



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

Morey Fox
Nurture Source Design
2331 5th Street
Berkley, CA 94710

Case No.: 20SA1004

Address/Location of Violation(s): [REDACTED] Oakland, CA 94610

Date/Time of Violation(s): 1/29/2020 @ Approx. 10:30am

Dear: Mr. Fox,

The Board has concluded its investigation of an incident on the above date, time and location and has determined that Nurture Source Design 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 Nurture Source Design violated California Government Code 4216.2(b) which requires an excavator to notify a regional notification center with their intent to excavate two working days before excavation begins.

On January 19, 2020, Nurture Source Design employees were removing concrete slabs from a driveway and using steel rakes to even out the soil when they exposed a Pacific Gas and Electric (PG&E) gas line. Nurture Source did not call the regional notification center prior to excavation and did not have a valid USA Ticket

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.

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

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 GC4216 in the future.

The California Underground Facilities Safe Excavation Board will act on this notice of probable violation in a future meeting.

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: September 14, 2020



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



Date:	January 30, 2020
Case #:	20SA1004
Subject(s):	Nurture Source Design

4216 Violations:	4216.2 (b) - Excavators will notify the One Call Center at least 2-14 working day before beginning excavation.
Other Violations:	None

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

<p>GC 4216.2(b) states excavators shall notify the appropriate regional notification center of their intent to excavate at least 2 working days prior to beginning excavation. On January 19, 2020, Nurture Source Design employees were removing concrete slabs from a driveway and using steel rakes to even out the soil when they exposed a Pacific Gas and Electric (PG&E) gas line. Nurture Source did not call the regional notification center prior to excavation and did not have a valid USA Ticket</p>
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Case Number: 20SA1004	Report Date: 01/31/2020
Subject Name: Nurture Source Design	Notification Date: 01/29/2020

Reporting Party Information:

Company: NURTURE SOURCE DESIGN
Co Addr: 2331 5TH ST
City : BERKELEY State: CA Zip: 94710
Created By: MOREY FOX Language: ENGLISH
Office Phone: [REDACTED] SMS/Cell: [REDACTED]
Office Email: [REDACTED]

Subject(s) of Investigation:

NURTURE SOURCE DESIGN

Date & Time of Incident:

01/29/2020

Location of Incident:

[REDACTED] OAKLAND

Ticket #:

W002900379-01W

Operator:

Pacific Gas & Electric

Excavator:

NURTURE SOURCE DESIGN

Facility Type Damaged:

None damaged. Gas line exposed.



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Violations:

4216.2 (b) - Excavators will notify the One Call Center at least 2-14 working day before beginning excavation.

Notification:

Supervising Special Investigator Carla Newman performed a damage and exposure ticket search on the USA North ticket database and found ticket W002900379-01W

Fatalities and Injuries:

None

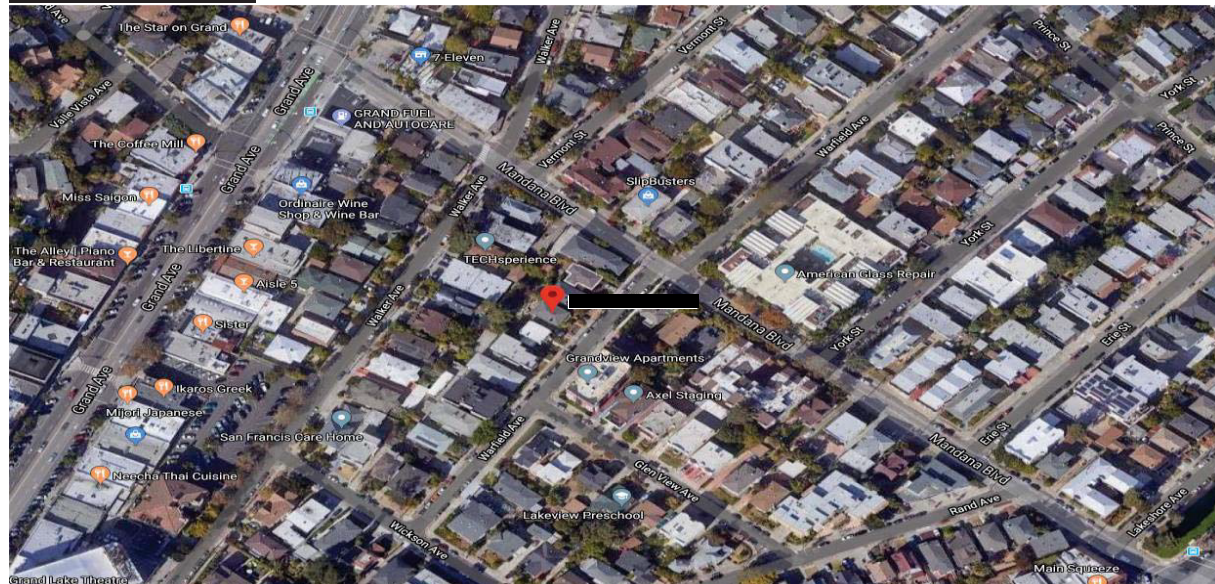
Damages:

