



CALIFORNIA UNDERGROUND SAFETY BOARD INVESTIGATION DIVISION

INVESTIGATION REPORT

DATE: April 2, 2025

CASE No.: D223320008

Violations:

Agundez Concrete Company

Government Code § 4216.2(g): Excavating prior to all operators responding to the ticket

Government Code § 4216.4(a)(2)(B): Use of power-tools to remove pavement when subsurface facilities were known to be embedded in the pavement.

Government Code § 4216.4(c)(3): Failure to report damage to the Regional Notification Center within 48 hours.

Nautilus General Contractors, Inc.

Government Code § 4216.2(g): Excavating prior to all operators responding to the ticket

Government Code § 4216.4(a)(2)(B): Use of power-tools to remove pavement when subsurface facilities were known to be embedded in the pavement.

Government Code § 4216.4(c)(3): Failure to report damage to the Regional Notification Center within 48 hours.

San Diego County Department of Water-Special Districts (member code: COSDSD)

Government Code § 4216.3(c)(1)(A): Failure to provide electronic positive response prior to the legal excavation start date and time.

Executive Summary:

On November 28, 2022, Agundez Concrete Company was removing concrete using two Bobcat skid-steer loaders in Rancho Santa Fe, California, when they damaged a vertical water valve can and asbestos valve casing embedded in the concrete. Nautilus General Contractors subcontracted with Agundez Concrete Company to demolish and remove the concrete driveway and repave the driveway.

Nautilus General Contractors contacted DigAlert on the morning that Agundez Concrete

Company removed the concrete and damaged the water valve. Agundez did not wait for all operators to respond before beginning the work which damaged the water valve. At the time, the Agundez Concrete Company was not working under any other ticket, and DigAlert does not have a record of any other ticket or a damage ticket in the ticket series.

The operator San Diego County Department of Water-Special Districts received a locate request from the Regional Notification Center and received a late notice “999” electronic positive response (EPR) code from the regional notification center.

Reporting Party Information:

Josh Westbrook, Inspector 1
Olivenhain Municipal Water District
1966 Olivenhain Road
Encinitas, California 92024

Date of Incident:

November 28, 2022

Location of the Incident:

Rancho Santa Fe, California, at the intersection of Rama De Las Palmas and Vista De Golf

Operator:

Olivenhain Municipal Water District
1966 Olivenhain Road
Encinitas, California 92024

Excavator:

Agundez Concrete Company
1534 Quiet Trail Drive
Chula Vista, California 91915

Facility Type Damaged:

Water valve can and asbestos valve casing

Investigation:

Notification of the Incident

On November 28, 2022, Josh Westbrook, an inspector with operator Olivenhain Municipal Water District in Encinitas, California, reported to the California Underground Safety Board (Board) that Agundez Concrete Company damaged a water valve can and asbestos valve casing at 1:20 p.m. (Exh. 1.). Agundez Concrete Company used a skid steer to remove pavers. (Exh. 1, 6.)

The case was assigned to Jeff McClenahan (Investigator).

Identity of the Excavator and the Prime and Subcontractor

Government Code § 4216(h) defines an excavator to be means “any person, firm, contractor or subcontractor, owner, operator, utility, association, corporation, partnership, business trust, public agency, or other entity that, with their own employees or equipment, performs any excavation.”

Regarding licensed contractors, Business and Professions Code section 7068.1 makes a contractor responsible for the conduct of its subcontractors. At subdivision (a), section 7068.1 states, in part, “The person qualifying on behalf of an individual or firm ... shall be responsible for exercising supervision and control of their employer's or principal's construction operations to secure compliance with this chapter and the rules and regulations of the board.”

Section 7068.1 defines “supervision and control” to mean “direct supervision or control or monitoring and being able to assist others to whom direct supervision and control has been delegated.” (Bus. & Prof. Code section 7068.1(c)(3).) Further, “direct supervision or control” means any of the following:

- (A) Supervising construction operations.
- (B) Managing construction activities by making technical and administrative decisions.
- (C) Checking jobs for proper workmanship.
- (D) Supervision on construction sites. (Bus. & Prof. Code section 7068.1(c)(4).)

Further, licensed contractors are required to comply with dig-safe laws by Business and Professions Code section 7110, which makes violation of the dig-safe laws a cause for disciplinary action. Section 7110(f) states that “[w]illful or deliberate disregard and violation of the building laws of the state, or of any political subdivision thereof, or of any of the following references to or provisions of law, constitutes a cause for disciplinary action against a licensee: (f) Any provision of Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1 of the Government Code.”

Villa at Whispering Palms contracted with Nautilus General Contractors to remove and repave the driveway to Villas at Whispering Palms near the intersection of Ramas de Las Ramblas and Vista De Golf. (Exhs. 3, 6.) In turn, Nautilus General Contractors subcontracted with Agundez Concrete Company to demolish and remove the concrete driveway and repave the area. (Exh. 3.)

Nautilus General Contractors holds a license issued by the California State Contractors License Board (CSLB), License #807552 with A-General Engineering, B-General Building and C39-Roofing Classifications. (Exh. 2.)

Agundez Concrete Company holds a license issued by the CSLB, License #575480 with a C-8 Concrete Classification. (Exh. 4.)

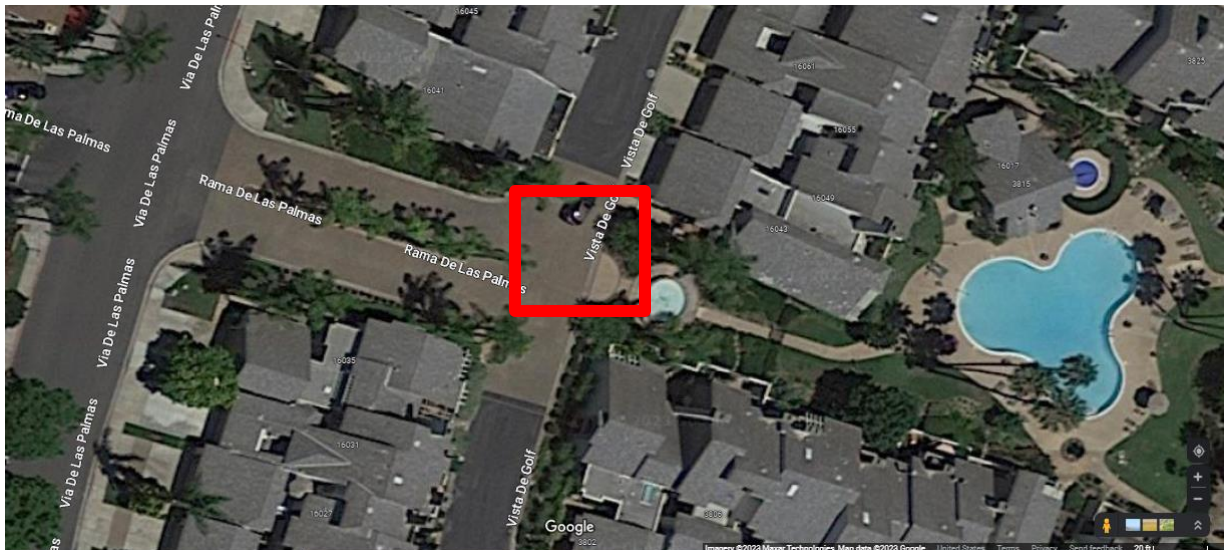


Photo 1: Satellite view from Google Maps of the intersection of Rama De Las Palmas and Vista De Golf with red rectangle indicating the approximate incident area added by Investigator.

