

State of California
California Occupational Safety and Health Appeals Board
Minutes of the Public Meeting & Closed Session
Held on July 8, 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
Les Murad, 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 the Director, DIR
Katera Rutledge, DOSH Attorney
David Wiseman, Staff Counsel, Cal Fire
Jordan Uter, Worksafe
Mona Fran

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:

No request.

Minutes of June 17, 2026, Meeting:

(Approve or amend minutes of previous Board meeting.)

Action: The Board voted to approve the minutes of the June 17, 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 reported that the initial analysis of the Stakeholders comments will soon be presented to the Board for their review.

Legislation:

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

Action: Karen Halbo reported on AB-2499. All other bills she is watching are moving along.

Chairperson's Report:

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

Action: Ed Lowry shared he and Scott Pease met with DIR Director, Jennifer Osborn, and discussed Adam Romero's promotion and who to contact in his absences. Ed Lowry will be absent at the next Board meeting on July 22, 2026. Judith Freyman will serve as chair of the meeting in his absences.

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: Scott Pease reported that the Analyst I position has closed and he is waiting for applications to be released. A candidate is being selected for the Administrative Law Judge (ALJ) position, and he is waiting for HR's approval. The Analyst II position closes tomorrow.

Staff Reports:

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

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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 there are no new regulations. The Std 399 for the Prehearing and Hearing Regulations had to be re-signed by the Director before Agency can give its final approvals.

Presiding Administrative Law Judge Sam E. Lucas shared that he and Presiding Administrative Law Judge Kerry Lewis held a Stakeholders training on June 26th in response to the Stakeholders' Meeting held in January. They had 35 people in attendance and reviewed the appeal process. They have a second class today, July 8th. The Presiding ALJs are considering hosting these classes regularly if there is sufficient attendance.

2. Ligation Update

Action: Aaron Jackson provided the following updates:
In the Fontenoy Engineering, Inc (1847651) matter, the Board has filed a demurrer. In the Drill Tech Drilling & Shoring, Inc. (1420923) matter, Legal staff is preparing a proposed Statement of Decision that is due on July 27. In the Metropolitan News Company (1689021) matter, the Board prevailed on the demurrer, but a Motion for Reconsideration will be heard on July 17th.

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 thanking the Presiding ALJ's for hosting the Stakeholder's class on the appeals process.

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 may, in their discretion, decide to reconsider the ALJ Decision on their own motion.)

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1568216 California Farms Meat Company, Inc.
Action: The Board discussed this matter.

1531603 San Francisco Bay Area Rapid Transit District.
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.)

1637991 Amirian Management Company
Action: The Board voted to issue an Order taking the Petition for Reconsideration under Submission.
It was moved by Marvin Kropke.
It was seconded by Judith Freyman.
The vote was 3-0.

1625267 Boulay Construction (DOSH)
Action: The Board discussed this matter.

1314977 Empire Equipment Service, Inc.
Action: The Board voted to issue an Order taking the Petition for Reconsideration under Submission.
It was moved by Marvin Kropke.
It was seconded by Judith Freyman
It was voted 3-0.

1460783 Otis Elevator
Action: The Board voted to issue an Order taking the Petition for Reconsideration under Submission.
It was moved by Judith Freyman.
It was seconded by Marvin Kropke.
It was voted 3-0.

1626309 Universal Dust Collectors Mfg. Supply Corp.
Action: The Board voted to issue an Order taking the Petition for Reconsideration under Submission.
It was moved by Judith Freyman.
It was seconded by Marvin Kropke.
It was voted 3-0

Orders Dismissing Appeal:

1811860 CTS Mechanical Inc.
Action: The Board discussed this matter.

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1866005 Prime AG Services Inc
Action: The Board discussed this matter.

1796637 West Coast Janitorial Services
Action: The Board discussed this matter.

Orders Denying Leave to File Late Appeal:

1862559 Pro Roto Inc.
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.

1625267 Boulay Construction

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

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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?
- 1401587 Los Angeles Department of Water and Power
- 1469097 Lowe's Home Centers, LLC

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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 (15)(B) [safe use of ladders], and whether Employer established its affirmative defense.
- 1235941 McCarthy Building Companies, Inc.

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

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

1552002 Tesla, Inc.

1486176 Tutor Perini Corporation and O&G Industries, Inc.
Whether the Employer committed a serious accident-related violation of section 3328, subdivisions (a).

Action: The Board discussed this matter.

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. Below is a list of active court cases filed against the Board in the Superior Court and Court of Appeal. Pursuant to Government Code section 11126, subdivision (e), the Appeals Board may confer with its Legal Unit for the purposes of receiving legal advice regarding the pending litigation and confer on litigation strategy.)

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. Employbridge Holding Company, 25CHCP00143 (1499137)
5. Sun Belt Rentals, 25CU041526C (1465119)
6. Drill Tech Drilling & Shoring, Inc. N25-1793 (1420923)
7. Metropolitan News Company, 25STCP04455 (1689021)

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8. Los Angeles Police Department 25STCP05034 (1599318)
9. L & S Framing, Inc. S-CV-0057345 (1692964)
10. L & S Framing, Inc. 26CV011326 (1720076)
11. Fontenoy Engineering, Inc. 26WM000139 (1847651)
12. M.C.M Construction, Inc. 26WM000146 (1666933)

Appellate Court:

1. Waterproofing and Roofing Solutions, Inc. 24STCP03693 (1690885)

Other Items:

There are no Other Items.

