

**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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OAKLAND, CA 94612**

**2018 ANNUAL
REPORT OF THE BUREAU
OF INVESTIGATIONS
(LABOR CODE SECTION 6315.3)**

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**EXECUTIVE SUMMARY OF ALLOCATION OF BUREAU RESOURCES
DURING 2018 CALENDAR YEAR
(Labor Code section 6315.3(e))**

STAFFING

In 2018, 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 (who was on leave in 2018 from August 2018 through December 2018), and two field investigators in Southern California. The Bureau maintained three vacancies throughout 2018: two in Northern California and one 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)). Since the passage of the California Occupational Safety and Health Act of 1973, Labor Code section 6300 et seq., the incumbent in this position has been a civil servant (rather than having a political or career executive appointment). [Since its inception, five attorneys have served as Administrative Chief: John W. Hawkes, from 1974 to 1981; Michael D. Mason, from 1981 to February 2010; Amy D. Martin, from February 2010 to July 2016; Nathan Schmidt, from August 2016 to July 2018; and Rocio Y. Garcia-Reyes, from August 2018 to the present.] 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 the Division. Under the supervision of the Administrative Chief, the Bureau directs accident investigations involving violations of standards, orders, or special orders in which five or more employees have suffered a fatality, serious injury, or illness. The Bureau also directs investigations when the Division'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 charged with responsibility 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 an investigation 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 determining 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 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 a preliminary investigation in all mandatory cases.

MEASURES, TRENDS, AND ACTIVITIES

As of December 31, 2018, 234 investigations were in progress. During the calendar year, the Bureau referred 8 cases to prosecuting authorities, and 9 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 is no exception. Some of the cases referred to the prosecuting authorities in 2018 (especially at the end of the year) will be considered for filing in calendar year 2019. In 2018, the Bureau closed 174 cases (due to lack of sufficient evidence of any criminal violation).

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 2006 to 2018.

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 severe 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 has continued to participate in seminars sponsored by the California District Attorneys Association (CDAA) pertaining to worker safety and Cal/OSHA crimes. The Bureau staff attended a statewide conference in March 2017 in Riverside to increase mutual understanding of criminal prosecution of Cal/OSHA crimes and the Bureau's investigatory processes. In addition, as in past

years, Bureau staff 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.

SIGNIFICANT PROSECUTIONS
(CONCLUSION)

As demonstrated above and in the documents appended after this Executive Summary, the Bureau had significant successes in calendar year 2018. The Bureau intends to continue prioritizing resources and concentrating 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 have a high rate of criminal prosecutions, which should have a significant deterrent impact on other potential violators in the state.

**DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
BUREAU OF INVESTIGATIONS
GENERAL SUMMARY TABLE (2006-2018)**

YEAR	CASES OPENED ¹						CASES CLOSED BY BOI ²			CASES REFERRED TO D.A. ³						CASES REJECTED BY D.A. ⁴	CASES PENDING D.A. DECISION ⁵	CASES CHARGED BY D.A. ⁶
	TOTAL	A	B	C	D	E	TOTAL	F	G	TOTAL	H	I	J	K	L			
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
2009	159	154	0	0	0	5	184	122	62	25	24	0	0	0	1	15	30	16
2008	183	174	0	0	0	9	134	86	48	34	31	0	0	0	3	37	36	16
2007	191	174	0	1	0	16	172	129	43	47	32	0	0	0	15	35	52	16
2006	234	226	0	5	0	3	169	122	47	56	53	0	3	0	0	39	54	14

¹Opened Cases fall into the following categories: (A) Fatality; (B) Serious injury suffered by five or more employees; (C) Request for prosecution by a Division representative/Discretionary; Serious injury suffered by fewer than five employees; (E) Serious exposure/Discretionary

² 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.

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

⁴ 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.

⁵ 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.

⁶ 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.

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SUMMARY OF REPORTS PROVIDED
TO THE BUREAU IN 2018
(LABOR CODE SECTION 6315.3(a))

1A

SUMMARY OF REPORTS
PROVIDED TO THE BUREAU
(LABOR CODE SECTION 6315.3(a))
NORTHERN AND SOUTHERN BUREAU
OFFICES 2018 Calendar Year

	<u>TOTALS</u>
INITIAL ACCIDENT REPORTS	915
INVESTIGATION REPORTS	856
A. Fatalities	679
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	175
E. Serious Exposure (Discretionary)	1

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TOTALS FOR 2018 CALENDAR YEAR
(LABOR CODE SECTION 6315.3(b)(1) and (2))

1B

**TOTALS FOR 2018 CALENDAR YEAR
(LABOR CODE SECTIONS 6315.3(b)(1) and (2))**

A.	<u>FATALITIES</u> (Labor Code section 6315.3(b)(1))	<u>TOTALS</u>
1.	Investigations in Progress January 1, 2018:	159
2.	Court Cases in Progress January 1, 2018:	16
3.	Investigations Completed in Calendar Year):	6
4.	Cases Referred During Calendar Year:	6
5.	Investigations in Progress as of December 31, 2018:	222
6.	Court Cases in Progress as of December 31, 2018:	14