Nautilus Contacted DigAlert Regarding Work at the Site, but Agundez Began Removing Concrete Before All Operators Responded to the Locate Request

Government Code section 4216.4(g) provides that unless an emergency exists, an excavator shall not begin excavation until the excavator receives a response from all known operators.

Nautilus General Contractors contacted DigAlert on November 28, 2022, at 8:43 a.m. regarding the demolition work at the intersection of Rama De Las Palmas and Vista De Golf in Rancho Santa Fe, California. USA North created ticket B223320148-00B, which indicated that the legal excavation start date and time for the work was November 30, 2022, at 5:01 p.m. (Exh. 5.)

Agundez Concrete Company began work prior to all operators responding to the ticket, and on the same day the ticket was created which was created on November 28, 2022, at 8:43 a.m. (Exh. 3, 5.)

On March 28, 2023, Investigator interviewed Matthew Agundez by phone. (Exh. 10.) During the interview, Agundez stated:

- Agundez did not contact the Regional Notification Center before digging.
- Agundez was not aware that the prime contractor, Nautilus General Contractors, had contacted the regional notification center.

On November 28, 2022, Olivenhain Municipal Water District responded to the locate request. (Exh. 6.) On November 29, 2022, San Diego Gas & Electric input electronic positive response code “040 – Excavator completed work prior to due date.” (Exh. 5.)

DigAlert created the ticket on November 28, 2022, at 8:43 a.m., the same day that Agundez Concrete Company began work and prior to all of the operators responding. (Exh. 3, 5.)

Ann Diamond, President of DigAlert, stated in her email there were no tickets for the location of Rama De Las Palmas and Vista De Golf, between July 1, 2022, and December 16, 2022, other than ticket B223320148-00B. DigAlert did not have a record of any contact from an excavator regarding the damage to the water valve equipment that Agundez Concrete damaged on November 28, 2022. (Exh. 7.)

Josh Westbrook submitted the Olivenhain Municipal Water District Initial Incident Investigation Form stating the incident took place at 1:20 p.m. on November 28, 2022, well before the legal start date and time of November 30, 2022, at 5:01 p.m. (Exh. 6.)

Westbrook recorded in the Initial Incident Investigation Form that while he was responding to the locate request, excavation had already begun. (Exh. 6.)

The Work Which Caused the Damage Was Not the Subject of Any Other DigAlert Ticket

On December 16, 2022, Investigator emailed Amber Dahl, Safety Awareness Director for DigAlert, asking for tickets for the intersection of Rama De Las Palms and Vista De Golf. Ann Diamond (Diamond), President of DigAlert, replied by email that same day. Diamond stated that their search, from July 1, 2022, through December 12, 2022, had revealed no tickets for the intersection of Rama De Las Palmas and Vista De Golf other than the provided ticket B223320148-00B. (Exh. 7.)

Agundez Concrete Did Not Use Hand Tools to Remove Concrete Known to Contain Subsurface Installations

On December 19, 2022, Investigator emailed Matthew Agundez, owner of Agundez Concrete Company, including an Information Request. The Information Request sought all records related to the incident and specified a response deadline of January 3, 2023. However, Agundez never responded to the Information Request. (Exhs. 8, 13.) On March 28, 2023, Investigator emailed a 2nd Notice Information Request (Number 003) to Matthew Agundez. (Exh. 9.)

Nautilus General Contractors stated that Agundez was aware of the facility “lids,” and that the damaged facility was encased in existing concrete which had been “poured around the lids.” (Exh. 3.)

On December 22, 2022, Nautilus General Contractors sent an email to Investigator, stating:

- Nautilus General Contractors hired Agundez to demolish, remove, and repour the concrete.
- Agundez started work on November 28, 2022, by removing the concrete with 2 bobcats.
- Speaking on behalf of Agundez, Nautilus said that Agundez did not need to contact the Regional Notification Center “since they were not going to dig under the subgrade.” (Exh. 3.)

That same day, March 28, 2023, Investigator interviewed Matthew Agundez by phone. Agundez stated that Agundez Concrete Company was working with a breaker

attachment on a bobcat and that Agundez stated they may have been able to saw cut the concrete around the facility but could not see how the damage would be preventable because of the concrete poured right up to the facility. (Exh. 10.)

Agundez also stated:

- Agundez did not contact the Regional Notification Center for a ticket.
- Agundez was not aware of the prime contractor, Nautilus General Contractors, ticket.
- Agundez thought there was a hole under the valve cover and not a facility
- Agundez Concrete Company damaged the facility.
- Agundez did not know the facility was asbestos.
- Agundez did not consider this work excavation.
- The incident site was marked following the incident.

The notification from the reporter, Westbrook, stated that Agundez was excavating pavers, while the general contractor, Nautilus, stated via email that Agundez was removing and excavating in the concrete. (Exh. 1, 3.) Agundez stated in the interview that Agundez Concrete Company was excavating with a power tool, a bobcat, to remove concrete and was aware of the valve covers in the concrete. (Exh. 10.)



Photo 2: Photo provided by the Olivenhain Municipal Water District of incident area and damaged facility. The skid steer and jackhammer attachment are visible towards top of the photo.

San Diego County Department of Water-Special Districts Did Not Provide a Timely EPR Response

Ticket B223320148-00B indicates that the legal excavation start date and time was 5:00 p.m. on November 30, 2022. The ticket also indicates that operator San Diego County Department of Water-Special Districts (DigAlert Member Code COSDSD) did not provide an electronic positive response before that time and date: “(999) – Member did not respond by the required time” as of November 30, 2022, at 5:01 p.m. (Exh. 5.)

Ticket Responses for: B223320148-00B

Member	Name	Rev	Responded	By	Response
ATTD SOUTH AT&T - DISTRIBUTION		00B	11/29/22 09:57:42 AM	UQ Responder	(022) NO DELINEATION - RESEND TICKET REQUESTED
COSDSD	SAN DIEGO CO DPW, SPECIAL DISTRICTS	00B	11/30/22 05:01:15 PM	Late Notice	(999) Member did not respond by the required time
COX04	COX COMMUNICATIONS - NO SD	00B	11/29/22 10:00:37 AM	AAA	(022) NO DELINEATION - RESEND TICKET REQUESTED
OMW62	OLIVENHAIN MWD	00B	11/29/22 09:53:35 AM	jwestbrook	(022) NO DELINEATION - RESEND TICKET REQUESTED
SDG01	SDG&E GAS DISTRIBUTION AND ELECTRIC	00B	11/29/22 02:23:09 PM	PRSDG01 MWEINGEL	(040) EXCAVATOR COMPLETED WORK PRIOR TO DUE DATE
WHISPM	WHISPERING PALMS CSD	00B	11/29/22 07:12:40 AM	Ken Burtech	(001) CLEAR - NO CONFLICT

Photo 3: Screenshot taken by Investigator of the EPRs on ticket B223320148-00B, provided by DigAlert. (Exh. 5.)

