

State of California
California Occupational Safety and Health Appeals Board
Minutes of the Public Meeting & Closed Session
Held on June 17, 2026
Sacramento, California
Zoom Platform

Present:

Ed Lowry, Public Member, Chairperson
Judith Freyman, Management Member
Marvin Kropke, Labor Member
Scott Pease, Operations Manager
Sam E. Lucas, Presiding Administrative Law Judge
Howard Chernin, Administrative Law Judge
Aaron Jackson, Chief Counsel
Jeffrey Mojcher, Chief Counsel Emeritus
Karen Halbo, Staff Counsel
Brian Nichols, Staff Counsel
Camille Dixon, Staff Counsel
Amy N. Lara, Supervisor
Beth Reiken, Executive Secretary
Ina Fitzgibbon, Office of Director, DIR
David Wiseman, Staff Counsel, Cal Fire
Kita Banks, Staff Counsel, Cal Fire
Michelle Henson, Ogletree Deakins
Bruce Wick, Risk Management Director, Housing Contractors of California
Jordan Uter, Worksafe
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 July 8th and July 22nd 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 June 03, 2026, Meeting:

(Approve or amend minutes of previous Board meeting.)

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Action: The Board voted to approve the minutes for the June 3, 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: A letter from Catherine Baldi was circulated to the Board.

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 reported that the topics from the Stakeholder's Roundtable discussion have been made into 30 subtopics and sent to different units of OSHAB for their suggestions.

Legislation:

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

Action: Karen Halbo reported that all the bills she has been monitoring are continuing to move through the legislative process.

Chairperson's Report:

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

Action: Ed Lowry attended the DOSH Advisory Committee and shared they discussed training, policy and procedures, low vacancies, emergency preparedness, and filing positions with OIS. DOSH has budget change proposals for new expanding units, including for BOI. There is still work on going on the Silica exposure issue from engineered stone. The DIR is in communication with hospitals regarding Ebola.

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 that the new Attorney, Camille Dixon, started with OSHAB on June 16, 2026. She has been working with the state for the last 10 years. The Analyst I position has been approved and will be posted today. A candidate is being selected for the Administrative Law Judge (ALJ) position. The Analyst II position is in the preparatory stage before posting.

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 the fiscal analysis for the Prehearing and Hearing Regulations has been approved. Suggestions have been received on the Appeal Initiation Regulations text that she is reviewing and making revisions.

Sam E. Lucas shared he is scoring the written exercises for the ALJ position. He is also continuing to have small stakeholder's meetings to discuss the reasons for the steadily increasing length of hearings.

2. Ligation Update

Action: Aaron Jackson provided the following updates:

In the Uber Technologies Inc (1594663) matter the Board has prevailed on the demurrer to the writ petition, and the judgment is forthcoming. In the Metropolitan News Company (1689021) matter, the Board also prevailed on the demurrer, however MNC filed a motion to reconsider, and the Board's opposition is due in 2 weeks. In the Fontenoy Engineering, Inc. (1847651) matter, a new writ has been filed.

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 welcoming the new Attorney, Camille Dixon, to the Board.

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.)

1460783 Otis Elevator
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.)

1625267 Boulay Construction
Action: The Board voted to Issue an Order Taking Petition for Reconsideration Under Submission.
It was moved by Marvin Kropke.
It was seconded by Judith Freyman.
The vote was 3-0.

1777078 Imperial Scaffolding, Inc.
Action: The Board voted to reinstating the appeal.
It was moved by Marvin Kropke.
It was seconded by Judith Freyman.
The vote was 3-0

1401587 Los Angeles Department of Water and Power
Action: The Board voted to Issue an Order Taking Petition for Reconsideration Under Submission.
It was moved by Marvin Kropke.
It was seconded by Judith Freyman
It was voted 3-0.

552002 Tesla, Inc.
Action: The Board voted to Issue and Order Taking Petition for Reconsideration Under Submission.
It was moved by Judith Freyman.
It was seconded by Marvin Kropke.
It was voted 3-0.

1691261 The J.F. Will Company, Inc.

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Action: The Board voted to issue a Denial of Petition for Reconsideration.

It was moved by Marvin Kropke.

It was seconded by Judith Freyman.