1B

**TOTALS FOR 2018 CALENDAR YEAR
(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, 2018:	0
2.	Court Cases in Progress January 1, 2018:	0
3.	Investigations Completed in Calendar Year:	0
4.	Cases Referred During Calendar Year:	0
5.	Investigations in Progress as of December 31, 2018:	0
6.	Court Cases in Progress as of December 31, 2018:	0

1B

**TOTALS FOR 2018 CALENDAR YEAR
(LABOR CODE SECTIONS 6315.3(b)(1) and (2))**

C. <u>REQUESTS FOR PROSECUTION FROM A DIVISION REPRESENTATIVE/DISCRETIONARY</u> (Labor Code section 6315.3(c))	<u>TOTALS</u>
1. Investigations in Progress January 1, 2018:	3
2. Court Cases in Progress January 1, 2018:	1
3. Investigations Completed in Calendar Year:	0
4. Cases Referred During Calendar Year:	0
5. Investigations in Progress as of December 31, 2018:	2
6. Court Cases in Progress as of December 31, 2018:	1

1B

**TOTALS FOR 2018 CALENDAR YEAR
(LABOR CODE SECTIONS 6315.3(b)(1) and (2))**

D. <u>SERIOUS INJURY TO FEWER THAN FIVE EMPLOYEES</u> (DISCRETIONARY) (Labor Codes section 6315.3(c))	<u>TOTALS</u>
1. Investigations in Progress January 1, 2018:	8
2. Court Cases in Progress January 1, 2018:	2
3. Investigations Completed in Calendar Year:	2
4. Cases Referred During Calendar Year:	2
5. Investigations in Progress as of December 31, 2018:	9
6. Court Cases in Progress as of December 31, 2018:	2

1B

**TOTALS FOR 2018 CALENDAR YEAR
(LABOR CODE SECTIONS 6315.3(b)(1) and (2))**

E.	<u>SEVERE EXPOSURE(DISCRETIONARY)</u> (Labor Code section 6315.3(d))	<u>TOTALS</u>
1.	Investigations in Progress January 1, 2018:	2
2.	Court Cases in Progress January 1, 2018:	0
3.	Investigations Completed in Calendar Year:	0
4.	Cases Referred During Calendar Year:	0
5.	Investigations in Progress as of December 31, 2018:	1
6.	Court Cases in Progress as of December 31, 2018:	0

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SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2018
AND FINAL COURT DISPOSITIONS IN 2018

-FATALITIES-

(LABOR CODE SECTION 6315.3(c))

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-022-10PC
EMPLOYER\SUBJECT Randazzo Enterprises, LLC
DATE REFERRED TO BOI 6/16/2010
DATE REFERRED TO DA 10/24/2012

SYNOPSIS The victim sustained fatal injuries as a result of a fall from a rooftop opening.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3203 and 1670(a)

FINAL DISPOSITION On March 20, 2018, the Monterey County District Attorney's office filed a Business and Profession Code section 17200 civil case against Randazzo Enterprises. On March 29, 2018, a stipulated final judgment was filed. The defendant was ordered to pay \$40,000 in court filing fees and civil penalties.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-039-10RR
EMPLOYER\SUBJECT Sturgeon Services International
DATE REFERRED TO BOI 7/30/2010
DATE REFERRED TO DA 9/19/2012

SYNOPSIS Two employees, demolishing a citrus packing building, were on the platform of a scissors lift, about twenty feet high, attaching a lifting sling around an 80' x 40" x 8" wide, glue laminated beam. As the employees were attaching the sling to the beam, the beam toppled over knocking the scissor-lift sideways to the floor. The employees were tossed out of the platform lift to the concrete floor below. They both suffered severe head injuries which were immediately fatal to one employee and subsequently fatal to the other.

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

T8 CCR SECTIONS 1734(b)(1) and 1504

FINAL DISPOSITION No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	N1111-014-13RF
EMPLOYER\SUBJECT	Pacific States Industries dba Redwood Empire Sawmill
DATE REFERRED TO BOI	4/11/2013
DATE REFERRED TO DA	3/24/2014
SYNOPSIS	The victim was fatally injured when he was drawn into a moving conveyor belt drum.
STATUTE/ VIOLATIONS	Penal Code section 192(b), Labor Code sections 6425(a) and 6423(a)(1)
T8 CCR SECTIONS	3314(c), 3314(g)(2)(A), 3999(b), 3999(f), 4051(a), 6332(b) and 3203(a)(6)
FINAL DISPOSITION	On November 10, 2016, the Sonoma County District Attorney's office filed a civil Business and Professions Code section 17200 against Pacific States Industries, Inc.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1110-021-13PC
EMPLOYER\SUBJECT Growers Street Cooling
DATE REFERRED TO BOI 4/29/2013
DATE REFERRED TO DA 12/28/2015

SYNOPSIS The victim died as a result of injuries sustained when he attempted to service a palletizing machine that was jammed by a broken piece of wood.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3314(c)(1)

FINAL DISPOSITION On October 11, 2017, the Monterey District Attorney's office filed Business & Professions Code section 17200 against Growers Street Cooling, LLC. The stipulated judgement ordered the Employer to pay \$310,000 in penalties and costs to the District Attorney's office.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-021-14RF
EMPLOYER\SUBJECT Basalite Concrete Products dba Epic Plastics
DATE REFERRED TO BOI 4/30/2014
DATE REFERRED TO DA 4/20/2015

SYNOPSIS Employee fell into auger while at work site.

