



UNDERGROUND SAFETY BOARD



INVESTIGATION REPORT

Date: June 28, 2024

Case No.: C240030005

Executive Summary:

On January 3, 2024, Kerb Appeal Inc doing business as (dba) Kerb Appeal Fenceworks (Kerb Appeal), submitted a complaint to the Underground Safety Board (Board) alleging that the City of Kerman failed to respond to a ticket related to the installation of a new fence. The City of Kerman completed the locate and field mark requirement seven working days after the legal excavation start date and time for ticket 2023122201345. Kerb Appeal began excavation six working days after the legal excavation start date, but this was before the City of Kerman completed its obligations to locate and mark utilities.

Reporting Party Information:

Kerb Appeal Inc., dba Kerb Appeal Fenceworks
3188 N. Marks Avenue, Unit 121
Fresno, California 93722

Date of Incident:

December 27, 2023

Location of the Incident:

15240 W Stanislaus Avenue
Kerman, California 93630

Operator:

City of Kerman
850 S. Madera Avenue
Kerman, California 93630

Excavator:

Kerb Appeal Inc dba Kerb Appeal Fenceworks
3188 N. Marks Avenue, Unit 121
Fresno, California 93722

Facility Types Damaged:

None

Investigation:

Complaint from Kerb Appeal:

On January 3, 2024, Kerb Appeal submitted a complaint stating:

I HAVE SUBMITTED A TICKET TO THE CITY OF KERMAN MULTIPLE TIMES WITH NO RESPONSE. I HAVE CALLED AND LEFT MESSAGES AND DO NOT RECEIVE RESPONSES ONLINE OR ANY OTHER KIND COMMUNICATION. TICKET 2023122201345. (Exh. 1.)

Background:

Kerb Appeal is a licensed contractor registered with the Contractor's State License Board under license number 1052729. (Exh. 2.) A homeowner hired Kerb Appeal to install a fence along the side of their property. (Exh. 5.)

Excavation:

On December 22, 2023, Kerb Appeal contacted the regional notification center, indicating its intent to dig at 15240 W. Stanislaus Avenue in Kerman. (Exh. 3.) The regional notification center created ticket number 2023122201345-000, which indicated that the legal excavation start date and time was 5:01 p.m. on December 27, 2023. (Exh. 3.) The City of Kerman failed to provide a response before that date and time.

On December 28, 2023, Kerb Appeal contacted the regional notification center to report the City of Kerman's lack of response. At that time, the regional notification center created ticket 2023122201345-001, which stated, "No Response City of Kerman has provided no response to ticket." (Exh. 6.)

During a phone interview on April 26, 2024, Robin Doyland, Human Resources Manager and Client Coordinator with Kerb Appeal, stated: "All the operators marked the first ticket except for the City of Kerman. I resubmitted the second ticket because of the City of Kerman. We are trying to use the system, but it doesn't work. We have the same issues with certain companies and cities who don't send anyone out." (Exh. 5.)

Doyland stated that Kerb Appeal used only hand tools in performing the work, "Our guys dug everything by hand." Doyland also stated that Kerb Appeal started and completed work on January 5, 2024 (Exh. 5), which was six working days after the legal start date and also before the City of Kerman marked its utilities on January 8, 2024. (Exh. 5.)

The interview concluded with Doyland stating, "We don't want to break the law, and we don't want to cause any damages, but if we wait for certain operators to mark, we'll go out of business. We are a small company, and it's very frustrating and time-consuming. When we have to hand dig jobs, it takes longer and costs us more money in labor." (Exh. 5.)

During a phone interview with Nichole Slumberg, Kerb Appeal CEO, on October 9, 2024, the investigator asked what tools Kerb Appeal employees used to hand dig the job at 15240 W.

Stanislaus Avenue in Kerman. Slumberg replied, “shovels were used to dig holes for posts.” (Exh. 11)

The City of Kerman Did Not Respond to the Locate Request

Government Code section 4216.3(a)(1)(A) requires an operator to respond to a locate request from a call center in one of three ways before the legal excavation start date and time: (1) locate and mark the work area, (2) provide information about the location of subsurface installation, or (3) state that no installations are within the work area.

The City of Kerman conceded that it did not respond to the locate request which corresponded to ticket number 2023122201345-000. On June 26, 2024, the investigator emailed Joe Castro, Public Works Coordinator, with the City of Kerman, inquiring why the city had not met its locate and mark obligations within the required timeframe. (Exh. 7.) Castro replied, “Not sure what happened, We have the ticket in our binder. What do we do know.” (Exh. 8.)

During a phone interview with Castro on June 26, 2024, the investigator asked, “What prevented the city from locating and marking the area and responding to the original ticket, and what caused the delayed response time on the second ticket?” Castro replied, “Three people in the office handle the USA tickets. The tickets are printed and placed in a book. The tickets are in the computer but wasn’t in our book. So basically, I guess it just got missed is the best answer. Just got overlooked.” (Exh. 9.)

City of Kerman Did Not Provide An Electronic Positive Response Before the Deadline

Government Code section 4216.3(c)(1)(A) requires operators to provide an electronic positive response to each locate request before the legal excavation start date and time.

Exhibit 4 contains information regarding the electronic positive responses of operators listed on tickets numbered 2023122201345-000 and 2023122201345-001.

Ticket number 2023122201345-000 required operators to respond and indicated that 5:01 p.m. on December 27, 2023, was the legal excavation start date and time. (Exh. 3.)

The EPR code for ticket 2023122201345-000 indicates “(999) Member did not respond by the required time” on December 27, 2023, with a time stamp of 9:15. The investigator requested the regional notification center clarify the time. The regional notification center responded, “It is standard time. Here is what it looks like from the excavator’s point of view within One Call Access.” The EPR code for the City of Kerman shows 12/27/2023, code 999, issued at 9:15 p.m. (Exh. 4 & 10.)

On January 8, 2024, the City of Kerman (station code CTYKER) provided a response for ticket 2023122201345-001, “(010) Locate area marked”. (Exh. 4.)

