



State of California – A Natural Resources Agency

OFFICE OF ENERGY INFRASTRUCTURE SAFETY  
UNDERGROUND SAFETY BOARD  
715 P Street, 20th Floor | Sacramento, CA 95814  
916.902.6000 | [www.energysafety.ca.gov](http://www.energysafety.ca.gov)

Marjorie Del Toro, Chair

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

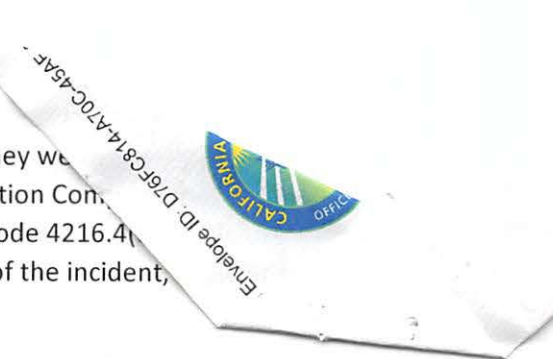
Dear Mr. Graaf:

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 not responsible for the damage. Custom Canopies, Inc. nor Sun Country Systems informed Covina Irrigation Company that they damaged their pipeline while excavating, in violation of Government Code 4216.4. The Covina Irrigation 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





## RESPONSE TO A NOTICE OF PROBABLE VIOLATION

**Case Number: 21LA01483**

**Name: Custom Canopies**

The provisions of California Code of Regulations, Title 19, Division 4, Chapter 3, governs the Notice of Probable Violation (Notice) proceedings before the California Underground Safety Board (Board). Specifically, 19 CCR 4252 provides your response options upon the receipt of a Notice.

Be advised that all material submitted by you in response to a Notice are subject to public disclosure.

Please select from one of the response options listed below. You have 30 business days to submit your written response to the Underground Safety Board. Failure to submit a written response will be considered by the Board as a "No Contest" response. Please attach this form with your selection to your response. If you choose "Contest in Writing" or "Contest in Writing and Request Informal Hearing," please also include your written explanation and documents that may be referenced in your written explanation or informal hearing. For all options, the Board will review your case and vote to determine whether probable violations exist and whether the corrective action and/or penalty proposed by the Board investigator is appropriate at the meeting.

### Response Options

#### \_\_\_ No Contest

You do not contest the violations or the penalty. If you choose to not contest the violations or the penalty, you will waive your right to request the Board to reconsider its decision or recommendation issued.

#### \_\_\_ Contest in Writing

You wish to contest either the violation, the penalty, or both by providing the Board with written explanations and other records supporting the explanation. You will submit the written explanations and records, if any, with your written response within 30 business days of receiving this Notice. Your response must not exceed 10 pages (excluding exhibits) in length and must be on 8.5" x 11" white paper, double-spaced, and in a font size no smaller than 11-point. You must submit the original and 12 physical copies of the written explanation and records to the address below, or submit one (1) copy electronically to [enforcement.dig@energysafety.ca.gov](mailto:enforcement.dig@energysafety.ca.gov). You may request an extension to the page limit by submitting a request to the Board staff within 5 days of receiving this Notice. The Board staff will notify you of its determination with respect to the page limit extension request within 10 days of you submitting the request. The Board will take action on your case within 60 days of receiving your written response or at the next meeting in which a quorum of the Board is present.

#### \_\_\_ Contest in Writing and Request Informal Hearing

You wish to contest either the violation, the penalty, or both with oral argument at an informal hearing during a public Board meeting. You will submit with your written response, written explanations, information, or other materials you wish to reference in your oral hearing. Your response must not exceed 10 pages (excluding exhibits) in length and must be on 8.5" x 11" white paper, double-spaced,

and in a font size no smaller than 11-point. You must submit the original and 12 physical copies of the written explanation and records to the address below, or submit one (1) copy electronically to [enforcement.dig@energysafety.ca.gov](mailto:enforcement.dig@energysafety.ca.gov)

Your hearing, conducted pursuant to Section 4253 of Title 19 of the California Code of Regulations, would be during the public meeting noted in the Notice, on July 11, 2002 at 1:00 p.m. in [Sacramento. Please note that your oral hearing may not start exactly at the time provided as there may be multiple hearing during one Board meeting. You may request to reschedule your hearing no later than 15 business days from your hearing date. Your request to reschedule a hearing may be granted no more than once and only for good cause.

You may participate in person or through a virtual meeting platform. You will have 15 minutes to present your reasons for contesting the allegation or reasons that may support a modification or elimination of the penalty or corrective action. You will be granted up to 15 minutes to respond to the Notice and up to 5 minutes to respond to any Board staff rebuttal. You may arrange, at your expense, for a stenographer or court reporter to transcribe the informal hearing. You must provide a copy of any transcription to the Board.

The Board will issue a decision at,

- The informal hearing;
- Thereafter within 45 business days of the informal hearing; or
- At a subsequent Board public meeting where a quorum of the Board is present.

The Board will adopt the issued written decision at the hearing or a subsequent public meeting. The Board's decision is effective upon the adoption of the written decision.

 Reservation of Rights to Contest Violation with the Enforcement Agency

You contest the violation, the penalty, or both, but do not wish to present your comments to the Board. You request that the Board refer the case to the appropriate state or local agency that would conduct the enforcement of the probable violation pursuant to Government Code section 4216.6(c) (Enforcement Agency), and you will reserve the right to contest the violation, the penalty, or both before the Enforcement Agency. The Board will review and vote on your case to determine whether probable violations exist and whether the corrective action and/or penalty proposed by the Board investigator is appropriate at the public meeting noted in your Notice. Should the Board determine probable violations exist, the Board will refer your case to the Enforcement Agency.

**Board Contact Information:**

Please direct all formal correspondence, including your written response to the Notice, to the Board either via email at [enforcement.dig@energysafety.ca.gov](mailto:enforcement.dig@energysafety.ca.gov) or via mail to the following address:

Office of Energy Infrastructure Safety  
Underground Safety Board  
715 P St., 20<sup>th</sup> Floor  
Sacramento, CA 95814

Please provide your written response within 30 business days of receiving this Notice. If a response is provided via mail, the mailed response must be received by the Board within 30 business days.

**Penalties**

Any penalties, including corrective actions, are only proposals by Board investigator, and do not require any current corrective action or payment at this time. Your Enforcement Agency will provide the final determination to and instructions for any penalty. Please do not include any proof of compliance with proposed corrective actions or payment of a proposed penalty with your written response.

**ADA Compliance**

The California Underground Safety Board complies with the Americans with Disabilities Act ("ADA") by ensuring that the facilities are accessible to persons with disabilities, and providing this Notice and information given to the members of the California Underground Safety Board in appropriate alternate formats when requested. If you need further assistance, including disability-related modifications or accommodations, you may contact the California Safety Board no later than seven (7) calendar days before a scheduled hearing at (916) 767-3370. California Relay Service is available by dialing 711.