

**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**

**2020 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 2020
(Labor Code section 6315.3(e))**

STAFFING

In 2020, the Bureau of Investigations (henceforth, the Bureau) was staffed by the Administrative Chief, two attorneys (one who left at the end of 2020), and an investigatory staff composed of a Supervising Special Investigator, one field investigator in Northern California (who worked part time in 2020), and two field investigators in Southern California. The Bureau maintained three vacancies throughout 2019 and 2020: 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 there has been a fatality, or a serious injury or illness to five or more employees. 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, 2020, 515 investigations were in progress. During the calendar year, the Bureau referred 14 cases to prosecuting authorities, and 5 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 2020 (especially at the end of the year) will be considered for filing in calendar year 2021. In 2020, the Bureau closed 104 cases (due to a 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 2008 to 2020.

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 February 2019 in Sacramento 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 2020. 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 (2008-2020)**

| 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 | | | |
| 2020 | 578 | 577 | 0 | 0 | 1 | 0 | 250 | 146 | 104 | 14 | 12 | 0 | 0 | 2 | 0 | 2 | 19 | 6 |
| 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 |
| 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 |

¹Opened 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.

²These 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.

³These 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.

⁴Cases 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.

⁵This 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.

⁶This 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.

IA

SUMMARY OF REPORTS PROVIDED
TO THE BUREAU IN 2020
(LABOR CODE SECTION 6315.3(a))

IA
SUMMARY OF REPORTS
PROVIDED TO THE BUREAU
(LABOR CODE SECTION 6315.3(a))
NORTHERN AND SOUTHERN BUREAU
OFFICES Calendar Year 2020

| | <u>TOTALS</u> |
|---|----------------------|
| INITIAL ACCIDENT REPORTS | 1,893 |
| INVESTIGATION REPORTS | 1,769 |
| A. Fatalities | 1,418 |
| B. Serious Injury Suffered by Five or More Employees | 0 |
| C. Requests for Prosecution from a Division Representative | 0 |
| D. Serious Injury Suffered by Fewer Than Five Employees | 351 |
| E. Serious Exposure (Discretionary) | 0 |

LB

TOTALS FOR CALENDAR YEAR 2020
(LABOR CODE SECTION 6315.3(b)(1) and (2))

LB

**TOTALS FOR CALENDAR YEAR 2020
(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, 2020: | 198 |
| 2. | Court Cases in Progress January 1, 2020: | 10 |
| 3. | Investigations Completed in Calendar Year): | 12 |
| 4. | Cases Referred During Calendar Year: | 12 |
| 5. | Investigations in Progress as of December 31, 2020: | 515 |
| 6. | Court Cases in Progress as of December 31, 2020: | 9 |

IB

**TOTALS FOR CALENDAR YEAR 2020
(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, 2020: | 0 |
| 2. | Court Cases in Progress January 1, 2020: | 0 |
| 3. | Investigations Completed in Calendar Year: | 0 |
| 4. | Cases Referred During Calendar Year: | 0 |
| 5. | Investigations in Progress as of December 31, 2020: | 0 |
| 6. | Court Cases in Progress as of December 31, 2020: | 0 |

IB

**TOTALS FOR CALENDAR YEAR 2020
(LABOR CODE SECTIONS 6315.3(b)(1) and (2))**

| C. <u>REQUESTS FOR PROSECUTION FROM A DIVISION</u> <u>REPRESENTATIVE/DISCRETIONARY</u> (Labor Code section 6315.3(c)) | <u>TOTALS</u> |
|--|----------------------|
| 1. Investigations in Progress January 1, 2020: | 0 |
| 2. Court Cases in Progress January 1, 2020: | 1 |
| 3. Investigations Completed in Calendar Year: | 0 |
| 4. Cases Referred During Calendar Year: | 0 |
| 5. Investigations in Progress as of December 31, 2020: | 0 |
| 6. Court Cases in Progress as of December 31, 2020: | 0 |

IB

**TOTALS FOR CALENDAR YEAR 2020
(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, 2020: | 3 |
| 2. Court Cases in Progress January 1, 2020: | 3 |
| 3. Investigations Completed in Calendar Year: | 2 |
| 4. Cases Referred During Calendar Year: | 2 |
| 5. Investigations in Progress as of December 31, 2020: | 0 |
| 6. Court Cases in Progress as of December 31, 2020: | 4 |

IB

**TOTALS FOR CALENDAR YEAR 2020
(LABOR CODE SECTIONS 6315.3(b)(1) and (2))**

**E. SEVERE EXPOSURE (DISCRETIONARY)
(Labor Code section 6315.3(d))**

TOTALS

| | | |
|----|---|---|
| 1. | Investigations in Progress January 1, 2020: | 0 |
| 2. | Court Cases in Progress January 1, 2020: | 0 |
| 3. | Investigations Completed in Calendar Year: | 0 |
| 4. | Cases Referred During Calendar Year: | 0 |
| 5. | Investigations in Progress as of December 31, 2020: | 0 |
| 6. | Court Cases in Progress as of December 31, 2020: | 0 |

