



**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**

Kleven Construction  
John Lusk  
110 S. PRIEST DR, SUITE 101  
Tempe, AZ 85281

Agent for Service of Process:  
CT Corporation Services  
818 W. South Seventh Street  
Los Angeles, CA 90017

Case No.: 20SA1035

Address/Location of Violation(s):

Gold Canal Drive and Sun Center Drive, Rancho Cordova, California

Date/Time of Violation(s): March 31, 2020 at approximately 0938 hours.

Dear: Mr. Lusk,

The Board has concluded its investigation of an incident on the above date, time and location and has determined that Kleven Construction, LLC 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 Kleven Construction, LLC violated California Government Code 4216.3 (b) - An Excavator will renotify the One Call Center with a remark request when marks are no longer reasonably visible and 4216.4 (a) (1) - An Excavator will determine the exact location of a utility using hand tools before using any power-driven excavation or boring equipment.

On March 31, 2020, Kleven Construction was conducting a boring operation when they struck an electrical utility line. Although, the site had been marked initially, recent construction to a parking lot removed the markings from the site.

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 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: Hearing Date: September 14, 2020