

SUMMARY OF ALLOCATION OF BUREAU RESOURCES DURING 2011 CALENDAR YEAR

STAFFING

In 2011, the Bureau of Investigations (the Bureau or BOI) was staffed by the Administrative Chief, one staff attorney (in the Southern California Office) and an investigatory staff comprised of a Supervising Special Investigator and two field investigators in Northern California and two field investigators in Southern California.

BUREAU ORGANIZATIONAL STRUCTURE AND STATUTORY MANDATES

The supervisor of the Bureau is designated the Administrative Chief pursuant to statute, Labor Code 6315(c). Since the passage of the California Occupational Safety and Health Act of 1973, Labor Code 6300 et seq., the incumbent in this position has been a civil servant (in contrast to a political or career executive assignment appointment). [Since the Bureau's inception, three attorneys have served as Administrative Chief: John W. Hawkes, from 1974 to 1981; Michael D. Mason, from 1981 to February 2010; and Amy Martin, from February 2010 to the present.] The Administrative Chief of the Bureau reports to the Chief of the Division.

The Bureau exists as an entity within the Division of Occupational Safety and Health (DOSH or the Division). Under the supervision of the Administrative Chief, the Bureau directs accident investigations involving violations of standards, orders, or special orders where there is a fatality, serious injury or illness to five or more employees, or where a request for prosecution is received from the Division's civil compliance staff. Labor Code 6315(a). With reference to any case in which the Bureau is required to conduct an investigation, and in which there is a serious injury or death, the Bureau is under a mandatory duty to refer the results of the investigation to the appropriate prosecuting authority having jurisdiction for appropriate action, unless the Bureau determines that there is legally-insufficient evidence of a violation of the law. Labor Code 6315(g). In addition to these mandatory duties, the Bureau is also charged with the responsibility of reviewing all inspection reports involving serious violations where there has been a serious injury to fewer than five employees or a serious exposure. The Bureau is vested with the discretion to conduct an accident investigation in these latter cases. (The Labor Code was amended in 1984 to make clear that the Bureau "may investigate those cases in which the Bureau finds criminal violations may have occurred." Labor Code 6315(a) [Stats 1984; Ch. 1138].) In all cases, the focus of Bureau investigative activity is to determine whether criminal violations have occurred.

Principally, the Bureau determines whether any of the provisions of Labor Code sections 6423 or 6425 or of certain Penal Code provisions has been violated. In order to assure that Bureau resources are allocated to those cases that have a high degree of probability of referral for filing of criminal charges, the Bureau first conducts an

administrative or preliminary investigation that involves an initial field investigation (this activity is referred to as a "rollout") and a review of all field compliance documentation. Those cases that do not appear to satisfy the elements of a criminal violation are administratively closed. These latter cases generally involve a lack of an employer-employee relationship, no serious violations, or other factors indicating that criminal violations have not occurred. In order to assure that a competent and professional investigation is conducted, the Bureau has continued its long-standing policy of conducting a preliminary investigation in all mandatory cases.

MEASURES, TRENDS AND ACTIVITIES

There were 178 investigations in progress as of December 31, 2011. During the course of the calendar year, the Bureau referred 13 cases to prosecuting authorities, and 8 of these cases were filed for prosecution. Many cases that were referred to the prosecuting authorities during the course of 2011 (especially the latter part of that year) will be considered for filing in calendar year 2012.

In 2011, there were 131 administrative closures of cases; an additional 11 cases were closed after full field investigation due to lack of sufficient evidence or absence of appropriate violative conditions to warrant their referral. Additional legal training of DOSH inspectors is expected to improve inspectors' skills and result in more successful cases for referral.

Throughout its history, the Bureau has experienced increases and decreases in the number of cases referred and filed in any given year. To provide an overview of recent Bureau activity, a General Summary Table for the years 2000 to 2011 is appended as Attachment 1 (following this Summary).

Over the last three years, the Bureau has attempted to prioritize the cases it recommends for prosecution and concentrate its resources on those most likely to result in criminal charges. Thus, although the General Summary Table shows a trend towards fewer case referrals, it also shows a dramatic increase in the percentage of referrals resulting in cases charged by a prosecuting authority. From 2009 through 2011, the average number of cases prosecuted after referral rose to 66%, compared to only 30% of cases referred from 2000 through 2008.

The Bureau has also continued to investigate misrepresentation cases (e.g., Theresa Capile charged with 50 felony counts), fraudulent documentation cases, amusement ride cases, elevator fatalities and discretionary serious injury cases. With additional staffing, the Bureau could also pursue asbestos-exposure cases and more serious injury cases.

To assure greater awareness of meritorious occupational safety and health cases and encourage more prosecutions, the Bureau has continued to participate in seminars sponsored by the California District Attorneys Association (CDAA) pertaining to worker safety violations. Bureau staff participated at a statewide conference in October 2011 in Sacramento to increase mutual understanding of district attorneys' and the Division's field enforcement and the Bureau's investigatory processes. This process should lead to even more successful referrals and prosecutions by district attorneys. In addition, as in past years, Bureau staff has continued to participate in local Law Enforcement Task Forces and meet with prosecuting authorities to facilitate lines of communication to assure that timely action on cases referred can be taken.

SIGNIFICANT PROSECUTIONS
CONCLUSION

As demonstrated above and in the attached documents, the Bureau has seen significant successes in calendar year 2011. The Bureau intends to continue its prioritization of resources and concentration on the most criminally-egregious cases. The Bureau will also continue its outreach to prosecutorial agencies throughout California. Based on these efforts, the Bureau believes that it will continue to see a high percentage of criminal prosecutions with a significant deterrent impact.

STATE OF CALIFORNIA
LABOR AND WORKFORCE DEVELOPMENT AGENCY
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
BUREAU OF INVESTIGATIONS
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2011 ANNUAL
REPORT OF THE BUREAU
OF INVESTIGATIONS
(LABOR CODE SECTION 6315.3)

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INTRODUCTION

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INTRODUCTION

Enclosed is the 2011 annual report of Bureau of Investigations activity. Labor Code section 6315.3 requires the Bureau of Investigations to submit this report to the Chief of the Division of Occupational Safety and Health for submittal to the Director of the Department of Industrial Relations. Labor Code section 6315.3 requires the report to contain specific statistical data as well as summaries of investigative and prosecutorial activity. This report follows the specific format set forth in Labor Code section 6315.3 as outlined in the following Table of Contents.

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SUMMARY OF REPORTS PROVIDED
TO THE BUREAU IN 2011
(LABOR CODE SECTION 6315.3(a))

**SUMMARY OF REPORTS
PROVIDED TO THE BUREAU
LOGGED IN FOR THE NORTH AND SOUTH BUREAU OFFICES
2011 Calendar Year**

	<u>TOTALS</u>
INITIAL ACCIDENT REPORTS	1739
INVESTIGATION REPORTS	1198
Fatalities	185
Catastrophes	0
Serious Injuries (1-4)	1013
Serious Exposures	0
DOSH REFERRALS TO THE BUREAU (C/O 90B)	*1
BOI DISCRETIONARY (C/O 90B)	3
OTHER REPORTS AND DOCUMENTS RECEIVED FROM THE DIVISION	0

** Includes problem employers, alleged consultant irregularities and improper use of DOSH issued certificates.*

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IB

TOTALS FOR 2011 CALENDAR YEAR
(LABOR CODE SECTION 6315.3(b)(1) and (2))

TOTALS FOR 2011 CALENDAR YEAR

I. <u>FATALITIES</u> (Labor Code section 6315.3(b)(1))	<u>TOTALS</u>
A. Investigations in Progress January 1:	137
B. Court Cases in Progress January 1:	12
C. Investigations Completed in Calendar Year (as of 12/31):	20
D. Cases Referred During Calendar Year:	11
E. Investigations in Progress as of 12/31:	171
F. Court Cases in Progress as of 12/31:	9

TOTALS FOR 2011 CALENDAR YEAR

II. <u>SERIOUS INJURIES TO FIVE OR MORE EMPLOYEES</u> (Labor Code section 6315.3(b)(2))	<u>TOTALS</u>
A. Investigations in Progress January 1:	0
B. Court Cases in Progress January 1:	0
C. Investigations Completed in Calendar Year (as of 12/31):	0
D. Cases Referred During Calendar Year:	0
E. Investigations in Progress as of 12/31:	0
F. Court Cases in Progress as of 12/31:	0

