

**State of California**  
**California Occupational Safety and Health Appeals Board**  
**Minutes of the Public Meeting & Closed Session**  
**Held on May 7, 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  
Christopher Jessup, Administrative Law Judge  
Jennie Culjat, Administrative Law Judge  
Aaron Jackson, Chief Counsel  
Jeffrey Mojcher, Chief Counsel Emeritus  
Karen Halbo, Staff Counsel  
Brian Nichols, Staff Counsel  
Maria Rios, Legal Analyst  
Beth Reiken, Executive Secretary  
Rocio Reyes, Assistant Chief Counsel, DOSH  
Kathryn Woods, Staff Counsel, DOSH  
Lisa Prince, The Prince Firm  
Michelle Henson, Ogletree Deakins  
Karin Umpfrey, Worksafe  
Matt Smylie, Ford Construction Company, Inc.  
Eva Poon

**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:**

Action: No report.

**Minutes of April 22, 2026, Meeting:**

(Approve or amend minutes of previous Board meeting.)

Action: The Board voted to approve the minutes for the April 22, 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: The Board discussed possible locations of the 2027 Stakeholder's Roundtable Discussion in Southern California.

**Legislation:**

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

Action: No report.

**Chairperson's Report:**

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

Action: Ed Lowry congratulated Amy Lara, Theresa McKeever, and Beth Reiken from OSHAB who received Superior Accomplishment Awards at the Department of Industrial Relations Merit Awards on Wednesday. He also shared a health update on former OSHAB Chair, Art Carter.

**Board Members' Reports:**

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

Action: Judith Freyman and Marvin Kropke also congratulated those who received Superior Accomplishment Awards.

**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 final approval from HR. A top candidate has been selected for the Supervisor I position and the packet will be submitted to HR by the end of the week. The Analyst I position has closed and he has received around 670 applications. The Administrative Law Judge (ALJ) applications have been released, and interviews are being coordinated. Scott and

Ed Lowry have a meeting with Fed OSHA on Tuesday, May 12<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: Presiding Administrative Law Judge Sam E. Lucas answered questions from the Board regarding Settlement Hearings. PALJ Sam E. Lucas also shared that ALJ Kevin Reedy has officially retired from OSHAB.

2. Ligation Update

Action: Aaron Jackson provided the following updates:  
In Baldi/Arana (1568252), the Board is working on their response to the employer's 4<sup>th</sup> amended petition which is due today. The Board's opposition brief in Drill Tech Drilling & Shoring, Inc. (1420923) has been filed, and the hearing is on May 29<sup>th</sup>. The Board's response brief in the matter of Waterproofing and Roofing Solutions (1690885) is due at the end of May. The Board's response brief in Employbridge Holding Company (1499137) is due on May 29<sup>th</sup>, and the hearing is June 24<sup>th</sup>. Oral Arguments in The Geo Group (1609228) will be heard on May 29<sup>th</sup>.

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: No report.

**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.)*

There are no Decisions of Administrative Law Judges

**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.)*

- 1853969      Direct Staffing LLC  
Action: The Board discussed this matter.
- 1652861      Los Angeles County Probation Department  
Action: The Board voted to issue an Order Taking Petition for Reconsideration Under Submission to allow sufficient time for review and analysis of the record.  
It was moved by Judith Freyman.  
It was seconded by Marvin Kropke.  
The vote was 3-0.
- 1235941      McCarthy Building Companies, Inc.  
Action: The Board voted to issue an Order Taking Petition for Reconsideration Under Submission to allow sufficient time for review and analysis of the record.  
It was moved by Marvin Kropke.  
It was seconded by Judith Freyman.  
The vote was 3-0.
- 1666933      M.C.M. Construction, Inc.  
Action: The Board voted to issue a Denial of Petition of Reconsideration.  
It was moved by Marvin Kropke.  
It was seconded by Judith Freyman.  
The vote was 3-0.
- 1864915      Spalding Community Services District  
Action: The Board discussed this matter.
- 1536798      Underground Construction Company, Inc.  
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.
- 1859532      Weaverville Gas  
Action: The Board discussed this matter.

**Orders Dismissing Appeal:**

California Occupational Safety and Health Appeals Board  
Minutes of the Public Meeting and Closed Session  
May 7, 2026

- 1828162      Fiesta Pacific Products Inc.  
Action: The Board discussed this matter.
- 1739249      Invapharm, Inc.  
Action: The Board discussed this matter.
- 1803880      Jakks Pacific, Inc.  
Action: The Board discussed this matter.
- 1745506      M-Rae Engineering Inc.  
Action: The Board discussed this matter.
- 1589788      Ned Pan, Inc.  
Action: The Board discussed this matter.

