

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, January 16, 2013**  
**10 a.m.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: January 4, 2013**

**RE: Closed Session of the Board to be held on January 16, 2013**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session. Any item not resolved in this meeting will be continued to subsequent meetings as indicated in the minutes.

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**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.)*

1. DAVID R. MILLER CONSTRUCTION INC., 11-R2D1-0456
2. GLOBAL LEISURE PRODUCTS, INC. DBA SPA HOPPER, 12-R2D2-1416
3. RONALD D. LITTLE DBA AAA TREE SERVICE, 11-R2D1-1499
4. JOHN MOURIER CONSTRUCTION INC., DBA JMC HOMES, 11-R2D1-0086
5. RAJ KUMAR SHARMA DBA SUNRISE ORCHARDS, 10-R2D1-3390 AND 3391
6. SOUTHLAND-TUTOR-PERINI JOINT VENTURE, 11-R5D1-3248 AND 3249
7. T. SHANNON CONSTRUCTION, INC., 11-R2D2-2053

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8. THYSSENKRUPP ELEVATOR, 11-R2D1-2217 THROUGH 2219
9. YNT HARVESTING, 08-R2D5-5010

**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.)*

1. ADB ENTERPRISES, LLC DBA GILL RANCH COMPANY, 12-R6D7-1924
2. ALBANY BOWL PROPERTIES PARTNERSHIPS, LP, 12-R1D4-2495 THROUGH 2497
3. ALLIANCE RESIDENTIAL BUILDERS II GP INC., 12-R4D2-1219
4. BERKE DOOR & HARDWARE, INC., 11-R2D1-0543
5. BEST DRILLING & PUMP INC., 12-R2D5-2735 AND 2736
6. BO DEAN CO INC., 12-R5D1-1879
7. BODYCOTE THERMAL PROCESSING INC., 12-R4D2-1223 THROUGH 1225
8. BUTTE LODGE OUTING CLUB, INC., 12-R2D3-0981
9. CABLE BROTHERS INC., 12-R4D2-1220 AND 1221
10. CALIFORNIA DAIRIES, INC., 12-R2D5-1598
11. CALIFORNIA FORENSIC MEDICAL GROUP INCORPORATED, 12-R1D5-1797
12. JOSE CARDENAS DBA CARDENAS CONSTRUCTION, 12-R6D7-2291 AND 2292
13. CITY OF LEMOORE WASTEWATER TREATMENT PLANT, 12-R6D3-1776 THROUGH 1779
14. CLARK & SULLIVAN BUILDERS, INC., DBA CLARK & SULLIVAN CONSTRUCTION, 12-R2D3-2163 THROUGH 2165
15. CLEAN COAT PAINTING, INC., 12-R2D2-0740

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16. PEDRO DUARTE DBA DUARTE AUTO BODY, 12-R6D7-2056 AND 2057
17. FOXFIRE CONSTRUCTORS, INC., 12-R5D1-2110
18. GENERAL MILLS, INC., 12-R2D4-1490
19. ROSALIO GONZALES DBA LOS AMIGO TRANSMISSION & AUTO REPAIR,  
12-R6D7-1473 THROUGH 1475
20. GEOFFREY AND JIL HALES DBA BARNDIVA, 12-R1D5-1309
21. J. GILMORE CONSTRUCTION, INC., 12-R6D7-1921 THROUGH 1923
22. DAVE LUNA, ROBERT BURKHARDT DBA TRU-COLOR CONCEPTS,  
12-R6D7-1855
23. MARKET RECYCLING INC., DBA CANCO RECYCLING, 12-R3D5-0707 AND  
0708 & 12-R3D5-1190
24. MONTE VISTA FARMING COMPANY, 12-R2D4-1702 THROUGH 1704
25. PENNY NEWMAN GRAIN COMPANY, INC., 12-R2D4-0777 AND 0778
26. PICTURE PERFECT POOL SERVICES, INC., 12-R2D2-1666
27. PLANT SCIENCES INC., 12-R2D3-3251
28. PRODUCERS DAIRY FOODS, INC., 09-R2D5-1656 THROUGH 1659
29. RJS & ASSOCIATES CONCRETE STRUCTURES, 12-R1D3-2571
30. JESSICA RODRIGUEZ, 12-R2D4-0353
31. SACRAMENTO REGIONAL TRANSIT DISTRICT, 11-R2D1-2820
32. SAN RAFAEL ROCK QUARRY, INC., 12-R5D1-2165
33. SHINGLETOWN TREE SERVICE, 12-R2D3-0077 AND 0078
34. SOLNUS THREE LLC DBA ROSEVILLE POINT HEALTH & WELLNESS  
CENTER, 11-R2D1-3170
35. STEVE WILL'S TRUCKING & LOGGING LLC, 11-R2D3-0430
36. STEVE WILL'S TRUCKING & LOGGING LLC, 11-R2D3-0431