TOTALS FOR 2011 CALENDAR YEAR

III. <u>C/O 90B's (FIELD REFERRALS)</u> (Labor Code section 6315.3(b)(1))	<u>TOTALS</u>
A. Investigations in Progress January 1:	6
B. Court Cases in Progress January 1:	2
C. Investigations Completed in Calendar Year (as of 12/31):	4
D. Cases Referred During Calendar Year:	2
E. Investigations in Progress as of 12/31:	6
F. Court Cases in Progress as of 12/31:	1

TOTALS FOR 2011 CALENDAR YEAR

IV. <u>SERIOUS INJURIES TO LESS THAN FIVE EMPLOYEES</u> (Labor Codes section 6315.3(b)(2))	<u>TOTALS</u>
A. Investigations in Progress January 1:	0
B. Court Cases in Progress January 1:	0
C. Investigations Completed in Calendar Year (as of 12/31):	0
D. Cases Referred During Calendar Year:	0
E. Investigations in Progress as of 12/31:	0
F. Court Cases in Progress as of 12/31:	0

TOTALS FOR 2011 CALENDAR YEAR

V. <u>SERIOUS EXPOSURES</u> (Labor Code section 6315.3(b)(2))	<u>TOTALS</u>
A. Investigations in Progress January 1:	0
B. Court Cases in Progress January 1:	0
C. Investigations Completed in Calendar Year (as of 12/31):	0
D. Cases Referred During Calendar Year:	0
E. Investigations in Progress as of 12/31:	0
F. Court Cases in Progress as of 12/31:	0

II A

SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2011 AND
FINAL COURT DISPOSITIONS IN 2011

-FATALITIES-

(LABOR CODE SECTION 6315.3(c))

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-046-07PC

EMPLOYER\SUBJECT Harris Salinas Rebar

DATE REFERRED TO BOI 9/20/2007

DATE REFERRED TO DA 9/11/2008

SYNOPSIS The victim died as a result of crushing injuries he sustained when a steel column upon which he was working fell, landing on top of the victim.

STATUTE/
VIOLATIONS Labor Code section 6425(a) and 6423(a)(1)

T8 CCR SECTIONS 1712(f)(1)

FINAL DISPOSITION On October 30, 2009, the Santa Clara District Attorney's office filed a criminal complaint against Harris Salinas Rebar, Inc., for violating Labor Code section 6425(a)-Felony, referencing CCR Title 8 section 1712(f)(1). On 4/18/2011, the company entered a nolo contendere plea and was convicted of Misdemeanor Labor Code Section 6423(a). The employer was ordered to pay approximately \$5,000 in fines and court fees.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-001-08DC

EMPLOYER\SUBJECT Davey Tree Service

DATE REFERRED TO BOI 1/7/2008

DATE REFERRED TO DA 5/13/2009

SYNOPSIS The victim died as a result of injuries sustained after being struck by a falling tree.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3427(c)(3) and 3427(c)(1)

FINAL DISPOSITION The Santa Cruz District Attorney's office did not file prior to the passage of the statute of limitations.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-006-08PC

EMPLOYER\SUBJECT California C & R Inc.

DATE REFERRED TO BOI 1/17/2008

DATE REFERRED TO DA 4/7/2009

SYNOPSIS The victim fell thirty-eight feet from the edge of an apartment building roof to the concrete sidewalk below. The victim was working under the supervision of his foreman who was present at the time of the incident.

STATUTE/
VIOLATIONS Penal Code section 192(b) and Labor Code section 6425(a)

T8 CCR SECTIONS 1730(b)(1)

FINAL DISPOSITION On April 13, 2010, the San Francisco County District Attorney's office filed a Felony complaint against California C & R, Sam Hyung Goo Shim [president/owner] and Jwa Young Kim [foreman] for violating Penal Code section 192(b) and Labor Code section 6425 [felony]. Additionally, the employer and Mr. Shim were charged with violating Insurance Code section 11880(a) and Unemployment Ins. Code section 2117.5 [felonies]. On 4/25/2011, Mr. Shim entered a Felony guilty plea for violating PC 192(b)[Involuntary Manslaughter], LC 6425(a), Insurance code section 11880(a) and Unemployment Insurance Code section 2117.5. Mr. Shim was sentenced to 5 years probation, 1 year County jail, ordered to pay \$3,152.34 to EDD, \$108,205.61 to State Compensation Insurance Fund, court fines and his contractor's license was revoked and he was ordered to not engage in roofing or construction as an employer, supervisor or foreman. California C&R, Inc., entered a Felony guilty plea to violating one Felony count of Labor Code section 6425. The company was placed on 5 years probation, ordered to pay the same restitution as listed above and forfeit all contractors' licenses and not engage in roofing businesses. Mr. Kim entered a nolo contendere plea for violating Misdemeanor LC 6425. He was sentenced to 3 years probation, ordered to serve 1 year in county jail and not violate any Cal/OSHA regulations.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-007-08RF
EMPLOYER\SUBJECT J C Metal Specialists, Inc.
DATE REFERRED TO BOI 1/23/2008
DATE REFERRED TO DA 3/2/2009

SYNOPSIS The victim was fatally injured when he was struck by a wall that collapsed while the wall was being demolished.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1735(m)(1), 1734(a) and 1735(d)(4)

FINAL DISPOSITION On January 20, 2011, the San Mateo County District Attorney's office filed a Felony complaint against Jeffrey Chan aka Kwok Chi Chen [owner] and Kinleung Lai [foreman] for violating Penal Code section 192(b) and Felony Labor Code section 6425. No final court disposition as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-009-08RF
EMPLOYER\SUBJECT Pre-Press International DBA Digital Pre-Press
International(DPI)
DATE REFERRED TO BOI 1/29/2008
DATE REFERRED TO DA 1/27/2009

SYNOPSIS The victim was working with another co-worker operating a flat-bed die cutting machine when her left shoulder, arm and chest became caught in the machine. The victim died from her injuries.

STATUTE/
VIOLATIONS Penal Code section 192(b) and Labor Code section 6425(a) and 6423(a)(1).

T8 CCR SECTIONS 3203(a)(7), 3314(d), 4000(c) and 4436

FINAL DISPOSITION On October 29, 2010, the San Francisco District Attorney's office filed a criminal complaint against Sanjay Sakhuja [owner], Pre-Press International, Inc. (dba Digital Pre-Press International), and Alick Yeung [press room manager] with violating Felony Penal Code section 192(b) and Felony Labor Code section 6425(a). No final court disposition as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-018-08DC

EMPLOYER\SUBJECT Island District Honey

DATE REFERRED TO BOI 3/26/2008

DATE REFERRED TO DA 4/1/2009

SYNOPSIS The victim died as a result of injuries sustained due to a motor vehicle collision with an automobile. The victim was operating a forklift industrial truck equipped with rollover protection but lacked a seat belt when it was struck and overturned by an automobile.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3653(a)

FINAL DISPOSITION The Kings County District Attorney's office did not file prior to the passage of the statute of limitations.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-033-08RF

EMPLOYER\SUBJECT Merced Farm Labor

DATE REFERRED TO BOI 5/16/2008

DATE REFERRED TO DA 3/23/2009

SYNOPSIS The victim died as a result of heat stroke injuries sustained while working in a grape vine field. The temperatures during her work day were in the 95 degree range.

