

**State of California**  
**California Occupational Safety and Health Appeals Board**  
**Minutes of the Public Meeting & Closed Session**  
**Held on August 6, 2025**  
**Sacramento, California**  
**Zoom Platform**

**Present:**

Ed Lowry, Public Member, Chair  
Judith Freyman, Management Member  
Marvin Kropke, Labor Member  
Patricia Hapgood, Executive Officer  
Kerry Lewis, Presiding Administrative Law Judge  
Sam E. Lucas, Presiding Administrative Law Judge  
Christopher Jessup, Administrative Law Judge  
Jennie Culjat, Administrative Law Judge  
Jeffrey Mojcher, Chief Counsel Emeritus  
Aaron Jackson, Chief Counsel  
Elizabeth Clarke, Staff Counsel  
Karen Halbo, Staff Counsel  
Scott Pease, Operations Manager  
Maria Rios, Legal Analyst  
Beth Reiken, Executive Secretary  
Luciane Yeh, Staff Counsel, DOSH  
Tuyet Tran, Attorney Supervisor, DOSH  
Sesilya Saraydarian, Staff Counsel, DOSH  
Lisa Brokaw, Staff Counsel, DOSH  
John Steve Barnett, Staff Counsel, DOSH  
Kevin D. Bland, Ogletree Deakins  
Adam Crane, Ogletree Deakins  
Karin Umpfrey, Worksafe  
Steff Brunson, The Lisa Price Firm  
Pablo Correnti

**Notice of remote attendance:**

As required by Government Code Section 11123.5, subdivision (d), notice is hereby given that Board member Marvin P. Kropke will be participating remotely pursuant to Government Code Section 11123.2, subdivision (j), paragraph (2), and Board member Judith Freyman will be participating remotely pursuant to Government Code Section 11123.2, subdivision (j), paragraph (1).

**Request for remote attendance:**

No Report.

**Minutes of July 23, 2025, Meeting:**

(Approve or amend minutes of previous board meeting.)

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Action: The Board voted to approve the minutes for the July 23, 2025, meeting.  
This was moved by Marvin Kropke.  
It was seconded by Judith Freyman.  
The vote was 3-0.

**New Business:**

*(The Appeals Board hears and discusses new reports presented by staff.)*

1. Discussion regarding processing and handling of verification of abatement forms by both the Appeals Board and the Division.

Action: No Report.

**Old Business:**

*(The Appeals Board hears and/or discusses matters on a follow-up basis.)*

1. Discuss the newly prepared informational stakeholder videos (re “How to File an Appeal”) and discuss whether to post on OSHAB’s website. In addition, discuss whether the Board should explore any other avenues to publicize the availability of these videos to stakeholders.

Action: The title of the stakeholders’ video has been amended, and the Spanish version of the instructional videos has now been posted to OSHAB’s website.

**Legislation:**

*(Review and discuss current legislation which may affect the appeals Board.)*

Action: Karen Halbo informed the Board the CA legislature is on summer recess from July 21 through August 18.

**Chairperson’s Report:**

*(Hear report from the Chairperson on activities and issues affecting the Appeals Board.)*

Action: No Report.

**Board Members’ Reports:**

*(Hear reports from Board members on activities and issues affecting the Appeals Board.)*

Action: Judith Freyman asked if the topic of Settlement Conferences should be added to the next Board Meeting agenda. After discussion, it was decided not to add it, but rather discuss at the Stakeholder’s Conference

**Executive Officer’s Report:**

*(Report regarding administrative matters.)*

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Action: Patricia Hapgood shared she is meeting with the new DIR director, Jennifer Osborn, on September 5<sup>th</sup> to share our mission, purpose, goals and the functions of OSHAB. She is also coordinating interviews for the Attorney III and AGPA positions for the week of August 18<sup>th</sup> to 22<sup>nd</sup>. Friday, August 15<sup>th</sup>, she is touring the May Lee office complex for the upcoming Stakeholders Conference.

**Staff Reports:**

*(Reports from the Supervising ALJ and the Chief Counsel regarding matters from the Hearing Operations and Legal Units.)*

1. Discuss and may take action on proposals for new regulations or proposals for modifications to, or repeal of, existing regulations. In addition, discuss whether any concerns exist with existing regulations.

Action: Karen Halbo is currently working with the DIR budget office on the most recent regulations packages.

2. Ligation Update

Action: Aaron Jackson provided the following update: The Board received a new amended complaint in the Baldi/Arana Residential case. The Board is working on a demurrer which will be filed within the next 28 days.

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.

**Public Comment:**

*(Public comments will be entertained during discussion of each agenda item of the open meeting.)*

Action: Ogletree Deakins introduced new attorney, Adam Crane, to the Board.

**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.)*

1545777      Entact, LLC

Action:      The Board discussed this matter.

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1321130 Sheehan Construction, Inc.

Action The Board discussed this matter.

**Petitions for Reconsideration:**

*(The Division of Occupational Safety & Health and the Employer each have 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.)*

1600532 DeYoung Power Systems, Inc.

Action: The Board voted to issue a Denial of the Petition for Reconsideration.

This motion was moved by Judith Freyman

It was seconded by Marvin Kropke.

The vote was 3-0

1628750 Tad Van Nguyen

Action: The Board discussed this matter.

**Orders Dismissing Appeal:**

1730981 Miguel Clavel

Action: The Board discussed this matter.

