

Underground Facilities Safe Excavation Board

In the Matter of
Tasteful Selections, Respondent

Case No. 21LA01474

DECISION REGARDING NOTICE OF PROBABLE VIOLATION(S)

On May 9, 2022, The Office of Energy Infrastructure Safety Underground Safety Board (the “Board”) considered Case # 21LA01474.

Tasteful Selections (“Respondent”) answered the Notice of Probable Violation with a plea of “no contest.”

Board members Bianchini, Del Toro, Johns, and Munoz participated in the decision. Board members Charland, Johnson, and Voss recused themselves and did not participate in the decision.

FINDINGS

Having considered the report of investigation and Respondent’s plea, the Board finds that a probable violation of Government Code section 4216.2(b) occurred.

The Board finds that an order directing Respondent to take the Board’s education course is an appropriate sanction.

VIOLATION SUMMARY

Respondent Excavated Without Obtaining a Ticket

An excavator must notify the appropriate regional notification center prior to beginning excavation and must wait to begin excavating until after the legal excavation start date and time, which is indicated on the call-center ticket.¹ Respondent conducted excavation work without notifying the regional call center and obtaining a ticket.

JURISDICTION

The Board is the Appropriate Enforcement Authority

¹ Gov. Code § 4216.2(b)

Government Code section 4216.6(e) authorizes the Board to enforce provisions of the one-call law on persons such as Respondent that are not under the jurisdiction of other enforcement agencies as listed in subdivisions (c) or (d) of section 4216.6.

SANCTIONS

Respondent is Ordered to Take the Board's Education Course

Section 4216.19(e) provides that sanctions shall be graduated and may include notification and information letters, direction to attend relevant education, and financial penalties. Respondent is ordered to take the Underground Safety Board's Education Course within 6 months of the date of this Decision. Please see the attached document entitled "Underground Safety Board's Education Course" for information on how to register for the course.

The following factors were considered relevant to the sanction determination:

Respondent is familiar with the One-Call Law notification requirements. Corrective action of mandatory education is available to Respondent 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) Respondent 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) Respondent employees cooperated with the investigation.

/s/ Marjorie Del Toro
Marjorie Del Toro, Chair
Underground Safety Board

Date: August 8, 2022