



OFFICE OF ENERGY INFRASTRUCTURE SAFETY
UNDERGROUND SAFETY BOARD

715 P Street, 20th Floor | Sacramento, CA 95814
916.902.6000 | www.energysafety.ca.gov

Caroline Thomas Jacobs, Director
Marjorie Del Toro, Chair

February 7, 2022

NOTICE OF PROBABLE VIOLATION

Julio Castro
Desert Concepts Construction
79775 Avenue 40
Indio, CA 92203

Case No.: 22LA01486

Address/Location of Violation(s):

Date/Time of Violation(s): January 6, 2022, 11:30 AM

Dear: Julio Castro,

The Board has concluded an investigation of an incident on the above date, time and location and has determined that Desert Concepts Construction 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.

Desert Concepts Construction was hired to plant trees at a residence in Desert Hot Springs, CA. Desert Concepts Construction commenced excavation with a backhoe without notifying the regional notification center and damaged a 2" 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 Safety Board's education course is being imposed. Please see <https://energysafety.ca.gov/who-we-are/underground-safety-board/education-course/> for more information.

Sanction is warranted as Desert Concepts Construction is a licensed contractor who is familiar with the One-Call Law notification requirements. Corrective action of mandatory education is available to Desert Concepts Construction 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) Desert Concepts

Construction does not have a history of violations of the One-Call Law, 2) Desert Concepts Construction 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 Safety 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 Safety Board no later than March 22, 2022

Sincerely,

Jason Corsey

Jason Corsey
Chief of Investigations

Proposed hearing date: April 11, 2022