

**DIVISION OF OCCUPATIONAL SAFETY AND HEALTH  
BUREAU OF INVESTIGATIONS  
1515 CLAY STREET, SUITE 1901  
OAKLAND, CA 94612**

**2022 ANNUAL  
REPORT OF THE BUREAU  
OF INVESTIGATIONS  
(LABOR CODE SECTION 6315.3)**

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**EXECUTIVE SUMMARY OF ALLOCATION OF BUREAU  
RESOURCES DURING CALENDAR YEAR 2022  
(Labor Code section 6315.3(e))**

**STAFFING**

In 2022, the Bureau of Investigations (henceforth, the Bureau) was staffed by the Administrative Chief, two attorneys, and an investigatory staff composed of a Supervising Special Investigator, one field investigator 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 section 6315(c)). The Administrative Chief of the Bureau reports to the Chief of the Division of Occupational Safety and Health (DOSH).

The Bureau thus exists as an entity within DOSH. Under the supervision of the Administrative Chief, the Bureau directs accident investigations involving violations of standards, orders, or special orders in which there has been a fatality, or a serious injury or illness, to five or more employees. The Bureau also directs investigations when DOSH's civil compliance staff makes a request for prosecution, pursuant to Labor Code section 6315(a). For any case in which the Bureau is required to conduct an investigation, and in which serious injury or death has occurred, the Bureau has a mandatory duty to refer the results of the investigation to the appropriate prosecuting authority with jurisdiction over appropriate action, unless the Bureau determines that evidence of a violation of the law is insufficient (Labor Code section 6315(g)).

In addition to these mandatory duties, the Bureau is also responsible for reviewing all inspection reports involving serious injuries in which fewer than five employees have suffered a serious injury or a serious exposure. The Bureau is vested with the discretion to conduct investigations in these cases—hence the term “Discretionary Investigations.” (The Labor Code was amended in 1984 to make it clear that the Bureau “may investigate those cases in which the Bureau finds criminal violations may have occurred” (Labor Code section 6315(a) [Stats 1984; Ch. 1138]).

In all cases, the focus of Bureau investigative activity is on determining whether criminal violations have occurred. Principally, the Bureau determines whether any of the provisions of Labor Code sections 6423 or 6425, or certain Penal Code provisions, have been violated. Cases that do not appear to satisfy the elements of a criminal violation are closed. These cases may involve the lack of an employer-employee relationship, no serious violations, or other factors indicating that criminal violations have not occurred. To ensure that a competent and professional investigation is conducted, the Bureau has continued its long-standing policy of conducting preliminary investigations in all mandatory cases.

### **MEASURES, TRENDS, AND ACTIVITIES**

As of December 31, 2022, 190 investigations were in progress. During the calendar year, the Bureau referred three cases to prosecuting authorities, and seven cases were filed for prosecution. It is not uncommon for cases to be filed the year after they are referred (or several years later), and this year was no exception. Some of the cases referred to the prosecuting authorities in 2022 (especially at the end of the year) will be considered for filing in calendar year 2023. In 2022, the Bureau closed 65 cases due to a lack of sufficient evidence of any criminal violation and 712 cases because no serious accident-related citations were issued.

Throughout its history, the number of cases that the Bureau has referred and filed has fluctuated from year to year. Following this Executive Summary, a General Summary Table provides an overview of Bureau activity for the period 2010 to 2022.

Over the past ten years, the Bureau has attempted to prioritize the cases it recommends for prosecution in order to concentrate its limited resources on those most likely to result in criminal charges. Thus, although the General Summary Table shows a trend toward fewer case referrals, it also shows an increase in the percentage of referrals that result in cases charged by a prosecuting authority.

The Bureau has also continued to investigate two types of discretionary cases that are reported separately as Discretionary Investigations (i.e., serious injury to fewer than five employees and instances of serious exposure). In addition, the Bureau continues to investigate other discretionary cases (e.g., misrepresentation cases, fraudulent documentation cases, amusement ride cases), which are reported as part of "Requests for Prosecution from a Division Representative."

To ensure greater public awareness of meritorious occupational safety and health cases and encourage more prosecutions, the Bureau Supervising Special Investigator, Teresa Wassman, has continued to participate in local law enforcement task forces and to meet with prosecuting authorities in order to strengthen lines of communication and ensure timely action on referred cases. The BOI Annual Report has been prepared by Ms. Wassman since the 2001 report.

### **SIGNIFICANT PROSECUTIONS** **(CONCLUSION)**

As demonstrated above and in the documents appended after this Executive Summary, the Bureau had significant successes in calendar year 2022. The Bureau prioritized resources and concentrated on the most criminally egregious cases. The Bureau continued its outreach to prosecutorial agencies throughout California. Based on these continuing efforts, the Bureau hopes to have a significant deterrent impact on other potential violators in the state.

