

California Underground Facilities Safe Excavation Board

In the Matter of
Agundez Concrete Company,
Respondent

Case No. D223320008

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 Agundez Concrete Company (Respondent) on September 15, 2025. Respondent did not submit a response to the NOPV. On November 17, 2025, the Board considered Case No. D223320008. Board members Clausen, Johns, Johnson, Muñoz, Simonian, and Sorem participated in the decision.

FINDINGS

Having considered the investigation report, the Board finds that violations of Government (Gov.) Code sections 4216.4(a)(2)(B) and 4216.4(c)(3) occurred. Further, the Board finds that Respondent did not violate Gov. Code section 4216.2(g)- excavating prior to all operators responding to the ticket.

VIOLATION SUMMARY

Gov. Code section 4216.4(a)(2)(B): used power-tools to remove pavement when subsurface facilities were known to be embedded in the pavement.

Gov. Code section 4216.4(c)(3): failed to report damage to the regional notification center within 48 hours.

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 \$6,000.

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