

**State of California**  
**California Occupational Safety and Health Appeals Board**  
**Minutes of the Public Meeting & Closed Session**  
**Held on March 25, 2026**  
**Sacramento, California**  
**Zoom Platform**

**Present:**

Ed Lowry, Public Member, Chairperson  
Judith Freyman, Management Member  
Marvin Kropke, Labor Member  
Scott Pease, Executive Officer  
Kerry Lewis, Presiding Administrative Law Judge  
Sam E. Lucas, Presiding Administrative Law Judge  
Aaron Jackson, Chief Counsel  
Karen Halbo, Staff Counsel  
Brian Nichols, Staff Counsel  
Maria Rios, Legal Analyst  
Beth Reiken, Executive Secretary  
Dan Lucido, Chief Counsel, DOSH  
Denise Cardoso, Assistant Chief Counsel, DOSH  
Rocio Reyes, Assistant Chief Counsel, DOSH  
Ina Fitzgibbon, Office of Director, DIR  
Tuyet Tran, Attorney Supervisor, DOSH  
Katera Rutledge, Staff Counsel, DOSH  
David Wiseman, Staff Counsel, Cal Fire  
Kita Banks, Staff Counsel, Cal Fire  
Jordan Uter, Worksafe  
Matt Smylie, Ford Construction Company, Inc.  
Lisa Prince, The Prince Firm  
Adam Crane, Ogletree Deakins  
Michelle Henson, Ogletree Deakins  
Mona Francois, Staffing Company  
Catherine Baldi

**Notice of remote attendance:**

As required by Government Code Section 11123.5, subdivision (d), notice is hereby given that Board member Marvin P. Kropke will be participating remotely pursuant to Government Code Section 11123.2, subdivision (j), paragraph (2), and Board member Judith Freyman will be participating remotely pursuant to Government Code Section 11123.2, subdivision (j), paragraph (1).

**Request for remote attendance:**

Member Marvin Kropke made a motion requesting to attend the April 8<sup>th</sup> and April 22<sup>nd</sup> Board meetings remotely pursuant to Government Code section 11123.2, subdivision (j)(2)(A).  
This motion was seconded by Judith Freyman.

The Board voted to approve the remote attendance request 3-0.

**Minutes of March 11, 2026, Meeting:**

(Approve or amend minutes of previous Board meeting.)

Action: The Board voted to approve the minutes for the March 11, 2026, meeting.  
This was moved by Marvin Kropke.  
It was seconded by Judith Freyman.  
The vote was 3-0.

**New Business:**

*(The Appeals Board hears and discusses new reports presented by staff.)*

Action: No report.

**Old Business:**

*(The Appeals Board hears and/or discusses matters on a follow-up basis.)*

1. Discussion of comments received at the Stakeholder's Roundtable.

Action: Scott Pease advised that the transcripts from the Stakeholders' Roundtable are being edited and then will be re-distributed. The legal team is also reviewing the transcripts. The Board discussed how they would follow up on any action items identified during the review of the transcripts.

**Legislation:**

*(Review and discuss current legislation which may affect the appeals Board.)*

Action: Karen Halbo provided updates on the following legislation:  
AB 2499 and SB 1046.

**Chairperson's Report:**

*(Hear report from the Chairperson on activities and issues affecting the Appeals Board.)*

Action: Ed Lowry shared thoughts he had on the State Bar's advisory regarding the use of AI.

**Board Members' Reports:**

*(Hear reports from Board members on activities and issues affecting the Appeals Board.)*

Action: No report.

**Executive Officer's Report:**

*(Report regarding administrative matters.)*

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Action: Scott Pease reported there were 9 interviews for the Attorney I position and they are currently in the written exercise stage of the interviewing process. Applications were released from HR for the Supervisor I position, and interviews will take place in April. The Analyst I position is open until April 15<sup>th</sup>. An initial packet has been submitted to HR for an Administrative Law Judge (ALJ) position.

**Staff Reports:**

*(Reports from the Supervising ALJ and the Chief Counsel regarding matters from the Hearing Operations and Legal Units.)*

1. Discuss and may take action on proposals for new regulations or proposals for modifications to, or repeal of, existing regulations. In addition, discuss whether any concerns exist with existing regulations.

