



DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Office of the State Fire Marshal
California Underground Facilities Safe Excavation Board
2251 Harvard Street
SACRAMENTO, CA 95815
(916) 568-3800
<https://digsafe.fire.ca.gov/>



July 8, 2020

NOTICE OF PROBABLE VIOLATION

Kleven Construction
John Lusk
110 S. PRIEST DR, SUITE 101
Tempe, AZ 85281

Agent for Service of Process:
CT Corporation Services
818 W. South Seventh Street
Los Angeles, CA 90017

Case No.: 20SA1035

Address/Location of Violation(s):

Gold Canal Drive and Sun Center Drive, Rancho Cordova, California

Date/Time of Violation(s): March 31, 2020 at approximately 0938 hours.

Dear: Mr. Lusk,

The Board has concluded its investigation of an incident on the above date, time and location and has determined that Kleven Construction, LLC violated Article 2 of Chapter 3.1 of Division 5 of Title 1 of the California Government Code as follows:

The Board has determined that Kleven Construction, LLC violated California Government Code 4216.3 (b) - An Excavator will renotify the One Call Center with a remark request when marks are no longer reasonably visible and 4216.4 (a) (1) - An Excavator will determine the exact location of a utility using hand tools before using any power-driven excavation or boring equipment.

On March 31, 2020, Kleven Construction was conducting a boring operation when they struck an electrical utility line. Although, the site had been marked initially, recent construction to a parking lot removed the markings from the site.

A Corrective Action of mandatory completion of the Dig Safe Board's education course is being imposed. Please see <https://digsafe.fire.ca.gov/education-course/> for more information.

The proposed sanction reflects the nature and gravity of the violation and takes into consideration the Respondent's history of prior offenses, cooperation with the investigation and demonstration of his/her intent to comply with Gov't Code §4216 et seq. in the future.

This matter will be referred to the California Contractors State License Board with a recommended penalty of mandatory completion of the Dig Safe Boards education course.

You may contest this notice by responding to this notice promptly. Please see attached instructions on completing and submitting your response for options available to you. Your response to this notice must be received by the California Underground Facilities Safe Excavation Board no later than August 19, 2020.

Jason Corsey

Jason Corsey
Chief of Investigations
Dig Safe Board
916-926-1660

Proposed hearing date: Hearing Date: September 14, 2020



**CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD
INVESTIGATION DIVISION
INCIDENT INVESTIGATION REPORT COVER SHEET**



Date:	April 10, 2020
Case #:	20SA1035
Subject(s):	Kleven Construction

4216 Violations:	<p>Kleven Construction: 4216.3 (b) - An Excavator will renotify the One Call Center with a remark request when marks are no longer reasonably visible. 4216.4 (a) (1) - An Excavator will determine the exact location of a utility using hand tools before using any power-driven excavation or boring equipment.</p>
Other Violations:	None

Prior Board Actions:	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Action Taken:
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Executive Summary:

Kleven Construction violated 4216.3 (b) and 4216.4 (a)(1) of the government code.

Kleven Construction was conducting a boring operation when they struck an electrical utility line. Although, the site had been initially marked, recent construction to a parking lot removed the markings from the site.

4216.3 (b) Violation:

- Kleven Construction employee stated due to construction work being done to a parking lot at the work site locate marking had been removed. Kelven Construction initially hired another company to use Ground Penetrating Radar to locate the lines but did not request nor hire a private locate after the markings were removed.

4216.4 (a) (1) Violations:

- Kleven Construction employee stated a boring drill had struck the electrical utility line, the utility line had not been located by hand tools first.

Case Number: 20SA1035	Report Date: April 10, 2020
Subject Name: Kleven Construction	Notification Date: April 01, 2020

Reporting Party Information:

Company: KLEVEN CONSTRUCTION
 Co Addr: 110 S. PRIEST DR, SUITE 101
 City : TEMPE State: AZ Zip: 85281
 Created By: WENDY LUSK Language: ENGLISH
 Office Phone: [REDACTED] SMS/Cell:
 Office Email: [REDACTED]



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Subject(s) of Investigation:

Kleven Construction

Date & Time of Incident:

March 31, 2020 at approximately 0938 hours.