Findings:

1. The City of Kerman (Member Code CTYKER) did not locate and field mark ticket 2023122201345-000 by the legal excavation start date and time.
2. The City of Kerman (CTYKER) did not provide an electronic positive response before the legal excavation start date and time on ticket 2023122201345-000.
3. Kerb Appeal excavated before all Operators responded to ticket 2023122201345-000.

Investigator	Supervisor
Amy Morford	Anona Bonner
Signature	Signature
Amy Morford	Anona Bonner

Exhibit List:

Exhibit No.	Description	Date	Received From
1	Case Notification C240030005	01/03/2024	Regional Notification Center North
2	CSLB Verification for Kerb Appeal Inc dba Kerb Appeal Fenceworks.	05/17/2024	CSLB Website
3	Ticket No: 2023122201345-000	06/03/2024	Germain Suess, Regional Notification Center North
4	Electronic Positive Response	05/20/2024	Germain Suess, Regional Notification Center North
5	Report of Interview with Robin Doyland, Kerb Appeal.	04/26/2024	Investigator
6	Ticket No.: 2023122201345-001	06/03/2024	Germain Suess, Regional Notification Center North
7	Email requesting Information to the City of Kerman.	06/26/2024	Investigator
8	Email response from Joe Castro with the City of Kerman.	06/26/2024	Investigator
9	Report of Interview with Joe Castro with the City of Kerman	06/26/2024	Investigator
10	EPR time clarification from Regional Notification North for Ticket No: 2023122201345-000	09/20/2024	Nick White, Regional Notification Center North

Exhibit 1

Notification Information Report

Information for Notification Number:- C240030005

Date Logged to CRM:- 1/3/2024 3:15 PM

Complaint/Incident Information	
Incident/Complaint Description	I HAVE SUBMITTED A TICKET TO THE CITY OF KERMAN MULTIPLE TIMES WITH NO RESPONSE. I HAVE CALLED AND LEFT MESSAGES AND DO NOT RECEIVE RESPONSES ONLINE OR ANY OTHER KIND COMMUNICATION. TICKET 2023122201345
Incident Date	12/27/2023 5:02 PM
Incident State	CA
Incident County	Fresno
Incident Place	Kerman
Incident St from Address	15240
Incident St to Address	15240
Incident Street	W Stanislaus Ave
Incident Cross1	
Incident Location	
Type of Complaint	No response/Late response
Other Complaint Detail	NONE
Notification Number	C240030005
Notification Created	1/3/2024 3:14 PM
Notification Type	complaint
Damage Injury	Undefined
Damage Death	Undefined
Damage Fire Evacuation	Undefined
Damage Facility Type	
Damage Equipment	

Reporter Information

Reporter First Name	Robin
Reporter Middle Name	
Reporter Last Name	Doyland
Reporter Company	Kerb Appeal Inc.
Reporter Email	robin@kafence.net
Reporter Phone	5592816010
Reporter Address	3188 N Marks Ave Unit 121
Reporter Address 2	
Reporter City	Fresno
Reporter State	CA
Reporter Zip	93722

Other Party Information

First Name	
Middle Name	
Last Name	
Company	City of Kerman
Address	
City	
State	
Zip Code	
Email	
Phone	

Ticket Entry

Ticket Number	
Ticket Type	
Revision	
Created	
Account	
Channel	
Work Date	
Response Required	
Response Due	
Expires	
One Year	
Priority	
Priority Number	
Category	
Lookup	
State	
County	
Place	
Work area zip code	
St to address	
St from address	
Street	
Cross 1	
Cross 2	
How delineated	
Excav st walk	
Work Type	
Boring	
Explosives	
Vacuum	
Permit	
Work Order	
Done For	
Remarks Type	
Company Name	
Address1	
Address2	
City	

State	
Zip Code	
Phone	
Phone ext	
Caller	
Caller Language	
Cell	
Email	
Contact Name	
Contact Phone	
Contact Phone Ext	
Contact Cell	
Contact Email	
Location	
Comments	
Map URL	MAP URL of Notification Number C240030005

Ticket GPS Coordinates

Caller GPS Coordinates

Name	Latitude	Longitude
------	----------	-----------

Best Fit Rectangle GPS Coordinates

Name	Latitude	Longitude
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Ticket Member List

Member Code

Exhibit 2

[Home](#) | [Online Services](#) | [License Details](#)

Contractor's License Detail for License # 1052729

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

- ▶ CSLB complaint disclosure is restricted by law ([B&P 7124.6](#)) If this entity is subject to public complaint disclosure click on link that will appear below for more information. Click [here](#) for a definition of disclosable actions.
- ▶ Only construction related civil judgments reported to CSLB are disclosed ([B&P 7071.17](#)).
- ▶ Arbitrations are not listed unless the contractor fails to comply with the terms.
- ▶ Due to workload, there may be relevant information that has not yet been entered into the board's license database.

Business Information

KERB APPEAL INC
 dba KERB APPEAL FENCEWORKS

3164 N MARKS AVE #111
 FRESNO, CA 93722
 Business Phone Number:(559) 281-6010

Entity Corporation
Issue Date 04/23/2019
Expire Date 04/30/2025

License Status

This license is current and active.

All information below should be reviewed.

Classifications

[C13 - FENCING](#)

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with [NORTH RIVER INSURANCE COMPANY \(THE\)](#).

Bond Number: 04CF619362

Bond Amount: \$25,000

Effective Date: 04/26/2023

[Contractor's Bond History](#)

Bond of Qualifying Individual

The qualifying individual TIMOTHY MICHAEL KERBER certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.