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37. STILLWATER CAT HAVEN, 12-R2D1-3459
38. SUTTER EMERGENCY CENTER, 12-R6D3-2532
39. TUTOR-SALIBA CORPORATION, 12-R5D1-1946 THROUGH 1956
40. UNITED COMPOST & ORGANICS, DBA FOXFARM SOIL & FERTILIZER COMPANY, 12-R2D3-2501
41. USS CAL BUILDERS, INC., 12-R4D1-0289
42. VALLEY CREST TREE CARE SERVICES, 12-R4D1-1218
43. VENTURA FOODS, INC., 12-R6D4-2449 THROUGH 2451
44. VICTOR PRODUCE, INC., 12-R2D4-2098
45. WAWONA FROZEN FOODS, 12-R6D3-0690 THROUGH 0693

**ORDERS DISMISSING APPEALS:**

1. EDCO WASTE & RECYCLING, 12-R3D2-0163 AND 0164
2. DRAEGER CONSTRUCTION, INC., 11-R1D1-2215
3. FURNITURE BY THURSTON, 11-R2D1-2497 THROUGH 2499

**ORDERS GRANTING LEAVE TO FILE LATE APPEAL:**

1. NORTH RANCH BUILDERS INC., 12-R6D7-3624 THROUGH 3626

**MATTERS HELD OVER FROM PREVIOUS MEETINGS:**

*(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)*

1. SOUTHERN CALIFORNIA EDISON, 12-R3D3-0499  
*(Petition for Reconsideration)*
2. TL PAVLICH CONSTRUCTION, INC., 11-R3D6-1303 THROUGH 1310  
*(Decision of Administrative Law Judge)*

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**PETITIONS FOR RECONSIDERATION**

1. FOSTER DAIRY FARMS, 10-R2D1-1981
2. JACOV HERSCU DBA JACK'S GENERAL CONTRACTING,  
11-R1D4-1725-1729
3. PCS SOLUTIONS, INC., 12-R3D6-0578 AND 0579

**DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):**

1. LIU'S ENTERPRISE CONSTRUCTION, CO., 12-R3D1-9141

**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.)*

1. A-1 PROTECTIVE SERVICES, INC., 10-R1D1-1592
2. AC TRANSIT, 08-R1D4-0135
3. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
4. ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655
5. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
6. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239  
THROUGH 2241
7. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445  
AND 3448
8. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
9. CALIFORNIA ERECTORS, INC., 10-R1D2-2772 THROUGH 2775
10. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
11. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282
12. COFFMAN SPECIALTIES, INC., 10-R3D3-3532

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13. COMMERCIAL METAL FORMING, 09-R3D1-1592
14. COMMUNITY RECONSTRUCTION SOLUTIONS, INC., 11-R1D1-1484
15. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
16. COUNTY OF ALAMEDA, GENERAL SERVICES AGENCY, 11-R1D4-3064
17. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
18. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
19. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
20. EZ MIX, INC., 08-R4D3-1898
21. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687
22. HYDRO-SCIENCE OPERATIONS INC., 10-R1D2-0389
23. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
24. IRWIN INDUSTRIES, 08-R6D4-1454
25. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
26. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
27. LION RAISINS, INC., 08-R2D5-2253 AND 2254
28. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
29. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
30. MARINE TERMINALS, 08-R6D2-1920
31. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
32. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
33. ORANGE COUNTY FIRE AUTHORITY, 12-R3D1-0364
34. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
35. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864

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36. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
37. PERSONNEL PLUS, INC., 11-R3D5-1302
38. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
39. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
40. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
41. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
42. SMUD, 08-R2D1-4887 THROUGH 4889
43. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
44. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
45. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
46. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
47. VAN EVERY CONSTRUCTION, INC., 11-R1D4-0936 AND 0937

**LEGISLATION:**

**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. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
2. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
3. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)

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4. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430  
(09- 9280/9281)
5. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047  
(07-R5D1-3611)
6. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP,  
34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
7. SMUD, 34-2010-80000723 (08-R2D1-4887)
8. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
9. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
10. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965  
(10-0188~0191)
11. GUILLAUME GRAPEVINE NURSERY, INC., 34-2011-800001010  
(08-R2D1-3273)
12. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459  
THROUGH 2461)
13. FLATIRON CONSTRUCTION CORP, 34-2012-800001029 (10-R4D1-2789)
14. HOLLANDER HOME FASHION, BS-135444 (10-R4D2-3704)
15. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 12CV01039  
(07-R2D3-0275)
16. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
17. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
18. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
19. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
20. SHERWOOD MECHANICAL, INC., 37-2012-00101466 (08-R3D2-4690 ~ 4693)
21. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219  
AND 0220)

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22. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
23. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258  
(05-R2D4-2650 AND 2651)
24. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
25. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
26. PRESTON PIPELINES, INC., 34-8012-80001277 (09-R6D7-3345)
27. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
28. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
29. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332  
(09-R4D5-0459 & 0460)
30. A. TEICHERT & SON, DBA TEICHERT AGGREGATES, RG12 659881  
(10-R5D1-3029)

**PERSONNEL:** *(Issues regarding staff.)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.