

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

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

Wednesday, December 3, 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: November 21, 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.)*

1722052      KSJV3 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.)*

1296297      Alliance Diversified Enterprises, Inc.

1529748      Los Angeles Department of Water & Power

1573582      CA Department of Corrections & Rehabilitation

**Orders Dismissing Appeal:**

1613409      Calego International, Inc.

1677654      Emunahahavah Corporation

177071 The Vertex Companies

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

1824733 Orchard Machinery Corporation

**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.

- 1360156 CA Forestry and Fire Protection  
*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.*
- 1545777 Entact, LLC  
*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.*
- 1488312 Indiana Finish Line, Inc.  
*Whether the cited employer established procedures adequate to protect employees from COVID-19.*
- 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.*
- 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*

California Occupational Safety & Health Appeals Board  
Closed Session Agenda  
Posted November 21, 2025

*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.  
*To whether the Employer's petition for reconsideration was timely.*
- 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)
9. Metropolitan News Company, 25STCP04455 (1689021)

**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.)*

- |         |                                     |
|---------|-------------------------------------|
| 1745029 | Air Control Systems, Inc.           |
| 1789495 | Air Products and Chemicals, Inc.    |
| 1745737 | Anderson Charnesky Structural Steel |
| 1799153 | Apelinc Landscape Services, Inc.    |
| 1799303 | Arlon Graphics, LLC                 |

California Occupational Safety & Health Appeals Board  
Closed Session Agenda  
Posted November 21, 2025

1782225	Armnar Marble, Inc.
1759311	Barreto's Painting
1780553	Beaumont Juice, Inc.
1831710	Bend-Tek, Inc
1826560	Brand Energy Services of California, Inc.
1854683	Breezio AC & Heating Inc
1838564	Broward Builders Inc
1828437	Bunch of Bull, Inc.
1825951	Business Park Construction Corp.
1819873	Byltup Inc
1610051	Caliber Collision Centers, Inc.
1545283	California Box II
1810018	California Timberline
1564732	Calvary Chapel of San Jose
1777993	Case Pacific Company
1748790	Central Valley AG Management, LLC.
1694000	Coca Cola North America
1680682	Code Precast Products, Inc.
1765060	Condon- Johnson & Associates
1638742	Contra Costa Electric, Inc.
1530188	Corecivic, Inc.
1518273	Damco Distribution Services, Inc.
1783505	DC Integrate, Inc.
1843785	DI Stefano Cheese Co
1774109	Diverscape Inc

California Occupational Safety & Health Appeals Board  
Closed Session Agenda  
Posted November 21, 2025

1818763	Don C. George, Inc.
1774087	Ellen's Silkscreening Inc.
1724579	FedEx Freight Inc.
1815956	Felix's Landscaping & Tree Service, LLC.
1813602	Gillibrand Industrial Sands, LLC
1784419	Gold Ridge Organic Farms, LLC
1688368	Inland Counter Tops Inc.
1845966	Innovative Roofing, Inc.
1773800	J. Rodriguez Farm Labor Contractor Inc.
1824244	Jada Windows
1778014	JR Demolition Inc
1737711	Klassen Corporation
1680238	Living Spaces Furniture, LLC
1753604	Lunday- Thagard Company
1748424	Maxim Crane Works, L.P.
1802665	Mc Kay Roofing & Home Services LLC
1809418	Mercury Plastics, Inc.
1652441	Milender White Residential Social Corp
1823658	Milicic Farming LLC
1815980	MISTRAS Group, Inc.
1827742	Modesto City Schools
1743527	Northern Sonoma County Fire Protection District
1827552	O'Neill Logistics CA LLC
1486550	Overhill Farms, Inc.
1816698	Penhall Company

California Occupational Safety & Health Appeals Board  
Closed Session Agenda  
Posted November 21, 2025

1794849	Penske Toyota
1797943	Perfect 85 Degrees C, Inc.
1412221	Plumb Rite Plumbing LLC
1646822	Poway RHF Housing Inc
1772787	Quality Environmental Inc
1822804	Quevedo & Sons Contracting
1802730	Raandom Corp.
1810163	Radja Brothers Trucking, LLC.
1365423	Resource Environmental Inc.
1748229	Rossi Painting & Construction Inc.
1775412	Roy L. Cox, Inc.
1821465	S & S Tool & Supply, Inc.
1684058	Safeway San Leandro Milk Plant
1704391	San Bernardino City Unified School District
1547511	San Bernardino County of Public Health
1829747	San Juan Unified School District
1621619	Seaworld Parks and Entertainment, Inc.
1784677	Staffing Network Holdings, LLC
1747696	Standridge Granite Corporation
1108897	Steel City Scaffolding
1767671	Sutter Medical Center Sacramento
1564042	Sutter Tracy Community Hospital
1718846	Swinger Pruning Services, LLC
1784991	Tahiti Cabinets, Inc,
1771640	Target Corporation

California Occupational Safety & Health Appeals Board  
Closed Session Agenda  
Posted November 21, 2025

1820576	Taylor Made Homes Inc
1609730	Tesla, Inc.
1560342	The Martin-Brower Company, LLC
1804203	Three Way Logistics Inc.
1739229	Titan Construction Inc.
1788682	Title Vision
1827827	Top-Shelf Fixtures, LLC
1778412	Unibright Foods Inc
1661907	United Parcel Service, Inc.
1813164	United Pavement Maintenance, Inc.
1822379	Willis Construction Company, Inc.
1820059	Wing Inflatables, Inc

**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.