On December 29, 2022, Investigator requested information from the San Diego County of Public Works regarding the failure to provide an EPR to ticket B223320148-00B. (Exh. 11.) San Diego County Department of Public Works emailed a response on January 3, 2023, stating:

- A county electrician, Michael Krosky, responded to the ticket on November 28, 2022.
- The response was that there was no conflict for County of San Diego streetlights. (Exh. 11.)

San Diego County Department of Public Works provided a copy of that response email from Michael Krosky to Nautilus General Contractors which stated in full: "No conflict." (Exh. 12.) However, the Department of Public Works did not state the reason why it did not provide an electronic positive response. (Exh. 11.)

Findings:

1. Agundez Concrete Company, as the excavator, began excavation prior to all operators responding to the ticket and used a skid-steer with a jackhammer attachment to remove the concrete in the driveway at the Whispering Palms.

2. Agundez Concrete Company, as the excavator, failed to use hand tools to remove concrete known to contain subsurface installations during the removal of the concrete in the driveway at the Whispering Palms jobsite and instead used a bobcat with a breaker attachment.

3. Agundez Concrete Company, as the excavator, failed to notify the regional notification center of the damage caused to the water valve can and asbestos valve casing within 48 hours of damaging it on November 28, 2022, as DigAlert only had record of New Ticket B223320148-00B and did not have a record of a damage ticket.

4. Nautilus General Contractors, as the general contractor, failed to ensure that its subcontractor, Agundez Concrete Company, waited for all operator responses prior to beginning excavation of the concrete driveway at the Whispering Palms job site.

5. Nautilus General Contractors, as the general contractor, failed to ensure that its subcontractor, Agundez Concrete Company, used hand tools to remove concrete known to contain subsurface installations during the removal of the concrete driveway at the Whispering Palms jobsite.

6. Nautilus General Contractors, as the general contractor, failed to notify the regional notification center of the damage caused by its subcontractor, Agundez Concrete Company, to the water valve can and asbestos valve casing within 48 hours of the damage on November 28, 2022, as DigAlert only had a record of New Ticket B223320148-00B and did not have a record of a damage ticket.

7. San Diego County Department of Water-Special Districts (DigAlert Member Code COSDSD) failed to supply an electronic positive response (EPR) through the Regional Notification Center before the legal excavation start date and time of November 30, 2022, at 5:01 p.m.

Investigator Name	Supervisor Name
Jeff McClenahan	Anona Bonner
Signature	Signature
/s/Jeff McClenahan	/s/Anona Bonner

Exhibit No.	Description	Date	Received From
1	Notification Information Report D223320008	Received on 11/28/2024	
2	Contractor's License Detail for License No. 807552 obtained from the Contractors State License Board website Nautilus General Contractors	Downloaded on 2/27/2023	California Contractors State License Board website at https://www.cslb.ca.gov/onlineservices/checklicensell/checklicense.aspx
3	Email from Nautilus General Contractors re: subcontract with Agundez Concrete Company	Received on 12/22/22	Joseph Villegas, Nautilus General Contractors
4	Contractor's License Detail for License No. 575480 obtained from the Contractors State License Board website Agundez Concrete Company	Downloaded on 3/21/2023	California Contractors State License Board website at https://www.cslb.ca.gov/onlineservices/checklicensell/checklicense.aspx
5	DigAlert ticket B223320148-00B	Received on 12/16/2022	Ann Diamond President DigAlert
6	Initial Incident Investigation Form from Olivenhain Municipal Water District	Submitted on 11/28/2022	Josh Westbrook, Olivenhain Municipal Water District
7	Email exchange with DigAlert to locate tickets	Received on 12/16/2022	Ann Diamond President DigAlert

8	Information Request and Email to Agundez Concrete Company	Emailed on 12/19/2022	
9	2 nd Information Request (003) to Agundez Concrete Company	Emailed Sent on 3/28/2023	
10	Summary of Telephone Interview of Matthew Agundez, prepared by Investigator	Telephone interview conducted by Investigator on 3/28/2023	
11	Information Request and Email to San Diego County re: EPR Request	Emailed on 12/29/2022	
12	Email from San Diego County to Nautilus General Contractors	Dated 11/28/2022	San Diego County Department of Public Works
13	Information Request emailed to Agundez Concrete Company	Emailed on 12/19/2022	

Exhibit 1

Notification Information Report

Information for Notification Number:- D223320008

Date Logged to CRM:- 11/28/2022 4:14 PM

Complaint/Incident Information	
Incident/Complaint Description	AGUNDEZ CONCRETE CO. WITH OUT A DIG ALERT TICKET USED A SKID STEER WITH A JACKHAMMER ATTACHMENT TO EXCAVATE PAVERS. IN THE PROCESS THE DAMAGED A WATER VALVE CAN LID AND ASBESTOS PIPE CASING.
Incident Date	11/28/2022 1:20 PM
Incident State	CA
Incident County	San Diego
Incident Place	Rancho Sante Fe
Incident St from Address	
Incident St to Address	
Incident Street	Rama De Las Palmas
Incident Cross1	Rama De Las Palmas
Incident Location	VALVE CAN LOCATED AT INTERSECTION WAS BROKEN.
Type of Complaint	
Other Complaint Detail	
Notification Number	D223320008
Notification Created	11/28/2022 4:08 PM
Notification Type	incident
Damage Injury	No
Damage Death	No
Damage Fire Evacuation	No
Damage Facility Type	Water Valve Can and Valve casing
Damage Equipment	Skid steer with jack hammer attachment.

Reporter Information	
Reporter First Name	Josh
Reporter Middle Name	
Reporter Last Name	Westbrook
Reporter Company	Olivenhain Municipal Water District
Reporter Email	jwestbrook@olivenhain.com
Reporter Phone	4428880487
Reporter Address	1966 Olivenhain Rd
Reporter Address 2	
Reporter City	Encinitas
Reporter State	CA
Reporter Zip	92024

Other Party Information	
First Name	Matthew
Middle Name	
Last Name	Agundez
Company	Agundez Concrete CO.
Address	
City	
State	
Zip Code	
Email	matthew.agundez@gmail.com
Phone	6195711167

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 D223320008

Ticket GPS Coordinates

Caller GPS Coordinates

Name	Latitude	Longitude
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Best Fit Rectangle GPS Coordinates

Name	Latitude	Longitude
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Ticket Member List

Member Code

Exhibit 2

▼ Contractor's License Detail for License # 807552

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.

Data current as of 2/27/2023 10:17:28 AM

Business Information

NAUTILUS GENERAL CONTRACTORS INC
8033 VICKERS STREET
SAN DIEGO, CA 92111
Business Phone Number:(858) 939-1344

Entity Corporation
Issue Date 05/02/2002
Expire Date 05/31/2024

License Status

This license is current and active.

All information below should be reviewed.

Classifications

- ▶ [A - GENERAL ENGINEERING](#)
- ▶ [B - GENERAL BUILDING](#)
- ▶ [C39 - ROOFING](#)

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with [RLI INSURANCE COMPANY](#).

Bond Number: LSM0258751

Bond Amount: \$25,000

Effective Date: 01/01/2023

[Contractor's Bond History](#)

Bond of Qualifying Individual

The qualifying individual STEFEN ERIC GUSTAFSON 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: 04/14/2014

[BQI's Bond History](#)

Workers' Compensation

This license has workers compensation insurance with the [TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA](#)

Policy Number:UB4K306161

Effective Date: 05/01/2018

Expire Date: 05/01/2023

[Workers' Compensation History](#)

► Personnel listed on this license (current or disassociated) are listed on other licenses.