**DIVISION OF OCCUPATIONAL SAFETY AND HEALTH  
BUREAU OF INVESTIGATIONS  
GENERAL SUMMARY TABLE (2010-2022)**

YEAR	CASES OPENED <sup>1</sup>						CASES CLOSED BY BOI <sup>2</sup>			CASES REFERRED TO D.A. <sup>3</sup>						CASES REJECTED BY D.A. <sup>4</sup>	CASES PENDING D.A. DECISION <sup>5</sup>	CASES CHARGED BY D.A. <sup>6</sup>
	TOTAL	A	B	C	D	E	TOTAL	F	G	TOTAL	H	I	J	K	L			
2022	251	249	0	1	0	1	777	712	65	3	3	0	0	0	0	2	7	7
2021	675	672	0	2	1	0	492	443	49	7	7	0	0	0	0	5	13	7
2020	578	577	0	0	1	0	250	146	104	14	12	0	0	2	0	2	19	5
2019	255	251	0	0	4	0	281	206	75	7	6	0	0	1	0	3	13	4
2018	244	233	0	1	9	1	174	95	79	8	6	0	0	2	0	5	13	9
2017	221	206	0	8	2	5	225	158	67	17	14	0	2	0	1	3	19	13
2016	205	201	0	4	0	0	163	100	63	18	18	0	0	0	0	15	18	18
2015	201	190	1	8	0	2	160	120	40	25	21	0	3	0	1	11	32	7
2014	184	171	0	12	0	1	188	119	69	21	19	0	2	0	0	15	24	9
2013	200	189	0	6	0	5	136	102	34	29	27	0	0	0	2	6	27	14
2012	162	152	0	0	0	10	170	147	23	26	24	0	0	0	2	10	18	12
2011	189	185	0	0	0	4	142	116	26	13	11	0	0	0	2	14	14	8
2010	161	155	0	0	0	6	94	75	19	14	13	0	0	0	1	11	25	9

<sup>1</sup>Opened Cases fall into the following categories: (A) Fatality; (B) Serious injury to five or more employees; (C) Request for prosecution by a Division representative/Discretionary; (D) Serious Injury to Fewer than Five Employees; (E) Serious exposure/Discretionary

<sup>2</sup>These cases were not referred for prosecution, usually for the following reasons: (F) No serious accident-related citations were issued; (G) Insufficient evidence to prove criminal elements.

<sup>3</sup>These cases referred for prosecution fall into the following categories: (H) Fatality; (I) Serious injury to five or more employees; (J) Request for prosecution by a Division representative/Discretionary; (K) Serious Injury to Fewer than Five Employees; (L) Serious exposure/Discretionary

<sup>4</sup>Cases are usually rejected based upon a determination that there may be insufficient evidence to prove the criminal charge beyond a reasonable doubt or charges should not be filed, given substantial administrative action, in the interests of justice.

<sup>5</sup>This column refers to cases that have been referred by the Bureau and are awaiting a final decision by the prosecuting authority as to whether to file charges. Some of these cases may have been referred in years prior to the year reported.

<sup>6</sup>This column refers to cases referred by the BOI in which the prosecuting authority has filed criminal or civil charges or otherwise caused remedial action to be undertaken. Some of these cases may have been referred in years prior to the year reported.

I A

**SUMMARY OF REPORTS PROVIDED**  
**TO THE BUREAU IN 2022**  
**(LABOR CODE SECTION 6315.3(a))**

I A  
**SUMMARY OF REPORTS**  
**PROVIDED TO THE BUREAU**  
**(LABOR CODE SECTION 6315.3(a))**  
NORTHERN AND SOUTHERN BUREAU  
OFFICES  
Calendar Year 2022

	<b><u>TOTALS</u></b>
INITIAL ACCIDENT REPORTS	3008
	3008
INVESTIGATION REPORTS	
A. Fatalities	739
B. Serious Injury Suffered by Five or More Employees	0
C. Requests for Prosecution from a Division Representative	1
D. Serious Injury Suffered by Fewer Than Five Employees	2267
E. Serious Exposure (Discretionary)	1

**I B**

**TOTALS FOR CALENDAR YEAR 2022**  
**(LABOR CODE SECTION 6315.3(b)(1) and (2))**

**I B**

**TOTALS FOR CALENDAR YEAR 2022  
(LABOR CODE SECTIONS 6315.3(b)(1) and (2))**

<b>A. <u>FATALITIES</u></b>		<b><u>TOTALS</u></b>
<b>(Labor Code section 6315.3(b)(1))</b>		
<b>1.</b>	<b>Investigations in Progress January 1, 2022:</b>	<b>707</b>
<b>2.</b>	<b>Court Cases in Progress January 1, 2022:</b>	<b>11</b>
<b>3.</b>	<b>Investigations Completed in Calendar Year:</b>	<b>5</b>
<b>4.</b>	<b>Cases Referred During Calendar Year:</b>	<b>3</b>
<b>5.</b>	<b>Investigations in Progress as of December 31, 2022:</b>	<b>183</b>
<b>6.</b>	<b>Court Cases in Progress as of December 31, 2022:</b>	<b>12</b>



