

**California Underground Facilities Safe Excavation Board**

In the Matter of  
Custom Canopies Inc,  
Respondent

Case No. 21LA01483

**DECISION REGARDING NOTICE OF PROBABLE VIOLATION(S)**

On July 11, 2022, The Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the "Board") considered Case # 21LA01483. Custom Canopies Inc. ("Respondent") was issued a Notice of Probable Violation on May 06, 2022. Respondent answered the Notice of Probable Violation with a "Reservation of Rights to Contest Violation with the Enforcement Agency" and did not provide the Board with a written explanation.

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

**FINDINGS**

Having considered the investigation report, the Board finds that a violation of Title 1, division 5, chapter 3.2, article 2 of the California Government Code<sup>1</sup> (the "Dig Safe" law) sections 4216.2(b), 4216.4(c)(1), and 4216.4(c)(3) 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.**

Respondent conducted excavation work without notifying the regional call center and obtaining a ticket as required by section 4216.2(b).

**Respondent failed to timely notify an operator of damages.**

Respondent failed to immediately notify the subsurface installation operator after causing damage to the subsurface installation as required by section 4216.4(c)(1).

**Respondent failed to timely notify the one-call center of damages.**

Respondent failed to notify the regional one-call center within 48 hours of causing damage to a subsurface installation as required by section 4216.4(c)(3).

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<sup>1</sup> All further statutory references are to the Government Code unless otherwise indicated.

## **JURISDICTION**

### **Referral to the Contractors State License Board is appropriate.**

When the Board finds a probable violation of the Dig Safe law, the Board must transmit the investigation results and any recommended penalty to the appropriate agency, identified in section 4216.6(c) or (d). Section 4216.6(c)(1) provides that the Registrar of Contractors of the Contractors State License Board shall enforce the requirements of the Dig Safe law on contractors. The investigation report indicates that the Contractors State License Board has issued a license to Respondent.

## **SANCTIONS**

### **The Board recommends that Respondent be 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. The following factors were considered relevant to this sanction determination:

- Respondent cooperated with the investigation.
- The violation did not result in substantial injury or environment or property damage.
- Respondent does not have a history of violations before the Board.

/s/ Marjorie Del Toro  
Marjorie Del Toro, Chair

Date: August 8, 2022