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

- 1842156      3Sixty Innovations, Inc.  
Action: The Board discussed this matter.
- 1853969      Direct Staffing, LLC  
Action: The Board discussed this matter.
- 1864915      Spalding Community Service Department  
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) [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.*

California Occupational Safety and Health Appeals Board  
Minutes of the Public Meeting and Closed Session  
May 7, 2026

- 1824578 Allied Express Logistics, Inc.
- 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.*
- 1692164 L & S Framing, Inc.
- 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.*

California Occupational Safety and Health Appeals Board  
Minutes of the Public Meeting and Closed Session  
May 7, 2026

- 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.*
- 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.*
- 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:**

California Occupational Safety and Health Appeals Board  
Minutes of the Public Meeting and Closed Session  
May 7, 2026

*(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.)*

|         |                               |
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| 1699773 | Access Business Group LLC     |
| 1866261 | AG Personnel Management, Inc. |
| 1810171 | Allstate Marble               |

California Occupational Safety and Health Appeals Board  
Minutes of the Public Meeting and Closed Session  
May 7, 2026

|         |                                               |
|---------|-----------------------------------------------|
| 1568405 | Bakemark USA, LLC                             |
| 1848583 | Best Quality Tree Service                     |
| 1824860 | Booth Ranches, LLC                            |
| 1820822 | Calhomeco Construction                        |
| 1807405 | Caliber Collision Centers, Inc.               |
| 1504589 | California Ranch Food Company, Inc.           |
| 1833466 | Church of Scientology International           |
| 1853528 | Cinemark USA                                  |
| 1850831 | City of Redding                               |
| 1796616 | City of San Jose Department of Transportation |
| 1837651 | CMA Painting, Inc.                            |
| 1701719 | Cushman Contracting Corporation               |
| 1834518 | Details Custom Builders, Inc.                 |
| 1829722 | Diversified Power Corporation                 |
| 1831249 | Dreams for Change, Inc.                       |
| 1852876 | Empire Southwest LLC                          |
| 1770525 | Ever Well Health Systems, LLC                 |
| 1811255 | Fabriquer Design Build LLC                    |
| 1851477 | Feve Chocolates, LLC                          |
| 1837047 | First City Construction                       |
| 1706392 | Full Bore, Inc.                               |
| 1825098 | Granite Rock Company                          |
| 1838461 | Greentek, Inc.                                |
| 1731480 | Griffith Company                              |
| 1839798 | Holland & Herring Manufacturing Inc           |
| 1815993 | Huberts Homes, Inc.                           |
| 1844385 | Hurst & Siebert, Inc.                         |
| 1828705 | I & E Lath Mill                               |
| 1817001 | Industrial Door Company, LLC                  |
| 1840238 | J&A Companies Inc                             |
| 1855825 | J.A.M. Industries Inc.                        |
| 1857042 | Landscape Development, Inc                    |
| 1845420 | Lighthouse Exteriors Inc.                     |
| 1839119 | Los Angeles County Department Health Services |
| 1857654 | Lucky 7 Management Corp                       |
| 1862407 | Mackney Roofing                               |
| 1873017 | Madsen Roofing & Waterproofing Inc.           |
| 1832424 | Medford Construction, Inc.                    |
| 1773154 | Michales Stores, Inc.                         |
| 1808164 | Northern Pacific Roofing, Inc.                |
| 1829704 | NSMG LLC                                      |
| 1658142 | O.F.R., Inc.                                  |
| 1393462 | Offshore Crane & Service Co.                  |
| 1851899 | Overdrive Energy Solutions                    |
| 1856270 | Pacific Continental Wood Products, Inc.       |
| 1791983 | Pacific Pallet Exchange Inc                   |

California Occupational Safety and Health Appeals Board  
Minutes of the Public Meeting and Closed Session  
May 7, 2026

|         |                                  |
|---------|----------------------------------|
| 1852867 | Prestige Farm Management, Inc.   |
| 1832347 | Pro Structural, Inc.             |
| 1841266 | Rainy Day Roofing, Inc.          |
| 1829149 | Raja Truck Trailer               |
| 1753864 | Recology Recycle Central Pier 96 |
| 1848769 | Sacramento Transfer Inc.         |
| 1810568 | Senor Granite, Inc.              |
| 1853353 | Sha Capital, Inc                 |
| 1844766 | Stanford University              |
| 1816980 | Stephens Mechanical Corporation  |
| 1843452 | The Center for Early Education   |
| 1849461 | The Knoll Hotel Napa Valley      |
| 1690295 | The Save Mart Companies, Inc.    |
| 1836701 | Total Air Analysis Inc.          |
| 1812672 | Total Concept Enterprises, Inc.  |
| 1723744 | Triple I Press, LLC              |
| 1870610 | United Legwear & Apparel Co.     |
| 1609334 | United Natural Foods West, Inc.  |
| 1829427 | Verne Teyler                     |
| 1770126 | Walmart                          |
| 1830484 | Walmart Inc.                     |
| 1719780 | Xebec Building Company, Inc.     |

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

**Personnel:**

*(Issues regarding staff)*

The Closed Session adjourned at 10:52 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 10:53 a.m.