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

T8 CCR SECTIONS 3314(c), 3999(f), 3314(1), 4001, 3225(a)(1) and 3650(t)(7)

FINAL DISPOSITION On April 3, 2017, the San Joaquin County District Attorney's office filed against Basalite Building Products dba Epic Plastics, Epic Plastics, Pacific Coast Companies, Inc., What Properties, L.P., and Basalite Building Products LLC., for violating Felony Penal Code section 192(b), four counts of Felony Labor Code section 6425(a) and two counts of Misdemeanor Labor Code section 6423(a), referencing CCR T8 sections 3314, 3314(1), 3999(f)(1), 4001, 3225(A)(1) and 3650(t)(7).

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-002-15PC
EMPLOYER\SUBJECT 1) Polydeck Screen Corporation 2) DSS Company DBA
Knife River Construction
DATE REFERRED TO BOI 01/08/2015
DATE REFERRED TO DA 11/30/2016

SYNOPSIS A sales representative for Polydeck Screen Corporation was fatally injured while assisting with retrofitting an inclined screen at the DSS Company dba Knife River Construction. The victim was providing hand signals to the crane operator when the suspended load became wedged between the side plates of the inclined screen. When the victim bent down to communicate with an employee, the feed box pivoted and crushed the victim's head. The victim was transported to the hospital, where he was pronounced deceased.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

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

FINAL DISPOSITION On December 12, 2017, the San Joaquin County District Attorney's office filed five Labor Code section 6425(a) Felony counts against Knife River Construction Company, DSS Company dba Knife River construction, Knife River Corporation and MDU company dba Knife River company for violating Labor Code section 6425(a), referencing CCR T8 sections 3203(a)(4), 3314(c), 3314(d), 3314(g) and 3314(l). On June 28, 2018, a civil Business and Professions code section 17200 complaint was filed against Knife River Construction Company, DDS Company dba Knife River Construction, Knife River Corporation, and MDU Company dba Knife River Company. On June 28, 2018, a permanent injunction and final judgment was filed and DDS Company dba Knife River was ordered to pay \$435,000 to the San Joaquin County office of the District Attorney Environmental Crimes unit, \$50,000 to the Treasurer of San Joaquin County, \$25,000 to Cal/OSHA for partial cost recovery and \$1,000 to the San Joaquin County Office of the District Attorney.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-016-15DC
EMPLOYER\SUBJECT 1) E.E. Hall, Inc. 2) Sandridge Partners LP
DATE REFERRED TO BOI 4/27/2015
DATE REFERRED TO DA 07/12/2017

SYNOPSIS Employee was welding on a used oil tank in the back of a pickup truck when the tank exploded. Employee was struck by a large toolbox and thrown approximately 15 feet.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 5166(b)(1)

FINAL DISPOSITION The CDAA worker safety prosecutor declined to file.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	N1111-008-16RF
EMPLOYER\SUBJECT	L C General Engineering & Construction, Inc.
DATE REFERRED TO BOI	2/1/2016
DATE REFERRED TO DA	10/23/2017
SYNOPSIS	The victim was run over by a steamroller.
STATUTE/ VIOLATIONS	Labor Code section 6425
T8 CCR SECTIONS	1509(a), 1590(c)(1) and 1592(c)
FINAL DISPOSITION	On August 24, 2018, the San Francisco District Attorney's office filed four Felony counts, against Ramiro Pena Pena, Michael Sommer, Manuel Silao and L C General Engineering, for violating Penal Code section 192 and Labor Code section 6425(a), referencing CCR Title 8 sections 1509(a), 1590(c) and 1510(b).

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-023-16DC
EMPLOYER\SUBJECT Mark Crawford Logging, Inc.
DATE REFERRED TO BOI 4/15/2016
DATE REFERRED TO DA 8/28/2017

SYNOPSIS The victim was working downhill rigging logs. A log became dislodged from its resting point, teetered at the landing edge and proceeded unfettered down the hillside striking the victim in the head.

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

T8 CCR SECTIONS 6329(a), 6329(b), 6328(k) and 6328(i)

FINAL DISPOSITION The District Attorney's office declined to file.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-074-16DC
EMPLOYER\SUBJECT Seven Island Painting, Inc.
DATE REFERRED TO BOI 9/20/2016
DATE REFERRED TO DA 08/04/2017

SYNOPSIS The victim, utilizing an articulating boom lift approximately 30 feet above the ground, was ejected from the basket. The victim sustained fatal head trauma after striking the ground.