Effective Date: 04/23/2019

Workers' Compensation

This license has workers compensation insurance with the [TECHNOLOGY INSURANCE COMPANY INC](#)

Policy Number: TWP4430318

Effective Date: 04/29/2024

Expire Date: 04/29/2025

[Workers' Compensation History](#)

[Personnel List](#)
[Salesperson List](#)

Online Services Quick Hits

- ▶ [Check a License or HIS Registration](#)
- ▶ [Find My Licensed Contractor](#)
- ▶ [Frequently Asked Questions](#)
- ▶ [Forms and Applications](#)
- ▶ [Guides and Publications](#)
- ▶ [CSLB Laws and Regulations](#)
- ▶ [List of All CSLB Fees](#)
- ▶ [License Classifications](#)
- ▶ [Contractor Newsletter](#)
- ▶ [Application Status](#)
- ▶ [Application Status \(Secured\)](#)
- ▶ [Application Status by Personnel Name](#)
- ▶ [Application Status by Business Name](#)
- ▶ [CSLB Email Login](#)

Online Services



Is this your license?

Does any of the information need to be corrected/updated?

[Find out how to make changes to your license info](#)



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Exhibit 3

From: [Nick White](#)
To: [Morford, Amy@EnergySafety](#); [Germain Suess](#)
Subject: Re: Ticket Request
Date: Monday, June 3, 2024 9:57:23 AM
Attachments: [image001.png](#)
[Outlook-A black an.png](#)
[Outlook-signature .png](#)
[2023122201345-000.PDF](#)
[2023122201345-001.PDF](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Any,

Please see attached.

Thank you.



Nick White

Member Services Manager

Phone: 925-222-6501

undergroundservicealert.org

4005 Port Chicago Hwy #100 Concord, CA
94520

NEW DAMAGE PREVENTION PORTAL



Manage Your
Area Of Interests



Respond To
Your Tickets



Update Your Membership
Information All In One Place



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From: Morford, Amy@EnergySafety <Amy.Morford@energysafety.ca.gov>
Sent: Monday, June 3, 2024 9:43 AM
To: Nick White <nick.white@usan.org>; Germain Suess <germain.suess@usan.org>
Subject: Ticket Request

Hello,

Requesting the following tickets:

2023122201345

2023122201345-001

Thank you,

Amy Morford

Senior Policy Investigator

Underground Investigations Division

Amy.Morford@energysafety.ca.gov

Direct: 279-789-1815



OFFICE OF ENERGY
INFRASTRUCTURE
SAFETY

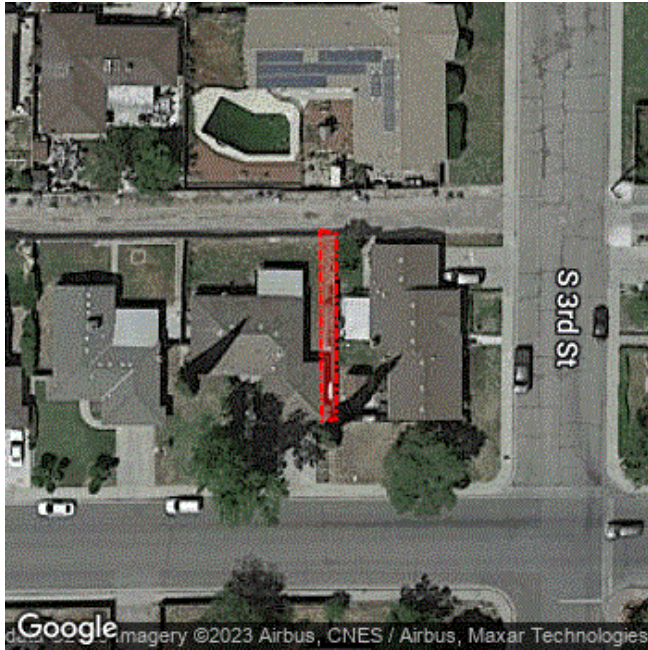
Ticket Status: Original
Transmission ID 11

Ticket Type: Normal
Response Required: Yes

Excavator Details

Contact: Tim Kerber **Phone:** 559-281-6010 **Mobile:** Not Supplied
Company: Kerb Appeal Fenceworks **Email:** kerbappeal03@gmail.com
Excavator Type: Contractor (or other professional excavator) **Language:** Not Supplied
Address: 3164 N Marks Ave California 93722 **Excavator ID:** 32540
 #111

Dig Site and Ticket Details



[Open Map](#)

Latitude/Longitude: 36.731533 -120.063071
GIS coordinate system: WGS84 (WKID 4326)

Ticket Action Reason:

Excavator Remarks:

When facing the home, we are replacing the right-side fence line and right-side gate.

Previous Ticket #		Rev.#	
Submitted	12/22/2023 16:47	Medium	WEB
Work Begin Date	12/27/2023 17:01		
Legal Start Date	12/27/2023 17:01		
Ticket Expiration	01/19/2024 23:59		
Work Duration	2-4 days		
Address/Location	15240 W Stanislaus Ave		
City/Town/Place	Kerman		
County	Fresno County		
State	CA	Zip Code	93630
Nearby Cross Street	W Stanislaus Ave and S 3rd St		
Subdivision/Lot			
Delineated Method	White Paint and Flags		
Work Type	Residential property work		
Work Activity	Fence/Gate/Wall Work		
Excavation Method	Mechanical/Multiple Methods		
Anticipated Depth	24 to 48 inches		
Boring	No	Explosive	No
Street/Sidewalk	No	Pavement Only	No
Vacuum Excavation	No		
Project Owner	Homeowner/Property Owner/Tenant/HOA		
Permit			
Job #/Name	2903 Louis Girard		
Onsite Contact Name	Robin Doyland		
Onsite Contact Phone	5592816010		

Additional Information

Log in to One Call Access and click Positive Response on the menu to view responses from member facility operators and confirm that all operators have responded before you begin digging. <https://onecallca.undergroundservicealert.org>.

Be sure the work location is accessible to facility owners/operators and their contract locators.

- Review your ticket details and utility members notified. If you notice anything that is in error or incorrect, please login to your One Call Access account and amend or create a new ticket to include the correct and accurate information. It is your responsibility to provide clear and accurate information on every ticket
- Do not proceed with your work until the legal start date/response due date has passed and ALL facility owners/operators have responded.
- When working within 24" tolerance zone of any facility marking, you are required by state law to hand dig and expose and protect the facility.
- If you make contact with a line even scrapes, nicks, dents or other contact, you are required to report it to 811 and the facility operator immediately.
- If you would like free training regarding the 811 process and state excavation laws, please visit www.811pro.com.
- If you need assistance, please contact us visiting www.undergroundservicealert.org, or information@usanorth811.org.

