



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

John Duran
West Coast Construction
6507 Beeman Ave.
North Hollywood, CA 91606

Case No.: 20LA1085

Address/Location of Violation(s): [REDACTED] Simi Valley, CA

Date/Time of Violation(s): 12/19/2019 @ 3:45 pm

Dear: Mr. Duran

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

West Coast Construction violated California Government Codes 4216.2 (b) which states, an excavator planning to conduct an excavation to 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.

On December 19, 2019, West Coast Construction was excavating in the front yard of a residence when they struck a ½ inch gas line causing a release of gas. West Coast Construction failed to advise Dig Alert of their intent to excavate and did not possess a valid ticket prior to digging.

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 GC4216 in the future.

This matter will be referred to California State Contractor's License Board with a recommended penalty of mandatory completion of the Boards education course.

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: 2-25-2020

CASE#: 20LA1085

SUBJECT(S): West Coast Construction

4216 Violations: 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) Requires an excavator planning to conduct an excavation to 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. On December 19, 2019, West Coast Construction was excavating in the front yard of a residence when they struck a ½ inch gas line causing a release of gas. West Coast Construction failed to advise Dig Alert of their intent to excavate and did not possess a valid ticket prior to digging.



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



Case Number: 20LA1085	Report Date: 2-14-2020
Subject Name: West Coast Construction	Notification Date: 1-24-2020

Reporting Party Information:

The Dig Safe Board was notified of this incident from the DigAlert office in Corona, California on 1-24-2020.

Subject(s) of Investigation:

West Coast Construction, 6507 Beeman Ave, North Hollywood, CA. 91606. Ph# [REDACTED] (CSLB# 448718). License expires 11-30-2020.

Date and Time of Incident: 12-19-2019 at 1555 hours.

Location of the Incident: [REDACTED] Simi Valley Ca.

Ticket No.: A192811012 and A193540012

Operator: Southern California Gas Company

Excavator: West Coast Construction

Facility Type Damaged: Half-inch plastic gas line.

Violations

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

Notification

The Dig Safe Board was notified of this incident from the DigAlert office in Corona, California.

Fatalities and Injuries:

None

Damages:

Half-inch plastic gas pipe belonging to Southern California Gas Company.

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

Scene Description

The location where the damage occurred was in a suburban neighborhood.

Summary of Investigation

On 1-24-2020, the Dig Safe Board was notified via the DigAlert office in Corona, California of a gas line hit by a construction crew in the city of Simi Valley on 12-19-2019. I received a copy of DigAlert ticket# A192811012 with the notification. The ticket was called in by West Coast Construction(WCC) of North Hollywood, California. The person who called in the ticket was Jerry Duran(Duran). Duran applied for the ticket on 10-8-2019. **(Exhibit 1)**

I obtained an audio copy of the ticket application from DigAlert. Duran stated he was excavating in the backyard of [REDACTED] in the city of Simi Valley. Duran went on to say that he was constructing a granny flat for the property owner in the backyard at that address. He told the DigAlert operator that the planned area of excavation was already delineated with green string in the backyard of [REDACTED]

Duran was told by the DigAlert operator that excavation could commence on 10-10-2019 at 1701 hours. Duran was further advised by the DigAlert operator that the ticket expired on 11-5-2019. Duran had various concerns about when the utilities would arrive to mark. The DigAlert operator then advised him (Duran) of the requirements before excavating per 4216 of the California Government Code. Duran then thanked her for the information and hung up.

On 12-19-2019 at 1546 hours the Ventura County Fire Department received a 911 phone call from Jerry Duran of WCC to advise he hit a gas line at [REDACTED] in Simi Valley. The call was assigned to a fire company at 1547 hours. Fire dispatch called Southern California Gas Company (SCG) at 1552 hours. The fire department arrived at [REDACTED] at 1553 hours. SCG arrived at 1612 hours. The flow of gas stopped at 1903 hours. The Ventura County Fire Department cleared the scene at 1907 hours. **(Exhibit 2)** The gas line that was damaged occurred in the front yard.

On 12-20-2019 at 0640 hours, Duran called DigAlert again. He was requesting a ticket for the same address because in part, he failed to notify DigAlert to renew his previous ticket and the fact he was now excavating in the front yard of this address. This was in the area outside his original area of excavation on his previous ticket. Duran was advised by the DigAlert operator that his original ticket expired and he would need a new ticket due to the fact he was excavating in another area and it would require a new delineation and he would have to wait to begin excavating within the limits of 4216 of the Government Code. Duran stated he would cease excavating and would not begin excavating again until 12-26-2019. The ticket number assigned to this request was A 193540012. The legal start was 12-24-2019 and it expired on 1-17-2020. **(Exhibit 3)**

On 1-24-2020, I was assigned this case.