STATUTE/
VIOLATIONS Labor Code section 6425(a) and Penal Code section 182

T8 CCR SECTIONS 3638(d), 3648(o) and 3648(l)(4)

FINAL DISPOSITION The District Attorney's office declined to file.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-080-16DC
EMPLOYER\SUBJECT Coastal Viticultural Consultants dba North Coast
Farming
DATE REFERRED TO BOI 10/4/2016
DATE REFERRED TO DA 9/25/2017

SYNOPSIS The fork truck operator was descending a steep paved road when the fork truck went off the pavement tipping over resulting in a crushing injury to the operator.

STATUTE/
VIOLATIONS Penal Code section 192(b), Labor Code sections 6425(a), 6423, and 6326

T8 CCR SECTIONS 3328(a)(2), 3650(t)(33), 3650(t)(7) and 3203

FINAL DISPOSITION The District Attorney's office declined to file.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-095-16RF
EMPLOYER\SUBJECT Good View Roofing & Building Supply Corporation dba
Good View Lumber & Building Supply Corp.
DATE REFERRED TO BOI 11/22/2016
DATE REFERRED TO DA 2/8/2018

SYNOPSIS A warehouse worker was crushed by a forklift.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3223(f), 3650(t)(33) and 3668(a)(1)

FINAL DISPOSITION On May 17, 2018, the San Francisco District Attorney's office filed four Felonies against Alfred Chung To Lee, Alan Chung Ming Chang and Good View Roofing & Building Supply Corp., for violating Penal Code section 192(b) and three Felony counts of Labor Code section 6425(a), referencing CCR T8 sections 3233(f), 3650(t)(33) and 3668(a).

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	N1111-096-16RR
EMPLOYER\SUBJECT	Cirque Du Soleil America Inc.
DATE REFERRED TO BOI	11/30/2016
DATE REFERRED TO DA	5/21/2018
SYNOPSIS	A maintenance worker was struck in the head by an aerial device.
STATUTE/ VIOLATIONS	Labor Code section 6425(a)
T8 CCR SECTIONS	3203(a) and 3328(a)(2)
FINAL DISPOSITION	No final prosecution decision.

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 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 S1111-019-09RF
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 On March 8, 2012, the Orange County District Attorney's office filed two Felony counts against Roy Thomas Faulkinbury and Carl Edward Richardson for violating Labor Code section 6425 referencing Title 8 sections 467(a), 3328(a),(b), (f), (h), and (g). On December 20, 2012, the Orange County Grand Jury indicted Mr. Faulkinbury and Mr. Richardson for violating two counts of Felony Labor Code section 6425(a) referencing CCR T8 sections 467(a), 3328(a)(b)(f) and (g). On 2/14/2014, Carl Richardson and Roy Faulkinbury entered a no contest plea to the two felony counts of Labor Code section 6425(a). The Defendants must pay a collective total of \$450,000 to the victim's families and they are ordered to complete community service. The District Attorney's office also filed a civil Business and Professions Code complaint against Solus.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-069-10RF
EMPLOYER\SUBJECT Nibbelink Masonry Construction Corp.
DATE REFERRED TO BOI 10/4/2010
DATE REFERRED TO DA 12/28/2012

SYNOPSIS The victim, a masonry helper, was required to climb up a fixed scaffolding ladder to reach the upper scaffolding platform. The entrance to the platform from the top of the ladder did not have a gate or other required means of access and was instead blocked by cross rails. The configuration required that the victim attempt to transition from the ladder to the platform by hanging on the outside of the scaffold, while attempting to crawl between the cross rails. While the victim was attempting climb between the rails, he slipped and fell approximately 25 feet to the concrete below. The victim sustained fatal head injuries.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1637(n)(1)

FINAL DISPOSITION On May 24, 2014, the San Bernardino District Attorney's office filed Felony Labor Code section 6425(a) against Nibbelink Masonry Construction Corp. referencing CCR T8 section 3668.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-007-13RR

EMPLOYER\SUBJECT C R & R

DATE REFERRED TO BOI 3/1/2013

DATE REFERRED TO DA 10/13/2014

SYNOPSIS The victim, a maintenance mechanic/welder, was working in the welding shop of a large trash collection and recycling company. In an attempt to find a leak on a hydraulic tank, the victim placed the tank on the forks of a forklift and filled the tank with water and pressurized it with air. There was no pressure gauge or pressure relief valve on the tank. The victim was kneeling in front of the tank when the end of the tank blew off and struck him on the forehead. As a result, the Victim sustained severe blunt force trauma to his head and died in the ambulance on the way to the hospital.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3301(c) and 3301(f)

FINAL DISPOSITION No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-010-13RF

EMPLOYER\SUBJECT Prime Wheel Corp.

