

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 16, 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: September 4, 2026

RE: Closed Session of the Board to be held on September 16, 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.)

1633708 Mountain F. Enterprises, Inc.

1722031 Sconza Candy Company

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

1860139 Cardinal Glass Industries Inc.

1854500 Lyons Magnus, LLC.

1866346 Mesa Foods, Inc. dba Tropicana Supermarket

1531603 San Francisco Bay Area Rapid Transit District

Orders Dismissing Appeal:

1731351	Commercial Coating Company, Inc.
1669798	Frontier Management LLC
1791212	Medical Caregivers Company
1850799	South Coast Global Medical Center
1832872	Stone Crest Inc.
1847101	Sun Country Builders Inc

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>
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

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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?

- 1731627 City of Los Angeles Department of General Services
- 1701872 Costco Wholesale
- 1446266 Creative Packaging
Whether the employer violated hazard energy control regulations as alleged.
- 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?
- 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

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*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
- 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?

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- 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. L & S Framing, Inc. S-CV-0057345 (1692964)
8. L & S Framing, Inc. 26CV011326 (1720076)
9. M.C.M Construction, Inc. (1666933)
10. Fontenoy Engineering, Inc. (1847651)
11. Republic Electric Court West, Inc. (1355061)

Appellate Court:

1. 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

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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.)

1676740	2H Farms, LLC
1834961	AA Quality Construction Inc.
1846448	ABC Signature, LLC
1879085	AFC Trading & Wholesale Inc.
1615168	Air Products & Chemicals, Inc.
1790971	Alvarado Restaurant Group, LLC
1878739	Anderson Construction
1775052	Atlas Vineyard Management LLC
1825787	Beacon Building Products
1881952	Beador Construction Company, Inc.
1837034	Bell- Carter Packaging, LLC
1795192	Best Care Fumigations Norcal, Inc
1738517	BFS Group of California, LLC
1843315	Booth & Little Roofing
1858757	Brett Johnson Roofing Company
1623380	Brinderson Constructors, Inc.
1855810	Builders First Source
1851290	C&J Well Services, LLC
1870246	Casa Mayoral Restaurant Inc.
1696640	Cintas Corporation
1854121	City of Moreno Valley
1733369	Commercial Scaffolding of California, Inc
1685672	Concorde Battery Corporation

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1807392	CRST Expedited, Inc.
1831180	Cutting Edge Forestry, Inc
1874603	Detherage Roofing Inc
1861258	Dragon Material Transport Inc
1851795	El Chivito Birrieria
1896220	Eli Industries, Inc.
1810570	Excelsior Dairy Service, Inc.
1645482	Fitness Superstore Inc.
1879160	Fresh Innovations California, LLC
1867599	Garcia's Landscaping Maintenance, Inc.
1783365	Gauthier Construction, Inc.
1869409	Geovan Auto Body
1820568	GF Industries, LLC
1730832	Global Steel Fabricators, Inc.
1393468	Gluck Development Company, Inc.
1821081	Greenforce Windowpro
1810798	Gussie Steel Inc.
1858715	Harbert Roofing Inc.
1869733	Harvest Technical Services, Inc.
1866967	Hicken Air, LLC
1885871	Hilarides Dairy
1817164	Hilbers, Inc.
1761896	Howard Contracting Inc.
1844154	Ikea Planning Studio
1863404	J&D Construction Inc.

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1872480	Janet P. Gross Inc.
1823282	Jetro Holdings, LLC
1859250	Joya Construction
1815974	Kwok Tung Kong
1892414	Lexmar Distribution Inc. (Sister Company LDI)
1716971	Los Angeles Police Department
1638532	Lowe's Home Centers, LLC
1841331	Martin Bros/Marcowall, Inc
1787799	Mercer Foods, LLC
1857855	Metlsaw Systems Inc
1890728	MMC Electic, Inc.
1637207	MMI Services, Inc.
1869395	Moises Auto Body & Paint Inc.
1793024	MS Industrial Sheet Metal Inc
1863801	National Petroleum Construction and Maintenance Inc.
1655198	Pacific West Engineering
1859485	Paris Valley Vineyard Services Company
1857960	Performing Roofing Inc.
1898539	PKD Enterprises Inc
1869464	Premier Plumbing Company
1865154	R&S Erection, Tri-County, Inc.
1892882	Reed Painting Inc.
1874218	Rolling Hills Country Club
1836047	Sacramento Valley Walnut Growers, LLC
1783876	San Ramon Valley Unified School District

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1847856	Sanchez Auto Repair & Towing, Inc.
1826047	Schell & Kampeter, Inc.
1871308	Simi Valley Hospital and Health Care Services
1863692	Sowa Development, Inc.
1858167	Stanford Blood Center, LLC
1804488	Sugar Foods Corporation
1693622	Sun Pacific Farms
1863230	Swift Recovery Group
1852327	Sysco Los Angeles- Food Distributor & Restaurant
1874937	T and P Farms
1715570	Tesla, Inc
1708793	TForce Freight, Inc.
1641429	Toro Enterprises Inc.
1808646	Torrance Refining Company LLC
1767353	Vasona Management, 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.