Members Operator Notified

Total members impacted: 3

Seq. No.	Authority Name	Phone	Status
8229254	City of Kerman	5593513981	Notification Sent
8229255	Kerman Telephone dba Sebastian	5598466677	Notification Sent
8229256	Pacific Gas & Electric	5592594137	Notification Sent

-----End of Member List-----

Ticket Revision History

Total revision history showing: 1

REV	DATE/TIME	STATUS	TYPE	USER	MEDIUM
000	12/22/2023 4:47:51 PM	Original	Normal	kerbappeal	Web

-----End of Revision History-----

-----End of Transmission-----

Exhibit 4

From: [Germain Suess](#)
To: [Morford, Amy@EnergySafety](mailto:Morford.Amy@EnergySafety)
Cc: [Nick White](#)
Subject: RE: EPR Request
Date: Monday, May 20, 2024 9:50:39 AM
Attachments: [image003.png](#)
[2023122201345 EPR.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Amy,

Please see attached pdf of the EPR responses.

Thank you,
Germain



Germain Suess
Member Services Specialist
O: 925-270-0339
W: undergroundservicealert.org
4005 Port Chicago Hwy #100 Concord, CA 94520

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From: Morford, Amy@EnergySafety <Amy.Morford@energysafety.ca.gov>
Sent: Monday, May 20, 2024 9:08 AM
To: Germain Suess <germain.suess@usan.org>
Subject: EPR Request

Good morning,

I need the EPR for Ticket #: 2023122201345

Ticket address:
15240 W Stanislaus Ave
Kerman, CA 93630

Thank you

Amy Morford

Senior Policy Investigator

Underground Investigations Division

Amy.Morford@energysafety.ca.gov

Direct: 279-789-1815



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SAFETY

Positive Response Ticket Search

 appsca.undergroundservicealert.org/posr/searchtool

2023122201345-001 ([map link](#)) 15240 W Stanislaus Ave Kerman California 93630
12/27/2023 05:01 1/19/2024 11:59

Residential property work Fence/Gate/Wall Work

Mechanical/Multiple Methods No

When facing the home, we are replacing the right-side fence line and right-side gate.

Station Code	Station Code Name	Response Date	Response Code	Response Description	Comments
CTYKER	City of Kerman	1/8/2024 02:04	010	Locate area marked	No notes provided
KERSEB	Kerman Telephone dba Sebastian	12/29/2023 08:03	001	Clear - no conflict	None
PGEFNO	Pacific Gas & Electric	1/2/2024 09:29	004	No markings requested	No notes provided

That's all the results with the current settings.

([hide list](#))

Ticket number	Station Code	Station Code Name	Response Received	Response Code	Response Description	Comments
2023122201345-001	CTYKER	City of Kerman	12/28/2023 02:54	000	Utility is yet to provide a suitable response code for this revision.	Utility is yet to provide a suitable response code for this revision.

Ticket number	Station Code	Station Code Name	Response Received	Response Code	Response Description	Comments
2023122201345-001	KERSEB	Kerman Telephone dba Sebastian	12/28/2023 02:54	000	Utility is yet to provide a suitable response code for this revision.	Utility is yet to provide a suitable response code for this revision.
2023122201345-001	PGEFNO	Pacific Gas & Electric	12/28/2023 02:54	000	Utility is yet to provide a suitable response code for this revision.	Utility is yet to provide a suitable response code for this revision.
2023122201345-000	CTYKER	City of Kerman	12/27/2023 09:15	999	Utility did not provide a response code before the response due date.	Utility did not provide a response code before the response due date.
2023122201345-000	CTYKER	City of Kerman	12/22/2023 04:48	000	Utility is yet to provide a suitable response code for this revision.	Utility is yet to provide a suitable response code for this revision.
2023122201345-000	KERSEB	Kerman Telephone dba Sebastian	12/27/2023 11:24	001	Clear - no conflict	None

Ticket number	Station Code	Station Code Name	Response Received	Response Code	Response Description	Comments
2023122201345-000	KERSEB	Kerman Telephone dba Sebastian	12/22/2023 04:48	000	Utility is yet to provide a suitable response code for this revision.	Utility is yet to provide a suitable response code for this revision.
2023122201345-000	PGEFNO	Pacific Gas & Electric	12/26/2023 02:09	010	Locate area marked	No notes provided
2023122201345-000	PGEFNO	Pacific Gas & Electric	12/22/2023 04:48	000	Utility is yet to provide a suitable response code for this revision.	Utility is yet to provide a suitable response code for this revision.

That's all the results with the current settings.

Exhibit 5



**CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD
INVESTIGATION DIVISION
INTERVIEW REPORT**

REPORT DATE: April 24, 2024

CASE NO: CAS-01596-D5P4B4

DATE/TIME OF INTERVIEW: April 24, 2024, 10:50 a.m.

LOCATION OF INTERVIEW: Phone

NAME/ADDRESS OF INTERVIEWEE:

Robin Doyland
Kerb Appeal Fenceworks
3188 N Marks Ave
Fresno, CA 93722
robin@kafence.net
Tel: 559-281-6010

NARRATIVE:

Kerb Appeal is replacing the right-side fence line and right-side gate when facing the home at a private residence located at 15240 W Stanislaus Avenue, Kerman, California. The City of Kerman has not responded to EPR.

INTERVIEW:

Amy Morford (AM) – Investigator
Excavator (EXCAV) – Robin Doyland, Kerb Appeal

AM: I'm talking with you today about two tickets you submitted for a job site located at 15240 W Stanislaus Avenue Kerman.

EXCAV: "Yes."

AM: You are familiar with these tickets and the job site?