DATE REFERRED TO BOI 3/13/2013

DATE REFERRED TO DA 5/8/2015

SYNOPSIS The victim, a maintenance mechanic, was reaching into an open tank filled with a solution used in the plating process to check the incoming flow into the tank from an adjacent pump/filer assembly that been repaired earlier by the victim. As the victim was reaching into the tank, he was subsequently fatally crushed by one of several moving hoist assemblies that were part of the plating line system. The hoist assemblies were equipped with safety interlocks to stop the units from traveling upon striking an object, but the interlock switches had been physically bypassed and were non-functioning.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3314(c), 4002(a) and 3328(b)

FINAL DISPOSITION On February 24, 2016, the Los Angeles District Attorney's office filed three Felony Labor Code section 6425(a) counts against Ernesto Cruz and two counts of Felony Labor Code section 6425(a) against Prime Wheel Corporation.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-011-13PC
EMPLOYER\SUBJECT Los Angeles Engineering, Inc.
DATE REFERRED TO BOI 3/15/2013
DATE REFERRED TO DA 9/16/2014

SYNOPSIS The victims were employed by a utility contractor as laborers. The victims and their co-workers had completed excavating a 45 foot long and 14 foot deep trench. The trench had been dug to facilitate the installation of reinforced concrete piping that was part of larger storm water reclamation project. The victims were working inside the trench, completing final excavation by hand, when the side of the excavation collapsed onto the victims, fatally crushing one victim and injuring the second. The subsequent investigation determined that the victims were working in an area (approximately 28 feet in length) without the required protective system.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

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

FINAL DISPOSITION On January 7, 2016, the Los Angeles District Attorney's office filed Felony and Misdemeanor Labor Code section 6425(a) against Los Angeles Engineering, Inc. On 5/17/16, the defendant entered a guilty plea to count 1. The defendant paid \$130,000 in victim restitution.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-030-13RF
EMPLOYER\SUBJECT KTI, Inc., dba Rialto Concrete Products, Inc.
DATE REFERRED TO BOI 5/30/2013
DATE REFERRED TO DA 5/19/2015

SYNOPSIS The victim was killed instantly when he was crushed by a Hyster Challenger Model # H620B lift truck. The lift truck's cab was elevated 11 feet above the ground and it was equipped with one seat for the operator. There were no seats for passengers. The victim was riding on the lift truck when he fell and was crushed to death.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3650 (t)(3) and 3650 (t)(5)

FINAL DISPOSITION On May 26, 2016, the San Bernardino District Attorney's office filed a Business and Professions Code section 17200 complaint against Ken Thompson Inc. dba Rialto Concrete Products for Injunction, Civil penalties and other equitable relief.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-037-13PC
EMPLOYER\SUBJECT Midwest Roofing Company
DATE REFERRED TO BOI 6/19/2013
DATE REFERRED TO DA 11/17/2014

SYNOPSIS The victim was employed by a roofing company and was working on a two-story residential apartment building, 17 feet 4 inches above ground. The victim was working without fall protection between the leading edge of the roof and the end of an exposed roof joist and was using a circular saw to trim the end of a damaged roof joist. The victim subsequently fell off the roof, sustained massive head injuries and died six days later. The employer had a prior history of not utilizing fall protection on previous jobsites and had been convicted for violating Labor Code section 6425(a) after an employee, without required fall protection, fell through a roof opening while removing structural roof sheeting and sustained fatal injuries.

STATUTE/
VIOLATIONS Labor Code section 6425(c)

T8 CCR SECTIONS 1670(a)

FINAL DISPOSITION On June 30, 2016, the Los Angeles District Attorney's office filed Felony Labor Code Section 6425(a) against Midwest Roofing Company, Inc., Workforce Business Services Inc., and Darren Tangen, referencing Title 8 section 1670(a), Felony Penal Code section 192(b)-Involuntary Manslaughter against Midwest Roofing and Darren Tangen, and Felony Labor Code section 6425(c) against Darren Tangen referencing a prior conviction under Labor Code section 6425(a). On March 8, 2018, a Plea and Disposition was filed with the court, wherein Count 1 against Darren Tangen was changed to a Misdemeanor. Mr. Tangen plead guilty or no contest to Count 1 and was sentenced to 3 years summary probation, he was ordered to pay a \$100,000 fine to the court and \$200,000 to the victim's wife as restitution. Charges against Midwest Roofing and Workforce Business were dismissed.

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 9000 gallon tank doing repair work on a sleeve that is part of a man hole 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 S1111-055-14PC

EMPLOYER\SUBJECT Five Star Plastering

DATE REFERRED TO BOI 7/17/2014

DATE REFERRED TO DA 6/15/2016

SYNOPSIS Two employees were erecting a 22 foot 11 inch metal scaffold which was located 19 inches under an energized 12 kV high voltage power line. The scaffold was erected to suspend an advertising sign. One of the victims was standing on the top level of the scaffold when the top of his head came in contact with the high voltage power line, resulting in his electrocution. In an attempt to rescue his co-worker, the other victim was seriously injured when his neck came into contact with the same power line, shocking him and causing him to fall off the scaffold.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 2946(a), 2948, 2946(b)(2), 1637(q), 3381(c)(2)(c) and 3203(a)

