

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

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

Wednesday, January 28, 2026

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: January 16, 2026
RE: Closed Session of the Board to be held on January 28, 2026

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.)

1660543 West Coast Drywall & Paint

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.)

1778959 Chedraui USA Inc

1784640 Innovation Construction Inc

1719334 One Source Plumbing & Rooter Inc.

Orders Dismissing Appeal:

1641431 Gold Valley Floors, Inc.

1778181 JLF Stone Tile Works Inc.

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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.

1296297	Alliance Diversified Enterprises, Inc. Whether Employer committed the violations alleged in the citations, including alleged violations of section 1509, subdivision (b) [failure to adopt code of safe practices]; section 1511, subdivision (b) [failure to survey the worksite]; and (3) section 1541.1 [failure to provide adequate protective system in excavation], and whether the Division established the repeat classification for one of the citations.
1573582	CA Department of Corrections & Rehab Whether several of the ALJ's findings of fact are supported by the record, and whether those findings support the decision.
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>
1446266	Creative Packaging <i>Whether the employer violated hazard energy control regulations as alleged.</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>

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1488312 Indiana Finish Line, Inc.
Whether the cited employer established procedures adequate to protect employees from COVID-19.

1518442 JT2, Inc.

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.

1469097 Lowe's Home Centers, LLC
Whether there was exposure to foot injuries from falling objects, crushing, or penetrating actions. If so, whether the employer required appropriate foot protection.

1529748 Los Angeles Department of Water & Power
Did the Division cite the correct regulation section when it cited Employer for violating 8 CCR 2940.14, and was it established that under the stipulated facts that Employer violated that section?

1581944 Marques General Engineering, Inc.
Whether to permit a post-submission amendment of the citation.

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

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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)

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10. Blue Diamond Growers, 34-2018-80003007 (1040471)
11. Los Angeles Police Department 25STCP05034 (1599318)
12. L & S Framing, Inc. (1692964)

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.)

1813182	Abacus Business Capital, Inc
ART-202201	Action Time, LLC
1789047	Award Roofing Inc.
1831340	Bay Cities Tin Shop, Inc.
1818719	BDS Plumbing Inc.
1827718	Beit T'Shuval
1799332	Bergelectric Corporation
1616882	Blue Apron, LLC
1804613	Bogard Construction, Inc.
1819233	Cabrillo Boat Shop
1822787	CAL/OES
1832773	Canus Corporation
1689968	Central Cal Water Works, Inc.
1672387	Clark Construction Group California LP

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1794454	Coast Personnel Services
1825365	Comet Electric Inc
1797656	CRCD Enterprises
1835558	Delta Space Corp.
1783086	DMJS, Inc.
1780127	E. Landscaping Services
1759971	Eagle Eye Express LLC Corp
1801333	Emilio Rojo
1638760	Employbridge
1654874	Employbridge, LLC
1677866	Erickson Framing CA LLC
1738863	Firstservice Residential
1830983	Fresnius Medical Care Irvine LLC
1802564	Garcias Pallets Inc
1854672	GM AG Services
1796352	Gold Star Insulation LP
1830194	Heartwood Professional Tree Management, Inc.
1598336	Hollywood Tree Service
1781700	Home License Inc.
1785888	IV Welding & Mechanical Inc
1791871	JJ&S Asbestos Removal, Inc.
1813619	John Paul Company Inc.
1415782	Kenneth Leon
1843198	Leonard's Molded Products Inc
1817696	Linde Welding Gas & Equipment Center

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1829715 Lodi Iron Works, Inc.
1666115 Matrix Service Inc.
1820422 Oakland Pallet Company, Inc.
1464673 Overhill Farms, Inc.
1842740 Perfection Roofing Company
1826367 Performance Food Group Inc.
1823773 Phillips 66 Company
1786312 Pressler Properties & Construction LLC
1821628 Prism Team Services, Inc.
1722702 R & R Framing, Inc.
1819243 Rafa Construction
1795077 Real Team Staffing
1851199 Robert L. Silva
1779011 Safeway Stores Inc. Store #3011
1803770 San Diego County Water Authority
1836057 SEFNCO Communications Inc
1686847 SRI International
1775660 TRG Construction Inc.
1696302 Tutor Perini Corporation and O & G Industries, Inc.
1837605 Verde Vineyards, LLC
1559888 Walmart Stores, Inc.
1835713 Wells Plumbing Heating and Air, Inc
1647400 Womack Heating & Air

Personnel:
(Issues regarding staff.)

Any matter not completed at this meeting may be continued to subsequent meetings.

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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.