STATUTE/
VIOLATIONS Labor Code section 6423(a)(1) and 6425(a) and Penal Code section 192(b)

T8 CCR SECTIONS 3395(c), 3395(d), 3395(e)(1), 3395(e)(2) and 3439(b)

FINAL DISPOSITION On 4/22/2009, the San Joaquin District Attorney's office filed a criminal complaint against Maria De Los Angeles Colunga, Elias Armenta and Raul Martinez for violating Penal Code Section 192(b)[referencing CCR Title 8 Section 3395(c)], Labor Code Section 6425(a)-Felony, and five Misdemeanor counts referencing CCR Title 8 Sections 3395(c), 3395(d) 3395(e)(1), 3395(e)(2) and 3439(b). Additionally, a Civil complaint was filed for Business & Professions Code sections 17203, 17204 and 17206 [referencing Labor Code Section 6423(a)(1), Labor Code Section 6425(a), CCR T8 Sections 3395(c), 3395(d), 3395(e)(1), 3395(e)(2), 3439(b), 342(a), 3203(a)(7)(B), 3395(e)(3) and 3457(c)(2)(A)] against Merced Farm Labor, a sole proprietorship, Maria De Los Angeles Colunga, individually and d.b.a. Merced Farm Labor and West Coast Grape Farming, Inc.No final court disposition as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-054-08DC
EMPLOYER\SUBJECT Horizon Energy Systems
DATE REFERRED TO BOI 7/25/2008
DATE REFERRED TO DA 6/8/2009

SYNOPSIS The victim was fatally injured when he fell from a roof height of approximately 11 feet, 10 inches. The victim was part of a six man crew working to install solar panels on the roof.

STATUTE/
VIOLATIONS Labor Code section 6423(a)(1) and 6425(a)

T8 CCR SECTIONS 1670(a)

FINAL DISPOSITION The Santa Clara County District Attorney's office did not file prior to the passage of the statute of limitations.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-066-08XC

EMPLOYER\SUBJECT T. T. Construction

DATE REFERRED TO BOI 9/17/2008

DATE REFERRED TO DA 8/17/2009

SYNOPSIS The victim was operating an E-525 Caterpillar road grader under contract by the U.S. Forest Service in the Siskiyou Complex fire on Klamath National Forest Lands. The victim fell or jumped from the grader while attempting to jump start the grader with a screw driver due to the fact that the starter solenoid had been damaged. The victim sustained a head laceration and possible concussion which resulted in his death on September 11, 2008.

STATUTE/
VIOLATIONS Penal Code section 192(b) and Labor Code section 6425(a) and 6423(a)(1)

T8 CCR SECTIONS 1597(j)

FINAL DISPOSITION On April 22, 2010, the Siskiyou County District Attorney's office filed a Felony complaint against Thomas Wayne Horn [owner T.T. Construction] for violating Penal Code section 192(b) and Labor Code section 6425(a). On 10/26/2011, Judge Masunaga found Thomas Horn not guilty on all charges.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-069-08RF

EMPLOYER\SUBJECT Teichert Construction

DATE REFERRED TO BOI 10/6/2008

DATE REFERRED TO DA 11/19/2009

SYNOPSIS Employees were inside a new 32" pipeline (water) under construction inside a trench. An excavator struck a nearby water pipe which flooded the pipeline resulting in the drowning deaths of both employees.

STATUTE/
VIOLATIONS Penal Code section 192(b) and Labor Code section 6425(a)

T8 CCR SECTIONS 1541(b)(3) and 1541(k)(2)

FINAL DISPOSITION On 2/7/2011, the San Luis Obispo District Attorney's office filed a Business and Professions Code sections 17200 and 17203 case against Teichert. The Final judgment shall be in effect for 5 years. Teichert was ordered to adopt new safety policies for excavation sites and the employer was ordered to pay reimbursement costs and other monetary relief in the total amount of 3 million dollars. The District Attorney's office also filed a criminal complaint against Henry Duggins [foreman] for violating Penal Code section 192(b)[Felony two counts] and for Felony Labor Code section 6425(a)[two counts] referencing Title 8 section 1541(k)(2). No final court disposition on the criminal case as of 12/31/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-071-08DC
EMPLOYER\SUBJECT Sunsweet Growers
DATE REFERRED TO BOI 10/7/2008
DATE REFERRED TO DA 12/15/2009

SYNOPSIS The victim died as a result of sustaining crushing head trauma while attempting to clear a "bin jam" on an automated fruit bin washing machine.

STATUTE/
VIOLATIONS Labor code section 6425(a)

T8 CCR SECTIONS 3314

FINAL DISPOSITION Closed 02/22/11. DDA Carl Adams dedcined to file due to insufficient evidence to support criminal prosecution.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-075-08DC

EMPLOYER\SUBJECT Martin's Metal Fabrication & Welding, Inc.

DATE REFERRED TO BOI 10/15/2008

DATE REFERRED TO DA 7/6/2010

SYNOPSIS The victim died as a result of a fall from approximately 45 feet while he was working connecting steel I-beams at a construction site.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1710(m)

FINAL DISPOSITION The Solano County District Attorney's office did not file prior to the passage of the statute of limitations.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-024-09RR

EMPLOYER\SUBJECT JMB Construction Inc.

DATE REFERRED TO BOI 5/5/2009

DATE REFERRED TO DA 4/13/2010

SYNOPSIS The victim was electrocuted when an excavator being operated by JMB Project Superintendent struck an overhead 12 KV high voltage line.

STATUTE/
VIOLATIONS Labor Code section 6425(a), 6426 and 385

T8 CCR SECTIONS 2946(a) and 2946(b)(3)

FINAL DISPOSITION No final prosecution decision as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-044-09RR
EMPLOYER\SUBJECT Mountain F. Enterprises Inc.
DATE REFERRED TO BOI 7/14/2009
DATE REFERRED TO DA 5/31/2011

SYNOPSIS The victim died as a result of a fall while attempting to fell a dead tree. The victim had climbed to the top of the tree and began cutting when the tree broke 6' above the ground. The tree fell with the victim attached to it, killing him.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1710(m)

FINAL DISPOSITION No final prosecution decision as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-053-09RR
EMPLOYER\SUBJECT Jimmy Diamond Glass Inc. DBA Diamond Glass
DATE REFERRED TO BOI 8/6/2009
DATE REFERRED TO DA 6/7/2011

SYNOPSIS Day laborers were hired to help install a glass sliding door in its track. The door jammed in the track and the glass broke after the frame was tapped. The shattered glass cut the victim's neck.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3203(a)

FINAL DISPOSITION No final prosecution decision as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-003-10DC

EMPLOYER/SUBJECT California Dairies Inc.

DATE REFERRED TO BOI 2/16/2010

DATE REFERRED TO DA 12/27/2010

SYNOPSIS The victim, a truck-driver for exposing employer, Ruan Transportation Corporation, suffered a fatal head injury as the result of a subdural hematoma from a slip and fall on the un-sanitized floor of the controlling, creating, and correcting employer, California Dairies, Inc.

STATUTE/
VIOLATIONS Penal Code 192(b); Labor Code sections 6425(a), 6423(a)(1) and 6426

T8 CCR SECTIONS 3273(a)

FINAL DISPOSITION Closed 10/12/11. DDA John Goulart declined to file due to insufficient evidence to support criminal prosecution.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-005-09RR

EMPLOYER\SUBJECT Andrews Farm

DATE REFERRED TO BOI 2/4/2009

DATE REFERRED TO DA 2/4/2010

SYNOPSIS The victim was assisting the foreman in the drilling of holes in the ground. The foreman was operating the controls of a tractor equipped with a PTO operated auger, while the victim and another co-worker hand guided the auger bit to keep it vertical. A piece of the victim's clothing was drawn into the auger causing the victim to sustain blunt force fatal injury to his head and massive trauma to other parts of his body.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3440(c)(2) and 3441(a)(2)(D)

FINAL DISPOSITION No final prosecution decision as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-009-10DC
EMPLOYER\SUBJECT Blackburn Farming Company, Inc.
DATE REFERRED TO BOI 3/29/2010
DATE REFERRED TO DA 3/11/2011

SYNOPSIS The victim sustained fatal injuries when his clothing became caught in one of two rotating augers of a Jack Rabbit Jack Runner, a self-propelled operator driven piece of machinery designed to collect product from a reservoir cart for haul away.

STATUTE/
VIOLATIONS Penal Code section 192(b); Labor Code 6425(a) and 6423(a)(1).

