



**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**

Bill Gray, Project Manager  
Swinteron General Contractors  
17731 Mitchell North #200  
Irvin, CA 92614

Case No.: 19LA1090

Address/Location of Violation(s): Lemonwood Elementary School  
2001 San Mateo Place, Oxnard, CA 93033

Date/Time of Violation(s): February 19, 2019 @ 8:59 am

Dear: Mr. Gray,

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

Swinteron General Contractors violated California Government Code 4216.2 (b) which states, except in an emergency, an excavator planning to conduct an excavation shall notify the appropriate regional notification center of the excavator's intent to excavate at least two working days, and not more than 14 calendar days, before beginning that excavation. However, an excavator and an operator may mutually agree to a different notice and start date.

On February 19, 2019, an employee of Pierre Landscaping was excavating a drainage ditch at Lemonwood Elementary School when he ruptured a 2" inch gas line. Bill Gray,

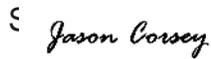
Project Manager, Swinterton General Contractors stated in an interview that (Swinterton) was the general contractor for the Lemonwood School project. Gray also stated that he was at the site the day of the incident and that Pierre Landscape had not called in a ticket. Gray acknowledged that Swinterton had not called in a ticket for the work being done by their subcontractor Pierre Landscape. A check of the DigAlert database confirmed the admission made by Gray.

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 California State Contractor's 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  
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:** 11-25-2019

**CASE#:** 19LA1090

**SUBJECT(S):** Swinterton General Contractors  
Pierre Landscaping

**4216 Violations:** 4216.2 (a) California Government Code- Failure to delineate prior to excavation  
4216.2 (b) California Government Code- Failure to notify Regional Notification Center of intent to conduct an excavation. Waiting 48 hours to begin excavation.

**Other Violations:** N/A

**Prior Board Actions:**  Yes

**Actions Taken:**

No

**Executive Summary:**

GC 4216.2(b) states, except in an emergency, an excavator planning to conduct an excavation shall notify the appropriate regional notification center of the excavator's intent to excavate at least two working days, and not more than 14 calendar days, before beginning that excavation. However, an excavator and an operator may mutually agree to a different notice and start date.

On February 19, 2019, an employee of Pierre Landscaping was excavating a drainage ditch at Lemonwood Elementary School when he ruptured a 2" inch gas line. Rigo Sanchez, Vice President of Pierre Landscape admitted in an interview that (Pierre) did not take a ticket out for the job at Lemonwood School. A check of the DigAlert database confirmed the admission made by Sanchez.

Bill Gray, Project Manager, Swinterton General Contractors stated in an interview that (Swinterton) was the general contractor for the Lemonwood School project. Gray further acknowledged that he was at the site the day of the incident and that Pierre Landscape had not called in a ticket. Gray also stated that Swinterton had not called in a ticket for the work being done by their subcontractor Pierre Landscape. A check of the DigAlert database confirmed the admission made by Gray.



CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD  
INVESTIGATION DIVISION  
INCIDENT INVESTIGATION REPORT



<b>Case Number:</b> 19LA1090	<b>Report Date:</b> 11-25-2019
<b>Subject Name:</b> Pierre Landscaping et al	<b>Notification Date:</b> None

**Reporting Party Information:**

None. Event was ascertained using Google search via the internet.

**Subject(s) of Investigation:**

Pierre Landscape, 5455 2<sup>nd</sup> St, Irwindale, CA. 91706. Ph# [REDACTED] (CSLB# 638989)

Swinerton General Contractors, 17731 Mitchell North #200, Irvine, Ca. 92614. Ph# [REDACTED]  
[REDACTED]. (CSLB #92)

**Date and Time of Incident:** 2-19-2019 @0859 hours.

**Location of the Incident:** Lemonwood Elementary School, 2001 San Mateo Place, Oxnard, CA.93033

**Ticket No.:** A190501326\*

**Operator:** Southern California Gas Company

**Excavator:** Pierre Landscape

**Facility Type Damaged:** 2" inch plastic gas line.

**Violations**

4216.2(a) California Government Code-Failure to delineate prior to excavation.

4216.2(b) California Government Code-Failure to notify Regional Notification Center of intent to conduct an excavation.