It was voted 3-0

Orders Dismissing Appeal:

- | | |
|---------|---|
| 1821426 | Cook Unity Los Angeles
Action: The Board discussed this matter. |
| 1837292 | IRF Development Group
Action: The Board discussed this matter. |
| 1869728 | Joseph Holt Plastering, Inc.
Action: The Board discussed this matter. |
| 173518 | Lecair Electric Inc.
Action: The Board discussed this matter. |
| 1810548 | Pacific West Underground Inc.
Action: The Board discussed this matter. |
| 1762256 | Surface Solutions
Action: The Board discussed this matter. |
| 1856083 | Unis LLC
Action: The Board discussed this matter. |

Orders Denying Leave to File Late Appeal:

- | | |
|---------|---|
| 1826923 | Aztec Lion Corporation
Action: The Board discussed this matter. |
| 1862760 | RRE Inc Electric Contractor
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

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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.
- 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

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)
- 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. Uber Technologies Inc (1594663)
5. Employbridge Holding Company, 25CHCP00143 (1499137)
6. Sun Belt Rentals, 25CU041526C (1465119)

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7. Drill Tech Drilling & Shoring, Inc. N25-1793 (1420923)
8. Metropolitan News Company, 25STCP04455 (1689021)
9. Los Angeles Police Department 25STCP05034 (1599318)
10. L & S Framing, Inc. S-CV-0057345 (1692964)
11. L & S Framing, Inc. 26CV011326 (1720076)

Appellate Court:

- 1.** 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.)

1854003	2H Farms, LLC
1868253	7-Eleven, Inc.
1701875	A & O Stone Works
1836091	ABF Freight System, Inc.
1851896	Almendariz Consulting Inc.
1856921	Bains Bros Dryers Inc.
1857283	Bessiere & Casenhiser, Inc.
1868724	Breakform Fabrication, Inc.
1531096	Browning Contractors, Inc.
1865920	Campesinos Farm Labor Contracting Inc.
1792272	Caravan Foods II, Inc.
1753212	Central West Produce
1855895	Cimarron Harvesting LLC
1740302	D'Arrigo Bros Co. of California
1834309	Dakota Drilling & Concrete Inc.
1697883	Darcy & Harty Construction, Inc.
1737803	DAV Inc
1857247	Design Masonry, Inc.
1843323	Diversified Minerals, Inc.
1615329	DTW Construction, Inc.
1806571	Eden Housing Inc.
1705443	El Cajon Motors
1628729	ER Plumbing and Construction, Inc.

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1649785	FedEx Ground Package Systems, Inc.
1669815	FirstClass Foods- Trojan Inc.
1845555	Fred Pedroza Ready Mix, Inc.
1756071	Goodwin and Sons, Inc.
1858508	Granite Construction Company
1713269	Grimmway Enterprises, Inc.
1842996	Haraaz Builders Inc.
1821821	Harder Mechanical Contractors, Inc.
1831068	Heco-Pacific Manufacturing, Inc.
1841332	Ice Cold Storage Inc.
1781337	In-Shape Solutions, LLC
1614396	Irish Construction
1841594	J&T Water Damage Services LLC
1760151	K.J. Woods Construction, Inc.
1564699	Kenyon Plastering of Southern California, Inc.
1511554	Kristich- Monterey Pipe Company
1853046	Lamsco West Inc
1833590	Los Cuates Auto Repair & Tire
1805664	Lytle Creek Firing Line, Inc.
1842937	Macy's Retail Holdings LLC
1735048	Michael J. Kincaid Construction Company
1855183	Mike Sudduth Farms, Inc
1828445	Mission Sheet Metal, Inc.
1823755	Mitchelle Concrete
1636232	Monico Alloys Inc.
1670194	Monico Alloys Inc.
1682426	Monico Alloys Inc.
1705138	National Electric & Services Inc.
1864783	Newtron, LLC
1741508	NP Mechanical, Inc.
1848905	Onit Development Inc
1805861	P.R. Farms, Incorporated
1828468	Pacific Buckeye LLC
1872212	Pacific Personnel Management Inc.
1853173	Precision General Commercial Contractors, Inc.
1805797	Premier AG Services, LLC
1762072	Quikrete California, LLC
1758717	Rite Staff, Inc.
1853983	Rudy's Commercial Refrigeration, Inc.
1855806	S.J. Distributors LLC
1870633	Sandoval Transmissions
1858588	Scotch Paint & Coatings, LLC
1803021	Skyline Steel Erectors, Inc
1873663	SoCal Berry Growers, LLC
1839503	Sydney Peak Stone Inc.
1851564	T Concrete Inc.

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1632314	Tesla, Inc.
1836421	Tesoro Refining & Marketing Company LLC
1840904	Tesoro Refining & Marketing Company LLC
1609228	The Geo Group, Inc. DBA Golden State Annex
1696068	Timberworks Construction, Inc.
1843085	Tropical Plaza Nursery, Inc.
1857475	U.P. Contract, Inc.
1811863	Universal Packaging West, Inc.
1812171	University of California, Berkeley- Facilities
1781561	Victory Built
1833570	Western Gases & Equipment, Inc.
1749371	XPO Logistics Freight, Inc. and its Successors

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

Personnel:

(Issues regarding staff)

The Closed Session adjourned at 10:39 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 10:40 a.m.