

California Underground Facilities Safe Excavation Board

In the Matter of
FK Design and Construction Inc.,
Respondent

Case No. N242694

DECISION REGARDING NOTICE OF PROBABLE VIOLATION

On July 14, 2025, the Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the Board) considered Case No. N242694. The Board issued a Notice of Probable Violation (NOPV) to FK Design and Construction Inc. (Respondent) on May 21, 2025. Respondent made a timely request for an informal hearing and submitted written documents to the Board for consideration. Respondent did not appear for the informal hearing.

Board members Clausen, Johns, Johnson, Muñoz, and Simonian participated in the decision.

FINDINGS

Having considered the investigation report and Respondent's written response, the Board finds that a violation of the Government (Gov.) Code sections 4216.2, subsection (b) occurred.

VIOLATION SUMMARY

Government Code § 4216.2(b): Failure to notify the regional notification center of intent to excavate prior to starting excavation. Gov. Code 4216.2, subsection (b) requires an excavator planning to conduct an excavation to notify the appropriate regional notification center of the excavator's intent to excavate at least two working days, and not more than 14 calendar days, before beginning that excavation unless it is an emergency.

JURISDICTION

When the Board finds a probable violation of the Dig Safe Act (Gov. Code section 4216 et seq.), the Board must transmit the investigation results and any recommended penalty to the appropriate agency identified in Gov. Code section 4216.6, subsection (c) or (d). This matter is subject to the jurisdiction of the CONTRACTORS STATE LICENSE BOARD which may accept, amend, or reject this Board's recommendation.

SANCTIONS

The Board RECOMMENDS that the CONTRACTORS STATE LICENSE BOARD order Respondent to take the Board's education course and pay a penalty of \$8,000.

The following factors were considered relevant to this sanction determination:

- Respondent's violation was serious.
- Respondent failed to notify 811 before excavating.
- Respondent damaged a subsurface 2-inch natural gas line which resulted in a gas escape.

/s/ William Johns
William Johns, Chair

Date: August 8, 2025