T8 CCR SECTIONS 3441(a)(2)(c), and 3441(a)(1)

FINAL DISPOSITION Closed 09/19/2011. DDA Michael Brummel declined to file due to insufficient evidence to support criminal prosecution.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-017-10RR
EMPLOYER\SUBJECT Gold Run Enterprises LLC
DATE REFERRED TO BOI 6/3/2010
DATE REFERRED TO DA 6/29/2011

SYNOPSIS Two employees of Gold Run Enterprises, LLC, were seriously injured. The Mine Supervisor/Underground Foreman and miner had initiated a blast round using a safety fuse and blasting cap. After previously setting three independent explosive charges, two of which detonated, they suspected that a misfire had occurred in one chamber of the third charge and they returned to the blast area before waiting a required minimum of sixty minutes. The blast detonated and the supervisor was fatally injured and the miner was seriously injured.

STATUTE/
VIOLATIONS Labor Code 6425(a) and Penal Code 192(b)

T8 CCR SECTIONS 5293, 6967 and 5238

FINAL DISPOSITION No final prosecution decision as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-014-04XC
EMPLOYER\SUBJECT Discount Ceramic Tiles of Riverside
DATE REFERRED TO BOI 2/6/2004
DATE REFERRED TO DA 11/23/2004

SYNOPSIS The victims were using a gasoline-powered generator in an enclosed garage of a residence under construction. The doors and windows to the residence were closed and the victims died from an overexposure of carbon monoxide.

STATUTE/
VIOLATIONS Labor Code sections 6423(a)(1) and 6425(a)

T8 CCR SECTIONS 1533(a), 5155(e)(1)

FINAL DISPOSITION On 1/31/2005, the San Bernardino District Attorney's Office filed a Felony complaint for Labor Code section 6425(a) and misdemeanor complaint for Labor Code section 6423(a)(1). On July 19, 2011 at a contested hearing the judge granted the defense motion to dismiss the case against the sole owner.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-029-05RF
EMPLOYER\SUBJECT Creative Stone Mfg., Inc. - dba Coronado Stone Products
DATE REFERRED TO BOI 5/3/2005
DATE REFERRED TO DA 2/22/2006

SYNOPSIS The victim was holding the western door of curing chamber #2 while a forklift operator was placing pallets of wet concrete molds in the eastern side of the curing chamber. The column of pallets on the western side fell fatally crushing the victim.

STATUTE/
VIOLATIONS Labor Code sections 6425(a); 6423(a)(1)

T8 CCR SECTIONS 3241(c)

FINAL DISPOSITION On October 28, 2008, the San Bernardino County District Attorney's office filed a civil complaint against Creative Stone MFG., for violating Business & Professions Code section 17200, referencing CCR Title 8 sections 3241(c), 3203(a)(4), 3381(a), and 3272(c). No final court disposition as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1110-006-06RF

EMPLOYER\SUBJECT Hy-Tech Tile Inc.

DATE REFERRED TO BOI 1/18/2006

DATE REFERRED TO DA 12/29/2006

SYNOPSIS The victim was assisting co-workers with unloading 5 granite slabs onto an A-frame storage device. As the victim attempted to remove the wire that secured the load, the load fell on the victim crushing him to death.

STATUTE/
VIOLATIONS Labor Code sections 6423(a)(1) and 6425(a)

T8 CCR SECTIONS 3704, referencing 4999(g).

FINAL DISPOSITION On February 11, 2009, the San Bernardino County District Attorney's office filed a Business and Professions civil complaint against Hy-Tech Tile, Inc. for violating Labor Code section 6425 [referencing CCR Title 8 sections 3421(c), 3203(a)(4), 3381(a) and 3272(c)]. No final court disposition as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1110-017-06PC

EMPLOYER\SUBJECT Chung's Roofing

DATE REFERRED TO BOI 2/17/2006

DATE REFERRED TO DA 12/27/2006

SYNOPSIS On February 13, 2006 two roofers, employed by Chung's Roofing, received electrical shocks when one of the roofers contacted a high voltage overhead power line with a metal asphalt hose. Employee #1 fell from a ladder and died of head injuries. Employee# 2 was hospitalized for two days.

STATUTE/
VIOLATIONS Labor Code sections 6425(a) and 6423(a)(1)

T8 CCR SECTIONS 2940.2(a); 2946(b)

FINAL DISPOSITION On January 15, 2009, the Los Angeles District Attorney's office filed a Felony criminal complaint against Young Ho Chung [owner] for violating Labor Code section 6425(a) referencing CCR Title 8 section 2940.2(a). On 8/17/2011, Chung was convicted and sentenced to serve 365 days in Los Angeles County Jail, 3 years probation, ordered to pay \$200 to victim's family, \$4,500 to BOI and \$16,300 to Cal/OSHA.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-007-07PC

EMPLOYER\SUBJECT Alan Silverstein, Inc.

DATE REFERRED TO BOI 1/24/2007

DATE REFERRED TO DA 2/5/2008

SYNOPSIS

The victims had been assigned to work inside of a 14 inch high crawl space, located under a residential structure. The employees were applying an alcohol based primer/sealer to the structure's floor joists. At the time of the incident, five employees were applying primer under one section of the residence, when one of the victims legs became entangled in an extension cord that was connected to a portable light being used to illuminate the workspace; the light had been temporarily clamped onto a floor joist. The victim's movement caused the light to become detached. As the light struck the floor, the bulb exploded and ignited the highly flammable vapors that had accumulated in the confined space. The floor joists subsequently caught on fire. Two victims were unable to escape and were fatally burned. A third victim was able to escape with burns to his leg. A fourth victim was able to escape, but suffered from smoke inhalation. A fifth employee was working near the entrance to the confined space and was able to escape without injury.

STATUTE/
VIOLATIONS

Labor Code sections 6425(a) and 6423(a)(1)

T8 CCR SECTIONS

5158 (d)(2), 5158 (d)(3), 1594 (e)(1), 5158 (c)(1)

FINAL DISPOSITION

On February 5, 2010, the Los Angeles District Attorney's office filed a felony complaint against Alan Silverstein for violating two counts of Labor Code section 6425(a). On 9/23/2011, the complaint was amended to add a third count, Labor Code section 6425 (a), misdemeanor. The defendant entered a nolo contendere plea to count three and the other counts were dismissed. The defendant was sentenced to two years' summary probation and ordered to make restitution to the victim, Conrado Sanchez, pursuant to PC section 1202.4(F) in the stipulated sum of \$30,000 paid through the California Occupational Safety and Health association, Bureau of Investigations Department.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-038-07DC
EMPLOYER\SUBJECT Intravaia Rock & Sand Inc.
DATE REFERRED TO BOI 4/9/2007
DATE REFERRED TO DA 5/8/2008

SYNOPSIS The victim was employed as a laborer by employer, who specialized in converting tree and other wood trimmings into mulch. The trimmings were fed into a large mulching machine in an open yard area. Three large conveyor belt assemblies were attached to the output section of the mulching machine. The conveyors dumped various sizes of mulch into large piles within the yard area. The victim was working at the base of an output pile removing debris, when he was struck by a large wheeled front loader that was operating in the area. The victim was pronounced dead at the scene.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1592 (e); 1590 (a)(5); 1596 (a); 3999 (C); 3999 (b); 1590 (a)(4);

FINAL DISPOSITION The San Bernardino County District Attorney's office did not take action prior to the passage of the statute of limitations.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-039-07PC

EMPLOYER\SUBJECT Hoover Containers

DATE REFERRED TO BOI 4/11/2007

DATE REFERRED TO DA 4/1/2008

SYNOPSIS The victim was sweeping the floor in an area inside a warehouse used for storing paper products to be recycled. The top four bales of a free standing stacked column unexpectedly tipped over and one of the bales weighing 1900 pounds fell on top of the victim causing his death.