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

1773493 Henry Zhao

Action: The Board discussed this matter.

**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 authority of Labor Code sections 6620 through 6623.

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- 1473644 Amazon.com Services, LLC  
*Whether the employer's training program was in compliance with the applicable safety order.*
- 1466722 Bragg Investment Company, Inc.  
*Whether the Employer violated the crane operating safety order as alleged while repositioning a crane at a construction site.*
- 1360156 CA Forest and Fire Protection
- 1647115 Concord Farms, Inc.  
*Whether there was good cause for the late appeal.*
- 1420923 Drill Tech Drilling & Shoring, Inc.  
*Whether the Employer failed to enforce its IIPP as required.*  
*Whether the Employer violated the lockout/tagout requirements of section 3314 as alleged.*
- Action: The Board voted to issue the Decision After Reconsideration.  
It was motioned by Marvin Kropke.  
It was seconded by Judith Freyman  
The vote was 3-0
- 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.*
- 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].*

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- 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.*
- 1475491      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 committed a serious accident-related violation of section 3328, subdivision (a).*
- 1486176      Tutor Perini Corporation and O&G Industries, Inc.  
*Whether the Employer committed a serious accident-related violation of section 3328, subdivisions (a)?*
- 1777892      Van Duerr Industries, Inc.  
  
*Action: The Board voted to issue an order of remand.  
It was motioned by Marvin Kropke.  
It was seconded by Judith Freyman  
The vote was 3-0*

**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.)*

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**Superior Court:**

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

**Appellate Court:**

1. General Dynamics NASSCO (1300984)

**Other Items:**

There are no Other Items.

**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.)*

1550325	25/8 Acquisition and Development, LLC
1795060	AJB Ranch LP
1647137	Allied Aviation Fueling Company, Inc.
1798714	Altman Specialty Plants, LLC
1761707	American Civil Contractors West Coast, LLC
1801710	American Landscape & Maintenance
1593266	Artistic Stone Works, Inc.
1768055	Bill Nelson General Engineering Construction, Inc.
1793791	Bimbo Bakeries USA
1629891	Brookdale Senior Living, Inc
1697111	Caliber Holdings LLC
1678852	Calmat Co.
1828698	Central Valley Engineering & Asphalt Inc
1779720	Chicozap, Inc
1804198	Clima-Tech LLC
1816465	Consolidated Staffing Solutions, Inc @ Innovative

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1806123	D 7 Roofing Services, Inc.
1796058	Danco Ventures Corporation
1798668	Debbie Keith Caterer LLC, DK Catering & Events LLC
1775648	Elevated Edge Construction
1538882	Employbridge, LLC
1619945	Equity Lifestyle Properties Inc./MHC Property
1787316	Farmco Food, Inc
1647028	Federal Express Corporation
1778996	Genmore Plumbing, Inc.
1666710	Global Scaffold Construction Services, Inc.
1521615	Golden Gate Constructors
1520573	GR Sundberg, Inc.
1576770	Hard Rock Concrete, Inc.
1683225	Holt Blvd. Car Wash
1605600	Innovative Fire Protection, Inc.
1757423	Jensen Landscape Services Inc
1816405	John Walker Heating and Cooling Inc.
1351365	JSL Foods, Inc.
1769606	K2K Partners
1358080	Krones Inc/Krones AG
1733645	LB Quality Stone Experts Inc
1792187	Legacy Custom Painting
1739072	Los Angeles County Sanitation Districts
1716801	Los Angeles Unified School District
1773794	Luisarturo Huezo Villasenor
1632300	Metalset, Inc.
1776798	Mission Rubber Company, Inc.
1795335	Modesto City Schools
1797300	Mountain Roofings Systems
1559276	Olde Thompson, LLC
1523238	Orange County Fire Authority
1614571	Par Western Line Contractors, LLC
1820836	Paramount Gateway LLC
1775366	Prietos Roof Removal, Inc.
1820471	Proframe Construction Inc.
1647867	R.D. Olson Construction, A California Limited
1791349	Rahn Industries, Inc.
1702548	Randstad North America, Inc.
1783840	Ray Chinn Construction, Inc.
1109663	Richard L. Barnes General Contractor
1740541	Roger & Z Electric Inc.
1827880	RTA Construction Inc
1780573	S.K. Laboratories
1666284	San Diego Humane Society and S.P.C.A
1630530	Skillset Group, Inc.
1785052	Sterigenics US LLC



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1825470	Sunseri Construction, Inc.
1730009	Sunshine Windows
1652971	Super Center Concepts Inc
1539967	Tesla, Inc.
1796429	Tri Mission Construction Inc.
1767854	Tri Mission Construction Inc.
1774920	Tri Mission Construction Inc.
1791518	Tri- Pacific Heating & Air Conditioning, L.P.
1777322	University of California, Berkeley
1759928	Vanden Berge Dairy
1786411	Walmart Supercenter
1555719	Walsh Vineyards Management Inc.
1762387	Walt Disney Parks and Resorts U.S. Inc.
1714181	Warmel Management Company
1688324	Zim Industries, Inc.

Action: The Board discussed the Settlement Orders issued by the  
Administrative Law Judges.

**Personnel:**

*(Issues regarding staff)*

The Closed Session adjourned at 11:10 a.m. and the Board returned to the Public Meeting. The Appeals Board incorporated, by reference, its actions in the Closed Session as indicated above. The Board meeting was adjourned at 11:11 a.m.