



DEPARTMENT OF FORESTRY AND FIRE PROTECTION
OFFICE OF THE STATE FIRE MARSHAL
California Underground Facilities Safe Excavation Board
715 P Street
Sacramento, CA 95814

December 3, 2021

NOTICE OF PROBABLE VIOLATION

Robert Bender
Tasteful Selections, LLC
13003 Di Giorgio Road
Arvin, CA 93203

Case No.: 21LA01474

Address/Location of Violation(s): WORK WAS CONDUCTED SOUTH OF ADDRESS GIVEN AT YELLOW VENT POLE JUST SOUTH OF MAILBOX

Date/Time of Violation(s): August 12, 2021, 9:20 AM

Dear: Robert Bender,

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

Gov't Code 4216.2 (b) 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.

Tasteful Selections began excavating using hand tools to repair a leaking concrete irrigation main near the corner of Ashe and Romero in Bakersfield no later than August 10, 2021. After being unable to adequately fix the main, Tasteful Selections requested on August 11 that Water Associates install a bypass around the broken pipe. On August 12, Water Associates used hand tools and a mini-excavator to create clearance to make a cut to the concrete pipe required to address the leak. The work did not constitute an emergency pursuant to Gov't Code 4216 (f). Neither Tasteful Selections nor Water Associates notified the one-call center of the work in violation of Gov't Code (b).

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.

Mandatory completion of the Underground Facilities Safe Excavation Board's education course is being imposed. Please see <https://dig.fire.ca.gov/education-course/> for more information.

The proposed sanction reflects Sanction is merited given that Tasteful Selections is familiar with the One-Call Law notification requirements. Corrective action of mandatory education is available to Tasteful Selections as the violation did not result in death or substantial injury or environment or property damage. Corrective action in lieu of a monetary penalty is merited based on the following factors: 1) Tasteful Selections does not have a history of violations of the One-Call Law, 2) the risk of damage was mitigated by the use of hand tools, and 3) Tasteful Selections employees cooperated with the investigation.

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 January 19, 2022

Sincerely,

DocuSigned by:
Jason Corsey
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Jason Corsey
Chief of Investigations

Proposed hearing date: April 11, 2022