

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

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

for

Wednesday, April 8, 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: March 27, 2026**

**RE: Closed Session of the Board to be held on April 8, 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.)*

1547223          Perry C. Thomas Construction, 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.)*

1644980          Herman Weissker Power, Inc.

1819474          Hormel Foods Operations, LLC

1642084          Los Angeles County Probation Department

1666933          M.C.M. Construction, Inc.

**Orders Dismissing Appeal:**

1827487          Employer Partners, LLC

1803767 Kevin Lockhart

1756730 Webcor Craft LP

**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.<br><i>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.</i> |
| 1824578 | Allied Express Logistics, Inc.   |
| 1040471 | Blue Diamond Growers<br><i>Whether or not the Unforeseeable Extreme Departure Defense applies to vacate the citations.</i>   |
| 1573582 | CA Department of Corrections & Rehab<br><i>Whether several of the ALJ's findings of fact are supported by the record, and whether those findings support the decision.</i>   |
| 1360156 | CA Forestry and Fire Protection<br><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   |

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*Whether the employer violated hazard energy control regulations as alleged.*

- 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.*
- 1518442 JT2, Inc.  
*How should the term “issue” or “issued” as used in Labor Code section 6317, subdivision (e)(1) be interpreted. How should the notice requirements of Labor Code 6319 be interpreted.*
- 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.*
- 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.*
- 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.*

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- 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).*
- 1660543 West Coast Drywall & Paint

**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)

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7. Sun Belt Rentals, 25CU041526C (1465119)
8. Drill Tech Drilling & Shoring, Inc. N25-1793 (1420923)
9. Metropolitan News Company, 25STCP04455 (1689021)
10. Los Angeles Police Department 25STCP05034 (1599318)
11. 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:**

1. Yuba County Sheriff's Office (1820991)
2. Tad Van Nguyen (1628750)

**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.)*

|         |                                       |
|---------|---------------------------------------|
| 1793378 | A&A Ready Mixed Concrete, Inc.        |
| 1832158 | America's Labor Supply, Inc.          |
| 1865541 | Ave Maria Construction, LLC.          |
| 1846118 | Beacon Sales Acquisition, Inc.        |
| 1837090 | BGM Installation Inc.                 |
| 1848250 | Brush Research MFG                    |
| 1591535 | Building Zone Industries, LLC         |
| 1800081 | BVAW Family Home LLC                  |
| 1724164 | California Industrial Rubber Co, Inc. |
| 1841383 | Capitol City Stucco Inc.              |
| 1824245 | Cemco, LLC                            |

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| 1640222 | Costco Wholesale Corp #781           |
| 1667181 | Crescent Canal Company               |
| 1855138 | CSS Employment Group, Inc.           |
| 1796405 | Cupertino Electric, Inc              |
| 1617563 | Davey Tree Surgery Company           |
| 1856549 | Davis Wire Corporation               |
| 1719125 | Deyoung Power Systems Inc            |
| 1808703 | Embzone Group Inc                    |
| 1843037 | Family Memorial Mortuary & Crematory |
| 1848671 | Farmers International, Inc.          |
| 1803275 | Foster Poultry Farms, LLC            |
| 1742631 | Full Steam Staffing LLC              |
| 1861764 | Geo's Painting Inc.                  |
| 1325065 | Golden Springs Development, LLC      |
| 1834991 | GPA Logistics Group, Inc.            |
| 1841601 | Guadalupe Cooling Company Inc        |
| 1799344 | Helfrich Truck and Trailer           |
| 1862063 | Highway Specialty Company Inc.       |
| 1809561 | Humane Society of Ventura County     |
| 1782113 | Hydrogen Distribution Services, LLC  |
| 1789471 | Jeld-Wen Inc                         |
| 1847528 | Jerry's Garage                       |
| 1788434 | Jifco, Inc                           |
| 1811874 | Joyous Management Inc                |
| 1866171 | JV The New Carpentry                 |

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| 1844195 | Land X Construction, Inc.                      |
| 1854471 | Lena Construction, Inc.                        |
| 1779681 | Live Nation Entertainment Inc                  |
| 1784538 | Live Nation Entertainment Inc                  |
| 1656621 | MCI Sales and Service, Inc.                    |
| 1854706 | Memo's Scaffolding Norwalk, Inc.               |
| 1838308 | Minar Hospitality Inc                          |
| 1749741 | Mission Foods                                  |
| 1758647 | Modern Building, Inc.                          |
| 1839785 | Najmna   |
| 1858179 | Namaskar, Inc.                                 |
| 1812788 | Nongshim America, Inc.                         |
| 1872470 | OHM Solar Solutions                            |
| 1829637 | Pacific Galvanizing                            |
| 1857325 | Pecoraro, Inc.                                 |
| 1857935 | Placer Propane Inc                             |
| 1745437 | R & M Builders General Contractors, Inc.       |
| 1856925 | Ready Pac Foods Inc.                           |
| 1854311 | Red Sky Inc                                    |
| 1822666 | Reliable Wholesale Lumber, Inc.                |
| 1762068 | Roussos Construction, Inc.                     |
| 1832319 | Rymac General Contacting, Inc.                 |
| 1835179 | S & H Construction Builders Corporation        |
| 1840573 | See's Candy Shops, Incorporated                |
| 1826328 | Shine Dumplings, Inc. AKA Sweety Novelty, Inc. |

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| 1831367 | Sierra National Construction Inc.          |
| 1839836 | The Fix Inc                                |
| 1829391 | The Fruit Guys, LLC                        |
| 1857107 | The G.B. Group, Inc.                       |
| 1730092 | The Procter & Gamble Manufacturing Company |
| 1811150 | Tom of the Line Demolition Contractors Inc |
| 1844507 | U.S. Borax Inc.                            |
| 1826586 | United Staffing Associates, LLC            |
| 1661124 | Vanderlande Industries, Inc                |
| 1849196 | Vanmel, Inc.                               |
| 1785681 | Vinfillment LLC                            |
| 1741559 | Wallace and Smith Contractors              |
| 1716350 | Weber General Engineering Inc              |
| 1783189 | Williams Sonoma, Inc.                      |
| 1497587 | Willoughby Brothers, LLC                   |
| 1795680 | Zen Construction 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.