EXCAV: "Yes, I submit and track our tickets."

AM: What is your position or title?

EXCAV: "Human Resources Manager and Client Coordinator."

AM: What services does Kerb Appeal provide?

EXCAV: "We install and repair fencing."

AM: What was the specific job for this location?

EXCAV: "We were hired to install a fence along the side of the homeowner's property."

AM: Are you a subcontractor?

EXCAV: "No."

AM: The complaint you submitted states that the City of Kerman is not responding to tickets. Is this correct?"

EXCAV: "Yes."

AM: Did you start the job?

EXCAV: "The job is completed."

AM: When did you start work?

EXCAV: "We started work on January 5, 2024, and finished the job the same day."

AM: Did the City of Kerman locate and mark?

EXCAV: "No."

AM: Did the other operators locate and mark for both tickets?

EXCAV: "All the operators marked the first ticket except for the City of Kerman. I resubmitted the second ticket because of the City of Kerman. We are trying to use the system, but it doesn't work. We have the same issues with certain companies and cities who don't send anyone out."

AM: What was the scope of work for this job?

EXCAV: "Installing a fence for a homeowner."

AM: What excavation took place for this job?

EXCAV: "Digging holes for fence posts."

AM: What equipment did you use to excavate?

EXCAV: "No equipment. Our guys dug everything by hand."

AM: Any damages?

EXCAV: "No."

AM: Is there anything else you want to tell me or think I should know?

EXCAV: "I spoke to you not too long ago about another job. Like I told you before, we don't want to break the law, and we don't want to cause any damages, but if we wait for certain operators to mark, we'll go out of business. We are a small company, and it's very frustrating and time-consuming. When we have to hand dig jobs, it takes longer and costs us more money in labor."

End of Report

Investigator Name	Supervisor Name
Amy Morford	Anona Bonner

Exhibit 6

From: [Nick White](#)
To: [Morford, Amy@EnergySafety](#); [Germain Suess](#)
Subject: Re: Ticket Request
Date: Monday, June 3, 2024 9:57:23 AM
Attachments: [image001.png](#)
[Outlook-A black an.png](#)
[Outlook-signature .png](#)
[2023122201345-000.PDF](#)
[2023122201345-001.PDF](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Any,

Please see attached.

Thank you.



Nick White

Member Services Manager

Phone: 925-222-6501

undergroundservicealert.org

4005 Port Chicago Hwy #100 Concord, CA
94520

NEW DAMAGE PREVENTION PORTAL



Manage Your
Area Of Interests



Respond To
Your Tickets



Update Your Membership
Information All In One Place



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From: Morford, Amy@EnergySafety <Amy.Morford@energysafety.ca.gov>

Sent: Monday, June 3, 2024 9:43 AM

To: Nick White <nick.white@usan.org>; Germain Suess <germain.suess@usan.org>

Subject: Ticket Request

Hello,

Requesting the following tickets:

2023122201345

2023122201345-001

Thank you,

Amy Morford

Senior Policy Investigator

Underground Investigations Division

Amy.Morford@energysafety.ca.gov

Direct: 279-789-1815



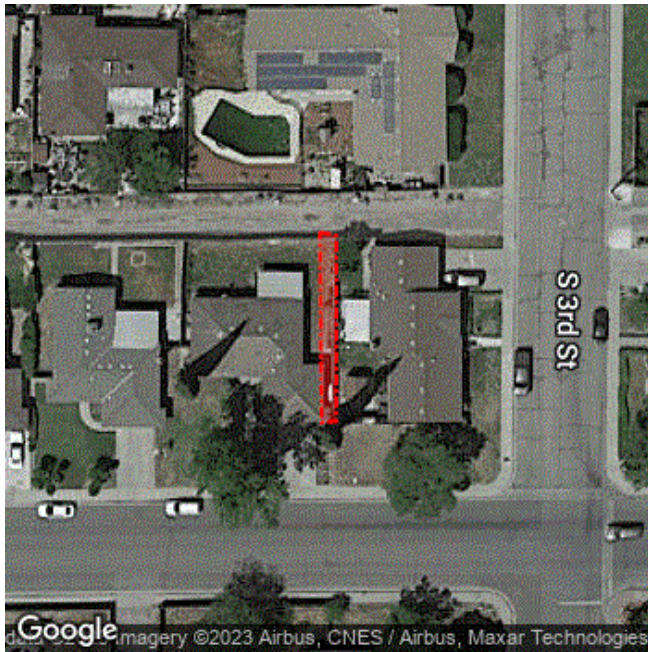
Ticket Status: NRSP
Transmission ID 3

Ticket Type: Normal
Response Required: No

Excavator Details

Contact: Tim Kerber **Phone:** 559-281-6010 **Mobile:** Not Supplied
Company: Kerb Appeal Fenceworks **Email:** kerbappeal03@gmail.com
Excavator Type: Contractor (or other professional excavator) **Language:** Not Supplied
Address: 3164 N Marks Ave California 93722 **Excavator ID:** 32540
 #111

Dig Site and Ticket Details



[Open Map](#)

Latitude/Longitude: 36.731533 -120.063071
GIS coordinate system: WGS84 (WKID 4326)

Ticket Action Reason:

NO RESPONSE City of Kerman has provided no response to ticket. -12/28/2023 02:53 PM

Excavator Remarks:

When facing the home, we are replacing the right-side fence line and right-side gate.

Previous Ticket #	2023122201345	Rev.#	000
Submitted	12/28/2023 14:53	Medium	WEB
Work Begin Date	12/27/2023 17:01		
Legal Start Date	12/27/2023 17:01		
Ticket Expiration	01/19/2024 23:59		
Work Duration	2-4 days		
Address/Location	15240 W Stanislaus Ave		
City/Town/Place	Kerman		
County	Fresno County		
State	CA	Zip Code	93630
Nearby Cross Street	W Stanislaus Ave and S 3rd St		
Subdivision/Lot			
Delineated Method	White Paint and Flags		
Work Type	Residential property work		
Work Activity	Fence/Gate/Wall Work		
Excavation Method	Mechanical/Multiple Methods		
Anticipated Depth	24 to 48 inches		
Boring	No	Explosive	No
Street/Sidewalk	No	Pavement Only	No
Vacuum Excavation	No		
Project Owner	Homeowner/Property Owner/Tenant/HOA		
Permit			
Job #/Name	2903 Louis Girard		
Onsite Contact Name	Robin Doyland		
Onsite Contact Phone	5592816010		

Additional Information

Log in to One Call Access and click Positive Response on the menu to view responses from member facility operators and confirm that all operators have responded before you begin digging. <https://onecallca.undergroundservicealert.org>.

