

**State of California**  
**California Occupational Safety and Health Appeals Board**  
**Minutes of the Public Meeting & Closed Session**  
**Held on April 22, 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  
Jazmin Ramirez, Staff Counsel, DOSH  
Ramesses Surban, Staff Counsel, DOSH  
Ana Aguilar, Associate Safety Engineer, DOSH  
Ina Fitzgibbon, Office of Director, DIR  
David Wiseman, Staff Counsel, Cal Fire  
Kevin D. Bland, Ogletree Deakins  
Lisa Prince, The Prince Firm  
Jordan Uter, Worksafe  
Shaun Gonzales

**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 May 7<sup>th</sup> and May 20<sup>th</sup> Board meetings remotely pursuant to Government Code section 11123.2, subdivision (j)(2)(A).

This motion was seconded by Ed Lowry.

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

**Minutes of April 8, 2026, Meeting:**

(Approve or amend minutes of previous Board meeting.)

Action: The Board voted to approve the minutes for the April 8, 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: Aaron Jackson shared the staff counsels have reviewed the Stakeholders meeting transcripts and have discussed the items related to their department.

**Legislation:**

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

Action: Karen Halbo provided updates on the following Legislation: AB-2499, AB-2137, and HR-86.

**Chairperson's Report:**

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

Action: Ed Lowry shared that the leases for both the West Covina and the Sacramento OSHAB offices have been extended. The budget for the West Covina office's remodeling is under review for approval.

**Board Members' Reports:**

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

Action: No reports.

**Executive Officer's Report:**

*(Report regarding administrative matters.)*

Action: Scott Pease reported there is a top candidate selected for the Attorney I position and he is waiting on the final

reference check. Interviews for the Supervisor I position are taking place this week. The deadline to submit application for the Analyst I position closed on April 15<sup>th</sup> and we are submitting final documents to HR to release the applications. The Administrative Law Judge (ALJ) position, in either West Covina or Sacramento, is open until April 24<sup>th</sup>. The next Board meeting has been moved to Thursday, May 7<sup>th</sup>.

**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. Ligation Update

Action: Aaron Jackson provided the following updates:  
In Metropolitan News Company (1689021), the Board's Demurrer was granted. The court has taken the motion under submission on the Board's Demurrer in Uber (1594663). The Board's opposition brief In Drill Tech Drilling & Shoring, Inc. (1420923) is due on April 29<sup>th</sup>. In Baldi/Arana (1568252), the Board is working on their response to the employer's 4<sup>th</sup> amended petition, due on April 30<sup>th</sup>. The Berry Creek lawsuit has been dismissed. The hearing on the Board's Demurrer in the Geo Group (1609228) hearing is scheduled for 5/29.

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 regarding DOSH's position regarding settling matters with serious/accident-related citations, HR-86, and addressed questions about the Settlement conferences ahead of Judge Kevin Reedy's retirement.

**Decisions of Administrative Law Judges:**

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*(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.)*

1643382      S and J Interiors, 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.)*

1819474      Hormel Foods Operations, LLC  
Action: The Board voted to issue a Denial of Petition for Reconsideration.  
It was moved by Ed Lowry.  
It was seconded by Marvin Kropke.  
The vote was 3-0.

1666933      M.C.M. Construction, Inc.  
Action: The Board voted to issue an Order Extending Time.  
It was moved by Ed Lowry.  
It was seconded by Marvin Kropke.  
The vote was 3-0.

1692164      L & S Framing, Inc.  
Action: The Board voted to issue an Order Taking the Petition for Reconsideration Under Submission to allow for review of the lengthy record of administrative proceedings.  
It was moved by Ed Lowry.  
It was seconded by Marvin Kropke.  
The vote was 3-0.

1536798      Underground Construction Company, Inc.  
Action: The Board discussed this matter.

**Orders Dismissing Appeal:**

1816464      Free Creation Inc.  
Action: The Board discussed this matter.

1802407      Juliet Marie Perry  
Action: The Board discussed this matter.

1811259      KPC Health Global Medical Centers, Inc.

Action: The Board discussed this matter.

1655516 Sabor Mexican Grill, Inc.  
Action: The Board discussed this matter.

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

1815852 Able Sheet Metal, Inc.  
Action: The Board voted to issue an Order of Remand.  
It was moved by Judith Freyman.  
It was seconded by Marvin Kropke.  
The vote was 3-0.

**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) [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.*

Action: The Board voted to issue a Decision After Reconsideration as amended.  
It was moved by Judith Freyman.  
It was seconded by Marvin Kropke.  
The vote was 3-0.

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- 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.*
- 1644980 Herman Weissker Power, Inc.
- 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.*
- 1642084 Los Angeles County Probation Department
- 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.*
- 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.*

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- 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.*
- 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:**

1. Yuba City Sheriff's Office (1820991)

**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.)*

1855945	Alternative Retail, Inc.
1475234	Amazon.com Services, LLC
1819745	Apex Remediation Corp
1759366	Aries Builders, Inc.
1833445	B & S Farms, Inc.
1850519	Blast Tech Because Rust Never Sleeps
1624658	Burrtec Waste Industries, Inc.
1848301	California Conservation Corps

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1685371	Capital Concrete Solutions Inc.
1727636	Cheek Engineering and Stamping
1809046	China Cargo Airlines
1728612	Coast Aggregates
1847919	Davis Wire Corporation
1511882	Diversified Utility Services, Inc.
1841302	Driver SPG, LLC
1827171	Durkin Tree Service Inc.
1856156	Durkin Tree Service Inc.
1678164	Ecobat Resources California, Inc.
1755587	Ecology Recycling Services LLC
1697834	Ghilotti Construction, Inc.
1774688	Grapes FLC
1864248	Harding Enterprizes Inc
1813130	Hollandia Dairy, Inc.
1849992	Ingomar Packing Company, LLC
1858023	J.A. Ramos Farming
1789927	Jackson Family Wines
1778430	Kenyon Plastering of Southern California, Inc.
1835538	KV Construction 1, Inc.
1738582	Performance Swing Stage, Inc.
1841343	Porschwerks, Inc.
1736663	Portola Construction Inc.
1729485	Pottorff
1687586	Precision Contractors, Inc.
1761718	Prime Matter Labs
1782857	Pundir Group, Inc.
1822662	Quality Steel Inc.
1821326	R &T Farm Management, Inc.
1817010	RH Peterson Co.
1836433	San Diego Gas and Electric
1824857	Santa Clara County Communications
1812100	See's Candy Shops
1853765	Sergio Tornell and Sergio Ramon Tornell, A Partnership
1557466	Solarm, Inc.
1837233	Square One Staffing
1827096	Statewide Traffic Safety and Signs Inc
1802724	Sunview Vineyards of California, Inc.
1848514	Terrakotta, Inc.
1718063	Tesla, Inc.
1763341	Tesla, Inc.
1834009	The Habit Restaurants, LLC
1833632	The Plastering Company, Inc.
1686938	Vin Lux Fine Wine Transport LLC
1858723	World Telecom & Surveillance, Inc.

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

**Personnel:**

*(Issues regarding staff)*

The Closed Session adjourned at 11:09 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 11:10 a.m.