**Notification**

None. This event was ascertained using a google search.

**Fatalities and Injuries:**

None

**Damages:**

2" inch plastic gas pipe belonging to Southern California Gas Company.

**Responding Entities:** Southern California Gas Company, Oxnard Fire Department, CalFire (Dig Safe Board)

**Scene Description**

Urban neighborhood. Mostly single family homes.

**Summary of Investigation**

On 6-7-2019, this investigation began using a google search for 'gas leak". Several results were obtained. Only one, was within the Southern Division of the Dig Safe jurisdiction. **(Attachment 1)**

The information stated a construction crew hit a gas line at Lemonwood School in Oxnard on 2-19-2019 at 0859 hours. The article went on to say that the gas leak required a response from the Oxnard Fire Department.

On 6-13-2019, I called the Oxnard Fire Department, Records Division. I identified myself as an investigator for CalFire and the purpose of my call. The records supervisor emailed me Oxnard Fire Report#19-0013794. **(Attachment 2)**. Per the report, Oxnard Fire Department received the call at 0905 hours. Oxnard Fire was dispatched at 0907 hours, units arrived at 0917 hours. The last unit cleared the scene at 1048 hours.

Later that day I contacted Captain Aaron Baker (Baker) of the Oxnard Fire Department. Baker was the incident commander of the scene at Lemonwood School. Baker told me they were the first units on the scene. The Gas Company had not arrived yet. He advised his officers to contact school administrators so that safety measures could be taken to protect the children from gas inhalation and a possible flashover. He also put his trucks in strategic positions so that ingress and egress to the area is limited and the possibility that other civilians/children may not be harmed or injured. Additionally, Captain Baker advised me at the time of his arrival there were welders approximately 300 feet from where the leak was installing a fence at the school entrance.

On 6-18-2019, I contacted the Southern California Gas Company. I spoke with Khoa Le (Le), Program Supervisor. I requested the accident report and photographs he had of this incident. **(Attachment 3)**. Le advised me that the supervisor for the gas company responding to this incident was Samuel Gonzalez. I asked to interview Gonzalez in person at the school since he is assigned to Ventura County area.

On 8-5-2019, using the information gained from the internet article, I contacted Amber Dahl(Dahl), Safety Coordinator at DigAlert. She ran the information through her computer and found a DigAlert ticket # A190501326\*. I also asked Dahl if she could send me the audio recording of the call. **(Attachment 4)**. The ticket was called in by David Tellez (Tellez), of Pierre Landscape (Pierre). The date and time of Tellez applying for the ticket was 2-19-2019 at 1109 hours. Pierre Landscape is a licensed contractor in the State of California, License # 638989. The license was valid at the time of the incident. Tellez stated he was going to be landscaping at Lemonwood School. He also told the DigAlert operator he would be commencing work at 1300 hours on 2-19-2019. At no point did Tellez advise DigAlert the damage had already occurred and required an emergency response. Tellez also advised that he was a sub-contractor. The general contractor was Swinerton Builders (Swinerton). Swinerton Builders is a licensed contractor in the State of California. Their license was valid at the time of the incident (License # 92).

On 8-6-2019 at 0830 hours I arrived at the Lemonwood School in Oxnard. The location of the gas leak was in the 2200 block of Carnegie Court. This is on the south end of the school. Adjacent to the gas main is a parking lot.

I interviewed Samuel Gonzalez(Gonzalez), Leak Supervisor of Southern California Gas Company. He has been so employed for 18 years. Gonzalez advised me that he and his crew were dispatched to Lemonwood Elementary School on 2-19-2019 to repair a ruptured 2" gas line. Gonzalez further advised me that the gas leak was stopped at 1018 hours. Gonzalez also interviewed Tellez. Tellez advised Gonzalez that he was trying to excavate for a drainage ditch for the school landscaping project. He admitted to not taking out a dig ticket prior to excavating.

On 8-6-2019 at 930 hours as I was walking through the school parking lot I saw a contractor's trailer. There was a big sign on the trailer. It read 'SWINERTON'.

