State of California
California Occupational Safety and Health Appeals Board
Minutes of the Public Meeting & Closed Session
Held on October 22, 2026
Sacramento, California
Zoom Platform

Present:

Judith Freyman, Management Member
Marvin Kropke, Labor Member
Scott Pease, Executive Officer
Aaron Jackson, Chief Counsel
Karen Halbo, Staff Counsel
Brian Nichols, Staff Counsel
Camille Dixon, Staff Counsel
Amy N. Lara, Operations Manager
Maria Rios, Legal Analyst
Beth Reiken, Executive Secretary
Maria Galvez, Cal OSHA Reporter
Diane Buccuzzo, DOSH
Alejandro Sanchez, DOSH
Cassie Hilaski, DOSH
Matt Smylie, Ford Construction Company, Inc.
Kevin Reedy

Excused Absence: Ed Lowry, Public Member, Chair

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 November 4th and November 18th 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 2-0.

Minutes of October 7, 2026, Meeting:
(Approve or amend minutes of previous Board meeting.)

Action: The Board voted to approve the minutes of the October 7, meeting.
This was moved by Judith Freyman.

It was seconded by Marvin Kropke.
The vote was 2-0.

Oral Argument:
(The Board will hear oral argument regarding pending petitions for reconsideration.)

1. JT2, Inc., Inspection No. 1518442

Action: The Board received a motion to reschedule Oral Arguments. The Board voted to issue an order granting the Motion for Continuance Oral Arguments will be held on December 2, 2026, at 9:00 a.m. This was moved by Judith Freyman. It was seconded by Marvin Kropke. The vote was 2-0.

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: Comments from the Stakeholder's Roundtable are still being reviewed by the Board. The legal team is drafting up proposed regulations.

2. The hearing on the Prehearing and Hearing Regulations rulemaking has been re-scheduled for the November 4, 2026, Board meeting. The written public comment period for the Prehearing and Hearing Regulations rulemaking (proposed regulatory amendments to California Code of Regulations, title 8, sections 370, 371, 371.1, 373, 374, 374.2, 374.3, 376, 378, and 383) has been extended 21 days and closes on October 26, 2026.

Any person may present statements orally or in writing relating to the proposed action. The rulemaking documents may be found posted on the Board's website. https://www.dir.ca.gov/oshab/Rulemaking.html

Action: Aaron Jackson shared that public comments can be made at the November 4, 2026, Board meeting regarding the proposed Prehearing and Hearing Regulations.

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

Action: Karen Halbo shared that the current session will end November 30, 2026, and that the next regular session will open December 7, 2026.

Chairperson's Report:

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

Action: No report.

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: Executive Officer, Scott Pease, provided the following HR update for OSHAB vacant positions: The new Analyst I will start on Monday, October 26th. The name of the top candidate for the Analyst II position has been sent to HR for approval.

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 litigation update: Legal staff appeared for oral argument in the L & S Framing Inc. matter (1692964). The court has taken the case under submission, and the Board is waiting final decision from the court. On November 2nd, legal staff will appear for oral argument in the matter of Employbridge Holding Company (1499137).

3. Presiding Judge report

Action: No report.

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 comments.

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.)

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.)

1633708 Mountain F. Enterprises, Inc.
Action: The Board voted to issue an Order taking Petition for Reconsideration under submission.
It was moved by Judith Freyman.
It was seconded by Marvin Kropke.
The vote was 2-0.

1860154 Stucco Specialties, Inc.
Action: The Board discussed this matter.

Orders Dismissing Appeal:

1755267 Halling Painting, Inc.
Action: The Board discussed this matter.

1818132 Master Construction Group, Inc.
Action: The Board discussed this matter.

1808559 QE Solar LLC
Action: The Board discussed this matter.

1692904 United Construction & Development, Inc.
Action: The Board discussed this matter.

1856669 Yolo Hulling and Shelling, LLC
Action: The Board discussed this matter.

Orders Denying Leave to File Late Appeal:

There are no Orders Denying Leave to File Late Appeal.

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 Forestry 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?

1731627 City of Los Angeles Department of General Services

1446266 Creative Packaging
Whether *the employer violated hazard energy control regulations as alleged*.

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?