IIA

SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2020
AND FINAL COURT DISPOSITIONS IN 2020

-FATALITIES-

(LABOR CODE SECTION 6315.3(c))

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-039-10PC
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 20 feet high, placing the 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 On December 31, 2019, the Tulare County District Attorney's office filed a stipulated final judgment and injunction against Sturgeon Services International, Inc., for violating CA Business and Professions Code sections 17200 and 17501. Sturgeon agreed to continue new hire and annual safety training relating to lockout/tag out procedures and policies, pay a civil penalty of \$153,750.00 to Tulare County, \$5,000.00 for investigative and prosecutorial costs, \$18,750.00 to Cal/OSHA and \$100,000.00 in civil penalties, which shall be forgiven by 2020 if there are no violations of the injunctive terms and \$30,000.00 in restitution to Cy Pres College of Sequoias Foundation.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-008-16PC
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 8/24/18, the San Francisco District Attorney's office filed four felony counts, against Ramiro 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). On 11/18/19, a B&P 17200 final judgment was filed for Michael Sommer. Mr. Sommer agreed to provide training and operator's manuals to employees and pay \$2,500.00 to the District Attorney's office and \$2,500.00 to Cal/OSHA BOI for training and equipment. On 11/20/19, a B&P 17200 final judgment was filed for Manuel Silao. Mr. Silao agreed to provide training and operator's manuals and pay \$1,250.00 to the District Attorney's office and \$1,250.00 to Cal/OSHA BOI for training and equipment. On 1/13/20, Mr. Pena, entered nolo contendere to LC section 6423(a) and was placed on three years' probation. On 1/13/2020, LC General entered not guilty plea to LC 6423(a), pursuant to civil judgment they agreed to pay a total fine of \$20,000.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-095-16PC
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 counts of Labor Code section 6425(a), referencing CCR T8 sections 3233(f), 3650(t)(33), and 3668(a). On 3/12/2019, Alfred Chung To Lee, Alan Chung Ming Chan, and Good View Roofing and Building Supply Corporation entered a guilty plea to Count 4, felony LC section 6425. Mr. Lee was ordered to pay a \$10,000.00 criminal fine, three years' probation, and ordered to serve 60 days in county jail or 60 days through the Sheriffs Work Alternative Program or 400 hours of community service. Mr. Chan was placed on three years' probation, ordered to serve 60 days in county jail or 60 days through the Sheriffs Work Alternative Program, or 400 hours of community service. Good View Roofing was placed on three years' probation and ordered to pay a \$100,000.00 criminal fine.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-061-17DC

EMPLOYER\SUBJECT Barnett Logging

DATE REFERRED TO BOI 09/12/2017

DATE REFERRED TO DA 12/31/2019

SYNOPSIS The victim, a logger, was riding the carriage rigging up a hill when he was flung off.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 6260

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

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-023-18RR

EMPLOYER\SUBJECT City of Modesto

DATE REFERRED TO BOI 04/09/2018

DATE REFERRED TO DA 9/17/2020

SYNOPSIS The victim was electrocuted while installing a street light.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 2946(a), 2946(b)(2), and 2947

FINAL DISPOSITION No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-024-18RR

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 No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-026-18RR
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 No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

| | |
|------------------------|--|
| BOI CASE NUMBER | N1111-046-18DC |
| EMPLOYER\SUBJECT | Rogue Research, Inc. |
| DATE REFERRED TO BOI | 06/11/2018 |
| DATE REFERRED TO DA | 7/30/2020 |
| SYNOPSIS | The victim was pulled into an auger. |
| STATUTE/ VIOLATIONS | Labor Code section 6425(a) |
| T8 CCR SECTIONS | 4542(a) and 3203(a)(1) through (a)(7) |
| FINAL DISPOSITION | The District Attorney's office declined to file. |

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-055-18RR

EMPLOYER\SUBJECT KC Paving, Inc.