FINAL DISPOSITION On 4/7/2017, the Orange County District Attorney's office filed two Felony counts against Five Star Plastering, Inc., Thomas Aaron Blythe, Timothy Scott Gordon and John Lawrence Alberts for violating Labor Code section 6425(a). On 5/29/2018, Five Star Plastering and Mr. Blythe entered a nolo contendere plea for violating two Misdemeanor counts of LC 6425(a). Each was ordered to pay \$290,000.00 in victim restitution and were placed on 3.5 years of informal probation. Mr. Blythe was ordered to complete 100 hours of community service and complete a 30 hour Osha class. Mr. Gordon entered a nolo contendere plea to violating two Misd. counts of LC 6425(a) and was ordered to complete 50 hours of community service, complete a 30 hour Osha class, serve 10 days in County jail and informal probation for 3 years. Mr. Alberts entered a nolo contendere plea to violating two Misd. counts of LC 6425(a) and was ordered to complete 240 hours of community service, complete a 30 hour Osha class and informal probation for 3 years.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-080-14PC
EMPLOYER\SUBJECT Santa Fe Packaging Corporation
DATE REFERRED TO BOI 11/6/2014
DATE REFERRED TO DA 5/12/2016

SYNOPSIS An employee was standing between two plastic rolls inside a running unguarded dual turret winding machine, cutting plastic film from a finished roll on the upper turret in preparation of placing the incoming feed onto a new roll. The victim instructed a co-worker to "jog" the finished roll to bring it down slightly, as the victim could not reach it. The co-worker activated the control button which caused the roll to move downward approximately 180 degrees. As a result, the victim was fatally crushed between the upper and lower rolls of the turret assembly.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 4002(a), 3314(d) and 3203(a)

FINAL DISPOSITION On June 16, 2017, the Los Angeles District Attorney's office filed three Felony counts against Santa Fe Packaging corporation, James Sikorsky and Saul Herrera, for violating Labor Code section 6425(a), referencing CCR T8 sections 3203(a), 4002(a) and 3314(d). On October 5, 2018, Santa Fe Packaging entered a nolo contendere plea to count 1 (other counts were dismissed). The court imposed 3 years formal probation and a fine of \$390,070.00 (\$350,000.00 in victim restitution). On October 5, 2018, Mr. Sikorsky entered nolo contendere plea to count 1 (other counts were dismissed). The court imposed three year's summary probation, a \$350,000.00 fine and 160 hours of community service. On October 5, 2018, Mr. Herrera entered a nolo plea to count 3 (other counts were dismissed), which was changed to a Misdemeanor. The court imposed 160 hours of community service.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	S1110-085-14PC
EMPLOYER\SUBJECT	American Building Innovation
DATE REFERRED TO BOI	11/21/2014
DATE REFERRED TO DA	12/19/2016
SYNOPSIS	<p>The victim, employed as a machine operator, was attempting to clear 2x4 lumber that was jammed under a robotic lifting arm, which was part of an automated framing machine. While the victim reached under the robotic arm, a sensor was activated that caused the arm to move downward fatally crushing the victim.</p>
STATUTE/ VIOLATIONS	Penal Code section 192 and Labor Code section 6425(a)
T8 CCR SECTIONS	3314(c)
FINAL DISPOSITION	<p>On February 6, 2017, the Riverside District Attorney's office filed three Felony counts against Tin T. Vo [American Building Innovation], for violating Labor Code section 6425(a), referencing CCR T8 sections 3314(c), 4002(a) and 3314(g). On July 13, 2018, the defendant Tin T.Vo entered a guilty plea to the three Felony counts, he was sentenced to 179 days in custody in the Work Release Program and formal probation for 5 years. Restitution to be determined.</p>

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-094-14RF
EMPLOYER\SUBJECT Caliber Auto Transfer of Mira Loma
DATE REFERRED TO BOI 12/16/2014
DATE REFERRED TO DA 12/19/2016

SYNOPSIS The victim, a temporary services employee, was employed as an unloader by the secondary employer which specialized in unloading of automobiles from multi-level rail cars. As part of the job duties, the victim was checking to ensure the tire straps had been removed. While walking along the edge of the railcar opening, the victim fell approximately 13 feet to the ground, sustaining fatal head trauma and multiple body fractures.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3210(c) and 3203

FINAL DISPOSITION On 11/14/2017, the Riverside District Attorney's office filed a Felony complaint against Caliber Auto Transfer of Mira Loma, for violating 2 counts of Labor Code section 6425, referencing T8 sections 3203 and 3210(c).

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	S1111-013-15RF
EMPLOYER\SUBJECT	EGA CO. dba A & B Electric
DATE REFERRED TO BOI	2/20/2015
DATE REFERRED TO DA	12/21/2017
SYNOPSIS	The victim became trapped under a large metal transformer that was being transported.
STATUTE/ VIOLATIONS	Labor Code section 6425(a)
T8 CCR SECTIONS	3650(t)(33) and 3650(i)(1)
FINAL DISPOSITION	On February 15, 2018, the Los Angeles District Attorney's office filed Felony Labor Code section 6425(a) against Jon Scott Kegans.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-018-15PC

EMPLOYER\SUBJECT Scott Goehring

DATE REFERRED TO BOI 3/23/2015

DATE REFERRED TO DA 10/13/2016

SYNOPSIS An employee of an unlicensed contractor was painting a metal railing on the balcony of a multi-level condominium complex. The victim was transitioning from the balcony to a ladder when he fell 26 feet to his death. The victim was not wearing any fall protection.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1670(a)

