



May 6, 2022

NOTICE OF PROBABLE VIOLATION

Jarryd Graaf
Custom Canopies Inc.
11815 Burke Street,
Santa Fe Springs, CA 90670

Case No.: 21LA01483

Address/Location of Violation(s): 350 W. Mauna Loa Ave., Glendale, CA 91740

Date/Time of Violation(s): October 15, 2021, 10:30am

Dear Mr. Graaf:

You are receiving this Notice of Probable Violation (Notice) as a result of an investigation pursuant to Government Code sections 4216 *et seq.* The California Underground Safety Board (Board) investigator has concluded an investigation of an incident on October 15, 2021, at 10:30AM and 350 Mauna Loa Ave., Glendora, CA 91740, and found that there is a probable violation of Article 2 of Chapter 3.1 of Division 5 of Title 1 of the California Government Code. The probable violations are:

- 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.

- 4216.4(c)(1) An excavator discovering or causing damage to a subsurface installation, including all breaks, leaks, nicks, dents, gouges, grooves, or other damage to subsurface installation lines, conduits, coatings, or cathodic protection, shall immediately notify the subsurface installation operator. The excavator may contact the regional notification center to obtain the contact information of the subsurface installation operator. If the operator is unknown and the damage or discovery of damage occurs outside the working hours of the regional notification center, the excavator may follow the instructions provided by the regional notification center through its Internet Web site or the telephone line recorded message.

- 4216.4(c)(3) An excavator discovering or causing damage shall notify the regional notification center within 48 hours of discovering or causing the damage.

Neither Custom Canopies, Inc. nor Sun Country Systems, who contracted with Custom Canopies, Inc. for the work, notified the one-call center prior to commencing excavation on October 15, 2021, in violation of Government Code 4216.2(b). Custom Canopies, Inc. stated that they had been told by

Sun Country Systems that the ticket had been taken care of and that they were clear to dig. Neither Custom Canopies, Inc. nor Sun Country Systems informed Covina Irrigation Company that they had damaged their pipeline while excavating, in violation of Government Code 4216.4(c)(1). Neither company reported the damage to the one-call center within 48 hours of the incident, in violation of Government Code 4216.4(c)(3).

Hearing and Referral to Enforcement Agency

The Board will hear and vote on your case at its next public meeting on July 11, 2022, at 1:00 p.m. in Sacramento.

During the meeting, the Board will review and consider the Investigation Report and exhibits, this Notice, and any other explanation or records you submit, and the Board will determine whether probable violations exist and whether the penalty (such as corrective action, education course, or monetary penalty) proposed by the Board investigator is appropriate. You may contest the violation and proposed penalty noted in the below section at this meeting.

Should the Board determine probable violations exist, the Board will refer your case with either the proposed penalty below or a new recommended penalty to the appropriate state or local agency for enforcement pursuant to Government Code section 4216.6 (Enforcement Agency). The Board's recommendation to the Enforcement Agency will include its finding of probable violation and a recommended penalty. The Board's recommendation does not constitute a final determination of your case. The Enforcement Agency has discretion to accept, amend, or reject the Board's recommendation, in whole or in part, through its own investigations pursuant to Government Code section 4216.6.

The Enforcement Agency for this case is:
Contractors State License Board
9821 Business Park Drive
Sacramento, CA 95827
916-255-3900

The Board will notify you of its recommendation following its public meeting.

Proposed Penalty

Any penalties provided in this Notice, including corrective actions, are only proposals by Board investigator and do not require any corrective action or payment at this time. Your Enforcement Agency will provide the final determination to and instructions for any penalty.

Pursuant to Government Code section 4216.6, violation of Government Code, Title 1, Article 2, Chapter 3.1, Division 5 (Sections 4216 *et seq.*) may be subject to a maximum penalty of \$10,000 for negligent violation, or \$50,000 for knowing and willful violation. Knowing and willful violation of Article 2 that results in damage to a gas or hazardous liquid pipeline subsurface installation and that results in the escape of any flammable, toxic, or corrosive gas or liquid may be subject to a maximum penalty of \$100,000.

The Board investigator is recommending the below corrective action and penalty:

Mandatory completion of the Underground Safety Board's education course is being imposed. Please see <https://energysafety.ca.gov/what-we-do/underground-safety-board/education-course/> for more information.

The proposed sanction merited, as Custom Canopies had been aware of the requirement to notify the one-call center. Custom Canopies is eligible for corrective action in lieu of a financial penalty, as Custom Canopies cooperated with the investigation and the violation did not result in substantial injury or environment or property damage, and Custom Canopies does not have a history of violations as identified in Board actions.

Response to this Notice

Enclosed as part of this Notice is a document titled *RESPONSE TO A NOTICE OF PROBABLE VIOLATION*. Please carefully review this document and note the response options. All material you submit in response to this enforcement action are subject to public disclosure.

You have 30 business days from the date of this Notice to submit your written response to the Board. Your response to this notice must be received by the Board no later than June 20, 2022.

If you do not respond within 30 business days, this constitutes a waiver of your right to contest the Board's determination on whether there are probable violations in this case and to refer the case to the Enforcement Agency with the Board's recommendation.

Sincerely,

Jason Corsey

Jason Corsey
Chief of Investigations

Proposed hearing date: July 11, 2022