

**State of California**  
**California Occupational Safety and Health Appeals Board**  
**Minutes of the Public Meeting & Closed Session**  
**Held on August 20, 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  
Christopher Jessup, Administrative Law Judge  
Weiru Wang, Administrative Law Judge  
Jeffrey Mojcher, Chief Counsel Emeritus  
Aaron Jackson, Chief Counsel  
Elizabeth Clarke, Staff Counsel  
Scott Pease, Operations Manager  
Maria Rios, Legal Analyst  
Beth Reiken, Executive Secretary  
Denise Cardoso, Assistant Chief Counsel, DOSH  
Rocio Reyes, Assistant Chief Counsel, DOSH  
Luciane Yeh, Staff Counsel, DOSH  
Tuyet Tran, Attorney Supervisor, DOSH  
Lisa Brokaw, Staff Counsel, DOSH  
David Wiseman, Staff Counsel, Cal Fire  
Kevin D. Bland, Ogletree Deakins  
Bruce Wick, Risk Management Director, Housing Contractors of California  
Karin Umpfrey, Worksafe

**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:**

Member Marvin Kropke made a motion requesting to attend the September 3rd and September 17th board meetings remotely pursuant to Government Code section 11123.2, subdivision (j)(2)(A).

This motion was seconded by Judith Freyman.  
The Board voted to approve the remote attendance request 3-0.

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**Minutes of August 6, 2025, Meeting:**

(Approve or amend minutes of previous board meeting.)

Action: The Board voted to approve the minutes for the August 6, 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.)*

Action: No Report.

**Old Business:**

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

Action: No Report.

**Legislation:**

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

Action: Elizabeth Clarke reported the legislation returned to session on August 18<sup>th</sup>. There are no current updates.

**Chairperson's Report:**

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

Action: Chairperson Ed Lowry shared his Senate floor session is tomorrow, 8/21/2025 for his reappointment.

**Board Members' Reports:**

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

Action: No report.

**Executive Officer's Report:**

*(Report regarding administrative matters.)*

Action: Patricia Hapgood toured 3 possible facilities to host the Stakeholders Conference and shared available dates of each. Also, Cal HR will be switching all departments to a bi-monthly pay system.

**Staff Reports:**

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

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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 continuing to work 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 writ in the matter of Sunbelt Rentals (1465119). Employer has filed a voluntary dismissal of their writ in Hamilton Iron Works, Inc (1497263). The Board has received a motion to file an amended writ in the Baldi/Arana Residential matter. The Geo Group, Inc (1609228) hearing is scheduled for October 24<sup>th</sup>. The Board's brief in the General Dynamics NASSCO (1300984) case is due in September.

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: The Board heard comments on the possible dates for the upcoming Stakeholders Conference, feedback on the Conference Process, and notes on the State Auditor's report. The Board is going to agendize the topic of the Settlement Conference Process for a future meeting.

**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.)*

1654479 City of Los Angeles Department of Animal Services

Action: The Board discussed this matter.

1606843 Gray Construction, Inc.

Action The Board discussed this matter.

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1458699      Primula Mozzarella LLC

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.)*

1703764      The Don Chapin Co., Inc.

Action: The Board voted to take this matter under submission.  
This motion was moved by Marvin Kropke  
It was seconded by Judith Freyman  
The vote was 3-0

1628750      Tad Van Nguyen

Action: The Board voted to issue an Order Extending Time.  
This motion was moved by Judith Freyman  
It was seconded by Marvin Kropke  
The vote was 3-0

**Orders Dismissing Appeal:**

1621493      Ayers Landscape Services, Inc.

Action: The Board discussed this matter.

1621493      Natanael Subuyuj, An Individual

Action: The Board discussed this matter.

1771129      Stremicks Heritage Foods, LLC.

Action: The Board discussed this matter.

**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

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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.

- 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.*
- 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].*
- 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)*

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*[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)?*

**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. Hamilton Iron Works, Inc., 24WM000100 (1497263)
3. Arana Residential and Commercial Painting, Inc. (1568252)
4. Western Oilfields Supply Company, 24WM000169 (1498595)
5. The Geo Group, Inc., 25WM000023 (1609228)
6. Uber Technologies Inc (1594663)
7. 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.)*

1470795	518 Farming, Inc.
1812306	AC Framers Inc
1782601	Agee Construction Corporation
1515671	AJM Packaging Co.
1745353	AJT Construction Inc
1803261	Anderson Logging, Inc.
1652451	Angeles Contractor, Inc.
1670757	Berkeley Cement, Inc.
1581704	Bomel Construction Co., Inc.
1739852	Building Opportunities for Self-Sufficiency
1689208	Camblin Steel Service, Inc.
1786112	Consolidated Disposal Services LLC
1775568	Crystal Creamery
1791363	Egourmet Solutions, Inc.
1797117	Elk Grove Unified School District/ Samuel Kennedy
1819569	Elsie Biotechnologies, Inc.
1776593	Employbridge, LLC
1777298	Express Employment Professionals
1753897	FCA Plaster Inc.
1570820	Firestorm Wildland Fire Suppression, Inc.
1755679	Frontier Communications
1795464	Gary C Tanko Well Drilling Inc
1675684	General Dynamics Nassco
1758957	Glendale Classic Car Wash, Inc.
1752189	Golden West Packaging Group
1599661	Gonsalves & Santucci, Inc.
1749234	Goodrich Corporation
1539439	Guava Holdings, LLC
1803465	Impulse Space
1697828	In-N-Out Burger
1779666	Infante Builders
1374393	Insurance Auto Auction, Inc.

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1616448	Jabil, Inc.
1830662	Jessee Heating & Air Conditioning
1778205	La Jolla Playhouse
1808690	Lindauer Farm Management Inc
1802983	Manna Beverages & Ventures
1693218	Nicker-Crenshaw, Inc.
1827884	O.C. Jones & Sons, Inc.
1636757	Otis Elevator
1775077	Pacific Coast Producers
1780175	Pacwest Security Services
1678025	PBF Energy, Inc.
1651988	Pedro Pilar Lopez
1593351	Phoenix Renewable Services, Inc.
1738536	Process Cooling International, Inc.
1795304	Propak Logistics, LLC
1780918	Quality Tong Service, Inc.
1777910	Riverside County
1666655	Roadsafe Traffic Systems, Inc.
1782525	Sanctuary Clothing LLC
1601416	Shasta Mountain Guides, LLC
1782900	Sheehan Construction, Inc.
1796988	Sierra Pacific Industries, Inc
1771595	SVR Management II, LLC
1705016	True Fresh HPP, LLC
1589150	United Parcel Service, Inc.
1655423	Unlimited Remodeling Inc
1706668	Vache Hayrapetian
1732272	Valley Marble
1783217	Watson AG Chemicals, Inc.
1831649	Watson Companies Inc
1786118	West Coast Energy Systems, LLC
1804867	William DYT and DYT Family Trust, A General
1809968	Wolfsdorf Rosenthal LLP
1634166	Worldwide Flight Services, Inc.

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

**Personnel:**

*(Issues regarding staff)*

The Closed Session adjourned at 11:18 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 11:19 a.m.