

**CAS-01566-L3N2D0 Response of Lamasi Iron Works to NOPV  
June, 28, 2024**



Your Honors,

My name is Ruben Diaz Jr, the son of the owner of Lamasi Iron Works, in El Monte, California. On November 2, 2023, we were attempting to dig a hole to install parking barriers at 77 Las Tunas Drive, in Arcadia CA, when my son Nathaniel (lead fabricator and installer) accidentally struck a plastic gas line which resulted in a gas leak.

I am writing today not to deny responsibility, as we did cause the accident. What I'm pleading with you, is with the possible financial penalties involved with the accident. I had recently returned to help with our family business from a 25-year absence pursuing my own career. My father is the owner of Lamasi Iron Works and recently my mother had let me know of a few accidents he had on the job due to his advanced age. As I heard the fear in my mother's voice, I decided to leave my job and return to help my father. Knowing I would take a significant pay cut, I knew I had to help my father with anything that may affect his health.

The project being discussed may have been my third or fourth project since my return. I was completely unaware of the 811 dig alert hotline as I generally am a customer service/marketing manager. Our company normally specializes in interior custom forged handrails, security doors and windows. We were completely unaware of the need to call 811 two days prior to any dig and that we would have up to 14 days to complete the digging; and if there are gas lines present, that we would need to call the gas company to have them on standby. We were also unaware of the need to call 911 if there is a gas leak. This has been an eye-opening experience and learning opportunity. Now we know what needs to be done any time we plan to excavate.

Lamasi Iron Works was founded by my father and my uncle, who had the know-how on business management, while my father, Ruben had the skills for design, fabrication, and installation aspect of the business. When my uncle left Lamasi, Ruben did his best to run the business and provide for the family. Language barriers have been constant obstacles in finding and learning about all the policies, laws, and regulations related to the business. Up until this experience my father didn't grasp the concept of dig alert and pulling permits to excavate.

Once again, we do not in any way deny we caused the accident; Being a small father, son and grandson run business we do not make much. Lamasi is a small company and 99% of our jobs are by word of mouth. This experience has caused my father to expedite his retirement. He will be handing down the business to Nathaniel, who has begun his research for policies and regulations to affectively run the business in the future.

We apologize for the mistake and any inconvenience caused. Lamasi has accepted this incident as a learning experience and have taken the appropriate protocols to ensure this never happens again. Armed with newly acquired knowledge, we are now prepared to avoid such occurrences and if inevitable we know the steps to take should it ever happen again.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruben Diaz Jr.', with a stylized, cursive flourish.

Ruben Diaz Jr.

06/27/24



## RESPONSE TO A NOTICE OF PROBABLE VIOLATION

**Case Number: CAS-01566-L3N2D0**

**Name: Lamasi Iron Works**

The provisions of California Code of Regulations, Title 19, Division 4, Chapter 3, governs the Notice of Probable Violation (Notice) proceeding before the California Underground Safety Board (Board). Specifically, 19 CCR section 4252 provides your response options upon the receipt of a Notice.

Be advised that all material submitted by you in response to a Notice are subject to public disclosure.

Please select from one of the response options listed below. You have 30 business days to submit your written response to the Underground Safety Board. Failure to submit a written response will be considered by the Board as a "No Contest" response. Please attach this form with your selection to your response. If you choose "Contest in Writing" or "Contest in Writing and Request Informal Hearing," please also include your written explanation and documents that may be referenced in your written explanation or informal hearing. For all options, Board investigators may present the basis for your probable violation on the date of the public meeting as provided in your Notice, and the Board will review your case and vote to determine whether a probable violation exists and whether the corrective action and/or penalty proposed by the Board staff is appropriate at the meeting.

### Response Options

#### ☐ **No Contest**

You do not contest the violations or the penalty. If you choose to not contest the violations or the penalty, you will waive your right to request the Board to reconsider its decision or recommendation issued.

#### ☒ **Contest in Writing**

You wish to contest either the violation, the penalty, or both by providing the Board with written explanations and other records supporting the explanation. You will submit the written explanations and records, if any, with your written response within 30 business days of receiving this Notice. Your response must not exceed 10 pages (excluding exhibits) in length and must be on 8.5" x 11" white paper, double-spaced, and in a font size no smaller than 11-point. You must submit the original and 12 physical copies of the written explanation and records to the address below or submit one (1) copy electronically to [enforcement.dig@energysafety.ca.gov](mailto:enforcement.dig@energysafety.ca.gov). You may request an extension to the page limit by submitting a request to the Board staff within 5 days of receiving this Notice. The Board staff will notify you of its determination with respect to the page limit extension request within 10 days of you submitting the request. The Board will review and vote on your case on the date of the public meeting provided in the Notice.