Location of Incident:

By Gold Canal Drive and Sun Center Drive, Rancho Cordova, California

Ticket #:

X006502452

Operator:

Pacific Gas and Electric (line was on private property)

Excavator:

Kleven Construction

Facility Type Damaged:

Electrical line

Alleged Violations:

4216.3 (b) - An Excavator will renotify the One Call Center with a remark request when marks are no longer reasonably visible.

4216.4 (a) (1) - An Excavator will determine the exact location of a utility using hand tools before using any power-driven excavation or boring equipment.

Notification:

On April 01, 2020, Supervising Special Investigator Carla Newman conducted a database search for damage tickets on the Underground Service Alert (USA) North database and found USA North ticket X006502452-02W.

Fatalities and Injuries:

None

Damages:

A power line was cut through.



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Responding Entities:

PG&E

Scene Description:



Excavation site was located in Rancho Cordova, California near the border of Gold River, in a business park area. (Exhibit 5)

Summary of Investigation:

On April 01, 2020, Supervising Special Investigator (SSI) Carla Newman conducted a database search for damage tickets on the Underground Service Alert (USA) North database. The USA North database search revealed USA North ticket X006502452-02W (Exhibit 03), where Kleven Construction employee Jessica Zatelli reported damage to an unmarked electrical line in the area of Gold Canal Street and Sun Center Drive, Rancho Cordova, California, on March 31, 2020, at approximately 0938 hours.

SSI Newman assigned the case to Special Investigator Dennis Fenton on April 01, 2020.

An analysis of the USA North database system indicated a previous locate request (X006502452-00X, Exhibit 01) had been requested on March 31, 2020. A RNEW (renewal, Exhibit 02) ticket was filed on March 30, 2020. X006502452-00X expiration date was for April 02, 2020, and USA North ticket X006502452-02W was created on March 31, 2020, within the



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twenty-eight-day time frame of X006502452-00X. A query of the Contractors State License Board database indicated Kleven Construction had a current and active license (**Exhibit 04**).

Kleven Construction employee Mike San Miguel stated his work crew had been directional boring when they hit a marked secondary powerline that led to a building through a parking lot. He explained that his work site was initially marked properly at the start of the excavation, a secondary Pacific Gas and Electric line led through private property (parking lot), and a private locator operating a ground penetrating radar had located the line on the parking lot. During the excavation, the parking lot had its asphalt removed erasing the locate marks, the work crew failed to maintain the marks when they continued directional boring through the parking lot.

Findings:

Kleven Construction failed to maintain PG&E locate markings which lead to damaging a secondary powerline.

Investigator Name		Supervisor Name	
Dennis Fenton		Carla Newman	
Signature	Date	Signature	Date
<i>Dennis Fenton</i>	April 10, 2020	<i>Carla Newman</i>	April 10, 2020



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Witness List

Name:	Mike San Miguel
Address:	110 South Priest Drive, Suite 101, Tempe, Arizona 85281
Phone:	[REDACTED]
DL:	
Knowledge of:	Mr. San Miguel was the foreman for the work crew that hit the utility line.



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Exhibit List

Exhibit Number	Description	Date Received	Received From
01	USA North Ticket - X006502452-00X, Initial Ticket	April 01, 2020	USA North Database
02	USA North Ticket - X006502452-01X, RNEW Ticket	April 01, 2020	USA North Database
03	USA North Ticket - X006502452-02W, DMEX Ticket	April 01, 2020	USA North Database
04	CSLB License - KLEVEN CONSTRUCTION	April 01, 2020	CSLB License database
05	Ticket Visualizer - 20SA1035	April 10, 2020	Dennis Fenton