Orders Of Administrative Law Judges:

(Written orders 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 may, in their discretion, decide if they will reconsider or remand the issued order.)

1827190	7-Eleven
1861110	Acadia Health Care
1761063	Ace Hardware Corporation
1820988	Adept HR
1702552	Al Charlie US Bidco LLC
1858773	Albertsons LLC
1483158	Alco Harvesting, LLC
1829753	All Season Roofing & Waterproofing, Inc.
1854369	Alyssa Luden Barajas
1897657	American Builders & Contractors Supply Co., Inc.
1776185	American Dream Farms LLC
1644464	Americold Logistics LLC
1615664	Amerisourcebergen Corporation
1653013	Arcadis – US, Inc.
1607878	Barry A. & Lauren E. Gauthier
1842480	Big 5 Sporting Goods
1760390	Capistrano Unified School District
1857861	Cascade Comfort Services, Inc.
1888897	Cedar Logistics
1835827	Central Valley Labels, Inc.
1865986	Charles Pankow Builders
1861353	City of Fresno- Department of Public Works
1719740	City of Fresno, Wastewater Division

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1857668	City of Oceanside
1767784	City of Piedmont
1872431	Claremont USD- El Roble Intermediate School
1659388	Clean Harbors Environmental Services, Inc.
1750671	CLN Worldwide, LLC
1857651	Corona Motel LLC
1834579	CRST Expedited, Inc.
1414236	Davey Tree Surgery Company
1839345	David Knott Inc.
1828995	Decco Castings, Inc.
1788144	Del Monte Foods, Inc.
1855789	Department of Cannabis Control
1865957	DS 24
1774661	Dublin San Ramon Services District
1637215	E & B Natural Resources Management Corporation
1876253	Elk Creek Builders LLC
1662411	Energy Roofing, Inc.
1794755	Federal Express Corporation
1828707	General Freight Handler
1857141	Globe Iron Foundry Inc.
1723181	Golden Gate Bell, LLC
1701790	Granite Construction Company
1779372	Hanil Eco Solutions
1854761	Happy Link International Trading Company
1820812	Hart Built Construction Inc.
1855948	Ideal Fulfillment
1848291	Inland Valley Humane Society and S.P.C.A
1824472	Iron Industries, Inc.
1832154	Iron Mike's Guns LLC
1722926	JD2 Inc.
1855133	Jett Harvest, Inc.
1855924	Jett Harvest, Inc.
1814889	Kern Oil & Refining Co.
1853992	Kern Steel Fabrication, Inc.
1807640	Kim's Marble Inc.
1861283	Lake Bottom Brewery & Distillery LLC
1837947	Lakeside Organic Gardens, LLC.
1844703	Langetwins Wine Company, Inc.
1843903	Layton Construction LLC
1727963	Leprino Foods Company, Inc.
1660876	LYB@Home, Inc
1778003	Maria Garcia Herrera
1859348	McLeran Inc.
1805324	Merganser Inc.
1844628	Miguel Angel De La Rosa Nunez
1737789	Motive Energy Storage Systems, Inc.

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1826644	Nate's Tree Service, Inc.
1852047	Norcal Painters Incorporated
1840312	Nyahs Trucking
1855166	Oakhurst Country Club
1840368	Oakhurst Industries, Inc.
1843894	Ocean Park Mechanical Inc
1864795	Onpoint Industrial Services, LLC
1838744	Orange County Solar Contacting Services, Inc.
1872464	Pacific Farm Management, Inc.
1631338	Pacific Farm Management, Inc.
1761057	Pacific Pools Service Inc
1618436	Palisade Builders, Inc.
1795965	Paragon Framing, Inc.
1844497	Pine Mountain Club Property Owners Association
1860808	Pinsarella Food LLC
1859078	Polycorp US LLC
1818422	Precision Contracting Solutions, Inc.
1743761	Quadrant Concrete Inc.
1697495	R&S Erection Tri-County Inc.
1774246	R-N Market Inc.
1851710	Rainbow Waterproofing & Restoration Co.
1883500	Ranch Management, LLC
1767801	Raymond Handling Solutions, Inc.
1827737	RJ Murphy Construction Inc
1689200	Royal Custom Designs, LLC
1842362	San Diego Living Room Inc
1815934	San Diego Softwash LLC
1880087	Santos Montemayor FLC, Inc.
1843221	Scott Matthews
1822385	SIA Engineering (USA)
1601260	Skillset Group, Inc.
1798666	Sonoma Water
1852633	Sonray Solar Inc.
1854763	Sub Zero Ice Cream- California, LLC
1857128	Tad Excavation, Inc.
1842375	Tatarek Concrete Construction, Inc.
1794452	Taylor Farms Retail, Inc.
1653104	Taylor Harvesting, LLC
1697213	Tesla, Inc
1662190	Tesla, Inc
1852276	The Regents of the University of California, Davis
1759979	Three Peaks Corp
1740159	TK Elevator Corporation
1765022	Top Deck Investments, Inc.
1858843	Travalex S.A De C.V.
1792021	United Production Framing LLC

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1539992	Volt Management Corp
1846775	Weber Wag & Woof, LLC
1858314	West Coast Drywall & Company, Inc.
1765214	White Oaks Polo Club, LLC
1866898	Yaseth Silva Finish Carpenter

Action: The Board has reviewed the Settlement Orders issued by the ALJs.

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 taken in the Closed Session as indicated above. The Board meeting was adjourned at 11:10 a.m.