

State of California
California Occupational Safety and Health Appeals Board
Minutes of the Public Meeting & Closed Session
Held on June 3, 2026
Sacramento, California
Zoom Platform

Present:

Ed Lowry, Public Member, Chairperson
Judith Freyman, Management Member
Marvin Kropke, Labor Member
Kerry Lewis, Presiding Administrative Law Judge
Sam E. Lucas, Presiding Administrative Law Judge
Christopher Jessup, Administrative Law Judge
Howard Chernin, Administrative Law Judge
Jennie Culjat, Administrative Law Judge
Aaron Jackson, Chief Counsel
Karen Halbo, Staff Counsel
Brian Nichols, Staff Counsel
Amy N. Lara, Supervisor
Maria Rios, Legal Analyst
Beth Reiken, Executive Secretary
Ina Fitzgibbon, Office of Director, DIR
Ramesses Surban, Staff Counsel, DOSH
Kelly McVey, Staff Counsel, DOSH
David Wiseman, Staff Counsel, Cal Fire
Kita Banks, Staff Counsel, Cal Fire
Lisa Prince, The Prince Firm
Steff Brunson, The Prince Firm
Kevin D. Bland, Ogletree Deakins
Michelle Henson, Ogletree Deakins
Jordan Uter, Worksafe
Matt Smylie, Ford Construction Company, Inc.
Mona Fran
Jake Bland
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:

Action: No report.

Minutes of May 20, 2026, Meeting:

(Approve or amend minutes of previous Board meeting.)

Action: The Board voted to approve the minutes for the May 20, 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: Aaron Jackson would like to add to the next Public Meeting Agenda a discussion about the length of hearings.

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: Notes from the Stakeholder's Roundtable discussion are still being reviewed by the Board.

Legislation:

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

Action: Karen Halbo reported that AB- 2137 did not move to the other house by the May 29 deadline, so it's dead, but the other bills the Board is monitoring all moved to the other house before the May 29 deadline. In Congress, HR-5437 has been introduced to prohibit civil actions against manufacturers and sellers of stone slab products for the health impacts to workers involved in producing those products. She also reported on SB-966 (Gonzalez), which codifies provisions of the process safety management safety standards impacting refineries. Judith Freyman asked a follow-up question regarding a bill that would transfer debt from unemployment compensation incurred during COVID onto business owners.

Chairperson's Report:

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

Action: Ed Lowry and Scott Pease met with Fed OSHA as reported last time, and Ed reiterated that OSHAB's budget which will be similar to the previous year's budget. He also provided an update on former Chairmen Art Carter's, health.

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.)

Action: In Scott Pease's absence, Amy N. Lara reported that the new Attorney has accepted the position and will start June 16, 2026. The Analyst I position will be re-posted. Interviews are ongoing for the 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: Karen Halbo reported that both the Appeal Initiation Regulations rulemaking and the Prehearing and Hearing Regulations rulemaking are being reviewed by Agency, but that the Hearing and Prehearing Regulations package is moving through the review process more quickly and is likely to be signed first. She said that was fine, because it would be better to not try and publish both packages for the 45-day public comment period at the same time.

2. Ligation Update

Action: Aaron Jackson provided the following updates: In The Geo Group (1609228) litigation, the parties settled and the case was dismissed. In Drill Tech Drilling & Shoring, Inc. (1420923), after oral argument, the matter was taken under submission by the appellate court, and the judge requested a Written Statement of Decision from all parties. In Waterproof and Roofing Solutions, Inc. (1690885), the Board has filed their response brief.

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 difficulties opening encrypted emails from OSHAB (which began being sent upon the Board switching to send out materials from a different email address), requests to add a new case status in OASIS to reflect Citations that have been dismissed, to request the Board's website post which Decisions After Reconsideration are the subject of litigation (information the Division knows because they are a party in every appeal), and comments about the length of hearings, concerns about last-minute amendments to citations, and labor code sections 6615 and 6627.

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.)

1599850 ASI Builders, Inc.
Action: The Board discussed this matter.

1626309 Universal Dust Collector MFG. & Supply Corp.
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.)

1805515 D-Line Constructors, 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.

1691261 The J.F. Will Company, Inc.
Action: The Board discussed this matter.

Orders Dismissing Appeal:

1773500 Bogh Engineering LLC
Action: The Board discussed this matter.

California Occupational Safety and Health Appeals Board
Minutes of the Public Meeting and Closed Session
June 3, 2026

- 1797835 Deckers Brands
Action: The Board discussed this matter.
- 1756078 Hoogasian Flowers, Inc.
Action: The Board discussed this matter.
- 1777078 Imperial Scaffolding Inc.
Action: The Board discussed this matter.
- 1782223 JB Granite & Marble, LLC
Action: The Board discussed this matter.

