

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

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

Wednesday, November 5, 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: October 24, 2025
RE: Closed Session of the Board to be held on November 5, 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.)

1529748	Los Angeles Department of Water and Power
1487520	Security Paving Company, 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.)

1811001	Advanced Textile Manufacturing
1721063	FEI Enterprises Inc.
1599318	LA Police Department
1581944	Marques General Engineering, Inc.

Orders Dismissing Appeal:

1773017 Haykingdom Inc.

Orders Denying Leave to File Late Appeal:

There are no Orders Denying Leave to File Late Appeal

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.

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| 1360156 | CA Forestry and Fire Protection
<i>Did the Decision of the Administrative Law Judge properly affirm a violation for failure to wear thermal protection for ears and neck during wildland fire fighting.</i> |
| 1545777 | Entact, LLC
<i>Did the Decision of the Administrative Law Judge properly affirm violations for failure to ensure that employees operated industrial trucks in a safe manner by maintaining a safe distance from other vehicles, and for failure to ensure that employees traveled with the load trailing when the load being carried obstructed forward view.</i> |
| 1488312 | Indiana Finish Line, Inc.
<i>Whether the cited employer established procedures adequate to protect employees from COVID-19.</i> |
| 1371294 | KPRS Construction Services, Inc.
<i>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.</i> |
| 1692964 | L & S Framing, Inc.
<i>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</i> |

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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.
- 1458699 Primula Mozzarella LLC.
- 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.
- 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)?
- 1703764 The Don Chapin Co., Inc.
Did the Decision of the Administrative Law Judge properly find that employees were exposed to the hazard of a failure to provide a swinging gate or equivalent protection at the entrance to a ladder opening on a platform.
- 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. Arana Residential and Commercial Painting, Inc., 24CV104142 (1568252)
3. Western Oilfields Supply Company, 24WM000169 (1498595)
4. The Geo Group, Inc., 25WM000023 (1609228)
5. Uber Technologies Inc, 30-2025-01462427 (1594663)
6. Employbridge Holding Company, 25CHCP00143 (1499137)
7. Sun Belt Rentals, 25CU041526C (1465119)
8. Drill Tech Drilling & Shoring, Inc. N25-1793 (1420923)

Appellate Court:

1. General Dynamics NASSCO, D085662, 37-2023-00024521, (1300984).
2. Waterproofing and Roofing Solutions, Inc. 24STCP03693 (1690885)

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.)

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| 1745815 | Agresti Dairy Farms, LLC |
| 1817037 | Alliance for Workforce Development, Inc. |
| 1693658 | Amazon.com, Services LLC |
| 1608009 | Anderson Logging, Inc. |
| 1811868 | Aramark Facility Services, LLC. |
| 1786701 | Atlas Peak Construction |

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1811254	Avalon Tent & Party Corporation
1738087	Avalonbay Communities, Inc.
1818474	Bakersfield Renewable Fuels, LLC
1793092	Billie Vang
1778428	Brix Masonry, Inc
1758770	Brock Electric
1778174	C&B Marble
1804836	Cardenas Markets
1815071	Cedar Avenue Recycling & Transfer Station
1246527	Cemex
1573866	Chedraui USA, Inc.
1796649	Chedraui USA, Inc.
1712240	Conceptual Management, Inc.
1755569	Conrad Ruiz, Jr. DBA Ruiz Farm Labor
1489670	Conserve Landcare, LLC
1783198	County of San Mateo Sheriff's Dept.
1804741	Creative Services, Inc.
1785935	Custom Wood Products
1832847	D L Masonry
1633371	D S Baxley Inc
1667527	DBAC Inc.
1766681	DSW Designer Shoe Warehouse, Inc.
1754030	Duran Contracting Inc.
1493396	Durant Harvesting, Inc.
1748563	East Bay Tire Co.

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1779169	Empire Farm Labor Contractors LLC
1664089	Enterprise Rent A Car
1718343	Estrada's AG Services, Inc.
1755313	Exquisite Cabinet and Counter-top Corp.
1698372	F Frausto Building & Development, LLC
1820218	Family Ranch Inc.
1649074	Ferreira Construction Co., Inc.
1682862	Fleetwash, Inc.
1806977	Fontaine Weatherproofing, Inc.
1826843	GDT Framing, Inc.
1843608	Giles Excavating & Paving, Inc.
1814570	Gless Ranch, Inc.
1842803	Goodwill Industries of SF/SM
1695301	Guy Yocum Construction, Inc.
1795915	HF & SJ Inc.
1775931	J.Hellman Frozen Foods Inc.
1797668	Jacks Urban Eats
1781342	JHN, Inc.
1473542	Jobsource North America, Inc.
1484808	Jobsource North America, Inc.
1582312	Kaiser Permanente Central Refill Pharmacy
1738588	Kevin M. Sullivan and Associates Inc.
1754409	LA Labor Services Corporation
1823337	Lafayette Textiles Corp.
1756146	Lendlease (US) Construction Inc.

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1620475	Loomis Armored US
1809074	Los Angeles County Department of Health Services
1792264	M & M Bakery Products, Inc.
1781248	MHS Customer Services, Inc.
1779762	Nature Joy Harvest, LLC
1626045	Newhouse Construction Services, Inc.
1785153	Nor Cal Siders
1795119	Northgate Gonzalez, Inc.
1656301	Novin Construction, Inc.
1845459	Pacific Gas and Electric Company
1701522	Pacific West Builders, Inc.
1546749	Precision Framing Systems Inc.
1779378	R.E. Maher, Inc.
1798225	Real Time Staffing Services
1809695	Recycling Zone Inc.
1833479	RH Kiggins Construction Inc.
1827848	Rustin LLC
1774687	Rykam Corporation
1816451	Security Paving Company, Inc.
1835560	SLR Construction and Remodeling Inc.
1815541	Solid Property Services Inc.
1690860	Sony Pictures Entertainment
1690857	Span Construction & Engineering, Inc.
1707143	Spectrum Alloys, LLC
1747900	Target

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1723362	Templeton Feed and Grain
1821793	Tesla, Inc.
1820212	The Growers Company, Inc,
1730335	The Regents of the University of California- Santa Cruz
1817056	Titan AG Services, Inc.
1826678	Trans- Continental Manufacturing, Inc.
1599160	Tree Pros, Inc.
1792403	Triumph Beverage Company LLC
1812286	TRM Manufacturing Inc
1789066	Vaca Valley Excavating & Trucking Inc
1827747	Walmart, Inc.
1778143	West Covina Fairfield LP
1788388	Winston Peterson

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.