



**OFFICE OF ENERGY INFRASTRUCTURE SAFETY
UNDERGROUND SAFETY BOARD**
715 P Street, 20th Floor | Sacramento, CA 95814
916.902.6000 | www.energysafety.ca.gov

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By U.S. mail to the addresses below and electronic mail

February 2, 2023

NOTICE OF PROBABLE VIOLATION

Sharon Rubin
USA Construction
18954 Strathern Street
Reseda, California 91335

Case No.: CAS-01491-J2J3Q4

Address of the Violations: 1134 17th Street, Apartment A
Santa Monica, California 90403
Date of Violations: April 5, 2022

Dear USA Construction:

You are receiving this Notice of Probable Violation (Notice) as a result of an investigation conducted pursuant to Government Code § 4216 *et seq.* The California Underground Safety Board (Board) investigator has concluded an investigation of an incident on April 5, 2022, at 1134 17th Street, Apartment A, Santa Monica, California, and found the following violations:

Government Code § 4216.2(b): Excavating without first notifying the Regional One Call Center.

Government Code § 4216.4(c)(3): Failure to report damage to the Regional One Call Center.

USA Construction dug a trench to install an electrical line without contacting the Regional One Call Center. USA Construction exposed an underground gas line operated by Southern California Gas and used a saw to cut the line. After damaging the gas line, USA Construction failed to report the damage to the Regional One Call Center.

Hearing and Referral to Enforcement Agency

During the Board's public meeting **on April 10, 2023, at 1:00 p.m.**, the Board will determine whether the violations occurred and whether the penalty proposed in this Notice is appropriate. You may contest the violation and proposed penalty noted in the below section at this meeting. The location of that meeting has not yet been determined. It will be held at a location in Southern

California, and should you wish to appear at that meeting, once the location is determined, that location may be obtained from the Board's website at this address:

[Underground Safety Board Business Meeting | Office of Energy Infrastructure Safety \(ca.gov\)](#)

Should the Board determine a probable violation exists, 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(c) (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(c).

The Enforcement Agency for this case is:

**Contractors State License Board
9821 Business Park Drive
Sacramento, CA 95827
916-255-3900**

Proposed Penalty

Any penalties provided in this Notice, including corrective actions, are only proposals by Board staff 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 section 4216 *et seq.* by an operator or excavator 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.

Board staff are recommending the below corrective action and penalty:

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

A financial penalty, the amount to be determined by the Board.

The proposed penalty reflects the fact that the excavator deliberately cut the gas line. Government Code § 4216.6(a)(1) provides for imposition of a financial penalty of up to \$10,000 for one who negligently violates a call-before-you-dig law, and § 4216.6(a)(3) for imposition of a financial penalty of up to \$100,000 for one who knowingly and willfully violates.

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 February 2, 2023, to submit your written response to the Board. Your response to this notice must be received by the Board no later than March 15, 2023.

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,

Brittney Branaman

Brittney Branaman

Assistant Executive Officer for Education & Enforcement | Underground Safety Board

Proposed hearing date: April 10, 2023