

**California Underground Facilities Safe Excavation Board**

In the Matter of  
All Construction Inc.,  
Respondent

Case No. CAS-01575-B9F6K1

**DECISION REGARDING NOTICE OF PROBABLE VIOLATION**

On July 08, 2024, the Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the Board) considered Case No. CAS-01575-B9F6K1. Board investigative staff issued a Notices of Probable Violation (NOPV) to All Construction Inc., (Respondent), dated May 21, 2024, alleging violations of Government Code (Gov. Code) sections 4216.2 subsection (b) before the damage occurred, 4216.2 subsection (b) after the damage occurred, 4216.4 subsection (c)(2), and 4216.4 subsection (c)(3). Respondent submitted a written response to the NOPV.

Board members Charland, Johns, Johnson, Muñoz, and Voss participated in the decision.

**FINDINGS**

Having considered the investigation report and the Respondent’s written response, the Board finds the Respondent violated Gov. Code sections 4216.2 subsection (b) before the damage occurred, 4216.2 subsection (b) after the damage occurred, 4216.4 subsection (c)(2), and 4216.4 subsection (c)(3).

**VIOLATION SUMMARY**

Respondent failed to notify the regional notification center prior to excavating (pre-damage). Government Code section 4216.2 (b) requires an excavator to notify the regional notification center prior to excavating.

Respondent failed to contact 911 emergency services after causing damage to a gas subsurface installation.

Government Code section 4216.4(c)(2) requires an excavator to call 911 emergency services upon discovering or causing damage to either of the following: (A) a natural gas or hazardous liquid pipeline subsurface installation in which the damage results in the escape of any flammable, toxic, or corrosive gas or liquid, or (B) a high priority subsurface installation of any kind.

Respondent failed to notify the regional notification center of damage to a gas subsurface installation.

Government Code section 4216.4(c)(3) requires an excavator notify the regional notification center within 48 hours of discovering or causing damage.

Respondent failed to notify the regional notification center (post-damage).

Government Code section 4216.2 (b) requires an excavator to notify the regional notification center prior to excavating. After damaging a subsurface installation, Respondent resumed excavation after the damage, without a valid ticket, violating Government Code section 4216.2 (b) a second time.

### **JURISDICTION**

When the Board finds a probable violation of the Dig Safe Act (Gov. Code section 4216 et seq.), the Board must transmit the investigation results and any recommended penalty to the appropriate agency identified in Gov. Code section 4216.6, subsection (c) or (d). This matter is subject to the jurisdiction of the **Contractors State License Board** which may accept, amend, or reject this Board's recommendation.

### **SANCTIONS**

The Board RECOMMENDS that the Contractors State License Board order Respondent to take the Board's education course and pay a penalty of \$1000.00 (one thousand dollars).

The following factors were considered relevant to this sanction determination:

- Respondent did not have a valid ticket for the excavation.
- Respondent damaged a gas pipeline while excavating.
- Respondent did not have a valid ticket before resuming excavation after striking the gas pipeline.
- Respondent did not call the regional notification center to report damage to a gas pipeline.
- Respondent did not call 911 emergency services upon damaging or discovering damage to a gas pipeline.
- Respondent cooperated with the investigation.

/s/ Amparo Muñoz  
Amparo Muñoz, Chair

Date: August 20, 2024