Exhibit 3

From: [Alcantar, Daysi@EnergySafety](mailto:Alcantar.Daysi@EnergySafety)
To: [McClenahan, Jeff@EnergySafety](mailto:McClenahan.Jeff@EnergySafety)
Subject: FW: [EXTERNAL]Request of Information: Damage to the water valve on11/29/2022 involving Agundez Concrete at the intersection of Rama De Las Palmas and Vista De Golf
Date: Wednesday, February 22, 2023 4:01:24 PM
Attachments: [image002.png](#)
[image003.png](#)

FYI

From: Joseph Villegas <villegas@nautilusgeneral.com>
Sent: Thursday, December 22, 2022 1:57 PM
To: Damazio, Chrystal@EnergySafety <Chrystal.Damazio@energysafety.ca.gov>
Cc: Alcantar, Daysi@EnergySafety <Daysi.Alcantar@energysafety.ca.gov>
Subject: RE: [EXTERNAL]Request of Information: Damage to the water valve on11/29/2022 involving Agundez Concrete at the intersection of Rama De Las Palmas and Vista De Golf

You don't often get email from villegas@nautilusgeneral.com. [Learn why this is important](#)

Hello Chrystal,

I just received your voicemail.

We were hired directly by Villa at Whispering Palms as the General Contractor to remove a concrete driveway entryway as well as the median that is on Ramas de Las Ramblas entering Villas at Whispering Palms HOA.

We then subcontracted the work to Agundez Contracting to demo the concrete driveway, haul it off site and repour new concrete on this entryway.

Agundez began the work on November 28th, 2022 by removing the concrete pavers with (2) bobcats.

Agundez did not contact Dig alert since they were not going to dig under the subgrade of the area. No excavation was done to remove the concrete driveway. Agundez did to some light grading to make sure that the existing soil had slope prior to pouring the concrete but no excavating.

While removing the driveway they damaged two water district can lids and asbestos water valve pipes that serve this community. They were 100% aware that these lids were there unfortunately the existing concrete wrapped around these lids and the concrete was just too tight around the lids. Since this driveway had never removed in over 35 years, the concrete was poured around the lids. They tried their best to avoid breakage, but it was simply too hard to maneuver around them.

The lids were marked out by Agundez and they were fully aware for the lids prior to removing the concrete but the damage was still done.

If you have any additional questions, feel free to contact me anytime.

Regards,

Joe Villegas

Senior Project Manager

Phone 760.845.1944

8033 Vickers Street, San Diego, CA 92111

nautilusgeneral.com



From: Damazio, Chrystal@EnergySafety <Chrystal.Damazio@energysafety.ca.gov>

Sent: Monday, December 19, 2022 3:28 PM

To: Joseph Villegas <villegas@nautilusgeneral.com>

Cc: Alcantar, Daysi@EnergySafety <Daysi.Alcantar@energysafety.ca.gov>

Subject: [EXTERNAL]Request of Information: Damage to the water valve on 11/29/2022 involving Agundez Concrete at the intersection of Rama De Las Palmas and Vista De Golf

Good Afternoon Mr. Villegas,

My name is Chrystal Damazio and I am an Investigator with the Office of Energy Infrastructure Safety. On November 29, 2022 a Complaint was filed through the Underground Safety Board's Website. Please see the attached Information Request surrounding the above captioned incident. Once we receive all requested documents, I will schedule a mutually agreed upon date and time for a telephone interview.

Thank you for your time regarding this matter, your cooperation in this investigation is valuable.

Please feel free to contact me with any questions or concerns you may have.

Chrystal Damazio

Investigator | Underground Infrastructure Safety Directorate

Office of Energy Infrastructure Safety

715 P Street, 20th Floor

Sacramento, CA 95814

Mobile: (279) 789-1814

<https://energysafety.ca.gov/>



OFFICE OF ENERGY
INFRASTRUCTURE
SAFETY

Exhibit 4

Contractor's License Detail for License # 575480

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.

Data current as of 3/21/2023 3:45:18 PM

Business Information

AGUNDEZ CONCRETE CO
1534 QUIET TRAIL DRIVE
CHULA VISTA, CA 91915
Business Phone Number:(619) 571-1167

Entity	Sole Ownership
Issue Date	08/18/1989
Reissue Date	09/25/2001
Expire Date	09/30/2023

License Status

This license is current and active.

All information below should be reviewed.

Additional Status

There is Complaint Disclosure information for this license.

Classifications

C-8 - CONCRETE

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with [HUDSON INSURANCE COMPANY](#).
Bond Number: 30052579
Bond Amount: \$25,000
Effective Date: 01/01/2023
[Contractor's Bond History](#)

Workers' Compensation

This license has workers compensation insurance with the [STATE COMPENSATION INSURANCE FUND](#)
Policy Number:9326673
Effective Date: 11/18/2022
Expire Date: 11/18/2023
[Workers' Compensation History](#)

Exhibit 5

Ticket: B223320148-00B

MBRCOD 00001A USAS 12/19/22 13:50:22 B223320148-00B NEW NORM POLY LREQ

Ticket: B223320148 Rev: 00B Created: 11/28/22 08:43 User: DIRECT Chan: WEB

Work Start: 11/30/22 17:01 Legal Start: 11/30/22 17:01 Expires: 12/26/22 23:59

Response required: Y Priority: 2

Excavator Information

Company: NAUTILUS GENERAL

Co Addr: 8033 VICKERS STREET

City : SAN DIEGO State: CA Zip: 92111

Created By: JOE VILLEGAS Language: ENGLISH

Office Phone: 760-845-1944 SMS/Cell: 760-845-1944

Office Email: VILLEGAS@NAUTILUSGENERAL.COM

Site Contact: MIGUEL CARDOZA

Site Phone: 559-286-1152 Site SMS/Cell: 559-286-1152

Site Email: cardoza@nautilusgeneral.com

Excavation Area

State: CA County: SAN DIEGO Place: RANCHO SANTA FE

Zip: 92091

Location: Address/Street: RAMA DE LAS PALMAS

: X/ST1: VISTA DE GOLF

:

: ALL INTER OF RAMA DE LAS PALMAS AND VISTA DE GOLF;

Delineated Method: WHITEPAINT

Work Type: DEMO

Work For : HOA

Permit: Job/Work order:

1 Year: N Boring: N Street/Sidewalk: Y Vacuum: Y Explosives: N

Lat/Long

Center Generated (NAD83): 32.990323/-117.212514 32.990244/-117.212038

: 32.989922/-117.212582 32.989843/-117.212106

Excavator Provided:

Map link:

https://newtin.digalert.org/newtinweb/map_tkt.nap?TRG=0DhJgJfHcHeKVJf-7

Members:

ATTD SOUTH COSDSD COX04 OMW62 SDG01 WHISPM

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Ticket Responses for: B223320148-00B

Member	Name	Rev	Responded	By	Response
ATTDSOUTH AT&T - DISTRIBUTION		00B	11/29/22 09:57:42 AM	UQ Responder	(022) NO DELINEATION - RESEND TICKET REQUESTED
COSDSD	SAN DIEGO CO DPW, SPECIAL DISTRICTS	00B	11/30/22 05:01:15 PM	Late Notice	(999) Member did not respond by the required time
COX04	COX COMMUNICATIONS - NO SD	00B	11/29/22 10:00:37 AM	AAA	(022) NO DELINEATION - RESEND TICKET REQUESTED
OMW62	OLIVENHAIN MWD	00B	11/29/22 09:53:35 AM	jwestbrook	(022) NO DELINEATION - RESEND TICKET REQUESTED
SDG01	SDG&E GAS DISTRIBUTION AND ELECTRIC	00B	11/29/22 02:23:09 PM	PRSDG01 MWEINGEL	(040) EXCAVATOR COMPLETED WORK PRIOR TO DUE DATE
WHISPM	WHISPERING PALMS CSD	00B	11/29/22 07:12:40 AM	Ken Burtech	(001) CLEAR - NO CONFLICT

Exhibit 6



INITIAL INCIDENT INVESTIGATION FORM (LEAKS, PROPERTY DAMAGE, ETC.)

