

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

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

Wednesday, September 2, 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: August 21, 2026

RE: Closed Session of the Board to be held on September 2, 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.)

There are no Decision of Administrative Law Judges

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.)

1842156	3Sixty Innovation Inc
1752837	Chevron U.S.A. Inc.
1701872	Costco Wholesale
1866346	Mesa Foods, Inc. dba Tropicana Supermarket
1531603	San Francisco Bay Area Rapid Transit District
1869449	Sodexo America LLC

Orders Dismissing Appeal:

There are no Orders Dismissing Appeal

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.

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| 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> |
| 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
<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> |
| 1731627 | City of Los Angeles Department of General Services |
| 1446266 | Creative Packaging
<i>Whether the employer violated hazard energy control regulations as alleged.</i> |
| 1703764 | The Don Chapin Co., Inc. |

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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?

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)?

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

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

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- 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.
- 1460793 Otis Elevator (DOSH)
- 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)?
- 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?
- 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. Los Angeles Police Department 25STCP05034 (1599318)
8. L & S Framing, Inc. S-CV-0057345 (1692964)
9. L & S Framing, Inc. 26CV011326 (1720076)
10. M.C.M Construction, Inc. (1666933)
11. Fontenoy Engineering, Inc. (1847651)
12. Republic Electric Court West, Inc. (1355061)

Appellate Court:

1. Waterproofing and Roofing Solutions, Inc. 24STCP03693 (1690885)
2. Metropolitan News Company, 25STCP04455 (1689021)

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.)

1875749	860 Garnet Operations LLC
1870228	A & M Ybasket Inc.
1836007	Accelerated Environmental Services, Inc.
1853781	Adept HR

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1844225	Ali Reza Tehranian
1866324	AMC Farms LLC
1676313	AR Pipeline
1842708	Arreola's Framing, Inc.
1859132	Aztec Roofing Inc
1863261	Boskovich Farms, Inc.
1762311	Boswell Construction Inc.
1870959	Brazil Quality Roofing Inc.
1598247	CIM Group, L.P
1681333	Costco Wholesale
1672019	Costco Wholesale Corporation
1781246	Costco Wholesale Corporation
1858797	D&D Pipelines Inc.
1873672	D.F. Stauffer Biscuit Co., Inc.
1886866	El Monte Comprehensive Health Center
1590039	Elliott/Drinkward Construction, Inc.
1613047	Evans Food Group LTD.
1867607	FN Logistics, LLLC
1690410	Food Express, Inc.
1836095	HM.Clause, Inc.
1818125	Homeguard Incorporated
1816138	International Silicone Technologies Inc.
1858959	J.D. Miller Construction, Inc.
1851784	Jalos Food Enterprises, Inc.
1831644	Kehe Distributors, LLC

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1850533	Lennox Keith Smith
1852018	Machine Building Specialists, Inc.
1890334	Manuel Villa Enterprises, Inc.
1797351	Moffat & Nichol
1629190	Owens Construction & Engineering, Inc.
1871188	Polycorp US, LLC
1848555	Quality Environmental, Inc.
1874375	Ralphs-Pugh Co. Inc
1658995	Recycled Base Materials, Inc
1864315	Regency Enterprises Incorporated
1851783	Resma Construction LLC
1858158	Roofing Standards, Inc.
1882874	Salida Union School District
1859351	SC Welding & Metal Works, Inc.
1863687	Sean D Pitcher
1859071	SRE Development, LLC
1848801	Stan's Hardware LLC.
1858767	Steven Ginter Construction
1844364	Talley Oil Inc.
1698772	Tesla, Inc.
1876294	TForce Freight, Inc.
1857347	The Milo Foundation
1565714	Tim Demera Construction, Inc.
1821823	UPS Industrial Services of California Inc.
1679380	Veridiam Inc.

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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.