



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 6, 2021

NOTICE OF PROBABLE VIOLATION

Martin Gonzalez
Gonzalez Brothers Landscaping
5120 Columbia Ave
Richmond, CA 94804

Case No.: 21SA01482
Address/Location of Violation(s): 158 Prospect Ave., Anselmo, CA
Date/Time of Violation(s): October 14, 2021, 8:45 AM

Dear: Martin Gonzalez,

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

Martin Gonzalez of Gonzalez Brothers Landscaping stated that he was hired by the homeowner to repair an existing retaining wall and to extend a trench to install an electrical conduit. Gonzales stated that he did not think he needed a ticket because he was only excavating to a depth of 12". Gonzalez did not call 811 to get a ticket prior to excavating and damaged a gas service line causing a leak.

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 warranted as Gonzalez Brothers Landscaping is a licensed contractor who is familiar with the One-Call Law notification requirements. Corrective action of mandatory education is available to Gonzalez Brothers Landscaping 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) Gonzalez Brothers Landscaping does not have a history of violations of the One-Call Law, 2) Gonzalez Brothers Landscaping cooperated with the investigation.

This matter will be referred to CSLB with a recommended penalty of mandatory completion of the 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 January 19, 2022.

Sincerely,

DocuSigned by:

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Jason Corsey
Chief of Investigations

Proposed hearing date: April 11, 2022