To be filled out in hard copy by employee and given to Supervisor who will
summarize all forms received in one record online.

Notify the following:
Direct Supervisor
Risk/Safety Compliance
Administrator

When completing this form please be as specific and thorough as possible; all areas must be completed. Refrain from discussing the details of the incident with other parties until all the facts are known. If a person persists in speaking to an OMWD (District) representative, then direct the party to your Supervisor, Manager, Risk/Safety Compliance Administrator, or the General Manager.

PLEASE PRINT

REPORT COMPLETED BY: _____		DATE OF REPORT: _____
DATE OF INCIDENT: _____ TIME: _____ (AM/PM)	NAME OF INCIDENT (FOR REFERENCE): _____ _____	
WHEN WAS THE DISTRICT NOTIFIED OF THE INCIDENT? _____		
HOW WAS THE DISTRICT NOTIFIED OF THE INCIDENT? _____		
WHAT WAS THE RESPONSE TIME FOR THE DISTRICT (WHEN DID EMPLOYEES ARRIVE ON SCENE)? _____		
AT WHAT TIME WAS THE SITUATION UNDER CONTROL? _____		
NAMES OF THE DISTRICT EMPLOYEES INVOLVED IN THE RESPONSE/REPAIR EFFORT: _____ _____ _____ _____ _____		
PHYSICAL LOCATION AND ADDRESS OF INCIDENT: _____ _____		

NAMES OF OTHER PERSONS INVOLVED (HOME OWNERS ETC.)

WHAT WAS THE APPARENT CAUSE(S) OF THE INCIDENT?

THE CAUSE OF THE LEAK:

NAME SPECIFIC ITEMS THAT WERE DAMAGED AS A RESULT OF THIS INCIDENT:

TAKE PICTURES OF ALL DAMAGED ITEMS IF POSSIBLE:

- ☐ ROADWAY: NUMBER OF PICTURES TAKEN? _____
- ☐ CURB AND GUTTER: NUMBER OF PICTURES TAKEN? _____
- ☐ LANDSCAPING: NUMBER OF PICTURES TAKEN? _____
- ☐ PLANTER BOXES: NUMBER OF PICTURES TAKEN? _____
- ☐ MAILBOX: NUMBER OF PICTURES TAKEN? _____
- ☐ DRIVEWAY: NUMBER OF PICTURES TAKEN? _____
- ☐ HOUSE: NUMBER OF PICTURES TAKEN? _____
- ☐ COMMERCIAL: NUMBER OF PICTURES TAKEN? _____
- ☐ FIRE HYDRANT: NUMBER OF PICTURES TAKEN? _____
- ☐ OTHER: NUMBER OF PICTURES TAKEN? _____

PLEASE DESCRIBE:

CORRECTIVE ACTIONS TAKEN:

GENERAL CONDITIONS (CHECK ALL THAT APPLY):

LIGHTING: ☐ DAY ☐ NIGHT ☐ DUSK ☐ DAWN **WEATHER:** ☐ CLEAR ☐ OVERCAST ☐ RAIN ☐ FOG ☐ SUNNY/HOT

OTHER: ☐ DESCRIBE:

ADDITIONAL INFORMATION: LIST ANY OTHER INFORMATION THAT MIGHT BE USEFUL IN THIS AREA. COMMENTS MADE BY OTHER PARTIES, ETC.

OPERATIONAL INFORMATION NEEDED ON ANY APPURTENANCE DAMAGED:

STATIC PRESSURE AT LOCATION OF INCIDENT

TIME APPURTENANCE WAS DAMAGED: _____

TIME APPURTENANCE WAS SHUT OFF: _____

TOTAL WATER LOSS FROM INCIDENT (IN ACRE FEET): _____

FIRE DEPARTMENT NOTIFICATION (NAME, PHONE #, TIME)

ENCINITAS FIRE

RANCHO FIRE

OTHER

POLICE REPORT INCIDENT (OFFICER NAME, PHONE #, INCIDENT NUMBER)

POLICE INCIDENT (N/A)

DRIVER AND INSURANCE INFORMATION:

NAME _____

DRIVER'S LICENSE # AND STATE _____

ADDRESS _____

DRIVER'S LICENSE EXPIRATION DATE _____

CITY, STATE, ZIP CODE _____

LICENSE PLATE OF VEHICLE _____

PHONE NUMBER(S) _____

TYPE OF VEHICLE _____

INSURANCE CARRIER

POLICY NUMBER

DATE OF EXPIRATION

INSURANCE PHONE NUMBER

SITE SECURITY – TYPE OF DEVICES USED:

BARRICADES ☐ YES ☐ NO

DELINEATORS ☐ YES ☐ NO

CONES ☐ YES ☐ NO

CAUTION TAPE ☐ YES ☐ NO

OTHER EXPLAIN:

Follow Up Checklist - To Be Completed by Risk/Safety Compliance Administrator

Were all hard copy forms filled out by the employees on the site adequately? Yes____ No____

If NO, state reasons:

Were adequate pictures taken and uploaded to the common Drive? Yes____ No____

If NO, state reasons and take action to obtain photos:

Did the Supervisor fill out the Supervisor's Incident Investigation Form? Yes____No____

If NO, state reasons and do not close file until the form is complete:

Was there third party damage? Yes____ No____

If YES, was the third party contacted? Yes____ No____

Does the Third Party desire to file a claim? If YES, contact the Finance Manager/Project Manager and do not close the file.

If there is third party or District damage, please contact the GM and do not close the file.

If all forms are complete and there is no third party or District damage, this file can be closed.

