

California Underground Facilities Safe Excavation Board

In the Matter of
Mark Caballero Pools and Spa Inc.,
Respondent

Case No. 23NTS0024

DECISION REGARDING NOTICE OF PROBABLE VIOLATION

On April 14, 2025, the Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the Board) considered Case No. 23NTS0024. Board investigative staff issued a Notice of Probable Violation (NOPV) to Mark Caballero Pools and Spa Inc. (Respondent), dated February 24, 2025, alleging violations of Government Code (Gov. Code) sections 4216.2(b), 4216.4(c)(2), and 4216.4(c)(3) and California Code of Regulations title 19, section 4100(a)(1). Respondent did not submit a response to the NOPV.

Board members Charland, Clausen, Johns, Johnson, and Sorem participated in the decision. Board Member Muñoz was not present for the meeting.

FINDING

Having considered the investigation report, the Board finds that Respondent violated Gov. Code sections 4216.2(b), 4216.4(c)(2) and California Code of Regulations title 19, section 4100(a)(1).

VIOLATION SUMMARY

Respondent was excavating without notifying the regional notification center and damaged a natural gas facility. After the damage, Respondent contacted the regional notification center to obtain a ticket but did not contact 911 or notify the regional notification center of the damage.

JURISDICTION

This matter is subject to the jurisdiction of the CONTRACTOR STATE LICENSE BOARD.

SANCTIONS

The Board RECOMMENDS that the CONTRACTOR STATE LICENSE BOARD order Respondent to take the Board's education course and pay a penalty of \$1000.

The following factors were considered relevant to this sanction determination:

- Respondent excavated without notifying the regional notification center.
- Respondent damaged a natural gas line.
- Respondent did not contact 911 emergency services to report the incident.
- Respondent did not notify the regional notification center of the damage.
- The violation did not result in death or substantial injury or environment or property damage.

/s/ William Johns
William Johns, Chair

Date: May 12, 2025