

California Underground Facilities Safe Excavation Board

In the Matter of
Miguel Delgado,
Respondent

Case No. C221950004

DECISION REGARDING NOTICE OF PROBABLE VIOLATION

On April 10, 2023, The Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the Board) considered Case # C221950004. Miguel Delgado (Respondent) was issued a Notice of Probable Violation on February 03, 2023. Respondent did not respond to the Notice of Probable Violation.

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

VIOLATION SUMMARY

Respondent failed to notify the regional call center before beginning excavation as mandated by 4216.2(b).

JURISDICTION

The Board is the appropriate enforcement authority.

Section 4216.6(e) authorizes the Board to enforce provisions of the Dig Safe 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.

FINDINGS

Having considered the investigation report, the Board finds that a probable violation of Title 1, division 5, chapter 3.1, article 2 of the California Government Code¹ (the "Dig Safe" law) sections 4216.2(b) occurred.

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

¹ All further statutory references are to the Government Code unless otherwise indicated.

Re: M. Delgado, D. 2023_04_C221950004-2

SANCTIONS

Respondent is ordered to take the Board's education course.

The following factors were considered relevant to this sanction determination:

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

/s/ Amparo Munoz
Amparo Munoz, Chair

Date: 05/26/2023