



DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Office of the State Fire Marshal
California Underground Facilities Safe Excavation Board
2251 Harvard Street
SACRAMENTO, CA 95815
(916) 568-3800
<https://digsafe.fire.ca.gov/>



July 8, 2020

NOTICE OF PROBABLE VIOLATION

Bill Gray, Project Manager
Swinteron General Contractors
17731 Mitchell North #200
Irvin, CA 92614

Case No.: 19LA1090

Address/Location of Violation(s): Lemonwood Elementary School
2001 San Mateo Place, Oxnard, CA 93033

Date/Time of Violation(s): February 19, 2019 @ 8:59 am

Dear: Mr. Gray,

The Board has concluded its investigation of an incident on the above date, time and location and has determined that Swinteron General Contractors violated Article 2 of Chapter 3.1 of Division 5 of Title 1 of the California Government Code as follows:

Swinteron General Contractors violated California Government Code 4216.2 (b) which states, except in an emergency, an excavator planning to conduct an excavation shall 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. However, an excavator and an operator may mutually agree to a different notice and start date.

On February 19, 2019, an employee of Pierre Landscaping was excavating a drainage ditch at Lemonwood Elementary School when he ruptured a 2" inch gas line. Bill Gray,

Project Manager, Swinterton General Contractors stated in an interview that (Swinterton) was the general contractor for the Lemonwood School project. Gray also stated that he was at the site the day of the incident and that Pierre Landscape had not called in a ticket. Gray acknowledged that Swinterton had not called in a ticket for the work being done by their subcontractor Pierre Landscape. A check of the DigAlert database confirmed the admission made by Gray.

A Corrective Action of mandatory completion of the Dig Safe Board's education course is being imposed. Please see <https://digsafe.fire.ca.gov/education-course/> for more information.

The proposed sanction reflects the nature and gravity of the violation and takes into consideration the Respondent's history of prior offenses, cooperation with the investigation and demonstration of his/her intent to comply with Gov't Code §4216 et seq. in the future.

This matter will be referred to California State Contractor's License Board with a recommended penalty of mandatory completion of the Dig Safe Boards education course.

You may contest this notice by responding to this notice promptly. Please see attached instructions on completing and submitting your response for options available to you. Your response to this notice must be received by the California Underground Facilities Safe Excavation Board no later than August 19, 2020.

Sincerely,

Jason Corsey

Jason Corsey
Chief of Investigations
Dig Safe Board
916-926-1660

Proposed hearing date: September 14, 2020