File Closed By_____

Date:_____

Josh Westbrook

From: Notification@digalert.org
Sent: Monday, November 28, 2022 3:12 PM
To: DigAlert
Subject: USAS OMW62 2022/11/28 #00011A A223321020-00A NORM NEW LREQ

CAUTION: EXTERNAL EMAIL. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

OMW62 00011A USAS 11/28/22 15:12:22 A223321020-00A NEW NORM POLY LREQ

Ticket: A223321020 Rev: 00A Created: 11/28/22 15:12 User: KAY Chan: 100

Work Start: 11/30/22 17:01 Legal Start: 11/30/22 17:01 Expires: 12/26/22 23:59 Response required: Y Priority: 2

Excavator Information

Company: OLIVENHAIN MUNICIPAL WATER DISTRICT Co Addr: 1966 OLIVENHAIN RD
City : ENCINITAS State: CA Zip: 92024
Created By: JOSH WESTBROOK Language: ENGLISH
Office Phone: 442-888-0487 SMS/Cell: 442-888-0487
Office Email: JWESTBROOK@OLIVENHAIN.COM

Site Contact: JOSH WESTBROOK

Site Phone: 442-888-0487 Site SMS/Cell: 442-888-0487
Site Email: jwestbrook@olivenhain.com

Excavation Area

State: CA County: SAN DIEGO Place: RANCHO SANTA FE
Zip: 92091
Location: Address/Street: RAMA DE LAS PALMAS
: X/ST1: VIA DE LAS PALMAS
:
: INTER/OF RAMA DE LAS PALMAS/ROMA DE LAS PALMAS & VIA DE LAS PALMAS

Delineated Method: CHALK,WHISKERS

Work Type: REPAIR VALVE CAN
Work For : OLIVENHAIN MUNICIPAL WATER DISTRICT
Permit: BLANKET Job/Work order:
1 Year: N Boring: N Street/Sidewalk: Y Vacuum: Y Explosives: N

Lat/Long

Center Generated (NAD83): 32.990461/-117.213028 32.990382/-117.212552
: 32.990060/-117.213096 32.989981/-117.212620 Excavator Provided:

Map link:

https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fnewtin.digalert.org%2Fnewtinweb%2Fmap_tkt.nap%3FTRG%3DB5NdMdLbJZKWJVSMRP&data=05%7C01%7Cdigalert%40olivenhain.com%7C8e314b81267347c453aa08dad1960125%7C755ce0b15fe14babb8c8e80903906355%7C0%7C0%7C638052739462027247%7CUnknown%7CTW

FpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&reserved=0

Members:

ATTDSOUTH COSDSD COX04 OMW62 SDG01 WHISPM

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108dad15fcb45%7C755ce0b15fe14babb8c8e80903906355%7C0%7C0%7C638052506639044556%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6Ik1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sd ata=BMxWw9%2FA%2Fq5weMXtAwHAQKi1PWbDxThT8OFvpEGg5HU%3D&reserved=0

Members:

ATTDSOUTH COSDSD COX04 OMW62 SDG01 WHISPM

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Josh Westbrook

From: Notification@digalert.org
Sent: Monday, November 28, 2022 8:44 AM
To: DigAlert
Subject: USAS OMW62 2022/11/28 #00006B B223320148-00B NORM NEW LREQ

CAUTION: EXTERNAL EMAIL. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

OMW62 00006B USAS 11/28/22 08:44:18 B223320148-00B NEW NORM POLY LREQ

Ticket: B223320148 Rev: 00B Created: 11/28/22 08:43 User: DIRECT Chan: WEB

Work Start: 11/30/22 17:01 Legal Start: 11/30/22 17:01 Expires: 12/26/22 23:59 Response required: Y Priority: 2

Excavator Information

Company: NAUTILUS GENERAL
Co Addr: 8033 VICKERS STREET
City : SAN DIEGO State: CA Zip: 92111
Created By: JOE VILLEGAS Language: ENGLISH
Office Phone: 760-845-1944 SMS/Cell: 760-845-1944
Office Email: VILLEGAS@NAUTILUSGENERAL.COM

Site Contact: MIGUEL CARDOZA

Site Phone: 559-286-1152 Site SMS/Cell: 559-286-1152
Site Email: cardoza@nautilusgeneral.com

Excavation Area

State: CA County: SAN DIEGO Place: RANCHO SANTA FE
Zip: 92091
Location: Address/Street: RAMA DE LAS PALMAS
: X/ST1: VISTA DE GOLF
:
: ALL INTER OF RAMA DE LAS PALMAS AND VISTA DE GOLF;

Delineated Method: WHITEPAINT

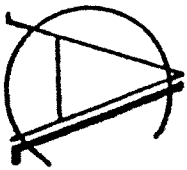
Work Type: DEMO
Work For : HOA
Permit: Job/Work order:
1 Year: N Boring: N Street/Sidewalk: Y Vacuum: Y Explosives: N

Lat/Long

Center Generated (NAD83): 32.990323/-117.212514 32.990244/-117.212038
: 32.989922/-117.212582 32.989843/-117.212106 Excavator Provided:

Map link:

https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fnewtin.digalert.org%2Fnewtinweb%2Fmap_tkt.nap%3FTRG%3D82RZQZPXMxOaFZPPOS&data=05%7C01%7Cdigalert%40olivenhain.com%7Ceecd00056cb5420aee0



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CONCRETE CO.

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FLATWORK • MASONRY
FOUNDATIONS • STAMPED CONCRETE
BOBCAT DUMP TRUCK

MATTHEW AGUNDEZ
CA Lic. # 575480
NV Lic. # 074461

PHONE: (619) 571-1167
www.agundezconcrete.com
matthew.agundez@gmail.com



































Exhibit 7

From: [Alcantar, Daysi@EnergySafety](mailto:Alcantar,Daysi@EnergySafety)
To: [McClenahan, Jeff@EnergySafety](mailto:McClenahan,Jeff@EnergySafety)
Subject: Case involving Ticket Number B223320148- Agundez Concrete- Nautilus Generals
Date: Wednesday, February 22, 2023 4:04:06 PM
Attachments: [b223320148.pdf](#)
[image001.png](#)

FYI

This was a duplicate case. One was submitted as an incident ticket and the other was a complaint ticket.

From: Amber Dahl <amber@digalert.org>
Sent: Friday, December 16, 2022 1:57 PM
To: Damazio, Chrystal@EnergySafety <Chrystal.Damazio@EnergySafety.ca.gov>
Cc: Barkley, Jon@EnergySafety <Jon.Barkley@EnergySafety.ca.gov>; Alcantar, Daysi@EnergySafety <Daysi.Alcantar@EnergySafety.ca.gov>
Subject: Re: Case involving Ticket Number B223320148- Agundez Concrete- Nautilus Generals

Chrystal

Amber is off today so I'm helping out.

Attached is a copy of ticket B223320148. I also searched from July 1, 2022 until today to see if there were any other tickets for the location of Rama De Las Palmas and Vista De Golf and did not find anything else.

Every entity that is digging must have their own ticket so Agundez can't be working under Nautilus's ticket unless they fall under 4216.8 exception.

For future requests please include the time frame you would like us to search. We have records back for 5 years - but it's a hard 5 years so today we can search back to 12/17/2017.

Hope that helps.

Ann Diamond

----- Original Message -----

From: "Damazio, Chrystal@EnergySafety" <Chrystal.Damazio@energysafety.ca.gov>
Sent: 12/16/2022 11:57:43 AM
To: "amber@digalert.org" <amber@digalert.org>
Cc: "Barkley, Jon@EnergySafety" <Jon.Barkley@energysafety.ca.gov>, "Alcantar, Daysi@EnergySafety" <Daysi.Alcantar@energysafety.ca.gov>
Subject: Case involving Ticket Number B223320148- Agundez Concrete- Nautilus Generals

Hello Amber,

Complaint Notification C223320007/ Damage Notification D223320008

I have a no ticket complaint case and a damage incident case both reported by Josh Westbrook of Olivenhain Municipal Water District, area of incident reported in Rancho Sante Fe INTERSECTION OF RAMA DE LAS PALMAS AND VISTA DE GOLF.