### **Contest in Writing and Request Informal Hearing**

You wish to contest either the violation, the penalty, or both with oral argument at an informal hearing during a public Board meeting. You will submit with your written response, written explanations, information, or other materials you wish to reference in your oral hearing. Your response must not exceed 10 pages (excluding exhibits) in length and must be on 8.5" x 11" white paper, double-spaced, and in a font size no smaller than 11-point. You must submit the original and 12 physical copies of the written explanation and records to the address below or submit one (1) copy electronically to [enforcement.dig@energysafety.ca.gov](mailto:enforcement.dig@energysafety.ca.gov).

Your hearing would be during the public meeting noted in the Notice, on July 8, 2024, at 1:00 p.m., and the location of the meeting will be in Sacramento, California.

Warren Alquist State Energy Building  
Rosenfeld Hearing Room  
1516 9<sup>th</sup> Street  
Sacramento, California 95814

Please note that your oral hearing may not start exactly at the time provided as there may be multiple hearing during one Board meeting. You may request to reschedule your hearing no later than 15 business days from your hearing date. Your request to reschedule a hearing may be granted no more than once and only for good cause.

You may participate in person or through a virtual meeting platform. You will have 15 minutes to present your reasons for contesting the allegation or reasons that may support a modification or elimination of the penalty or corrective action. During your hearing, conducted pursuant to Section 4253 of Title 19 of the California Code of Regulations, board investigators may present the basis for your Notice of probable violation. You will be granted up to 15 minutes to respond to the Notice and up to 5 minutes to respond to any Board staff rebuttal. You may arrange, at your expense, for a stenographer or court reporter to transcribe the informal hearing. You must provide a copy of any transcription to the Board.

The Board will issue a decision at,

- The informal hearing;
- Thereafter within 45 business days of the informal hearing; or
- At a subsequent Board public meeting where a quorum of the Board is present.

The Board will adopt the issued written decision at the hearing or a subsequent public meeting. The Board's decision is effective upon the adoption of the written decision.

### **Reservation of Rights to Contest Violation with the Enforcement Agency**

You contest the violation, the penalty, or both, but do not wish to present your comments to the Board. You request that the Board refer the case to the appropriate state or local agency that would conduct the enforcement of the probable violation pursuant to Government Code section 4216.6(c) (Enforcement Agency), and you will reserve the right to contest the violation, the penalty, or both before the Enforcement Agency. The Board will review and vote on your case to determine whether a probable violation exist and whether the corrective action and/or penalty proposed by the Board staff is appropriate at the public meeting noted in your Notice. Should the Board determine a probable violation exist, the Board will refer your case to the Enforcement Agency.

### **Board Contact Information:**

Please direct all formal correspondence, including your written response to the Notice, to the Board either via email at [enforcement.dig@energysafety.ca.gov](mailto:enforcement.dig@energysafety.ca.gov) or via mail to the following address:

Office of Energy Infrastructure Safety  
Underground Safety Board  
715 P St., 20<sup>th</sup> Floor  
Sacramento, CA 95814

Please provide your written response within 30 business days of receiving this Notice. If a response is provided via mail, the mailed response must be received by the Board within 30 business day.

### **Penalties**

Any penalties, including corrective actions, are only proposals by Board staff, and do not require any current corrective action or payment at this time. Your Enforcement Agency will provide the final determination to and instructions for any penalty. Please do not include any proof of compliance with proposed corrective actions or payment of a proposed penalty with your written response.

### **ADA Compliance**

The California Underground Safety Board complies with the Americans with Disabilities Act ("ADA") by ensuring that the facilities are accessible to persons with disabilities, and providing this Notice and information given to the members of the California Underground Safety Board in appropriate alternate formats when requested. If you need further assistance, including disability-related modifications or accommodations, you may contact the Underground Safety Board no later than seven (7) calendar days before a scheduled hearing at (916) 902-6000. California Relay Service is available by dialing 711.