I B

TOTALS FOR CALENDAR YEAR 2022  
(LABOR CODE SECTIONS 6315.3(b)(1) and (2))

B.	<u>SERIOUS INJURIES TO FIVE OR MORE EMPLOYEES</u> (Labor Code section 6315.3(c))	<u>TOTALS</u>
1.	Investigations in Progress January 1, 2022:	<u>0</u>
2.	Court Cases in Progress January 1, 2022:	<u>0</u>
3.	Investigations Completed in Calendar Year:	<u>0</u>
4.	Cases Referred During Calendar Year:	<u>0</u>
5.	Investigations inProgress as of December 31, 2022:	<u>0</u>
6.	Court Cases in Progress as of December 31, 2022:	<u>0</u>

**I B**

**TOTALS FOR CALENDAR YEAR 2022  
(LABOR CODE SECTIONS 6315.3(b)(1) and (2))**

<b>C. <u>REQUESTS FOR PROSECUTION FROM A DIVISION REPRESENTATIVE/DISCRETIONARY</u> (Labor Code section 6315.3(c))</b>	<b><u>TOTALS</u></b>
1. Investigations in Progress January 1, 2022	2
2. Court Cases in Progress January 1, 2022:	0
3. Investigations Completed in Calendar Year:	0
4. Cases Referred During Calendar Year:	0
5. Investigations in Progress as of December 31, 2022:	1
6. Court Cases in Progress as of December 31, 2022:	0

**I B**

**TOTALS FOR CALENDAR YEAR 2022  
(LABOR CODE SECTIONS 6315.3(b)(1) and (2))**

<b>D. <u>SERIOUS INJURY TO FEWER THAN FIVE EMPLOYEES</u> (DISCRETIONARY) (Labor Codes section 6315.3(c))</b>	<b><u>TOTALS</u></b>
<b>1. Investigations in Progress January 1, 2022:</b>	<b>6</b>
<b>2. Court Cases in Progress January 1, 2022:</b>	<b>5</b>
<b>3. Investigations Completed in Calendar Year:</b>	<b>0</b>
<b>4. Cases Referred During Calendar Year:</b>	<b>0</b>
<b>5. Investigations in Progress as of December 31, 2022:</b>	<b>5</b>
<b>6. Court Cases in Progress as of December 31, 2022:</b>	<b>4</b>

IB

TOTALS FOR CALENDAR YEAR 2022  
(LABOR CODE SECTIONS 6315.3(b)(1) and (2))

<b>E. <u>SERIOUS EXPOSURE(DISCRETIONARY)</u> <u>(Labor Code section 6315.3(d))</u></b>	<b><u>TOTALS</u></b>
1. Investigations in Progress January 1, 2022	0
2. Court Cases in Progress January 1, 2022:	0
3. Investigations Completed in Calendar Year:	0
4. Cases Referred During Calendar Year:	0
5. Investigations in Progress as of December 31, 2022:	1
6. Court Cases in Progress as of December 31, 2022:	0

**II A**

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN  
2022, FINAL COURT DISPOSITIONS IN 2022 AND COURT  
CASES IN PROGRESS IN 2022**

**-FATALITIES-**

**(LABOR CODE SECTION 6315.3(c))**

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-024-18RF

EMPLOYER\SUBJECT Tauzer Apiaries Inc.

DATE REFERRED TO BOI 04/09/2018

DATE REFERRED TO DA 9/30/2020

SYNOPSIS The victim was crushed by a bobcat forklift while moving bee boxes.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3663(g), 3650(t)(33), and 3650(t)(5)

FINAL DISPOSITION The Marin County District Attorney's Office filed felony Labor Code Section 6425(a) against Trevor Hansen Tauzer and Mark Dennis Tauzer.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-026-18XC  
EMPLOYER\SUBJECT Segundo Collazos dba Amazon's Landscaping Company  
DATE REFERRED TO BOI 04/11/2018  
DATE REFERRED TO DA 10/8/2019

SYNOPSIS The victim was pulled into a stump grinder.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3328(a)(2), 3421(a), and 3421(c)(2)

FINAL DISPOSITION On February 25, 2021, the Contra Costa County District Attorney's Office filed two felony Labor Code Section 6425(a) against Segundo Fortunato Collazos, referencing CCR Title 8 Sections 3328(a) and 3421(c)(2). The District Attorney's Office declined to prosecute after the death of Segundo Fortunato Collazos.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-087-18DC  
EMPLOYER\SUBJECT Resource Environmental Inc.  
DATE REFERRED TO BOI 12/11/2018  
DATE REFERRED TO DA 4/22/2021

SYNOPSIS Wall collapsed on laborer, fatality.

STATUTE/  
VIOLATIONS Labor Code Section 6425(a)

T8 CCR SECTIONS 1734(b)(1), 1734(d)(4) and 1735(f)(1)

FINAL DISPOSITION District Attorney's office declined to file.



STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	N1111-001-19DC
EMPLOYER\SUBJECT	1) Reyco AG, Inc; .2) Vista Verde Farms, Inc.
DATE REFERRED TO BOI	01/07/2019
DATE REFERRED TO DA	3/1/2021
SYNOPSIS	Two employees were crushed by an almond shaker arm and both employees died on the scene.
STATUTE/ VIOLATIONS	Labor Code Section 6425(a)
T8 CCR SECTIONS	3314(c) and 3328(e)
FINAL DISPOSITION	The Fresno County District Attorney's Office declined to file.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-065-20RR

EMPLOYER\SUBJECT D&L Farm, Inc

DATE REFERRED TO BOI 9/3/2020

DATE REFERRED TO DA 1/28/2022

SYNOPSIS The victim was tasked with shutting off a valve alone at night. The victim fell into the sump and died.

STATUTE/  
VIOLATIONS Labor Code Section 6425(a)

T8 CCR SECTIONS 3213(b)

FINAL DISPOSITION No final prosecution decision by the San Joaquin County District Attorney's office.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1110-056-21RR

EMPLOYER\SUBJECT Firebaugh Tire

DATE REFERRED TO BOI 5/13/2021

DATE REFERRED TO DA 6/17/2022

SYNOPSIS Two juveniles were performing an oil change using a floor jack without jack stands. The floor jack failed and crushed the victim.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3562(e)

FINAL DISPOSITION No final prosecution decision by the Fresno County District Attorney's office.

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), and 6423(a)(2)

T8 CCR SECTIONS 1541(a)(1), 1541(k)(1), 1541(k)(2), 1541.1(c), and 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 section 6423(a)(1), a misdemeanor. Mr. Arias was placed on 36 months' summary probation, and he was ordered to complete 160 hours of community service, attend all safety & training meetings required by the International Line Builders safety director's office, visit every field crew working under his jurisdiction (and prepare a written report) at least twice a month, and conduct a safety assessment to ensure all work is compliant. Count 1 was dismissed. No final court disposition for Mr. Medina.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-034-14RF

EMPLOYER\SUBJECT National Distribution Services Inc.

DATE REFERRED TO BOI 5/6/2014

DATE REFERRED TO DA 2/23/2017

SYNOPSIS The victim was working on top of a 9,000-gallon tank doing repair work on sleeve that is part of a manhole lid with a welder and hand grinder. The work led to an explosion causing death to one employee and serious burns requiring hospitalization to another employee.

STATUTE/  
VIOLATIONS Penal Code sections 187 and 192, Labor Code section 6425(a)

T8 CCR SECTIONS 3203(b)(1), 3328(b), 5194, 4848(a), 3203(a), and 5420

FINAL DISPOSITION On April 25, 2017, the Riverside District Attorney's office filed four Felony counts against Carl Brad Johansson and Enrique Garcia [National Distribution], for violating Labor Code section 6425(a), referencing CCR T8 sections 3203(a) and 5420(a)(2).

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-115-15RF  
EMPLOYER\SUBJECT 1) Steeltech Reinforcing Inc; 2) Cobalt Construction Company; 3)  
Essey Construction Company Inc.  
DATE REFERRED TO BOI 11/18/2015  
DATE REFERRED TO DA 12/21/2017

SYNOPSIS The victim, an iron worker, was walking on the top level of a scaffold, approximately 27 feet above the ground, when he fell and sustained fatal injuries.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1509(a), 1511(b), and 1644(a)(6)

FINAL DISPOSITION On October 12, 2018, the Los Angeles District Attorney's office filed five felony counts of Labor Code section 6425(a) referencing CCR T8 sections 1511(a), 1511(b), 1644(a)(6), 1637(a), and 1509(a) against Steeltech Reinforcing, Inc., and Cobalt Construction Company.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-012-16RR

EMPLOYER\SUBJECT SW Forage LLC

DATEREFERRED TO BOI 02/16/2016

DATE REFERRED TO DA 12/21/2017

SYNOPSIS The victim was crushed in a hay baler/compactor.

STATUTE/  
VIOLATIONS Penal Code sections 192 and 187 and Labor Code section  
6425(a)

T8 CCR SECTIONS 3314(e), 3314(g), 3203(a)(4), 3314(c), 3314(i)(1), and 3328(g)

FINAL DISPOSITION No final prosecution decision by the San Bernardino County District  
Attorney's office.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-052-16PC  
EMPLOYER\SUBJECT Village Management Services, Inc.  
DATE REFERRED TO BOI 08/08/2016  
DATE REFERRED TO DA 12/31/2018

SYNOPSIS A boom lift tipped over resulting in the victim's death.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1509(a), 3328(a)(2), 3638(d), and 3648(l)

FINAL DISPOSITION On August 1, 2019, the Orange County District Attorney's office filed Felony Labor Code section 6425(a) against Village Management Services, Inc., referencing CCR Title 8 sections 1509, 3328(a)(2), 3638(d) and 3648(l). Albaro Torres and Israel Mercado Aguila were charged with Felony Labor Code section 6425(a), referencing CCR Title 8 sections 1509, 3328(a)(2), 3638(d) and 3648(l). Mr. Torres entered a guilty plea to Misdemeanor LC 6425 and was placed on two years informal probation, ordered to serve 10 days in County jail-stayed on completion of 100 hours community service and attend an OSHA 30 hours general industry training program. Mr. Aguila entered a guilty plea to Misdemeanor LC 6425 and was placed on two years informal probation, ordered to serve 10 days in County jail-stayed on completion of 100 hours community service, and attend an OSHA 30 hours general industry training program.



STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-080-16PC  
EMPLOYER\SUBJECT 1) D & D Construction Specialties, Inc.; 2) Tyler Development Corporation  
DATE REFERRED TO BOI 10/21/2016  
DATE REFERRED TO DA 12/19/2016

SYNOPSIS The victim was employed by a licensed general contractor as a laborer. The victim was assigned to clean water, muck and other debris from the bottom of a drainage sump, approximately 50 feet in depth and 48 inches in diameter. The victim stood on a metal bucket attached to a small crane which lowered him into the shaft opening. After traveling 15 to 20 feet, the victim became unresponsive and he fell head first to the bottom of the shaft. The victim died as a result of drowning.

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

T8 CCR SECTIONS 1509(a)

FINAL DISPOSITION On September 27, 2019, the Los Angeles District Attorney's office filed a Felony criminal complaint against D&D Construction Specialties, Inc., for violating Penal Code section 192(b), two counts of Labor Code section 6425(a) referencing CCR T8 sections 5157 and 1509, and two counts causing death with prior conviction for violating Labor Code section 6425(c) referencing Los Angeles criminal court case BA384059 conviction on 11/9/2011. Daniel T. Moore was charged with violating Penal Code section 192(b) and two counts of Labor Code section 6425(a). Marty K. Hamilton was charged with violating two counts of Labor Code section 6425(a). In November 2022, Mr. Moore was convicted on count 2-Felony Labor Code section 6425. He was ordered to pay a \$100,000 fine which included \$22,000 to the victim's family, \$15,000 to BOI, one year formal probation and completion of OSHA training. Mr. Hamilton is deceased.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-002-18RF  
EMPLOYER\SUBJECT 1) Air Engineering Services; 2) Ceco Concrete Construction LLC;  
3) Regis Holding LLC  
DATE REFERRED TO BOI 01/05/2018  
DATE REFERRED TO DA 10/22/2018

SYNOPSIS The victim fell 25 feet and died.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1632(d), 1632(b)(1), 1670(a), and 1509(a)

FINAL DISPOSITION On August 7, 2020, the Los Angeles District Attorney's office filed two violations of Felony Labor Code section 6425(a) against Gregory Swanson and one count against Steven Larey, referencing CCR Title 8 sections 1670(a) and 1509.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-036-18RF  
EMPLOYER\SUBJECT Empire Equipment Service Inc.  
DATE REFERRED TO BOI 05/09/2018  
DATE REFERRED TO DA 12/7/2020

SYNOPSIS The victim was working within an excavation when the sloped north side of the trench failed, and soil engulfed him, burying him.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1541(k)(1) and 1541.1(a)(1)

FINAL DISPOSITION On April, 25, 2022, the District Attorney's office filed Business and Professions code section 17200, referencing CCR Title 8 sections 1509, 1541(a)(1) and 1541(k)(1) against Empire Equipment Services, Inc.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-045-18PC  
EMPLOYER\SUBJECT 1) BWM, Inc dba Barry's Window Cleaning; 2) N.N Jaeschke, Inc;  
3) Metrome Homeowner's Association  
DATE REFERRED TO BOI 06/12/2018  
DATE REFERRED TO DA 10/23/2019

SYNOPSIS The victim, in the process of descending on a boson's chair, fell approximately 80 feet from the top of an eight-story building and died.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3286(a)(1)(B)(4)

FINAL DISPOSITION On March, 14, 2022, the San Diego District Attorney's office filed Business and Professions Code section 17200 against Metrohome HOA Inc., referencing CCR Title 8 section 3297(e). The defendant was ordered to pay \$25,000; \$15,000 to the Treasurer of San Diego County and \$10,000 to Cal/OSHA Bureau of Investigations for equipment and training.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-069-18PC  
EMPLOYER\SUBJECT Creative Stone Mfg, Inc dba Coronado Stone Products  
DATE REFERRED TO BOI 07/25/2018  
DATE REFERRED TO DA 3/8/2021

SYNOPSIS An employee died of a crushing injury.