According to both cases, Agundez was working under Nautilus Dig Alert Ticket B223320148.
Can you please supply me any and all tickets involving these incidents.

Thank You,

Chrystal Damazio

Investigator | Underground Infrastructure Safety Directorate

Office of Energy Infrastructure Safety

715 P Street, 20th Floor

Sacramento, CA 95814

Mobile: (279) 789-1814

<https://energysafety.ca.gov/>



OFFICE OF ENERGY
INFRASTRUCTURE
SAFETY

Exhibit 8

From: [Damazio, Chrystal@EnergySafety](mailto:Damazio.Chrystal@EnergySafety)
To: matthew.agundez@gmail.com
Cc: [Alcantar, Daysi@EnergySafety](mailto:Alcantar.Daysi@EnergySafety)
Subject: Request of Information: Complaint on 11.29.2022 regarding Agundez Concrete excavating without a Dig Alert Ticket
Date: Monday, December 19, 2022 2:28:00 PM
Attachments: [image001.png](#)
[Complaint on 11.29.2022 regarding Agundez Concrete No Ticket Agundez- 1st Information Request.docx](#)

Good Afternoon Mr. Agundez,

My name is Chrystal Damazio and I am an Investigator with the Office of Energy Infrastructure Safety. On November 29, 2022 you submitted a Complaint Notification to the Dig Alert Call Center. Please see the attached Information Request surrounding the above captioned incident. Once we receive all requested documents, I will schedule a mutually agreed upon date and time for a telephone interview.

Thank you for your time regarding this matter, your cooperation in this investigation is valuable.

Please feel free to contact me with any questions or concerns you may have.

Chrystal Damazio
Investigator | Underground Infrastructure Safety Directorate

Office of Energy Infrastructure Safety
715 P Street, 20th Floor
Sacramento, CA 95814
Mobile: (279) 789-1814
<https://energysafety.ca.gov/>



Exhibit 9



**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

2nd NOTICE: IMMEDIATE ACTION REQUIRED

INFORMATION REQUEST

2nd Request Date: March 28, 2023

Response Due: April 12, 2023

Re: Lack of response to information letter of December 19, 2022, which contained a response date of January 3, 2023.

To: Matthew Agundez

Agundez Concrete Company

Investigator: Jeff McClenahan

2nd Information Request Number: Underground Safety-2IR-003

Subject: 2nd request for information pertaining to

Case: D223320008

Ticket #: Related to B223320148

Incident Address: Intersection of Rama De Las Palmas and Vista De Golf

Date of Incident: November 29, 2022

Known parties as of this date: Agundez Concrete Company

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 of this request.
- 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 so 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:

Jeff.mcclenahan@energysafety.ca.gov

1. This is a request for a copy of all records including video, photographs, interviews, documents, and any reports of any kind regarding the November 29, 2022 concrete removal damage to facility at Rama De Las Palmas and Vista De Golf in Rancho Sante Fe, California.

END OF REQUEST

Exhibit 10



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

REPORT DATE: 3/28/2023

CASE NO: CAS-01529-G6V5K1

DATE/TIME OF INTERVIEW: 3/28/2023 3:00 PM

LOCATION OF INTERVIEW: Phone

NAME/ADDRESS OF INTERVIEWEE:

Matthew Agundez,

Tel: 6195711167

NARRATIVE:

Question: Do you have any records associated with this incident?

No, don't have any records associated with the incident.

Question: Were you on-site for this incident?

Yes, I was on-site.

Question: What is your title?

Owner of the company.

Question: And you were contracted by Nautilus General Contractors?

Yes.

Question: What happened in this incident?

Entryway to the homeowner association. Trying to break up the concrete around the facility. We were aware of the facility cover but did not know it was asbestos. Concrete had been poured there over the years and the concrete had adhered over the years. No way to replace that chipped area. That's why had to replace.

Question: What were you using at the time?

Bobcat with a breaker attachment.

Question: Were you using any other equipment?

No other equipment. Would put the bucket on the bobcat as needed.

Question: How would you work differently around asbestos?

Just an 8" cap. Could not see any pipes running to that. Looked like could go down. Next time will call DigAlert. If suspect have gas lines in the area we do call Dig Alert.

We probably could have saw cut around it if had known it was asbestos. Would have had to come out of there anyways. They had to come in and replace the pipe. Was it preventable? Not seeing how. Even if would have saw cut around it. Aside from calling DigAlert, would have done differently.

Question: Were you aware of Nautilus General Contractors having a ticket?

Not aware of the Nautilus Ticket. Nobody marked out there. Came and marked out after the case. Nautilus set up the schedule for the demolition and had a superintendent on site all the time.

If DigAlert came out and said there was a pipe out there. Someone would have broken that because of how concrete was poured right up there.

Question: You did not contact DigAlert in this case?

No.

(I stated all excavators are required to have a ticket and would reference code later)

No excavation there. Did not excavate into the soil there to dig to put in anything or whatever or drainage. Did not dig in to that any of that below the subgrade.

Question: Have you phoned in tickets before?

Yes, of course.

Question: What kinds of information would you received from utility companies in a case such as this for the concrete?

No, never have heard anything like that. Kind of a no-win situation here. Next time working on anything commercial, would call DigAlert. Again, was not going to excavate.

Question: Did you know the depth of the concrete removing?

Started at another end of the site and knew it was about 5" of concrete removing and adding 5" back in. It wasn't remove 10 and add 5 or anything. So were not going to excavate any soil. My interpretation of excavation is that.

Question: So you were contracted for concrete removal only? Not working into the subgrade, if I understand you?

Yes, did not go into the subgrade.

Question: How did you become aware of the facility cover?

Saw the cover there. Looked like the valve was already a part of the concrete. If demo around it, thought will have a clean cut. Had no idea that part of it was asbestos and part was concrete.

Question: Did you have any contact with the Olivenhain Municipal?

Yes, came out and pipe came out. They were in and out in an hour on that. Don't want to say it wasn't a big deal. They went in and took out the pipe and replaced with a new pipe and put in extension. No valve was ever touched, the valve itself was 4 feet or so deep, went down pretty deep.

Question: Do you think there was any way to avoid that damage?

When I took off that lid, I couldn't see if there was a pipe or even what it was when took off the cover, wasn't a clean out and couldn't see anything. A steel cap over it and a hole in the ground. Thought all it was was a hole in the ground. Could not tell asbestos from the concrete there.

Question: Anything else stand out about this case?

What I learned from this, definitely will call DigAlert. Will hopefully save me from all this. Glad was taken care of quickly, not a water main or anything. Couldn't see any pipe in the area.

(I read from 4216.2 that all excavators required to have a ticket to Mr. Agundez.)

Investigator Name	Supervisor Name
Jeff McClenahan	Daysi Alcantar

Exhibit 11

From: [Finley, Giselle](#)
To: Damazio, Chrystal@EnergySafety
Cc: [Krosky, Michael](#)
Subject: RE: B223320148-00B created on November 28, 2022, which required an Electronic Positive Response by Operator to Dig Alert
Date: Tuesday, January 3, 2023 1:27:30 PM
Attachments: [image001.png](#)
[FW External USAS COSDSD 20221128 #00008B B223320148-00B NORM NEW LREQ.msg](#)
[FW External USAS COSDSD 20221128 #00008B B223320148-00B NORM NEW LREQ.msg](#)

Dear Ms. Damazio

Please see the attached response for the above noted Dig Alert Ticket.

