



**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**

MGE UNDERGROUND  
NICK POINDEXTER  
816 26TH ST  
PASO ROBLES, CA 93446

Agent for Service of Process:

THOMAS J. MADDEN  
1948 SPRING STREET  
PASO ROBLES CA 93446

Case No.: 20SA1021

Address/Location of Violation(s): [REDACTED] San Jose, California

Date/Time of Violation(s): March 17, 2020 at approximately 0715 hours

Dear: Mr. Poindexter

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

The Board has determined that MGE Underground violated California Government Code 4216.2(g) "Unless an emergency exists, an excavator shall not begin excavation until the excavator receives a response from all known operators of subsurface installations..."

On March 17, 2020, MGE Underground was directional boring to install an electrical conduit when they exposed an AT&T communications utility line. MGE called in a locate

request and had a start date of March 13, 2020, according to MGE employee statements and the USA North Ticket Inquiry database, AT&T and Comcast had not responded to the locate request at the time of the exposure.

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.

The California Underground Facilities Safe Excavation Board will act on this notice of probable violation in a future meeting.

This matter will be referred to the California Contractors State 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