STATUTE/  
VIOLATIONS Labor code section 6425(a)

T8 CCR SECTIONS 3314(j), 3203(a)(4), 3314(g)(2)(A), 3314(i), and 3314(c)

FINAL DISPOSITION On January 25, 2022, the San Bernardino District Attorney's office filed a Business and Professions 17203 case against Creative Stone Manufacturing, Inc. The final judgment civil penalties totaled \$475,000, which included \$30,000 to BOI for equipment and training and \$20,000 to the Western States Project Training fund, the remainder of the penalties were directed to the District Attorney's office.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-090-18XC  
EMPLOYER\SUBJECT 1) Vahe Benlian dba Belian Brothers Construction, Inc;  
2) Suren Karapetyan  
DATE REFERRED TO BOI 11/07/2018  
DATE REFERRED TO DA 10/11/2019

SYNOPSIS A portable angle grinder with a metal cutoff wheel kicked back slicing the employee's neck. The employee died as a result of the injury.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1509(a)(b), 1512(b), 3395(i), 3328(a)(2), and 3556(a)

FINAL DISPOSITION On October 6, 2021, the Los Angeles District Attorney's office filed Felony Penal Code section 192(b) Involuntary Manslaughter and Labor Code section 6425(a) against Senik Karapetyan referencing CCR Title 8 section 4002(a). On January 21, 2022, the District Attorney's office requested dismissal of the case.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	S1111-098-18RR
EMPLOYER\SUBJECT	Aardvark Clay & Supplies, Inc.
DATEREFERREDTOBOI	09/21/2018
DATE REFERRED TO DA	12/30/2019
SYNOPSIS	A clay maker was fatally injured while working with a clay extruder.
STATUTE/ VIOLATIONS	Labor Code section 6425(a)
T8 CCR SECTIONS	4625 and 4184(b)
FINAL DISPOSITION	No final prosecution decision by the Orange County District Attorney's office.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-122-18RF  
EMPLOYER\SUBJECT 1) Andres Doroteo dba Andy's Framer; 2) The Kraken LLC  
DATE REFERRED TO BOI 11/26/2018  
DATE REFERRED TO DA 7/27/2020

SYNOPSIS The victim was working on a roof when he fell 25 feet and died.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1509(a), 1509(b), 1512(b), 3395(i), 1626(b)(5), 1632(b), and 1621(a)

FINAL DISPOSITION On February 11, 2021, the Los Angeles District Attorney's office filed three Felony counts of Labor Code section 6425(a), referencing CCR Title 8 sections 1670(a), 1621(a) and 1509 against Andreas Doroteo and Adrian Rudomin.



STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-129-18RF  
EMPLOYER\SUBJECT Warren Lee dba Value Plus Global, ValueplusLogistics, Inc.  
DATE REFERRED TO BOI 12/24/2018  
DATE REFERRED TO DA 10/28/2020

SYNOPSIS The victim was standing on a raised forklift fork approximately 13 feet to access shelving racks and retrieve a product when he fell to the concrete floor and died.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3650(t)(4)

FINAL DISPOSITION On January 19, 2022, the Los Angeles County District Attorney's office filed three Felony counts of Labor Code section 6425(a) against Warren Lee, referencing CCR Title 8 sections 3650(t)4, 3668(a)(1) and 3203(a)(1).

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-012-19RF  
EMPLOYER\SUBJECT German Machine Products Inc  
DATE REFERRED TO BOI 02/11/2019  
DATE REFERRED TO DA 7/27/2020

SYNOPSIS The victim was fatally crushed while cleaning the inside of a machine.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3203(a)(4), 3314(g), 3314(j), 3314(c), and 3314(L)(1)

FINAL DISPOSITION On January 21, 2022, the Los Angeles District Attorney's office filed 3 Felony counts of Labor Code section 6425(a) against German Machined Products LLC and Gamma Aerospace LLC, referencing CCR Title 8 sections 3314(c), 3314(l)(1) and 3314(g).

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-017-19RF

EMPLOYER\SUBJECT Superprint Lithographics, Inc.

DATE REFERRED TO BOI 03/01/2019

DATE REFERRED TO DA 7/27/2020

SYNOPSIS The victim was pulled into a die-cutting machine during setup and died.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3203(a)(4), 3314(g), and 3314(c)

FINAL DISPOSITION On August 31, 2021, the Los Angeles District Attorney's office filed three Felony counts of Labor Code section 6425(a) against Superprint Lithographics, Inc., referencing CCR T8 sections 3314(c), 3314(g) and 3203(a)(4).

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-022-19RF  
EMPLOYER\SUBJECT 1) Gluck Development Company Inc dba Gluck Building Company;  
2) Concreative Construction Company  
DATE REFERRED TO BOI 04/11/2019  
DATE REFERRED TO DA 12/30/2020

SYNOPSIS The victim was crushed to death by a crane collapse.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1616.1(n)(1)(2)(3), 1511(b), and 1509(a)

FINAL DISPOSITION On March 13, 2022, the Ventura District Attorney's office filed Felony Labor Code section 6425(a) against Jeremy L. Breeland [crane operator] referencing CCR Title 8 section 1616.1(n)(1).

