



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/>



NOTICE OF PROBABLE VIOLATION

Michael Moran
City of Lafayette Department of Public Works
3675 Mt. Diablo Blvd, #210
Lafayette, CA 94549

February 22, 2021

Case No.: 20SA01291
Address/Location of Violation(s): City of Lafayette
Date/Time of Violation(s): Various

Dear: Michael Moran,

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

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| Gov't Code 4216.1 | Every operator of a subsurface installation, except the Department of Transportation, shall become a member of, participate in, and share in the costs of, a regional notification center. The City owns subsurface installations and is considered an operator as specified in 4216(s) and 4216(o). |
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Violation of Article 2 of Chapter 3.1 of Division 5 of Title 1 of the Government Code (Sections 4216 *et seq.*) is punishable by a maximum penalty of \$10,000, or \$50,000 for knowing and willful violation.

A Corrective Action of compliance with Gov't Code 4216.1 by September 1, 2021 and 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 Government Code Sections 4216 *et seq* in the future.

This matter will be referred to the Lafayette City Council with a recommendation of the respondent becoming compliant with Gov't Code 4216.1 by September 1, 2021 and mandatory completion of the Dig Safe Board's education course.

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

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 April 5, 2021.

Sincerely,

Jason Corsey

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

Proposed hearing date: May 11, 2021