STATUTE/
VIOLATIONS Labor Code sections 6425(a) and 6423(a)(1)

T8 CCR SECTIONS 3241.(c)

FINAL DISPOSITION On April 6, 2010, the Los Angeles District Attorney's office filed a felony complaint against Hoover Waste Management Inc. for violating Labor Code section 6425(a). On 2/10/2011, the employer was convicted after a plea agreement and was sentenced to 3 years probation and ordered to pay \$12,000 restitution to the victim's family. Both parties agree that the conviction may be reduced to a misdemeanor, after probation is terminated and conviction expunged once restitution is paid.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-092-07DC
EMPLOYER\SUBJECT TST Inc. dba TIMCO TANDEM
DATE REFERRED TO BOI 9/24/2007
DATE REFERRED TO DA 10/20/2008

SYNOPSIS The victim and his foreman walked past a front loader which was working near a path shared by pedestrians and haulage vehicles. The front loader backed up into the path running over and crushing the victim. The victim died 20 days later. The employer was aware that several front loaders lacked back up alarms. The employer permitted loaders without back up alarms to be used without any other means of protecting employees on foot.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3666(a)

FINAL DISPOSITION The San Bernardino County District Attorney's office did not take action prior to the passage of the statute of limitations.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-116-07DC
EMPLOYER/SUBJECT Gurdon Brothers Communications Constr. Inc.
DATE REFERRED TO BOI 11/14/2007
DATE REFERRED TO DA 12/31/2008

SYNOPSIS The Victim was working in an aerial basket of an older model utility line truck. The Victim was installing support cable between a series of telephone poles located along an inclined roadway. As the Victim was working in an elevated position, the truck began to roll down the incline. The groundman working with the Victim was unable to stop the vehicle, which subsequently veered to the right embankment and rolled onto its left side. The victim, wearing a safety harness attached to the bucket, struck the ground and sustained fatal injuries. Subsequent investigation determined that the mechanical parking brake system of the truck had been removed and was replaced with a supplemental parking device. The supplemental device was not designed to be used without the mechanical parking brake and was being utilized contrary to express manufacturer warnings, resulting in the fatal incident.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 342(a); 1509(a); 3638(a)(1); 3648(h); 1510(b); 3328(b); 3328 (f); 3648(g)

FINAL DISPOSITION The San Bernardino County District Attorney's office did not take action prior to the passage of the statute of limitations.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1112-010-08DC
EMPLOYER\SUBJECT 1) Kirkland Enterprizes Inc. 2) Advanced Steel Recovery
DATE REFERRED TO BOI 2/13/2008
DATE REFERRED TO DA 7/2/2009

SYNOPSIS

The Victim, a truck driver, was picking up a load of scrap steel from the controlling employer's recycling center. The Victim was stopped directly behind another truck/trailer that was being loaded. The controlling employer requires drivers to exit their trucks and stand away from the vehicles during the loading process. The waiting area was located across a dirt roadway used by trucks and equipment entering the facility. The Victim had exited his vehicle and was waiting in the area designated by the controlling employer. Prior to loading the Victim's truck, the Victim proceeded to walk back toward his vehicle. At the same time, the truck stopped in front of the Victim's vehicle was directed to back up to an alternate area, as the truck had been inadvertently overloaded. The rear of the backing truck/trailer struck the Victim. The Victim sustained severe crushing injuries. The Victim was transported to the hospital and later died as a result of his injuries.

STATUTE/
VIOLATIONS

Labor Code section 6425(a)

T8 CCR SECTIONS

3706(b); 3203

FINAL DISPOSITION

The San Bernardino County District Attorney's office did not take action prior to the passage of the statute of limitations.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-021-08RF
EMPLOYER\SUBJECT Pouk & Steinle Inc.
DATE REFERRED TO BOI 3/26/2008
DATE REFERRED TO DA 3/4/2009

SYNOPSIS At the time of the incident, the victim, an underground technician and his crew had completed excavation of a trench measuring approximately 45 feet long and 11 feet in depth. The victim, along with several other crew members, was working inside the trench completing final excavation by hand, when the side of the excavation collapsed on the victim, fatally crushing him. The subsequent investigation determined that the victim was working in an area (approximately 14 feet in length) without the required protective system (shoring). The investigation also determined that while shoring had been set in a portion of the excavation, the protective system had been improperly installed.

STATUTE/
VIOLATIONS Labor Code sections 6425(a);6423 (a)(1);6423 (a)(2)

T8 CCR SECTIONS 1541(a)(1); 1541(k)(1);1541(k)(2);1541.1(c);1541.1(h)

FINAL DISPOSITION On 9/29/09, Pouk & Steinle, Cesar Medina, and Arnold Arias were charged by the Riverside District Attorney's office with a Felony for violating Labor Code section 6425(a). On June 23, 2010, a stipulation of final judgment was filed against Pouk & Steinle, Inc., in which the employer was to pay \$1,213,000 in civil penalties for violating Business and Professions Code section 17200. The Defendant was also ordered to pay \$200,000 to the District Attorney's office and \$12,000 to Cal/OSHA for investigative and attorney costs. The Defendant also contributed \$200,000 to the Riverside County Attorney Law Enforcement Training Subfund and \$50,000 to the Riverside County Attorney Expert Witness Subfund. On December 2, 2009, a bench warrant was issued for Cesar Medina. On June 23, 2010, the complaint against Mr. Arias was amended to add Count 2, a violation of LC 6423(a)(1) a misdemeanor. Mr. Arias was placed on 36 months summary probation, he was ordered to complete 160 hours community service, attend all safety & training meetings required by the International Line Builders safety directors office, visit every field crew working under his jurisdiction (and prepare a written report) a minimum of twice a month and conduct a safety assessment to assure all work is compliant. Count one was dismissed. No final court disposition for Mr. Medina.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-024-08DC
EMPLOYER\SUBJECT Advance Maintenance
DATE REFERRED TO BOI 3/28/2008
DATE REFERRED TO DA 12/3/2009

SYNOPSIS The site is a food processing company that is undergoing an interior remodeling project. The incident took place as the deceased was engaged in the demolition and removal of pre-existing walls and a false ceiling. The victim was walking on the false ceiling and stepped on a ceiling tile which was not adequately supported. The victim fell approximately 13 feet and landed head first onto the concrete floor. The victim was transported to a nearby hospital where he was pronounced dead.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1735(d)(4)

FINAL DISPOSITION The Los Angeles County District Attorney's office did not take action prior to the passage of the statute of limitations.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-032-08PC
EMPLOYER\SUBJECT 1) Thayer Construction Inc. 2) Olympic Air Condition,
Inc.
DATE REFERRED TO BOI 5/1/2008
DATE REFERRED TO DA 12/31/2008

SYNOPSIS The victim, an Olympic Air Conditioning Superintendent, was on the second floor of a building under construction when he stepped on an inadequately secured floor covering and fell over 19 feet to his death. A Thayer Construction site superintendent had tasked Thayer employees with placing approximately 20 floor covers on the second floor. The covers were not properly secured against displacement and the cover markings were illegible.

STATUTE/
VIOLATIONS Labor Code sections 6425(a) & 6423(a)(1)

T8 CCR SECTIONS 1632(b)(3)

FINAL DISPOSITION On April 26, 2011, the San Bernardino District Attorney's office filed a felony criminal complaint against Thayer Construction Inc. and Daniel Robert Worthington [superintendent] for violating Penal Code section 192(b) [Involuntary Manslaughter] and two felony counts of Labor Code section 6425(a) referencing Title 8 section 1632(b)(3). On 10/11/2011, Thayer Construction Inc. and Daniel Worthington, entered a nolo contendere plea and were each sentenced to 12 months probation and they were ordered to complete a 10 hour OSHA training class. Thayer paid a \$1,000 fine and Daniel Worthington paid a \$250 fine. The DDA agreed that charges will be dismissed when all terms are met.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-051-08PC
EMPLOYER\SUBJECT Environmental Solar Design
DATE REFERRED TO BOI 6/17/2008
DATE REFERRED TO DA 6/11/2009

SYNOPSIS

The Victim and two other employees were installing steel bracing called "unistrut" to a component of a solar powered water heating system at a 3 story apartment complex under construction. The incident took place on a scaffold in the rear of the building that was 6 feet from a 4.8 KV power line. A 20 foot section of unistrut was being hoisted, by rope from the ground to the top of the scaffold with a piece of rope when the victim tilted it from a vertical position to horizontal position at which time it contacted the 4.8 KV overhead power wire. The Victim was shocked and fell to the scaffold planking ultimately falling to the concrete surface 30 feet below. He was transported to a nearby hospital where he expired.