Action: No report.

2. Litigation Update

Action: Aaron Jackson provided the following updates:  
In Baldi/Arana (1568252), the Board's demurrer was sustained by order of the court. Petitioner was granted leave to amend its petition. In Metropolitan News Company (1689021), there will be a hearing on the Board's demurrer on 4/9/2026. Employer's motion for sanctions will be heard on the same day. The Board is actively working to prepare its responsive documents. The hearing on the Board's demurrer in Uber (1594663) is on 4/20/2026. The Board was made aware that a new Federal lawsuit has been filed naming Ed Lowry and Scott Pease in their professional capacities as defendants. The Board has still not yet been served with the complaint.

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 adjournment.

**Public Comment:**

*(Public comments will be entertained during discussion of each agenda item of the open meeting.)*

Action: The Board heard comments from the public regarding how the current political climate may be impacting workplace and conduct. They also received a clarifying statement regarding pending litigation.

**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.)*

- 1568389      Caston, Inc.  
Action: The Board discussed this matter.
  
- 1652861      Los Angeles County Probation Department  
Action: The Board discussed this matter.
  
- 1603753      Tesla, Inc.  
Action: The Board discussed this matter.

**Petitions for Reconsideration:**

*(The Division of Occupational Safety & Health and the Employer each have 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.)*

- 1847651      Fontenoy Engineering, Inc.  
Action: The Board voted to issue an Order of Remand.  
It was moved by Marvin Kropke.  
It was seconded by Judith Freyman.  
The vote was 3-0.
  
- 1644980      Herman Weissker Power, Inc.  
Action: The Board voted to issue an Order Extending Time.  
It was moved by Marvin Kropke.  
It was seconded by Judith Freyman.  
The vote was 3-0.
  
- 1819474      Hormel Foods Operations, LLC  
Action: The Board discussed this matter.
  
- 1820991      Yuba County Sherriff's Office  
Action: The Board voted to issue a Denial of Petition for Reconsideration.  
It was moved by Marvin Kropke.  
It was seconded by Judith Freyman.  
The vote was 3-0.

**Orders Dismissing Appeal:**

- 1811001      Advanced Textile Manufacturing  
Action: The Board discussed this matter.

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- 1757360 Anjia Construction  
Action: The Board discussed this matter.
- 1821334 Cook Unity Los Angeles  
Action: The Board discussed this matter.
- 1759125 Holcomb Engineering Contractors, Inc.  
Action: The Board discussed this matter.
- 1791212 Medical Caregivers Company  
Action: The Board discussed this matter.
- 1796319 Super Center Concepts Inc  
Action: The Board discussed this matter.
- 1691261 The J.F. Will Company, Inc  
Action: The Board discussed this matter.

**Orders Denying Leave to File Late Appeal:**

- 1835970 Amijot Trucking, LLC  
Action: The Board discussed this matter.
- 1838095 Pacific Firewood & Lumber, Inc.  
Action: The Board discussed this matter.
- 1836054 Rapid Services LLC  
Action: The Board discussed this matter.

**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 authority of Labor Code sections 6620 through 6623.

- 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)*

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*[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.*

- 1824578 Allied Express Logistics, Inc.
- 1040471 Blue Diamond Growers  
*Whether or not the Unforeseeable Extreme Departure Defense applies to vacate 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 Forest and Fire Protection  
*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.*
- 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.*
- Action: The Board discussed this matter.
- 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.*

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The Board voted to issue an Order Retracting the Decision After Reconsideration.

It was moved by Marvin Kropke.

It was seconded by Judith Freyman.

The vote was 3-0.

- 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.  
*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 it was an error to reduce the classification of the violations and reduce the penalties.*
- Action: The Board discussed this matter.
- 1475491      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.*

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- 1454931 Tesla Inc.  
*Whether the ALJ properly affirmed the citations and, if so, whether Employer committed a serious accident-related violation of section 3328, subdivision (a).*
- 1486176 Tutor Perini Corporation and O&G Industries, Inc.  
*Whether the Employer committed a serious accident-related violation of section 3328, subdivisions (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. (1568252)
3. Western Oilfields Supply Company, 24WM000169 (1498595)
4. The Geo Group, Inc., 25WM000023 (1609228)
5. Uber Technologies Inc (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)
10. Los Angeles Police Department 25STCP05034 (1599318)
11. L & S Framing, Inc. (1692964)

**Appellate Court:**

1. General Dynamics NASSCO (1300984)
2. Waterproofing and Roofing Solutions, Inc. 24STCP03693 (1690885)

**Other Items:**

There are no Other Items.