FINAL DISPOSITION On June 9, 2017, the Los Angeles District Attorney's office filed Felony Labor Code section 6425(a) against Scott Irwin Goehring, referencing CCR T8 section 1670(a). On 5/10/2018, on the people's motion count one was changed to a misdemeanor and Mr. Goehring entered a guilty plea and was convicted. He was placed on 3 years' summary probation, ordered to perform Cal Trans work for 60 days and to pay \$1400.00 in victim restitution. He was prohibited from contracting without a valid contractor's license.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-101-15RF

EMPLOYER\SUBJECT Troy Builders Construction of Remodeling Inc

DATE REFERRED TO BOI 10/02/2015

DATE REFERRED TO DA 12/21/2017

SYNOPSIS The victim, while sheeting a roof, fell 20 feet to his death.

STATUTE/
VIOLATIONS Penal Code sections 192, 182, 129 and Labor Code section 6425(a)

T8 CCR SECTIONS 1509(a) and 1716.2

FINAL DISPOSITION On July 25, 2018, the Los Angeles District Attorney's office filed two Felony counts of Labor Code section 6425(a) referencing CCR T8 sections 1716.2 and 1509 against Ofir Gabay and Troy Builders Construction & Remodeling, Inc.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1112-106-15PC
EMPLOYER\SUBJECT Labor Ready/Arco National Construction Company, Inc.
dba Arco National of California Company
DATE REFERRED TO BOI 10/13/2015
DATE REFERRED TO DA 12/28/2017

SYNOPSIS The victim was crushed by a wall.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1541(i)(1) and 1509(a)

FINAL DISPOSITION On November 7, 2018, the San Diego District Attorney's office filed a Business and Professions Code section 17200 against Arco National Construction Inc., referencing CCR T8 section 1541(i)(1). On November 11, 2018, a final judgment and injunction was filed. Arco National settled and paid \$350,000 restitution (\$100,000 to Treasurer of San Diego County, \$240,000 to decedent's widow and \$10,000 to Cal/OSHA BOI).

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 dba
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

DATE REFERRED 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, 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.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1110-031-16RR
EMPLOYER\SUBJECT Camarena Land Clearing dba Rich Camarenaland
Clearing Company
DATE REFERRED TO BOI 04/15/2016
DATE REFERRED TO DA 12/21/2017

SYNOPSIS The victim was run over by heavy equipment.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1509(a), 1509(b), 1590(b), 1590(5), 3395(i), 1510(c) and 1592(b)

FINAL DISPOSITION No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	S1111-047-16RR
EMPLOYER\SUBJECT	Hayden Industrial Products LLC
DATE REFERRED TO BOI	7/21/2016
DATE REFERRED TO DA	4/6/2018
SYNOPSIS	The victim, a painter, died from lack of oxygen.
STATUTE/ VIOLATIONS	Labor Code section 6425
T8 CCR SECTIONS	5144(i)(8), 5194(h)(2)(E) and 3202(a)(4)
FINAL DISPOSITION	No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-052-16RR
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.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

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

FINAL DISPOSITION No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-080-16RR
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 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 No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-007-17RR
EMPLOYER\SUBJECT Universal Packaging Systems, Inc dba PakLab
DATE REFERRED TO BOI 01/23/2017
DATE REFERRED TO DA 10/22/2018

SYNOPSIS The victim fell 33 feet through a skylight.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3212(e)

FINAL DISPOSITION No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1110-002-18RR
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.

STATUTE/
VIOLATIONS Labor Code section 6425

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

FINAL DISPOSITION No final prosecution decision.

II B

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2018
AND FINAL COURT DISPOSITIONS IN 2018**

-SERIOUS INJURY TO 5 OR MORE EMPLOYEES-

(LABOR CODE SECTION 6315.3(c))

NOTE: None in Northern or Southern California for 2018.

ILC

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2018
AND FINAL COURT DISPOSITIONS IN 2018**

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

(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 that 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 7906 and 7915(a)

T8 CCR SECTIONS 3911, 3912(a) and 3920

FINAL DISPOSITION On April 25, 2008, a Misdemeanor complaint was filed against Barton P. Finlayson and Ricky Snyder for violating one count of Labor Code section 7915(a) for operating a Whirlybird amusement ride without a permit. On 10/17/2013, Mr. Finlayson entered a plea of guilty to Count 1 and he was ordered to pay \$419.00 fine. A warrant has been issued for Mr. Snyder.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1235-132-17DC
EMPLOYER\SUBJECT Sergio Ortega Hernandez dba Integrety Forklift
DATE REFERRED TO BOI 11/28/2017
DATE REFERRED TO DA 12/20/2017

SYNOPSIS Misrepresentation of Cal/OSHA logo.

STATUTE/
VIOLATIONS

T8 CCR SECTIONS 3668

FINAL DISPOSITION The District Attorney's office declined to file.