The ticket was reviewed and responded to by Michael Krosky, County Electrician on 11/28/22 with a no conflict for County of San Diego streetlights.

Please let me know if there is any additional information needed.

Thank you.

*Giselle "Gigi" Finley, P.E., T.E., PTOE
Traffic Signals and Street Lighting
Department of Public Works
Traffic Engineering Section
(858) 935-5705*

From: Damazio, Chrystal@EnergySafety <Chrystal.Damazio@energysafety.ca.gov>
Sent: Thursday, December 29, 2022 9:20 AM
To: Finley, Giselle <Giselle.Finley@sdcounty.ca.gov>
Subject: [External] B223320148-00B created on November 28, 2022, which required an Electronic Positive Response by Operator to Dig Alert

Good Afternoon Ms. Finley,

My name is Chrystal Damazio and I am an Investigator with the Underground Safety Board. On November 28, 2022 you were notified by the Dig Alert Call Center that planned excavation at the intersection of Rama de las Palmas and Vista de Golf required an Electronic Positive Response in regards to the location of your Facilities. Please see the attached Information Request surrounding the above captioned incident. Once we receive all requested documents, I will schedule a mutually agreed upon date and time for a telephone interview.

Thank you for your time regarding this matter, your cooperation in this investigation is valuable.

Please feel free to contact me with any questions or concerns you may have.

Chrystal Damazio
Investigator | Underground Infrastructure Safety Directorate

Office of Energy Infrastructure Safety
715 P Street, 20th Floor
Sacramento, CA 95814
Mobile: (279) 789-1814
<https://energysafety.ca.gov/>





TRANSMITTED VIA ELECTRONIC MAIL

INFORMATION REQUEST

Request Date: December 28, 2022

Response Due: January 11, 2023

To: Giselle Finley

San Diego CO, DPW Special Districts

5510 Overland Avenue, Suite 140 Room 470

San Diego, CA 92123

Originator: Chrystal Damazio, Investigator

Information Request Number: 027

Subject: B223320148-00B created on November 28, 2022, which required an Electronic Positive Response from an operator to DigAlert providing the status of an operator's response to ticket.

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. Responses and documents may be produced and served electronically, but they shall be fully machine-readable and searchable.
- c. If you have any questions about the meaning or scope of the information requests herein, direct such questions to the Energy Safety staff identified as the "Originator" of this request at your earliest opportunity.
 - i. Lack of clarity on meaning or scope of requests, without prior request for clarification from the "Originator," 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 so 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:

Chrystal Damazio (chrystal.damazio@energysafety.ca.gov)

- 1. This is a request for a copy of **all records** including video, photographs, interviews, documents, Dig Alert Dig Alert tickets and any reports of any kind concerning Dig Alert ticket B223320148-00B created on November 28, 2022, which required an Electronic Positive Response from the operator to DigAlert.

END OF REQUEST

Exhibit 12

From: [Krosky, Michael](#)
To: cardoza@nautilusgeneral.com
Cc: [Finley, Giselle](#); [Macias, Efrain](#)
Subject: FW: [External] USAS COSDSD 2022/11/28 #00008B B223320148-00B NORM NEW LREQ
Date: Monday, November 28, 2022 10:54:28 AM

No conflict

-----Original Message-----

From: Finley, Giselle <Giselle.Finley@sdcounty.ca.gov>
Sent: Monday, November 28, 2022 8:44 AM
To: Krosky, Michael <Michael.Krosky@sdcounty.ca.gov>; Macias, Efrain <Efrain.Macias@sdcounty.ca.gov>
Subject: FW: [External] USAS COSDSD 2022/11/28 #00008B B223320148-00B NORM NEW LREQ

From: Notification@digalert.org <Notification@digalert.org>
Sent: Monday, November 28, 2022 8:44:19 AM (UTC-08:00) Pacific Time (US & Canada)
To: Finley, Giselle
Subject: [External] USAS COSDSD 2022/11/28 #00008B B223320148-00B NORM NEW LREQ

COSDSD 00008B USAS 11/28/22 08:44:19 B223320148-00B NEW NORM POLY LREQ

Ticket: B223320148 Rev: 00B Created: 11/28/22 08:43 User: DIRECT Chan: WEB

Work Start: 11/30/22 17:01 Legal Start: 11/30/22 17:01 Expires: 12/26/22 23:59 Response required: Y Priority: 2

Excavator Information

Company: NAUTILUS GENERAL
Co Addr: 8033 VICKERS STREET
City : SAN DIEGO State: CA Zip: 92111
Created By: JOE VILLEGAS Language: ENGLISH
Office Phone: 760-845-1944 SMS/Cell: 760-845-1944
Office Email: VILLEGAS@NAUTILUSGENERAL.COM

Site Contact: MIGUEL CARDOZA

Site Phone: 559-286-1152 Site SMS/Cell: 559-286-1152
Site Email: cardoza@nautilusgeneral.com

Excavation Area

State: CA County: SAN DIEGO Place: RANCHO SANTA FE
Zip: 92091
Location: Address/Street: RAMA DE LAS PALMAS
: X/ST1: VISTA DE GOLF
:
: ALL INTER OF RAMA DE LAS PALMAS AND VISTA DE GOLF;

Delineated Method: WHITEPAINT

Work Type: DEMO

Work For : HOA

Permit: Job/Work order:

1 Year: N Boring: N Street/Sidewalk: Y Vacuum: Y Explosives: N

Lat/Long

Center Generated (NAD83): 32.990323/-117.212514 32.990244/-117.212038

: 32.989922/-117.212582 32.989843/-117.212106 Excavator Provided:

Map link:

https://newtin.digalert.org/newtinweb/map_tkt.nap?TRG=98Aq7s0wxwz1swyr1s

Members:

ATTDSOUTH COSDSD COX04 OMW62 SDG01 WHISPM

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Exhibit 13



TRANSMITTED VIA ELECTRONIC MAIL

INFORMATION REQUEST

Request Date: December 19, 2022

Response Due: January 3, 2023

To: Mathew Agundez

Agundez Concrete CO.

Originator: Chrystal Damazio, Special Investigator

Information Request Number: 016

Subject: Complaint on 11/29/2022 regarding Agundez Concrete excavating at the intersection of Rama De Las Palmas and Vista De Golf under Nautilus General Dig Ticket

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. Responses and documents may be produced and served electronically, but they shall be fully machine-readable and searchable.
- c. If you have any questions about the meaning or scope of the information requests herein, direct such questions to the Energy Safety staff identified as the “Originator” of this request at your earliest opportunity.
 - i. Lack of clarity on meaning or scope of requests, without prior request for clarification from the “Originator,” 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 so 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:

Chrystal Damazio (chrystal.damazio@energysafety.ca.gov)

1. This is a request for a copy of **all records** including video, photographs, interviews, documents, Dig Alert Tickets and any reports of any kind concerning Agundez Concrete excavating under General Nautilus Dig Alert ticket # B223320148 at the intersection of Rama De Las Palmas and Vista De Golf on 11/29/2022 in Rancho Santa Fe, California.

END OF REQUEST