Be sure the work location is accessible to facility owners/operators and their contract locators.

- Review your ticket details and utility members notified. If you notice anything that is in error or incorrect, please login to your One Call Access account and amend or create a new ticket to include the correct and accurate information. It is your responsibility to provide clear and accurate information on every ticket
- Do not proceed with your work until the legal start date/response due date has passed and ALL facility owners/operators have responded.
- When working within 24" tolerance zone of any facility marking, you are required by state law to hand dig and expose and protect the facility.
- If you make contact with a line even scrapes, nicks, dents or other contact, you are required to report it to 811 and the facility operator immediately.
- If you would like free training regarding the 811 process and state excavation laws, please visit www.811pro.com.
- If you need assistance, please contact us visiting www.undergroundservicealert.org, or information@usanorth811.org.

Members Operator Notified

Total members impacted: 3

Seq. No.	Authority Name	Phone	Status
8309204	City of Kerman	5593513981	Notification Sent
8309205	Kerman Telephone dba Sebastian	5598466677	Notification Sent
8309206	Pacific Gas & Electric	5592594137	Notification Sent

-----End of Member List-----

Ticket Revision History

Total revision history showing: 2

REV	DATE/TIME	STATUS	TYPE	USER	MEDIUM
000	12/22/2023 4:47:51 PM	Original	Normal	kerbappeal	Web
001	12/28/2023 2:53:53 PM	NRSP	Normal	kerbappeal	Web

-----End of Revision History-----

-----End of Transmission-----

Exhibit 7

From: Morford, Amy@EnergySafety
To: jcastro@cityofkerman.org
Subject: Dig-In incident on January 3, 2024, at 15240 W Stanislaus Avenue, Kerman, CA 93630, pertaining to 811 tickets and Electronic Positive Responses
Date: Wednesday, June 26, 2024 12:07:00 PM
Attachments: [image001.png](#)
[2024.06.26 Information Request Operator City of Kerman Kerb Appeal.docx](#)

My name is Amy Morford, and I represent the Underground Safety Board Investigations Division. I am the investigator assigned to you to gather information regarding a dig-in incident that transpired at 15240 W Stanislaus Avenue, Kerman, CA on or around January 3, 2024.

The City of Kerman failed to locate and mark or provide an electronic response to ticket number 2023122201345-000. What prevented the city from locating and marking the area and providing a response to the ticket?

The City of Kerman provided an Electronic Positive Response on January 8, 2024, locate area marked, pertaining to ticket number 2023122201345-001. This response was twelve days after the request was submitted. What prevented the city from locating, marking, and responding within the required time frame?

Please see the attached document for more information.

Your timely response is appreciated. Please feel free to call me at 279-789-1815.

I look forward to working with you.

Amy Morford

Senior Policy Investigator
Underground Investigations Division
Amy.Morford@energysafety.ca.gov

Direct: 279-789-1815





**OFFICE OF ENERGY INFRASTRUCTURE SAFETY
UNDERGROUND SAFETY BOARD**

715 P Street, 20th Floor | Sacramento, CA 95814
916.902.6000 | www.energysafety.ca.gov



MEMBERS

Amparo Munoz, Chair
Bill Johns, Vice Chair
Ron Bianchini
Randy Charland
Marjorie Del Toro
Marshall Johnson
Carl Voss

EXECUTIVE OFFICER

Tony Marino

TRANSMITTED VIA ELECTRONIC MAIL

Request Date: June 26, 2024

Response Due: July 11, 2024

To: Joe Castro
City of Kerman
850 S Madera Avenue
Kerman, CA 93630
jcastro@cityofkerman.org
559-351-3981

Investigator: Amy Morford | Case No. CAS-01596-D5P4B4

Information Request Number: Underground Safety-IR-2024-062

Subject: Dig-In incident on January 3, 2024, at 15240 W Stanislaus Avenue, Kerman, CA 93630, pertaining to 811 tickets and Electronic Positive Responses.

Ticket no. 2023122201345-000 - Utility did not provide a response code before the response due date.

Ticket no. 2023122201345-001 – Locate area marked January 8, 2024, twelve days after the request was submitted.

INSTRUCTIONS

- a. Provide all information in your possession, custody, or control, or the possession, custody, and/or control of your affiliates or agents, that is responsive to these requests by the due date identified above.

- b. If you have any questions about the meaning or scope of the information requests herein, at your earliest opportunity, direct such questions to the Energy Safety investigator identified in g. below.
- c. Lack of clarity on meaning or scope of requests, without prior request for clarification from the “investigator,” will not be a permissible reason for incomplete responses and will be regarded as non-compliance with the request.
- d. Identify the personnel (employees, consultants, agents, etc.) who provided information responsive to each of the information requests below. As used in this context herein, “identify” means to provide the full name, business address, and title of each employee, consultant, or agent who provided such information.
- e. If you do not know the exact answer to any of the requests below, please indicate and provide your best estimate.
- f. Provide data in its original format (i.e., PDF, Excel, GIS shapefile, etc.), unless otherwise specified in the request.
- g. Send your response to case investigator:

Amy.Morford@energysafety.ca.gov

1. This is a request for a copy of all records including tickets, video, photographs, interviews, documents, and any reports of any kind regarding this incident.

END OF REQUEST

Exhibit 8

From: [Joe Castro](#)
To: Morford, Amy@EnergySafety
Subject: RE: City of Kerman
Date: Wednesday, June 26, 2024 3:18:02 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Not sure what happened, We have the ticket in our binder. What do we do know.