STATUTE/
VIOLATIONS

Labor Code sections 6425(a) ,6423(a)(1) and Penal Code section 385

T8 CCR SECTIONS

2946(a)

FINAL DISPOSITION

On June 10, 2011, the Los Angeles District Attorney's office filed a Felony complaint against Environment Solar Design, Inc. for violating Labor Code Section 6425(a), referencing CCR Title 8 section 2946(a). On 11/9/2011, the complaint was amended to add violation LC 6423(a)-Misdemeanor as count 2. The defendant pleaded nolo contendere to count 2. The defendant was placed on summary probation for 2 years and was ordered to make restitution to the victim pursuant to Penal Code section 1202.4(F), in the amount of \$6,670 payable to O.S.H.A. (Occupational Safety and Health Administration).

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-080-08DC
EMPLOYER\SUBJECT P D Group dba: Sign-A-Rama Inc.
DATE REFERRED TO BOI 8/22/2008
DATE REFERRED TO DA 10/19/2009

SYNOPSIS The Victim was in the process of connecting electrical power to a neon sign that had been installed on the front of a commercial establishment. The Victim was required to make the final connection within a narrow 16 inch wide attic space. As a result of the confined space, the Victim's body was in contact with grounded metal conduits located on the side of the sign's transformer. In making the final power connection, the Victim attempted to strip the insulation from an energized supply wire and was subsequently electrocuted.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 2320.4(a)

FINAL DISPOSITION On 10/3/2011, DA Paul E. Zellerbach declined to file due to insufficient evidence to support criminal prosecution.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-081-08DC

EMPLOYER\SUBJECT Vista Professional Outdoor Lighting

DATE REFERRED TO BOI 10/16/2008

DATE REFERRED TO DA 4/19/2010

SYNOPSIS The victim was employed as an aluminum die-casting machine operator for an outdoor lighting manufacturer. The victim was fatally injured when his head was caught between the two halves of the units hydraulic die, as the machine cycled closed.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 4261(c): 3314(g)

FINAL DISPOSITION The Ventura County District Attorney's office did not take action prior to the passage of the statute of limitations.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1110-003-09RF
EMPLOYER\SUBJECT U C Los Angeles - Dept. of Chemistry & Biochemistry
DATE REFERRED TO BOI 1/23/2009
DATE REFERRED TO DA 12/28/2009

SYNOPSIS The Victim, a 23 year-old laboratory Research Associate employed by the University of California at Los Angeles, was assigned to the University's Organic Chemistry Department. The victim was conducting research under the direction of the lab's Principal Investigator. The Victim was attempting to utilize a 60ml plastic syringe to withdraw approximately 53ml of a highly reactive (pyrophoric) liquid reagent from a glass storage bottle. As the Victim was attempting to transfer the reagent, the plunger of the syringe became dislodged from the syringe barrel, causing the reagent to be released. The reagent spilled onto the torso and hands of the Victim and immediately caught fire. The Victim sustained second and third degree burns and died eighteen days later.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3203(b)(2); 3203(a)(6); 5191(f)(4); 3383(b)

FINAL DISPOSITION On December 27, 2011, the Los Angeles District Attorney's office filed a Felony complaint against The Regents of the University of California and Patrick Harran [Principal Investigator] for violating three counts of Labor Code section 6425(a), referencing CCR Title 8 sections 5191(f)(4), 3203(a)(6) and 3383(b). No final court disposition as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-019-09RR
EMPLOYER\SUBJECT Solus Industrial Innovations LLC
DATE REFERRED TO BOI 3/20/2009
DATE REFERRED TO DA 12/30/2010

SYNOPSIS Two employees were troubleshooting a hot water tank that had been leaking. The hot water tank exploded, broke through the roof about 30 feet above the floor and returned through the roof and fell into the workplace about 25 feet from its original location. Both employees were killed instantly and a third employee was injured by flying shrapnel and was treated and released at the hospital.

STATUTE/
VIOLATIONS Penal Code section 192 and Labor Code section 6425(a)

T8 CCR SECTIONS 3328(g)

FINAL DISPOSITION No final prosecution decision as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-035-09RR

EMPLOYER\SUBJECT Mass Fran dba: West Coast Water Proofing

DATE REFERRED TO BOI 4/28/2009

DATE REFERRED TO DA 4/21/2011

SYNOPSIS The victim was crushed while working in an un-shored trench that collapsed.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1541(i) and 1541.1(a)

FINAL DISPOSITION No final prosecution decision as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-049-09RF
EMPLOYER\SUBJECT Interamerican Motor Corporation
DATE REFERRED TO BOI 7/22/2009
DATE REFERRED TO DA 11/1/2010

SYNOPSIS The victim under orders from the vice president of operations and direction of his supervisor, was directed to clear a beehive from an air conditioner unit on the roof of the warehouse. The beehive was discovered by an air conditioner technician who refused to work on the unit due to the beehive. The victim went on to the roof, approached the a/c unit and disturbed the bees. The victim ran from the hostile bees and fell through a skylight. The victim fell approximately 25 feet and suffered fatal injuries.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3203(a)(7); 3212(e)

FINAL DISPOSITION On May 26, 2011, the Los Angeles District Attorney's office filed a Felony complaint against Interamerican Motor Corp. and John Taillon [Vice President] for violating Labor Code Section 6425(a), referencing CCR Title 8 section 3203(a)(7) and 3212(e). No final court decision as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-051-09RR

EMPLOYER\SUBJECT California Cleaners

DATE REFERRED TO BOI 7/27/2009

DATE REFERRED TO DA 7/15/2010

SYNOPSIS The victim was engaged in the cleaning of a window awning from an elevated platform lift when the lift tipped and fell to the ground. The outriggers of the Up-Right lift (lift) were not assembled and used in accordance with the manufacturers instructions. The result of the incorrect usage of the outriggers caused the victim to fall approximately 24 feet to the ground fatally injuring the victim.

STATUTE/
VIOLATIONS Labor Code section 6425(a) ; 6423(a)(1)

T8 CCR SECTIONS 3646(b)

FINAL DISPOSITION No final prosecution decision as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-061-09DC
EMPLOYER\SUBJECT Diversified Utility Services, Inc.
DATE REFERRED TO BOI 9/23/2009
DATE REFERRED TO DA 9/3/2010

SYNOPSIS The victim, an Apprentice Lineman, was assigned to install overhead energized conductors (power lines) on to a new power pole. The new pole was positioned adjacent to an existing pole and was in proximity to energized overhead lines. The victim was required to attach overhead energized lines to the new pole on the double cross arms that would hold the 4kv line. The victim was working in tandem with a journeyman lineman in the same bucket. While the victim was attaching the energized lines, he made a second point of contact and was electrocuted.

STATUTE/
VIOLATIONS Labor Code sections 6423(a)(1) & 6425(a)

T8 CCR SECTIONS 3203(a)(2); 2940(d); 2941(f)(1)(b)

FINAL DISPOSITION Orange County Deputy District Attorney William Fallon declined to file due to insufficient evidence to support criminal prosecution.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-066-09PC
EMPLOYER\SUBJECT Pharoah's Lost Kingdom
DATE REFERRED TO BOI 10/14/2009
DATE REFERRED TO DA 5/25/2011

SYNOPSIS The victim, a General Maintenance Worker, was operating a Bobcat Loader and was found pinned between the right front hydraulic arm of the unit. Subsequent inspection of the Bobcat revealed that the unit's operator safety bar had been rendered inoperable prior to the Victim's employment at the site. The victim died from crushing injuries.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3314(c)

FINAL DISPOSITION On August 15, 2011, the San Bernardino County District Attorney's office, filed a civil complaint against Aladdin Entertainment Group, LTD., for violating Penal Code section 387, referencing CCR Title 8 section 3328. The final judgment was entered into on 8/22/2011. The terms indicate the employer was enjoined and restrained from engaging in acts or practices which violate CCR Title 8 sections 3328(g) and 3314(c). The employer agreed to train all employees and maintain all training records for 5 years in the proper and safe use of any machinery, rides or equipment in use at any time at the defendant's properties, including but not limited to Pharaoh's Lost Kingdom. Training records and training manuals shall be provided upon demand. Defendant was ordered to pay a total amount of \$325,000 to the District Attorney's office, \$9,750 to Cal/OSHA BOI, \$10,000 to the California District Attorneys Association and \$302,250 to the District Attorney's office.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-003-10RR

EMPLOYER\SUBJECT Jeffrey Court

DATE REFERRED TO BOI 1/18/2010

DATE REFERRED TO DA 12/29/2011

SYNOPSIS The victim was changing a split rim tire when the rim separated. The victim died from blunt force trauma.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3326(c) and 3326(i)

FINAL DISPOSITION No final prosecution decision as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-012-10RR
EMPLOYER\SUBJECT David Shaw Concrete and Block Inc
DATE REFERRED TO BOI 3/10/2010
DATE REFERRED TO DA 3/2/2011

SYNOPSIS

The Victim was directed by his foreman to use a makeshift platform which consisted of three wood boards (lagging), which were placed on the forks of a non authorized fork lift attachment attached to a Bobcat loader (Bobcat). The Victim was raised on the makeshift platform while holding a hand held earth tamping machine (compactor). The Victim placed the compactor on top of the I-beam and attempted to utilize the compactor as a pile driver. The Victim turned the machine on, which caused the makeshift platform to vibrate and detach the fork attachment from the Bobcat. The Victim fell headfirst into the 18 foot shaft. The Victim was covered by loose soil and was smothered to death.