None, utility line was exposed.

Responding Entities:

Pacific Gas and Electric

Scene Description:



Address was located near the Lakeshore location of Oakland, California in a residential area.



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Summary of Investigation:

On January 30, 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 W002900379-01W (**Exhibit 1**), where Nurture Source Design employee Morey Fox reported exposing gas line at [REDACTED] [REDACTED] Oakland California, on January 29, 2020, at approximately 1030 hours. SSI Newman assigned the case to Special Investigator Dennis Fenton on January 30, 2020.

A review of USA ticket W002900379-01W indicated it was created as a damage and exposure ticket (DMEX) on January 29, 2020, at approximately 1048 hours, as an exposure report amendment to USA ticket W002900379-00W (**Exhibit 2**). USA ticket W002900379-00W was created as a NEW ticket on January 29, 2020, at approximately 1045 hours. It is USA North's standard procedure to create a ticket labeled as NEW at the same time as reporting a DMEX ticket for an incident that had no previous locate request. The proximity of both tickets indicated they had been created on the same call. An analysis of the Contractors State License Board database indicated Nurture Source Design had a current and active license (**Exhibit 3**).

Morey Fox, Nurture Source Design employee, stated his crew was removing two concrete tracks on a muddy drive way without calling 811. Mr. Fox explained the tracks were old and his crew simply lifted the tracks to throw them away and as the crew moved the dirt, with steel rakes, to even the drive way they exposed a Pacific Gas and Electric (PG&E) gas line. Mr. Fox further stated PG&E responded to the gas line exposure and because of the age of the line rewrapped it. Mr. Fox also stated that he sent an email to his management proposing company policy should be changed to call 811 before any project where dirt would be moved.

Investigator Fenton spoke with Mr. Fox concerning Government Code 4216 and explained what was considered an excavation under GC 4216. Further, Mr. Fox was told the importance of calling 811 to have utilities marked to prevent a hit that could lead to injuries or death.

Investigative Findings:

Nurture Source Design failed to call USA North to request a locate and did not have a valid USA Ticket when they lifted the drive way tracks to throw away.

Investigator Name		Supervisor Name	
Dennis Fenton		Carla Newman	
Signature	Date	Signature	Date
<i>Dennis Fenton</i>	01/31/2020	<i>Carla Newman</i>	01/31/2020



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INCIDENT INVESTIGATION REPORT COVER SHEET**



Witness List

Name:	MOREY FOX
Address:	2331 5TH ST, BERKELEY, CA 94710
Phone:	[REDACTED]
DL:	
Knowledge of:	Mr. Fox had reported the exposure to USA North.



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Exhibit List

Exhibit Number	Description	Date Received	Received From
1	USA Ticket - W002900379-00W	1/30/20	USA North
2	USA Ticket - W002900379-01W	1/30/20	USA North
3	CSLB License - NURTURE SOURCE DESIGN	1/30/20	Contractors State License Board