

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

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

Wednesday, July 22, 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: July 10, 2026

RE: Closed Session of the Board to be held on July 22, 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 may, in their discretion, decide to reconsider the ALJ Decision on their own motion.)

1731627 City of Los Angeles Department of General Services

1499128 Sturgeon Electric California, LLC

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.)

1625267 Boulay Construction (DOSH)

1784640 Innovation Construction Inc.

1460783 Otis Elevator (DOSH)

Orders Dismissing Appeal:

1779670 Bluewater Marine & Dick Specialties, Inc.

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted July 10, 2026

1803018	Diana's Mexican Food Products, Inc.
1714193	FEI Enterprises Inc.
1772096	M&M Concrete Contractor
1818734	MI Wuk Sugar Pine Fire Department
1817764	Narcizo Martinez, An Individual
1764632	Whittier Union High School District

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. <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>
1637991	Amirian Management Company dba Popeyes
1625267	Boulay Construction
1573582	CA Department of Corrections & Rehab <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

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted July 10, 2026

- 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?*
- 1446266 Creative Packaging
Whether the employer violated hazard energy control regulations as alleged.
- 1314977 Empire Equipment Service, Inc.
- 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?
- 1644980 Herman Weissker Power, Inc
Was the ALJ correct in granting employer's appeal of an alleged violation of electrical safety order section 2943, subdivision (e)?
- 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.
- 1692164 L & S Framing, Inc.
- 1642084 Los Angeles County Probation Department
- 1652861 Los Angeles County Probation Department
Did the evidence support the finding that it was appropriate for Employer not to report an incident causing a serious injury where a guard received facial cuts that left him with visible scarring? Did the evidence support the finding that Employer implemented its established IIPP procedures?
- 1529748 Los Angeles Department of Water & Power

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted July 10, 2026

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?

- 1401587 Los Angeles Department of Water and Power
- 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.
- 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.
- 1460783 Otis Elevator (ER)
- 1547223 Perry C. Thomas Construction, Inc.
Did employer commit a serious violation of section 1541, subdivision (j)(2) [trenching], as alleged?
- 1458699 Primula Mozzarella LLC.
Whether the Employer's petition for reconsideration was timely.
- 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.
- 1552002 Tesla, Inc.
Did the evidence establish a "unexpected energization" or "start up" of the gear box machine under Section 3314, and if so, does the exception in Section 3314, subdivision (c)(1) apply?

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted July 10, 2026

- 1486176 Tutor Perini Corporation and O&G Industries, Inc.
Whether Employer committed a serious accident-related violation of section 3328, subdivision (a).
- 1626309 Universal Dust Collector MFG. & Supply Corp.
- 1660543 West Coast Drywall & Paint
- 1563307 XL Concrete Masonry, LLC

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. Below is a list of active court cases filed against the Board. Pursuant to Government Code section 11126, subdivision (e), the Appeals Board may confer with its Legal Unit for the purposes of receiving legal advice regarding the pending litigation and confer on litigation strategy.

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. Employbridge Holding Company, 25CHCP00143 (1499137)
5. Sun Belt Rentals, 25CU041526C (1465119)
6. Drill Tech Drilling & Shoring, Inc. N25-1793 (1420923)
7. Metropolitan News Company, 25STCP04455 (1689021)
8. Los Angeles Police Department 25STCP05034 (1599318)
9. L & S Framing, Inc. S-CV-0057345 (1692964)
10. L & S Framing, Inc. 26CV011326 (1720076)
11. Fontenoy Engineering, Inc. (1847651)
12. M.C.M Construction, Inc. (1666933)

Appellate Court:

1. 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 may, in their discretion, decide if they will reconsider or remand the issued order.)

1843004	A & A Air Conditioning Heating and Sheetmetal
1841861	ASG Scaffolding Inc
1833929	A- Bar AG Enterprises
1843559	AAA Golden Auto, Inc.
1858775	Albertsons LLC
1831331	American Qualified Builders Inc.
1855560	Austin Air
1862262	Big Joe California North, Inc.
1846017	Boulevard Construction
1850080	Brand Globalization Warehouse
1855963	C & L Refrigeration Corporation
1874341	Chuy and Sons Labor Inc.
1728541	Clean Energy Fuels
1773164	Coffman Specialties, Inc.
1856161	Cortez Co.
1834694	Daniel C. Salas Harvesting, Inc.
1850894	Daniel C. Salas Harvesting, Inc.
1834700	Dignity Health
1847653	Divine Hotels LLC
1874604	Dream Arcades

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted July 10, 2026

1790958	El Super Distribution Center
1772226	Emblem Built LLC
1884257	Escondido Union School District
1844502	Eurostone Design Inc.
1828151	Ford Construction Company, Inc.
1825360	Fourest Tree Service, Inc.
1856735	Gita Management LLC
1813180	Holder Pankow Tec A Joint Venture
1828173	Iron Mechanical, Inc.
1846758	Irvine Ranch Water District
1697391	JAJ Roofing
1848669	Jarrett Foundations, Inc
1841334	John Michael Designs, LLC
1840619	Joshua Holt
1872986	Kevin Kasich
1858764	La Colonial Tortilla Products Inc.
1797883	La Strada Pipeline, Inc.
1835783	Lazy Dog Family Restaurant Inc.
1858574	Lefty Production Co., LLC
1791953	Lifestyle Solar, Inc.
1863148	Manuel Lopez Body & Frame LLC
1839980	Martinez Professional Movers Inc
1821463	Martinez Refining Company LLC
1861605	Merit Aluminum Inc.
1852593	Metro Trailer

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted July 10, 2026

1822313	New Cal Metals, Inc
1731679	Nexsentio
1867772	Northern California Chair Corporation
1645543	O'Bryant Electric Inc.
1462382	Overhill Farms, Inc.
1752748	Pacific Farm Management, Inc.
1534561	Perdue Farms, Inc.
1831036	Performance Abatement Services, Inc.
1814897	Pocino Foods Company
1841843	Prime Converting Corporation
1681872	QC Poultry
1842948	Quality Labor Service, Inc
1848666	Quality Labor Service, Inc.
1796075	Raley's Production Bakery
1591044	Recycled Base Materials, Inc.
1823998	San Francisco Fire Department
1850641	Santa Cruz County Sheriff's Office
1623730	Security Paving Company, Inc.
1744461	Sharcar Enterprises, Inc.
1749212	Shea Properties Management Co.
1820756	SMA Builders, Inc.
1869449	Sodexo America LLC
1881283	Spork Food Hub
1771794	Stan Koch & Son's Trucking, Inc.
1864131	Takhmans Ornamental Design Inc

California Occupational Safety & Health Appeals Board
Closed Session Agenda
Posted July 10, 2026

1526992	Tesla, Inc.
1624636	Tesoro Refining & Marketing Company, LLC
1860899	The Cabaret
1631045	The Vons Companies, Inc.
1853991	Thomas Construction Group, Inc.
1825364	Tov Builders
1838298	United Veterinary Care CA, 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.