STATUTE/
VIOLATIONS

Labor Code sections 6423 (a)(1);6425(a)

T8 CCR SECTIONS

1542(a)(3); 3328 (a)

FINAL DISPOSITION

No final prosecution decision as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-049-10RR

EMPLOYER/SUBJECT Evergreen Nurseries

DATE REFERRED TO BOI 7/27/2010

DATE REFERRED TO DA 11/10/2011

SYNOPSIS The victim, a heavy equipment operator, worked exclusively in the compost yard at the nursery. On the date of the incident, the victim was preparing a screening machine for a new batch of material to be processed. At approximately 9:00 A.M., the victim was spotted by his supervisor trapped in a side conveyor just beneath a hopper of the screening machine. The victim was pulled into the conveyor roller and killed.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3999(b)

FINAL DISPOSITION No final prosecution decision as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-050-10RR
EMPLOYER\SUBJECT Paul McGrath Contracting
DATE REFERRED TO BOI 7/29/2010
DATE REFERRED TO DA 7/20/2011

SYNOPSIS The victim and his crew had completed excavation of an L-shaped trench around the front exterior of a residence. The victim was working inside the trench making final preparations for installation of the drain components, when the side of the excavation collapsed on the victim, fatally crushing him.

STATUTE/
VIOLATIONS Labor Code 6423(a)(1) and 6425(a)

T8 CCR SECTIONS 1541.1(a)

FINAL DISPOSITION No final prosecution decision as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-010-11RR
EMPLOYER\SUBJECT Pacific Edge Real Estate
DATE REFERRED TO BOI 2/8/2011
DATE REFERRED TO DA 9/12/2011

SYNOPSIS The victim, a general laborer, had been assigned the task of digging a trench in an effort to locate an underground sewer line, at the site of single family residence under construction. The victim completed the excavation work by hand and had dug approximately six feet in depth, when the side of the excavation collapsed on the victim, fatally crushing him.

STATUTE/
VIOLATIONS Labor Code sections 6423(a)(1) and 6425(a)

T8 CCR SECTIONS 1541(a)(1)

FINAL DISPOSITION No final prosecution decision as of 12/30/2011.

II B

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2011 AND
FINAL COURT DISPOSITIONS IN 2011**

**-CATASTROPHIES-
(SERIOUS INJURIES OR SERIOUS EXPOSURES TO 5 OR MORE EMPLOYEES)**

(LABOR CODE SECTION 6315.3(c))

NOTE: None in Northern or Southern California for 2011.

II C

SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2011 AND
FINAL COURT DISPOSITIONS IN 2011

-CAL/OSHA 90B-
(REQUEST FOR PROSECUTION FROM DIVISION TO BOI)

(LABOR CODE SECTION 6315.3(c))

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1230-123-07RF

EMPLOYER\SUBJECT K & B Amusements

DATE REFERRED TO BOI 11/16/2007

DATE REFERRED TO DA 4/15/2008

SYNOPSIS The Division conducted a routine inspection of amusement rides at a local carnival. During the inspection, it was determined that a ride had been involved in an accident which had not been reported to the Division as required. The accident resulted in minor injuries to a patron and major damage to the amusement ride. During the inspection it was also determined that the ride was being operated without a valid permit.

STATUTE/
VIOLATIONS Labor Code sections 7915(a); 7906

T8 CCR SECTIONS 3911; 3912(a); 3920

FINAL DISPOSITION On April 25, 2008 a Misdemeanor complaint was filed against Barton P. Finlayson and Ricky Snyder for violating one count of California Labor Code section 7915(a) for operating a Whirlybird amusement ride without a permit. No final court disposition as of 12/30/2011.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1231-046-08PC
EMPLOYER/SUBJECT D & D Construction Specialties Inc.
DATE REFERRED TO BOI 5/6/2008
DATE REFERRED TO DA 5/6/2009

SYNOPSIS The victim, a Laborer, was engaged in excavating a footing for a large retaining wall, approximately 440 feet in length. The footing was located at the base of a pre-existing 3-10 foot vertical cut. The vertical cut was not protected from collapse. The victim was working adjacent to a 7 foot section of the vertical cut, when an unsupported block wall at the top of the vertical cut collapsed, crushing the victim. The victim sustained numerous serious injuries. The subsequent investigation determined that the employer failed to properly shore the excavation and failed to have a competent person present during work in the excavation.

STATUTE/
VIOLATIONS Labor Code sections 6326; 6423 (a)(1);6425(a)

T8 CCR SECTIONS 1541.1 (a)(1); 1541(i); 1712(c); 1541(k)(1); 1509(a);

FINAL DISPOSITION On 5/4/2011, the Los Angeles County District Attorney's office filed a felony complaint against D&D Construction and Daniel Moore [corporation officer] for violating Labor Code section 6425(a). On 11/9/2011, the complaint was amended to a Misdemeanor. D&D construction was convicted of Misdemeanor LC 6425 after entering a nolo contendere plea. D&D was placed on 2 years' summary probation and ordered to pay victim restitution in the amount of \$30,000, payable to Cal/OSHA. The case against Mr. Moore was dismissed pursuant to Penal Code section 1385.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1230-010-09PC

EMPLOYER\SUBJECT Teresa Capile

DATE REFERRED TO BOI 2/24/2009

DATE REFERRED TO DA 4/20/2010

SYNOPSIS Suspect was a self-employed "safety consultant" who provided OSHA compliance training and facility inspections to businesses. Beginning on or before May 2008 and continuing through at least October 2009, the Suspect approached at least seven of her long-term clients and represented that the businesses had been the subject of Cal/OSHA inspections, which resulted in the issuance of citations and significant fines for alleged safety violations. The Suspect indicated to the Victims that due to her alleged relationship with Cal/OSHA personnel, the Suspect was able to obtain preferential treatment from Cal/OSHA on behalf of her clients. The Suspect obtained approximately \$415,977.73.

STATUTE/
VIOLATIONS Penal Code sections 459; 484(a); 487

T8 CCR SECTIONS

FINAL DISPOSITION On January 12, 2010, the Fresno County District Attorney's office filed a 50 count felony complaint against Maria Theresa Capiel, aka Maria Theresa Capile, Theresa Palanganas, Ma T. Villangca and Maria T. Villangca for violating Penal Code sections 459/460(a)[Second Degree Commercial Burglary]-18 counts, 487(a)[Grand Theft of Personal Property]-15 counts, 532(a)[Obtaining Money, Labor or Property by False Pretenses]-14 counts and 484b[Diversion of Construction Funds]-three counts. On 1/26/2011, Capiel was sentenced after entering a guilty plea agreement for violating 6 counts of Penal Code section 4879(a)[Grand Theft] with an enhancement for violating Penal Code sections 1203.045(a) and 12022.6(a)(2). All counts to run concurrent for a total not to exceed 5 years. Defendant was remanded to VSP Chowchilla.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1231-033-10PC
EMPLOYER\SUBJECT Joe Blash dba JA Blash Shows
DATE REFERRED TO BOI 6/10/2010
DATE REFERRED TO DA 4/26/2011

SYNOPSIS Cal/OSHA responded to a news report that an aerial-type portable amusement ride was being operated in Hollywood, CA and had malfunctioned causing patrons to be suspended approximately 80' in the air, pending rescue by fire personnel. Cal/OSHA had previously instructed the ride owner/operator that the ride in question could not be operated without a required inspection and issuance of an operating permit. The investigation revealed that the ride operator knowingly operated the ride without the required inspection and permit.