Joe Castro | Public Works Coordinator

City of Kerman | Public Works Department
p. (559) 846.9388 | f. (559) 846.7488
Physical Address: 15201 W. California Kerman, CA 93630
Mailing Address: 850 S. Madera Ave. Kerman, CA 93630
jcastro@cityofkerman.org

From: Morford, Amy@EnergySafety <Amy.Morford@energysafety.ca.gov>
Sent: Wednesday, June 26, 2024 2:55 PM
To: Joe Castro <JCastro@cityofkerman.org>
Subject: RE: City of Kerman

Here are copies of the tickets and the EPR.

Amy Morford

Senior Policy Investigator
Amy.Morford@energysafety.ca.gov
Direct: 279-789-1815
Office of Energy Infrastructure Safety

From: Joe Castro <JCastro@cityofkerman.org>
Sent: Wednesday, June 26, 2024 2:49 PM
To: Morford, Amy@EnergySafety <Amy.Morford@energysafety.ca.gov>
Subject: City of Kerman

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon

What is the date on the ticket. I'm confused was the ticket in January or June. Also the phone number on the E-mail is not working.

Thank you

Joe Castro | Public Works Coordinator

City of Kerman | Public Works Department

p. (559) 846.9388 | f. (559) 846.7488

Physical Address: 15201 W. California Kerman, CA 93630

Mailing Address: 850 S. Madera Ave. Kerman, CA 93630

jcastro@cityofkerman.org

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Exhibit 9



**CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD
INVESTIGATION DIVISION
REPORT OF INTERVIEW**

DATE: June 26, 2024

CASE NO: CAS-01596-D5P4B4

DATE/TIME OF INTERVIEW: June 26, 2024, 4:32 p.m.

LOCATION OF INTERVIEW: Phone

NAME/ADDRESS OF INTERVIEWEE:

Joe Castro, Public Works Coordinator
City of Kerman
850 S Madera Avenue
Kerman, CA 93630
jcastro@cityofkerman.org
559-351-3981

NARRATIVE:

Dig-In incident on or around January 3, 2024, at 15240 W Stanislaus Avenue, Kerman, CA 93630, pertaining to 811 tickets and Electronic Positive Responses.

The City of Kerman failed to locate and mark or provide an electronic response to ticket number 2023122201345-000.

The City of Kerman provided an Electronic Positive Response on January 8, 2024, locate area marked, pertaining to ticket number 2023122201345-001. The response was seven working days after the request was submitted.

INTERVIEW:

Amy Morford (AM) – Investigator
Operator (OPER) – Joe Castro, Public Works Coordinator, City of Kerman

AM: What prevented the city from locating and marking the area and responding to the original ticket and what caused the delayed response time on the second ticket?

OPER: “Three people in the office handle the USA tickets. The tickets are printed and placed in a book. The tickets are in the computer but wasn’t in our book. So basically, I guess it just got missed is the best answer. Just got overlooked.”

AM: Do you outsource your locates?

OPER: “We use our guys in-house. We have one main guy and then another one.”

AM: Is there anything else you think I should know?

OPER: "I've been doing this job with the USA's for about four years, and then the guy before me and then the guy before him, they've never had one missed before. I've never had one missed before. So just kind of thought you should know. We'll try our best not to have this happen again."

The investigator thanked Mr. Castro and ended the call.

End of Report

Investigator Name	Supervisor Name
Amy Morford	Anona Bonner

Exhibit 10

From: [Morford, Amy@EnergySafety](mailto:Morford_Amy@EnergySafety)
To: [Nick White](#)
Subject: EPR Clarification Ticket 2023122201345-000, Kerb Appeal Case
Date: Thursday, September 19, 2024 4:33:00 PM
Attachments: [image001.png](#)
[Ticket_2023122201345-000_Kerb_Appeal_Kerman.pdf](#)
[image002.png](#)
[EPR_Kerb_Appeal_Kerman.pdf](#)
[image003.png](#)

Hi Nick,

I need clarification on a case I'm working on.

Ticket 2023122201345-000 has a legal start date of 12/27/2023 at 1701 hrs. (5:01 p.m.)



Ticket #: 2023122201345 Revision: 000

Ticket Status: Original
Transmission ID: 11

Ticket Type: Normal
Response Required: Yes

Excavator Details

Contact: Tim Kerber **Phone:** 559-281-6010 **Mobile:** Not Supplied
Company: Kerb Appeal Fenceworks **Email:** kerbappeal03@gmail.com
Excavator Type: Contractor (or other professional excavator) **Language:** Not Supplied
Address: 3164 N Marks Ave California 93722 **Excavator ID:** 32540
 #111

Dig Site and Ticket Details



Previous Ticket #		Rev.#	
Submitted	12/22/2023 16:47	Medium	WEB
Work Begin Date	12/27/2023 17:01		
Legal Start Date	12/27/2023 17:01		

The EPR issued a 999 on 12/27/2023 at 09:15. Are the times listed on the EPR military time or standard time (a.m./p.m.)?
 If military time is used, the 999 code was issued at 0915 hrs. (09:15 a.m.) before the legal start time.

2023122201345-000	CTYKER	City of Kerman	12/27/2023 09:15	999	Utility did not provide a response code before the response due date.	Utility did not provide a response code before the response due date.
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If the EPR utilizes the 12-hour clock without the a.m. and p.m. being designated, how do excavators, operators, and investigators confirm the times?

I have attached the ticket and EPR for your convenience.

We are looking forward to hearing back from you.