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-170-19RF  
EMPLOYER\SUBJECT Leon Krous Drilling  
DATE REFERRED TO BOI 11/21/2019  
DATE REFERRED TO DA 5/5/2021

SYNOPSIS The victim was struck by a load of lumber that shifted while being lifted with a strap.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1593(n) and 4999(a)

FINAL DISPOSITION On April 4, 2022, the Los Angeles District Attorney's office filed Felony Labor Code section 6425(a) against Leon Krous Drilling, Inc., referencing CCR Title 8 sections 4999(a) and 1593(n).

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	S1111-037-20RR
EMPLOYER\SUBJECT	1) Silverado Beverly Place, LLC; 2) Home Care Assistance, Inc; 3) Comforcare Home Care; 4) Aarris
DATE REFERRED TO BOI	4/20/2020
DATE REFERRED TO DA	9/12/2022
SYNOPSIS	The employee, a charge nurse, died due to a COVID 19 infection.
STATUTE/ VIOLATIONS	Penal Code section 192(a) and Labor Code section 6425(a),
T8 CCR SECTIONS	5199(c)(5) in alternative 5144(c).
FINAL DISPOSITION	No final prosecution decision by the Los Angeles County District Attorney's office.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-041-20RR  
EMPLOYER\SUBJECT Borrmann Metal Center  
DATE REFERRED TO BOI 4/24/2020  
DATE REFERRED TO DA 12/28/2021

SYNOPSIS An employee of Borrmann Metals was crushed by a load of metal/angle iron that fell off the forks of an industrial truck.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3650(l) and 3650(t)(15)

FINAL DISPOSITION No final prosecution decision by the San Bernardino County District Attorney's office.

**II B**

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN  
2022, FINAL COURT DISPOSITIONS IN 2022, AND COURT  
CASES IN PROGRESS IN 2022**

**-SERIOUS INJURY TO 5 OR MORE EMPLOYEES-**

**(LABOR CODE SECTION 6315.3(c))**

**NOTE: None in Northern or Southern California for 2022.**



II C

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2022 AND FINAL  
COURT DISPOSITIONS IN 2022**

**-REQUESTS FOR PROSECUTION FROM A DIVISION  
REPRESENTATIVE/DISCRETIONARY-**

**(LABOR CODE SECTION 6315.3(c))**

NOTE: None in Northern or Southern California for 2022.

II D

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2022 AND FINAL  
COURT DISPOSITIONS IN 2022**

**-SERIOUS INJURY TO FEWER THAN FIVE EMPLOYEES- (DISCRETIONARY  
INVESTIGATIONS)**

**(LABOR CODE SECTION 6315.3(c))**

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	N1330-029-19RR
EMPLOYER\SUBJECT	KAG Merchant Gas Group LLC
DATEREFERRED TO BOI	5/24/2019
DATE REFERRED TO DA	6/11/2019
SYNOPSIS	An oxygen delivery truck exploded resulting in the driver being seriously injured.
STATUTE/ VIOLATIONS	Labor Code sections 6423(a) and 6425(a)
T8 CCR SECTIONS	3328(C) and 3203(a)(6)
FINAL DISPOSITION	No final prosecution decision by the Sonoma County District Attorney's office.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1331-040-14RF  
EMPLOYER\SUBJECT C&L Sparks Inc DbA Sparks Electric Inc  
DATE REFERRED TO BOI 6/10/2014  
DATE REFERRED TO DA 11/30/2015

SYNOPSIS The victim, an electrician, was installing electrical components on the first floor of a commercial retail space. As part of the overall project, the employer was establishing temporary power, but the temporary meter was not installed. In an effort to bypass the meter, the site foreman instructed the victim to use three flattened conduit straps as jumpers within the meter socket. As the victim attempted to insert the conduit strap into the meter socket, a phase-to-ground short occurred, causing an arc-flash explosion. The victim sustained severe burns to his face, arms, and chest area and was hospitalized for a prolonged period. Another site foreman was standing next to the victim at the time of the incident, and he sustained burn injuries to his arms and face.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1509(a), 2320.2(a) and 2340.2(a)

FINAL DISPOSITION On May 16, 2017, the Los Angeles District Attorney's office filed four Felony counts against C & L Sparks, Inc., dba Sparks Electric, John Carroll and Andrew Dominguez for violating Labor Code section 6425(a), referencing CCR Title 8 sections 1509(a), 2305.4, 2320.2(a), and 2340.2 (a). On 4/26/18, the prosecution requested Count 1 be changed to a Misdemeanor. Sparks Electric entered a nolo contendere to Count 1. The court ordered the defendant to be placed on three years' summary probation, pay a fine to the court, and pay \$12,000 to the Cal/OSHA Bureau of Investigations. The remaining counts were dismissed. Warrants have been issued for John Carroll and Andrew Dominguez.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1330-073-15RF  
EMPLOYER\SUBJECT Johnny Walter Ford dba Dynamo Maintenance & Repair  
Services  
DATE REFERRED TO BOI 8/5/2015  
DATE REFERRED TO DA 12/21/2017

SYNOPSIS The victim was using gasoline to remove flooring when the gasoline vapors ignited. The victim was seriously burned.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 5417(d)

FINAL DISPOSITION On June 12, 2018, the Los Angeles District Attorney's office filed Labor Code section 6425(a), referencing CCR Title 8 section 5417(d) against Johnny Walter Ford. An arrest warrant has been issued for Michael Garcia.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1331-010-18PC

EMPLOYER\SUBJECT Nationwide Plastic Products Inc.

