

California Underground Facilities Safe Excavation Board

In the Matter of
Modern Muse Construction,
Respondent

Case No. N250371836

DECISION REGARDING NOTICE OF PROBABLE VIOLATION

The Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the Board) issued a Notice of Probable Violation (NOPV) to Modern Muse Construction (Respondent) on September 17, 2025. Respondent submitted a response to the NOPV. On November 18, 2025, the Board considered Case No. N250371836. Board members Clausen, Johns, Johnson, Muñoz, Simonian, and Sorem participated in the decision.

FINDINGS

Having considered the investigation report and Respondent's response, the Board finds that violations of Government (Gov.) Code sections 4216.2(b) and 4216.4(c)(1) occurred.

VIOLATION SUMMARY

Gov. Code section 4216.2(b): excavated without first notifying the regional notification center.

Gov. Code section 4216.4(c)(1): failed to call 911 emergency services upon discovering or causing damage to subsurface installation resulting in the escape of flammable, toxic, or corrosive gas or liquid.

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 \$500.

The following factors were considered relevant to this sanction determination:

- Respondent's violations were serious.
- Respondent should benefit from taking the Board's education course.

/s/ William Johns
William Johns, Chair

Date: February 2, 2026