STATUTE/
VIOLATIONS Labor Code section 7915(a)

T8 CCR SECTIONS 3915

FINAL DISPOSITION On June 9, 2011, the Los Angeles City Attorney's office filed a Misdemeanor criminal complaint against Joseph Anthony Blash dba J.A. Blash Enterprises for violating Labor Code section 7915(a). On 11/10/2011, Mr. Blash entered a nolo contendere plea and was convicted of violating LC 7915(a). He was placed on formal diversion for 6 months, ordered to reimburse the fire department \$5,144 and to perform 15 days of community labor.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1231-076-10RR

EMPLOYER\SUBJECT Lusive Decore

DATE REFERRED TO BOI 9/21/2010

DATE REFERRED TO DA 9/14/2011

SYNOPSIS

The initial inspection revealed that the company was operating a spray paint booth without a required permit and also determined that other equipment was not properly guarded, electrical panels were improperly exposed, fire extinguishers were not charged, forklift operators were not certified, in addition to several other violations. On September 21, 2010, the Office Manager personally delivered the records sought in Division's Document Request Form to the Cal/OSHA Monrovia District Office. The records comprised approximately 269 pages. Prior to leaving the Cal/OSHA office, the Office Manager advised the Division that the records being delivered had been fabricated for the purposes of the document request and that various records had also been antedated (backdated). The Manager stated that several other co-workers were forced by Lusive Décor Management to produce the documents in question. Based upon the investigation to date, it is clear that Lusive Décor knowingly and intentionally fabricated records and/or documents sought during Cal/OSHA's investigation, in an effort to mislead investigators and ultimately avoid potential monetary penalties in this case.

STATUTE/
VIOLATIONS

Penal Code sections 132 and 134 and Labor Code sections 6423

T8 CCR SECTIONS 6426

FINAL DISPOSITION No final prosecution decision as of 12/30/2011

II D

SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2011 AND
FINAL COURT DISPOSITIONS IN 2011

-DISCRETIONARY INVESTIGATIONS-
(SERIOUS INJURIES OR SERIOUS EXPOSURES OF 1 TO 4 EMPLOYEES)

(LABOR CODE SECTION 6315.3(c))

NOTE: None in Northern or Southern California for 2011

III A

SUMMARY OF INVESTIGATIONS COMPLETED IN
2011 BUT NOT REFERRED FOR PROSECUTION

-FATALITIES-

(LABOR CODE SECTION 6315.3(d))

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
BUREAU OF INVESTIGATIONS
STATE OF CALIFORNIA

BOI CASE NUMBER : N1111-023-09FC

EMPLOYER NAME : Bruno Ferazza DBA Bruno Ferazza Tree Service

T8 CCR VIOLATIONS : 3427(a)(5)

REASON NOT REFERRED : Although a serious accident-related citation was issued, insufficient evidence to establish elements from a criminal perspective.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
BUREAU OF INVESTIGATIONS
STATE OF CALIFORNIA

BOI CASE NUMBER : N1111-073-09FC

EMPLOYER NAME : McPherson Enterprises, Inc.

T8 CCR VIOLATIONS : 4999(h)

REASON NOT REFERRED : Although a serious accident-related citation was issued, insufficient evidence to establish elements from a criminal perspective.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
BUREAU OF INVESTIGATIONS
STATE OF CALIFORNIA

BOI CASE NUMBER : N1111-023-10FC

EMPLOYER NAME : #1) Omnistone Masonry FNC CSL #818675 #2)

T8 CCR VIOLATIONS : 1644(a)(6) and 1509(a)

REASON NOT REFERRED : Although a serious accident-related citation was issued, insufficient evidence to establish elements from a criminal perspective.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
BUREAU OF INVESTIGATIONS
STATE OF CALIFORNIA

BOI CASE NUMBER : N1111-028-10FC

EMPLOYER NAME : Delta Window Cleaning Co. Inc.

T8 CCR VIOLATIONS : 2946(b)(2)

REASON NOT REFERRED : Although a serious accident-related citation was issued, insufficient evidence to establish elements from a criminal perspective.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
BUREAU OF INVESTIGATIONS
STATE OF CALIFORNIA

BOI CASE NUMBER : N1111-058-10FC

EMPLOYER NAME : California Department of Mental Health Napa

T8 CCR VIOLATIONS : No Serious Accident-related citations were issued.

REASON NOT REFERRED : No Serious Accident-related citations were issued.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
BUREAU OF INVESTIGATIONS
STATE OF CALIFORNIA

BOI CASE NUMBER : N1111-072-10FC

EMPLOYER NAME : John Benward Company, Inc.

T8 CCR VIOLATIONS : 1592(e)

REASON NOT REFERRED : Although a serious accident-related citation was issued, insufficient evidence to establish elements from a criminal perspective.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
BUREAU OF INVESTIGATIONS
STATE OF CALIFORNIA

BOI CASE NUMBER : S1111-074-09FC

EMPLOYER NAME : Arroyo's Service Co

T8 CCR VIOLATIONS : 1518(a)

REASON NOT REFERRED : Although a serious accident-related citation was issued, insufficient evidence to establish elements from a criminal perspective.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
BUREAU OF INVESTIGATIONS
STATE OF CALIFORNIA

BOI CASE NUMBER : S1111-031-10FC

EMPLOYER NAME : Nabors Well Services, Co.

T8 CCR VIOLATIONS : 3328(a); 3328(e)

REASON NOT REFERRED : Although two serious accident-related citations were issued, insufficient evidence to establish elements from a criminal perspective.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
BUREAU OF INVESTIGATIONS
STATE OF CALIFORNIA

BOI CASE NUMBER : S1110-056-10FC

EMPLOYER NAME : O. P. Handyman

T8 CCR VIOLATIONS : 1534(b)

REASON NOT REFERRED : Although a serious accident-related citation was issued, insufficient evidence to establish elements from a criminal perspective.

III B

SUMMARY OF INVESTIGATIONS COMPLETED IN
2011 BUT NOT REFERRED FOR PROSECUTION

-CATASTROPHIES-
(SERIOUS INJURIES OR SERIOUS EXPOSURES TO 5 OR MORE EMPLOYEES)

(LABOR CODE SECTION 6315.3(d))

NOTE: None in Northern or Southern California for 2011.

III C

SUMMARY OF INVESTIGATIONS COMPLETED IN
2011 BUT NOT REFERRED FOR PROSECUTION

-CAL/OSHA 90B-
(REQUEST FOR PROSECUTION FROM DIVISION TO BOI)

(LABOR CODE SECTION 6315.3(d))

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
BUREAU OF INVESTIGATIONS
STATE OF CALIFORNIA

BOI CASE NUMBER : N1230-010-11FC

EMPLOYER NAME : Asbestos Science Technologies

T8 CCR VIOLATIONS : None

REASON NOT REFERRED : Insufficient evidence to establish elements of
employer knowledge from a criminal perspective.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
BUREAU OF INVESTIGATIONS
STATE OF CALIFORNIA

BOI CASE NUMBER : S1230-021-10FC

EMPLOYER NAME : Javier Patron Gardening Service

T8 CCR VIOLATIONS : 3423(a)

REASON NOT REFERRED : Although a serious accident-related citation was issued, insufficient evidence to establish elements from a criminal perspective.

III D

SUMMARY OF INVESTIGATIONS COMPLETED IN
2011 BUT NOT REFERRED FOR PROSECUTION

-DISCRETIONARY INVESTIGATIONS-
SERIOUS INJURIES OR SERIOUS EXPOSURES OF 1 TO 4 EMPLOYEES

(LABOR CODE SECTION 6315.3(d))

NOTE: None in Northern or Southern California for 2011.