II D

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2018
AND FINAL COURT DISPOSITIONS IN 2018**

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

(LABOR CODE SECTION 6315.3(c))

STATE OF CALIFORNIA BUREAU
OF INVESTIGATIONS

BOI CASE NUMBER S1331-012-14PC

EMPLOYER\SUBJECT Metro Home LTD

DATE REFERRED TO BOI 2/19/2014

DATE REFERRED TO DA 1/5/2015

SYNOPSIS The victim, a general laborer, was removing waterproof backing from a retaining wall. The victim had been instructed to use a hand held garden sprayer and apply gasoline along the face of the wall, in an effort to loosen the waterproof backing for removal. The victim applied approximately one gallon of gasoline and when the gasoline proved ineffective he moved to another location along the wall that had not been treated with gasoline. The victim resumed using a portable propane torch that he had been using earlier in the day, in an effort to remove the backing. When the victim attempted to ignite the torch, the accumulated gasoline vapors exploded, engulfing the victim. The victim sustained burns to his face, hands, arms and torso and was hospitalized for 33 days and sustained severe scarring.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1534(a), 3328(b) and 5158(e)(1)(F)

FINAL DISPOSITION On January 13, 2017, the Los Angeles District Attorney's office filed three Felony counts against Roman Shukman and Metro Home, LTD, for violating Labor Code section 6425(a), referencing CCR Title 8 sections 1534(a), 3328(b) and 5158(e)(1)(F). On 3/22/2018, all counts against Roman Shukman were dismissed in furtherance of justice per 1385 PC. Regarding Metro Home, on 3/22/2018, on the People's motion, the court ordered the complaint be amended by interlineation to add violation Labor Code 6423(a)(1), Misdemeanor, count 4. Defendant was placed on summary probation for 2 years, ordered to pay a court fine and to pay \$12,000 to Cal/OSHA. The remaining counts were dismissed.

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).

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.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1331-119-15RR
EMPLOYER\SUBJECT First Avenue Inc dba Highland Commerical Roofing
DATE REFERRED TO BOI 12/08/2015
DATE REFERRED TO DA 12/21/2017

SYNOPSIS The victim sustained serious injury after falling through a skylight.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1509(a) and 3212(e)

FINAL DISPOSITION No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1331-096-17RR
EMPLOYER\SUBJECT Alhambra Foundry Company LTD
DATE REFERRED TO BOI 08/28/2017
DATE REFERRED TO DA 10/22/2018

SYNOPSIS The victim was trapped in a bag house enclosure.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3314(g)(2)(a), 3314(i), 3314(c), 5157(d)(1) and 5157(g)

FINAL DISPOSITION No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	S1330-010-18RR
EMPLOYER\SUBJECT	Nationwide Plastic Products Inc
DATE REFERRED 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	No final prosecution decision.

II E

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2018
AND FINAL COURT DISPOSITIONS IN 2018**

**-Severe Exposure-
(DISCRETIONARY INVESTIGATIONS)**

(LABOR CODE SECTION 6315.3(d))

NOTE: None in Northern or Southern California for 2018

III A

**SUMMARY OF INVESTIGATIONS COMPLETED
IN 2018 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 N1111-010-16FC

EMPLOYER NAME : 1) Sinclair Concrete, Inc. 2) Alston Construction Company, Inc. DBA

T8 CCR VIOLATIONS : 1511(b) and 1710(h)(2)(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 : N1111-100-16FC

EMPLOYER NAME : 1) RC Power, Inc. 2) VXChange Facilities, LLC 3) Burr Computer
Environments, Inc. 4) Emerson Network Power, Liebert Services,
Inc.

T8 CCR VIOLATIONS : 2320.3, 2320.2 and 2320.1

REASON NOT REFERRED : Other: lack of staff

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

BOI CASE NUMBER : N1111-020-17FC

EMPLOYER NAME : Sabor Farms LLC

T8 CCR VIOLATIONS : 3314(c) and 4002

REASON NOT REFERRED : Other: lack of staff

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

BOI CASE NUMBER S1111-122-15FC

EMPLOYER NAME : Angelus Block Co., Inc

T8 CCR VIOLATIONS : 3314(c), 3328 and 4002(a)

REASON NOT REFERRED Although 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 : S1111-023-16FC

EMPLOYER NAME : 1) Evergreen Terminal Services Inc; 2) Hardcore

T8 CCR VIOLATIONS : 3203(a)(4) and 3475

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 : S1111-018-17FC

EMPLOYER NAME : Active Recycling Co, Inc

T8 CCR VIOLATIONS : 3207(b), 3328(g) and 3203(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 : S1111-025-17FC

EMPLOYER NAME : DGC Operations LLC

T8 CCR VIOLATIONS : 3314(g), 3314(h)(2) and 3329(d)

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 : S1111-051-17FC

EMPLOYER NAME : Los Angeles Department of Water and Power

T8 CCR VIOLATIONS : 2943(g)

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 2018 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 2018.

III C

**SUMMARY OF INVESTIGATIONS COMPLETED IN
2018 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 2018

III D

**SUMMARY OF INVESTIGATIONS COMPLETED
IN 2018 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 2018