As I entered the trailer, I identified myself and the purpose of my visit. A male identified himself as Bill Gray (Gray). He told me he was the project manager. He admitted to me he was present when the gas hit occurred. He also admitted he was representing the general contractor doing work for the Oxnard School District, specifically at the Lemonwood School. Gray admitted that Tellez ran into his office on 2-19-2019 at 0900 hours advising Gray that he hit a gas line. Gray then called 911. This caused an Oxnard fire response. Gray advised me that Swinerton did not call in a dig ticket. He stated to me he 'lets his subs do that'.

On 8-20-2019 at 1500 hours, I interviewed Rigo Sanchez(Sanchez), Vice President of Pierre Landscape. He has been employed at Pierre Landscape for over 5 years but has over 20 years’ experience in contracting. Sanchez advised me that he admits they (Pierre) did not take a ticket out for the job at Lemonwood School. He advised me he “talked to” Tellez about his “mistake”. He further stated that the company has begun a new program to “track excavation tickets” after they are taken out and renew them if the situation warrants renewal.

On 8-22-2019 at 830 hours I travelled to the Lemonwood School in Oxnard. I spoke with Sally Wennes (Wennes). Wennes is the Principal of the Lemonwood School on 2-19-2019. She advised me that she received a phone call of the gas leak from one of the contractors. After that she went outside and the fire department had arrived. This was around 0900 hours. The Fire captain told her that they may need to gain access to the school. The decision to evacuate the school was a joint decision from District Superintendent and the Fire Captain at the scene. School was disrupted for approximately 3 hours due to this incident.

**Investigative Findings**

On February 19, 2019, Pierre Landscape acting as a subcontractor for Swinterton General Contractors was excavating a drainage ditch at Lemonwood Elementary School in Oxnard , CA and ruptured a gas line. Pierre Landscape did not call DigAlert to obtain a ticket prior to excavation. Pierre Landscape violated California GC 4216.2(b) except in an emergency, an excavator planning to conduct an excavation shall notify the appropriate regional notification center of the excavator’s intent to excavate at least two working days, and not more than 14 calendar days, before beginning that excavation.

Subcontractor Pierre Landscaping was acting as an agent for Swinterton General Contractors on the project. As the prime contractor, it was Swinterton’s responsibility to ensure Pierre Landscaping complied with the law while excavating. Swinterton failed to confirm Pierre Landscaping had obtained a ticket prior to excavation. Swinterton General Contractors is also in violation of 4216.2(b).

Investigator Name		Supervisor Name	
J.Benane <i>Jason Corsey</i>	Corsey for Benane	A.Brown <i>Carla Newman</i>	Newman for Brown
Signature	Date 11-25-2019	Signature	Date 11-25-2019

**Witness List**

Name: Amber Dahl, Safety Director of DigAlert

Address: P.O. Box 77070, Corona, CA. 92877

Phone: [REDACTED]

DL:

Knowledge of: DigAlert receiving call, foundation of Dig ticket A190501326. Also, can bring a copy of audio recording (if needed).

Name: (Principal) Sally Wennes

Address: Lemonwood School, 2001 San Mateo Place, Oxnard, CA. 93033

Phone: [REDACTED]

DL:

Knowledge of: contractors doing work, notification of incident, evacuation of children from classes, disruption of school classes and schedule.

Name: Captain Aaron Baker #11918

Address: C/O Oxnard Fire Department, 360 W. 2<sup>nd</sup> St, Oxnard, CA. 93030.

Phone: [REDACTED]

DL:

Knowledge of: his report, call information and deployment, observations.

Name: Samuel Gonzalez, Supervisor

Address: C/O Southern California Gas Company, 555 W. 5th Street, Los Angeles, CA. 90013

Phone: [REDACTED]

DL:

Knowledge of: call to repair, labor and repair costs, observations and statements made by employee of Pierre Landscaping.

**Exhibit List**

Exhibit Number	Description	Date Received	Received From
1	Google search article Lemonwood School gas leak.	6-7-2019	Internet
2	Oxnard Fire Report #19-0013794	6-13-2019	Oxnard Fire Department
3	Damage report, leak repair order, and 4 photographs	6-18-2019	So Cal Gas
4	DigAlert ticket #A190501326	8-5-2019	DigAlert