1314977 Empire Equipment Service, Inc.

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)?

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?

Action: The Board granted a motion to reschedule oral argument to 9:00 a.m. on December 2, 2026.

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
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.

Action: The Board discussed this matter.

1460783 Otis Elevator (ER)

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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.

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)

1552002 Tesla, Inc.

1626309 Universal Dust Collector MFG. & Supply Corp.

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. Drill Tech Drilling & Shoring, Inc. N25-1793 (1420923)
6. L & S Framing, Inc. S-CV-0057345 (1692964)
7. L & S Framing, Inc. 26CV011326 (1720076)
8. M.C.M Construction, Inc. 26WM000146 (166693
9. Republic Electric West, Inc. (1355061)
10. Tesla, Inc. (1454931)

Appellate Court:

1. Metropolitan News Company, 25STCP04455 (1689021)
2. Uber Technologies, Inc. (1594663)

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.)

1867559	3R Technology California
1776575	A&R Builders Inc.
1863812	Al Pak Labor, Inc.
1827543	Anvil Power Inc
1801362	BakeMark USA LLC
1866003	Bay Ship & Yacht Co.
1870535	Benedict Automotive Specialists Inc.
1861277	Bread Savage, Inc.
1749228	Butler Amusements Inc.
1857992	C A Builder
1829997	C&J Well Services, LLC
1672070	Campos Brothers, LLC
1881822	CBC Framing, Inc.
1856357	Cedarwood-Young Company
1869439	Chevron U.S.A. Inc- Richmond Technology Center
1864229	Compass Support Group
1861827	Costco Wholesale
1811860	CTS Mechanical Inc.
1774055	Del Sol Harvesting Inc.
1873045	DPR Construction, A General Partnership
1882245	El Taco Llama, Inc.
1530560	Employbridge, LLC
1856359	First Step Staffing Inc.
1829651	Flatiron Dragados USA, Inc.
1885355	Fullerton Lodge Inc.
1874716	Gongco Foods
1847227	Goodwill Industries of SF/SM
1870524	Hanford Alignment Service Inc.
1862059	Hathaway Dinwiddie Construction Company
1896191	Haus Construction, Inc.
1639822	Humboldt Sanctuary Farms LLC and its Successors
1849666	Ibarra Trucking
1730565	In N Out Burger
1888690	J Crona Construction Inc.
1813983	Jonathan Kimball and Melissa Kimball
1774372	Landsea Holdings Corporation
1787278	Lockheed Martin
1857145	Metropolitan Water District of Southern
1518440	Murray Plumbing and Heating Corporation
1855017	Napa Recycling and Waste Services LLC
1792357	Nate’s Fine Foods LLC
1815612	Nate’s Fine Foods LLC
1881250	Network Integration Company Partners Inc
1840100	New Cal Metals, Inc.
1891049	North Sky Communications LLC
1867181	Pacific Bell Telephone Company

1903157	Papi Tacos & Churros 2 Inc
1870845	Plant Construction Company, L.P.
1783360	Plumbing Systems West Inc.
1875363	Pomona USD- LA Verne Science Technology Charter
1847319	Prestige Lax Inc
1715719	Raul Escobedo Felix
1799679	Regusci Vineyard Management
1885403	Reynen & Bardis Homes Inc.
1839842	Robertson's Ready Mix LTD A California Limited
1784518	RoseMary Lasgoity
1855420	Saul Echeverria
1621505	Security Paving Company, Inc.
1871914	Semifreddi's Inc.
1815624	SMikha Store Inc
1726458	Sun Day Carwash Inc.
1707121	Super Center Concepts, Inc.
1780942	Target Constructors, Inc.
1883668	Tasty Burger Inc
1617527	Tutor Perini Corporation and O&G Industries, Inc.
1862788	Up Developments Inc.
1854367	US Longton Inc
1730351	Utility Tree Services, LLC
1872084	Vivid Construction
1873026	Washington Garment Dyeing & Finishing, Inc.
1876213	Wetherly Luxury Residences Homeowners
1866212	Yuba College

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

Personnel:

(Issues regarding staff)

The Closed Session adjourned at 10:01 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 10:02 a.m.