Thanks,

Amy Morford
 Senior Policy Investigator
 Underground Investigations Division
Amy.Morford@energysafety.ca.gov
 Direct: 279-789-1815



From: [Nick White](#)
 To: [Morford, Amy@EnergySafety](#)
 Subject: Re: EPR Clarification Ticket 2023122201345-000, Kerb Appeal Case
 Date: Friday, September 20, 2024 10:36:25 AM
 Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image006.png](#)


CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Amy,

It is standard time. Here is what it looks like from the excavators point of view within One Call Access:

Normal 2023122201345-001 15240 W Stanislaus Ave, Kerman, CA 93630

[Download](#) [Actions](#)



Ticket details
Information about the worksite and type of work involved

Ticket details

Work site address
15240 W Stanislaus Ave, Kerman, CA 93630

Notes
NRSP

Ticket created on
12/28/2023 - 02:53:53 pm

Last updated/Cancelled date
12/28/2023 - 02:54:01 pm

Ticket type
Normal

Type of work
Residential property work

Affected Members 1

It is your responsibility to confirm all details listed on your ticket are accurate and complete. If any information or details are incorrect, please contact 811 or login online to amend your ticket or submit a new ticket with the correct information.

At the bottom of your ticket will be a list of the utility owners being notified to respond to your request. If there are utility owners missing from your request, please contact 811 to confirm the correct digsite was identified for your ticket.

Remember - Do not proceed with your work until ALL utility owners listed have either marked the location of their facilities, OR provided you information about the location of their assets, OR have provided you with a clearance to dig.

For more information, education, or training please visit our website - <https://www.undergroundservicealert.org>

CLOSE

Responses Received 3 / 3

CTYKER - City of Kerman (Phone: 5593513981 Emergency: 5593513981)	Responses	Latest Response	Received
- Notification Sent	2	010	01/08/2024
01/08/2024 - 02:04:33 pm, 2023122201345-001 assigned by DESTINY GARCIA			
Code 010 Full description Locate area marked Notes No notes provided			
12/28/2023 - 02:54:23 pm, 2023122201345-001 assigned by USA North 811			
Code 000 Full description Utility is yet to provide a suitable response code for this revision. Notes Utility is yet to provide a suitable response code for this revision.			
12/27/2023 - 09:15:03 pm, 2023122201345-000 assigned by USA North 811			
Code 999 Full description Utility did not provide a response code before the response due date. Notes Utility did not provide a response code before the response due date.			
12/22/2023 - 04:48:44 pm, 2023122201345-000 assigned by USA North 811			
Code 000 Full description Utility is yet to provide a suitable response code for this revision. Notes Utility is yet to provide a suitable response code for this revision.			

Let me know if you need anything else.

Thank you.



Nick White
 Member Services Manager
 O: 925-222-6501
 W: undergroundservicealert.org
 4005 Port Chicago Hwy #100 Concord, CA 94520

NEW DAMAGE PREVENTION PORTAL

[Manage Your Area Of Interests](#)
[Respond To Your Tickets](#)
[Update Your Membership Information All In One Place](#)

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From: Morford, Amy@EnergySafety <Amy.Morford@energysafety.ca.gov>
 Date: Thursday, September 19, 2024 at 4:36 PM
 To: Nick White <nick.white@usan.org>
 Subject: EPR Clarification Ticket 2023122201345-000, Kerb Appeal Case

Hi Nick,

I need clarification on a case I'm working on.

Ticket 2023122201345-000 has a legal start date of 12/27/2023 at 17:01 hrs. (5:01 p.m.)

UNDERGROUND SERVICE ALERT Ticket #: 2023122201345 Revision: 000

Ticket Status: Original Ticket Type: Normal
 Transmission ID 11 Response Required: Yes

Excavator Details

Contact: Tim Kerber **Phone:** 559-281-6010 **Mobile:** Not Supplied
Company: Kerb Appeal Fenceworks **Email:** kerbappeal03@gmail.com
Excavator Type: Contractor (or other professional excavator)
Address: 3164 N Marks Ave California 93722 **Language:** Not Supplied
 #111 **Excavator ID:** 32540

Dig Site and Ticket Details



Previous Ticket #		Rev.#	
Submitted	12/22/2023 16:47	Medium	WEB
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2023122201345-000	CTYKER	City of Kerman	12/27/2023 09:15	999	Utility did not provide a response code before the response due date.	Utility did not provide a response code before the response due date.
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If the EPR utilizes the 12-hour clock without the a.m. and p.m. being designated, how do excavators, operators, and investigators confirm the times?

I have attached the ticket and EPR for your convenience.

We are looking forward to hearing back from you.

Thanks,

Amy Morford

Senior Policy Investigator

Underground Investigations Division

Amy.Morford@energy.ca.gov

Direct: 279-789-1815



Exhibit 11



**CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD
INVESTIGATION DIVISION
RECORD OF CONVERSATION**

DATE: 10/09/2024

CASE NO: C240030005

DATE/TIME OF CONVERSATION: 10/09/2024 11:24 a.m.

LOCATION OF CONVERSATION: Phone

NAME/ADDRESS OF PARTY:

Nichole Slumberg
Kerb Appeal Fenceworks
3188 N Marks Ave
Fresno, CA 93722
Tel: 559-281-6010

NARRATIVE:

Kerb Appeal replaced the right-side fence line and right-side gate when facing the home at a private residence located at 15240 W Stanislaus Avenue, Kerman, California.

CONVERSATION:

Amy Morford – Investigator
Excavator – Nichole Slumberg (Slumberg), CEO of Kerb Appeal Fenceworks

On October 9, 2024, at approximately 11:24 a.m., the investigator contacted Kerb Appeal and requested to speak with Robin Doyland (Doyland). The investigator was told that Doyland was no longer with the company. The investigator spoke with Nichole Slumberg, CEO, who was familiar with the incident and the complaint.

The investigator informed Slumberg that on April 24, 2024, Doyland stated Kerb Appeal had completed the job at 15240 W Stanislaus Avenue in Kerman and did not use equipment to excavate. Kerb Appeal employees “dug everything by hand.” Slumberg stated this was correct.

The investigator asked Slumberg what tools were used to dig by hand. Slumberg replied that shovels were used to dig holes for posts.

The investigator thanked Slumberg for her time and concluded the call.

End of Record

Investigator Name	Supervisor Name
Amy Morford	Anona Bonner