**Orders Of Administrative Law Judges:**

*(Written order 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.)*

|         |   |
|---------|---|
| 1853989 | ABM Industry Groups, LLC                      |
| 1699330 | Advanced Construction Southwest of California |
| 1823317 | Ashbury Environmental Services                |
| 1860109 | Baird Roofing Co.                             |
| 1765543 | BH Granite & Quartz, Inc.                     |
| 1692210 | CA Corrections & Rehabilitation               |
| 1763300 | Calpac Pizza II, LLC                          |
| 1838181 | Capstone Roofing, Inc.                        |
| 1839812 | Cemco, LLC                                    |
| 1721773 | Cencal Services, Inc.                         |
| 1815070 | Delta Personnel Servies Inc.                  |
| 1832513 | Diamond Well Service, Inc.                    |
| 1782046 | Drill Tech Drilling & Shoring, Inc.           |
| 1825777 | El Ranco Supermercado, LLC                    |
| 1826925 | Eric Law                                      |
| 1767758 | FedEx Ground Package System Inc.              |
| 1732989 | Foothill Packing, Inc.                        |
| 1776922 | GMJ Arborists, Inc                            |
| 1745820 | HP Hood LLC                                   |
| 1820794 | Inland Valley Pipeline Inc.                   |
| 1799073 | J.L. Plank, Incorporated                      |
| 1812878 | Kojae LLC                                     |
| 1837928 | Level 3 Construction, Inc                     |
| 1806740 | M F A Construction, Inc                       |
| 1842949 | MD Thurber Inc                                |
| 1845206 | Mendota Food, Inc.                            |
| 1848695 | Mid-Valley Disposal, LLC                      |
| 1669936 | New Indy JV LLC                               |
| 1821665 | OBC, Inc.                                     |
| 1473510 | Overhill Farms, Inc.                          |
| 1476240 | Overhill Farms, Inc.                          |
| 1657587 | Pacific West Builders, Inc.                   |
| 1792169 | Paris Valley Vineyard Services Company        |
| 1842828 | Passenger Construction Corp.                  |
| 1775869 | Premier HR                                    |
| 1658521 | Raymond West Handling Solutions, Inc.         |

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| 1713780 | Salvatore Electric Inc.                  |
| 1860152 | Santini Foods, Inc.                      |
| 1669181 | Scaffold Solutions, Inc.                 |
| 1651797 | Semper Solaris, Inc.                     |
| 1843013 | Silverado Windows LLC                    |
| 1817998 | Skaggs Concrete Cutting, Inc.            |
| 1813392 | Skyline Tree Enterprise, Inc.            |
| 1794857 | Sletten Construction Company             |
| 1611185 | Southern California Edison               |
| 1643760 | SSA Pacific, Inc.                        |
| 1822615 | Stadelhoffer Construction Company        |
| 1672447 | Staxx, Inc.                              |
| 1840867 | Stephen H. Smith Farms, Inc.             |
| 1732501 | TE Connectivity                          |
| 1738585 | TE Connectivity                          |
| 1852809 | Techniclean Products, Inc                |
| 1844760 | The Campbell Corporation                 |
| 1785450 | Timberworks Construction, Inc.           |
| 1829061 | United Building Maintenance Inc          |
| 1733608 | Westrock Services, LLC                   |
| 1833021 | Wilbur Hot Springs Health Sanctuary, Inc |
| 1864628 | WTS Logistics Inc                        |

Action: The Board discussed the Settlement Orders issued by the Administrative Law Judges.

**Personnel:**

*(Issues regarding staff)*

The Closed Session adjourned at 11:45 a.m. and the Board returned to the Public Meeting. The Appeals Board incorporated, by reference, its actions in the Closed Session as indicated above. The Board meeting was adjourned at 11:46 a.m.