



**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 3, 2023

NOTICE OF PROBABLE VIOLATION

Miguel Delgado



Case No.: C221950004

Location of Violation: Near railroad tracks on the northeast side of Highway 33, between Pomelo Avenue and Marshall Road in Patterson, California

Date of Violation: July 7, 2022

Dear Mr. Delgado:

You are receiving this Notice of Probable Violation (Notice) as a result of an investigation conducted pursuant to Government Code sections 4216 *et seq.* The California Underground Safety Board (Board) investigator has concluded an investigation of an incident on July 7, 2022, near the railroad tracks on the northeast side of Highway 33, between Pomelo Avenue and Marshall Road in Patterson, California, and found the following violation:

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

You dug post holes to install a billboard advertising Angelica Delgado's real estate business without contacting the Regional One Call Center.

Hearing

During the Board's public meeting on **April 10, 2023, at 1:00 p.m.**, and the location of the 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 \(ca.gov\)](#)

The Board will determine whether the violation occurred and whether the penalty proposed in this Notice is appropriate. During the hearing, the Board may decide to impose a different penalty. You may contest at the violation, the proposed penalty noted in this Notice, and any new or adjusted penalty the Board may decide to impose during the meeting on April 10, 2023.

Proposed Penalty

The penalty recommended in this Notice, including any corrective actions, are only proposals by Board staff and do not require any corrective action or payment at this time. The Board will provide the final determination to and instructions for any penalty after the above-referenced public meeting.

Pursuant to Government Code § 4216.6, violation of Government Code § 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 violations 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 staff are recommending the following 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.

The proposed penalty is merited, as Mr. Delgado did not contact the Regional One Call Center prior to excavating.

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 3, 2023, to submit your written response to the Board. Your response to this Notice must be received by the Board no later than March 16, 2023.

If you do not respond before March 16, 2023, you will waive your right to contest the Board's final determination regarding the violation and the penalty to be imposed.

Sincerely,

Brittney Branaman

Brittney Branaman

Assistant Executive Officer for Education & Enforcement | Underground Safety Board

Proposed hearing date: April 10, 2023