On 1-30-2020 at 0800 hours, I interviewed Juan Bahena (Bahena) who is a locator for SCG. Bahena told me that on 10-10-2019 at 1300 hours he travelled to [REDACTED] in the city of Simi Valley. It was to mark pursuant to an excavation request for West Coast Construction. Bahena was met by the contractor who led him to the rear yard. Bahena observed a 30 X 15-foot area delineated in green string. Bahena scanned the area and advised the contractor there was no conflict. At no time did the contractor advise Bahena of another possible area of excavation from the contractor. In addition, there were not any other delineated areas on that property. Bahena then left the property. **(Exhibit 4)**

Bahena then returned to the property on 12-19-2019 in the late afternoon due to a hit gas line call at [REDACTED] in Simi Valley. Bahena remembered being at this address a few months prior. Bahena saw the gas leak emanating from the front lawn area of the address. Another crew arrived from SCG to repair the gas line. Bahena asked Duran if he took out another ticket for the front lawn area. Duran answered no.

On 1-30-2020, I went to the city of Simi Valley, Department of Building and Safety. I pulled permit number B1902563. It shows the permit was issued on 10-21-2019. It was issued to Jerome Duran of West Coast Construction to construct an additional unit with full kitchen, bedroom and bathroom, 476 square feet. It does not list on the permit what part of the property construction is taking place, nor does it list excavation activity. **(Exhibit 5)**

On 1-30-2020, I received a leak report, Korterra ticket information from Ali Matin, Pipeline engineer from SCG. **(Exhibit 6)**

On 1-31-2020 at 1200 hours I interviewed Jerry Duran of West Coast Construction. His telephone number is 310-579-5960. This telephone number is listed on the building permit, both DigAlert tickets and official license printout of the Contractors State License Board. (CSLB)

I advised Duran of the nature of my call and investigation. Duran advised me he did not follow the law on taking out DigAlert tickets and delineation. He also advised me he failed to renew his

original ticket in a timely fashion. Duran was under the impression that he only needed to call DigAlert once to comply with the law.

I advised Duran that he must delineate and obtain a separate DigAlert ticket for each excavation he attempts if it is different than the previous delineations that he marked. I also advised Duran that he must renew tickets every 28 days from the date he originally took out a ticket.

Duran stated he understood.

Investigative Findings

On December 19, 2019, West Coast Construction was excavating in the front yard of a residence when they struck a ½ inch gas line causing a release of gas. West Coast Construction failed to advise Dig Alert of their intent to excavate and did not possess a valid ticket prior to digging. This is a violation of California Government code 4216.2 (b) of the California Government Code- Failure to obtain a ticket prior to excavation.

Investigator Name		Supervisor Name	
A. Brown for Benane <i>Anna Brown</i>		C. Newman for Brown <i>Carla Newman</i>	
Signature	Date 2-25-2020	Signature	Date 2-25-2020

Witness List

Name: Amber Dahl, Safety Director of DigAlert

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

Phone: [REDACTED]

DL:

Knowledge of: DigAlert receiving calls, foundation of Dig ticket A192811012 and A193540012. Also, can bring a copy of audio recordings (if needed).

Name: Investigator John Benane

Address: 3950 Paramount Blvd, #211, Lakewood, CA. 90712

Phone: [REDACTED]

DL:

Knowledge of: this report, observations, statements.

Name: Captain Mark Villasenor #213

Address: C/O Ventura County Fire Department, 165 Durley Ave, Camarillo, CA. 93010.

Phone: [REDACTED]

DL:

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

Name: Juan Bahena, Locator

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 employees of West Coast Construction.

Exhibit List

Exhibit Number	Description	Date Received	Received From
1	DigAlert ticket #A192811012	1-24-2020	DigAlert
2	Ventura County Fire Department report # 19-0106197	1-27-2020	Ventura County Fire Records
3	DigAlert ticket # A193540012.	1-24-2020	DigAlert
4	Report of interview of Juan Bahena	1-30-2020	Juan Bahena.
5	City of Simi Valley Building Permit #B1902563.	1-30-2020	City of Simi Valley, Building and Safety Department.
6	Leak repair order, Korterra ticket information.	1-30-2020	Ali Matin, pipeline engineer from SCG.