DATEREFERRED TO BOI 02/12/2018

DATE REFERRED TO DA 10/22/2018

SYNOPSIS The victim's arm was trapped in a printing press.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3314(c), 3314(e), 3314(g)(1), 3314(i)(l), and 3328(e)

FINAL DISPOSITION On 8/13/2020, the Los Angeles District Attorney's office filed three Felony Labor Code section 6425(a) counts against Nationwide Plastic Products and Daniel Tai, referencing CCR Title 8 sections 3203(a), 3314(c) and 3314(e). Mr. Tai entered a no contest plea to Labor Code section 6425(a), misdemeanor. He was placed on 12 months' probation and ordered to pay \$3,000 in victim restitution. Remaining counts against the company and Mr. Tai were dismissed.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	S1331-053-18RF
EMPLOYER\SUBJECT	1) RJ Drew Construction Services Inc. dba Advanced Restoration Group 2) Golden Springs Development
DATE REFERRED TO BOI	06/25/2018
DATE REFERRED TO DA	7/22/2020
SYNOPSIS	Victim fell through a skylight.
STATUTE/ VIOLATIONS	Labor Code section 6425(a)
T8 CCR SECTIONS	3203, 3395, 3395(h), and 3212(e)
FINAL DISPOSITION	On February 25, 2021, the Los Angeles District Attorney's office filed two Felony Labor Code section 6425(a) against Rafael Garcia, referencing CCR Title 8 sections 3212(e) and 3203.

STATE OF CALIFORNIA  
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1331-112-18RF  
EMPLOYER\SUBJECT Kronos Inc./Kronos AG  
DATE REFERRED TO BOI 11/06/2018  
DATE REFERRED TO DA 7/22/2020

SYNOPSIS The victims had been assigned to replace the discharge plates located at the bottom of a large tank, approximately 17 feet in depth. As part of the normal production process, the tank was charged with nitrogen.  
One victim was descending a ladder inside the tank, when he fell to the bottom unconscious. The second victim, who had been standing at the top of the tank to watch the employee inside, entered the tank, in an effort to rescue the first victim, and also fell into the tank after being rendered unconscious.

STATUTE/  
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1952(b)(4), 1954(c), 1954(f), 1956(d), 1509(a), 1952(d), 1953(a), 1954(a), and 1953(a)

FINAL DISPOSITION On October 6, 2021, the Los Angeles District Attorney's office filed 10 Felony counts of Labor Code section 6425, referencing CCR Title 8 sections 5157(d), 5157(d)(9), 5157(k), 5157(k)(3), 5157(d)(5), and 5157(d)(3) against Kronos Ag and Kronos Inc. USA.



**II E**

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2022 AND FINAL  
COURT DISPOSITIONS IN 2022**

**-Serious Exposure- (DISCRETIONARY INVESTIGATIONS)**

**(LABOR CODE SECTION 6315.3(d))**

NOTE: None in Northern or Southern California for 2022

III A

SUMMARY OF INVESTIGATIONS COMPLETED IN 2022

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                      N1111-058-21FC

EMPLOYER NAME                      : Rokstad Power Inc

T8 CCR VIOLATIONS                 : 1596(h)(1) and 3203(a)(7)(c)

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 : N1111-168-21FC

EMPLOYER NAME : Maadarani's Auto Sales, Inc. dba Sac City Motors

T8 CCR VIOLATIONS : 3562(e)

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 2022**  
**BUT NOT REFERRED FOR PROSECUTION**

**-SERIOUS INJURY TO 5 OR MORE EMPLOYEES-**

**(LABOR CODE SECTION 6315.3(d))**

NOTE: None in Northern or Southern California for 2022

**III C**

**SUMMARY OF INVESTIGATIONS COMPLETED IN 2022**  
**BUT NOT REFERRED FOR PROSECUTION**

**-REQUESTS FOR PROSECUTION FROM A DIVISION**

**REPRESENTATIVE- LABOR CODE SECTION**

**6315.3(d)**

NOTE: None in Northern or Southern California for 2022

**III D**

**SUMMARY OF INVESTIGATIONS COMPLETED IN 2022**  
**BUT NOT REFERRED FOR PROSECUTION**

**-SERIOUS INJURY TO FEWER THAN FIVE EMPLOYEES-  
(DISCRETIONARY/INVESTIGATIONS)**

**(LABOR CODE SECTION 6315.3(d))**

NOTE: None in Northern or Southern California for 2022