621,  
subdivision (b) [failure to provide toeboards on scaffolding]; and  
(3) section 3276, subdivision (e)(15)(B) [safe use of ladders], and  
whether Employer established its affirmative defense.*
- 1355061 Republic Electric West, Inc.  
*Whether fall protection requirements apply to the work. Whether  
the IEAD was established. Whether penalties were duplicative.  
Whether the Employer exercised reasonable diligence. Whether  
it was an error to reduce the classification of the violations and  
reduce the penalties.*

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- 1465119      Sun Belt Rentals  
*Whether certain information accepted into evidence was inadmissible hearsay, and whether the evidence supports a finding that Employer violated sections 3203 and 3328, as alleged.*
- 1483438      Sutter Bay Hospitals dba Mills-Peninsula Medical Center  
*Was the ALJ correct in granting Employer's appeals of the citations alleging violations of section 342, subdivision (a) and section 5199, subdivision (i)?*
- 1454931      Tesla, Inc.  
*Whether the ALJ properly affirmed the citations and, if so, whether Employer established the due diligence defense?*
- 1486176      Tutor Perini Corporation and O&G Industries, Inc.  
*Whether Employer committed a serious accident-related violation of section 3328, subdivision (a).*

**Matters 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. USA Waste of California, Inc., 34-2022-80003841 (1384029)
2. Angelus Block Co., Inc., CIVSB2417796 (1113026)
3. Hamilton Iron Works, Inc., 24WM000100 (1497263)
4. Arana Residential and Commercial Painting, Inc., 24CV104142 (1568252)
5. Western Oilfields Supply Company, 24WM000169 (1498595)
6. Waterproofing and Roofing Solutions, Inc., 24STCP03693, (1690885)
7. The Geo Group, Inc., 25WM000023 (1609228)
8. Uber Technologies Inc, 30-2025-01462427 (1594663)
9. Employbridge Holding Company, 25CHCP00143 (1499137)

**Appellate Court:**

1. General Dynamics NASSCO, D085662, 37-2023-00024521, (1300984).

**Other Items:**

There are no Other Items.

**Orders of Administrative Law Judges:**

*(Written orders 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.)*

1635260	AertoTek, Inc.
1671373	Airport Appliance, Inc.
1765555	All Natural Stone Design Inc.
1616302	Antelope Valley Union High School District
1733275	Armtec Defense Products Co.
1547524	Arvato
1575874	Associated Ready Mixed Concrete, Inc.
1677652	Bill Howe Plumbing, Inc.
1690280	Blackwool, Inc.
1748948	Boca Plumbing, Inc.
1661577	Constellation Brands, Inc.
1691662	D A Wood Construction, Inc.
1713566	Davidon Homes
1581950	DFA Dairy Brands, LLC
1699565	Exodus Recovery, Inc.
1753116	Fairfield Suisun Unified School District
1633189	Fresh Harvest, Inc.
1776198	G & S Fresh, Inc.
1603718	G.I. Trucking Company
1761689	Galag Securities, Inc.

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1696609	Gold Leaf Landscaping
1648037	Green Valley Labor, Inc.
1756182	Hogies Construction
1530023	Holland Brothers Construction, Inc.
1532348	Holliday's Helping Hands, Inc.
1747664	Ignacio Medina
1736243	ITI Resource Inc.
1731943	ITT Aerospace Controls LLC
1415096	J.T. Thorpe & Sons, Inc.
1488542	Jackson & Blanc
1782454	JC's Painting & Coating Inc.
1555732	JT2, Inc.
1732679	Los Angeles Times Communication Incorporated
1678454	McCarthy Building Companies, Inc.
1793382	Michael Preaseau, An Individual
1744827	Myers & Sons Construction LLC
1623122	Norstan Communications Incorporated
1712366	Novin Construction, Inc.
1747958	PCN3, Inc.
1728319	Premium Welding Co.
1489177	R & R Framing Inc.
1613092	R & R Framing Inc.
1630271	Satco, Inc.
1754198	Scott Busby Construction, Inc.
1582362	Security Paving Company, Inc.

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1759437	Sierra West Construction, Inc.
1669941	Starbucks
1793363	Teichert Energy & Utilities Group, Inc.
1737799	Trinity Personnel, Inc.
1780505	Tutor Perini Corporation and O & G Industries, Inc.
1683535	Universal Protection Service LP
1594773	Vacuum Process Engineering, Inc.
1755565	Walmart Inc.
1655144	Wayne Ting Associates, Inc.
1785478	Wing Inflatables, Inc.
1778164	Zuniga Marble and Granite

**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 adjourn.