Orders Denying Leave to File Late Appeal:

- 1874727 County of Los Angeles- Department of Social Services District 7
Action: The Board discussed this matter.
- 1854500 Lyons Magnus, LLC.
Action: The Board discussed this matter.
- 1844194 Reds General Construction Inc.
Action: The Board discussed this matter.
- 1844771 Zeta Investments 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) [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
June 3, 2026

- 1824578 Allied Express Logistics, Inc.
Action: The Board voted to issue an Order of Remand.
This was moved by Marvin Kropke.
This was seconded by Judith Freyman.
The vote was 3-0.
- 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.
Was the ALJ correct in granting employer's appeal of an alleged violation of electrical safety order section 2943, subdivision (e)?
- 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

California Occupational Safety and Health Appeals Board
Minutes of the Public Meeting and Closed Session
June 3, 2026

- 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?
- 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.
- 1235941 McCarthy Building Companies, Inc.
- 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.
- 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)

California Occupational Safety and Health Appeals Board
Minutes of the Public Meeting and Closed Session
June 3, 2026

- 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
- 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. 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)

California Occupational Safety and Health Appeals Board
Minutes of the Public Meeting and Closed Session
June 3, 2026

11. L & S Framing, Inc. S-CV-0057345 (1692964)

12. L & S Framing, Inc. 26CV011326 (1720076)

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.)

1832131	Advanced Environmental Landscape
1697884	Allied Framers, LLC
1773783	Allstate Roofing Specialists, Inc.
1881193	American Masonry Specialist
1831360	Ampco Contracting, Inc.
1802250	ATA Abrishami DVM, Inc.
1863260	Atlantic Refrigeration LLC
1837879	Atwater Metal Fabrication, Inc.
1820818	Balance Point Home Performance
1799625	Berkeley Cement, Inc.
1850350	Black Box Security Inc.
1719856	Burton Design & Construction, LLC
1858774	C.B.F., Inc.
1845953	California Expanded Metal Products Company
1845479	California Gold Development Company, LLC
1542802	California Spectra Instrumentation, Inc.
1604634	Carollo Engineers, Inc.
1725224	Cisco Systems Inc.
1865781	Daart Engineering Co. Inc.
1851215	Dash Dream Plant, Inc.
1536229	Davis Development Company, Inc.
1879723	De Graff Development, Inc.
1744554	Desert Gate Management
1621009	Dragados USA, Inc. and Flatiron West, Inc.
1643753	Dragados USA, Inc. and Flatiron West, Inc.
1846126	Farm Labor Service of Central Cal, Inc.
1798142	Foster Poultry Farms, LLC

California Occupational Safety and Health Appeals Board
Minutes of the Public Meeting and Closed Session
June 3, 2026

1853978	Gama Building Corporation
1689986	Golden Era Productions
1861033	Harpreet Sekhon A Professional Veterinary Corp
1857527	Heritage Roofing Company
1865660	Inspec Machining, LLC
1748603	Interstate Management Company, L.L.C.
1855030	Jaguar Farm Labor Contracting, Inc.
1635989	JB Hunt Transport
1880470	JKD Construction
1850378	Jorge Salinas Tree Service
1614412	Kenyon Plastering of Southern California, Inc.
1819806	LAUSD- Braddock Drive Elementary School and Gifted Magnet
1847840	Laviniu Blaj
1837928	Level 3 Construction, Inc.
1645274	M and D Home Improvement
1874311	Madera Welding & Manufacturing, Inc.
1847375	Manuel Quezada, FLC
1762224	Onni Contracting (California) Inc.
1785883	Outdoor Living Supply, LLC
1775083	Paragon Personnel
1786304	Pitman Farms
1702550	PNC Bank, National Association
1854687	Precise Air Systems Inc.
1825765	Premier Packing of California, Inc.
1775033	Prinsco, Inc.
1841477	Prompt Food Service Inc
1846755	Ralphs Grocery Company
1852521	Real Time Staffing Services
1852032	Rentokil North America, Inc.
1856821	Ricmaro Hospitality, Inc.
1831251	Rimma Construction Inc.
1675200	S Porter, Inc.
1839032	San Francisco Public Utilities Commission
1642150	Semper Solaris, Inc.
1862253	Shoreline Golf Links
1779685	Siemens Mobility Inc. Rolling Stock
1770130	Siemens Mobility Inc. Rolling Stock
1810528	Spire Hospitality LLC
1780929	Thomas R. Butler, Inc.
1785639	Torrance Refining Company LLC
1816237	Trademark Staffing, Inc.
1833463	Universal Labor Solutions, Inc.
1862064	Vereschagin Farms, Inc.
1728752	Waterproofing Associates Inc.
1848286	Zelvaggio Inc

California Occupational Safety and Health Appeals Board
Minutes of the Public Meeting and Closed Session
June 3, 2026

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

Personnel:

(Issues regarding staff)

The Closed Session adjourned at 11:17 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 11:18 a.m.