DATE REFERRED TO BOI 07/12/2018

DATE REFERRED TO DA 7/27/2020

SYNOPSIS The victim suffered fatal injuries from being run over by a bobcat sweeper.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1592(e) and 1593(d)

FINAL DISPOSITION No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

| | |
|------------------------|---|
| BOI CASE NUMBER | N1111-068-18RF |
| EMPLOYER\SUBJECT | 1) Platinum Pipeline, Inc.; 2) Toll Brothers |
| DATE REFERRED TO BOI | 07/27/2018 |
| DATE REFERRED TO DA | 9/15/2020 |
| SYNOPSIS | The victim was trapped by a trench collapse at a residential construction site. |
| STATUTE/ VIOLATIONS | Labor Code section 6425(a) |
| T8 CCR SECTIONS | 1541(k)(2) and 1541.1(a)(1) |
| FINAL DISPOSITION | On October 20, 2020, the District Attorney's office filed Felony Labor Code section 6425(a) against Manuel Antonio De Freitas, David Allen Silva, Joseph Silva, and Eulogio Perazapara, referencing CCR Title 8 section 1541.1(a)(1). |

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 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 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 S1111-007-13RR

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 not 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 S1111-034-14RF
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 a 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 S1111-094-14RF
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 multilevel 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 two counts of Labor Code section 6425, referencing CCR T8 sections 3203 and 3210(c).

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-101-15PC
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, and 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. On 2/27/2020, Troy Builders pleaded guilty to one felony violation of LC section 6425(a). The company was ordered to pay \$50,000 fine to the Superior Court, \$10,000 to the DA's office, \$14,400 to the victim's mother, Carmen Gonzalez, \$2,500 to Jose Jesus Ortiz for funeral expenses, and \$2,500 to Gonzalo Ortiz Castaneda for funeral expenses, and the company was placed on three years' formal probation. On 2/27/2020, Mr. Gabay pleaded nolo contendere, and the court found him guilty of one misdemeanor count of LC section 6425(a), and he was placed on three years' summary probation, 30 days of community service, and joint liability for the monetary payments ordered to Troy Builders.

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

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 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.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-047-16PC
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 On July 10, 2020, the San Bernardino District Attorney's office filed a Business and Professions Code section 17200 against Hayden Products, LLC. On September 23, 2020, a Stipulated Judgment was filed. Hayden Products was ordered to pay \$340,000, less an offset of \$48,000 for safety improvements and mitigation in excess of CCR Title 8 requirements. The District Attorney's office received \$212,000, Cal/OSHA BOI Unit received \$30,000 for training and equipment, and ARMC Foundation received \$50,000.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-052-16RF
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).

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-080-16RF
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).

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 S1111-036-18RR
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 alive.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

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

FINAL DISPOSITION No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-045-18RR
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 No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-090-18RR
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 No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

| | |
|------------------------|--|
| BOI CASE NUMBER | S1111-098-18RR |
| EMPLOYER\SUBJECT | Aardvark Clay & Supplies, Inc. |
| DATE REFERRED TO BOI | 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. |

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-122-18RR
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 No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-129-18RR
EMPLOYER\SUBJECT Warren Lee dba Value Plus Global, Valueplus Logistics,
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 No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-012-19RR
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 No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-017-19RR
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 No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-022-19RR
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 No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-073-19RR
EMPLOYER\SUBJECT Plumb Rite Plumbing LLC
DATE REFERRED TO BOI 6/25/2019
DATE REFERRED TO DA 2/10/2020

SYNOPSIS The victim sustained fatal injuries while working in an unshored trench.

STATUTE/
VIOLATIONS Labor Code section 6423

T8 CCR SECTIONS 1541.1(a)

FINAL DISPOSITION No final prosecution decision.

II B

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2020
AND FINAL COURT DISPOSITIONS IN 2020**

-SERIOUS INJURY TO 5 OR MORE EMPLOYEES-

(LABOR CODE SECTION 6315.3(c))

NOTE: None in Northern or Southern California for 2020.

II C

SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2020
AND FINAL COURT DISPOSITIONS IN 2020

-REQUESTS FOR PROSECUTION FROM A DIVISION
REPRESENTATIVE/DISCRETIONARY-

(LABOR CODE SECTION 6315.3(c))

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1230-123-07PC

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. It was determined in 2020, that Mr. Snyder was deceased.

II D

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2020
AND FINAL COURT DISPOSITIONS IN 2020**

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

(LABOR CODE SECTION 6315.3(c))

BOI CASE NUMBER N1330-029-19RR
EMPLOYER\SUBJECT KAG Merchant Gas Group LLC
DATE REFERRED 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.

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.

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 felony Labor Code section 6425(a), referencing CCR Title 8 section 5417(d) against Johnny Walter Ford.

BOI CASE NUMBER S1331-119-15PC
EMPLOYER\SUBJECT First Avenue Inc dba Highland Commercial 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 On April 2, 2019, the San Bernardino District Attorney's office filed a Business and Professions Code section 17200 against First Avenue, Inc. dba Highland Commercial Roofing, referencing Labor Code section 6425 (a), CCR Title 8 sections 1509(a), 3212(e), 3203(a)(4), and 3203(a)(7). On 3/28/2019, the employer entered into a stipulated judgment and agreed to pay a \$5,000.00 fine, \$5,000.00 to the San Bernardino DA's office for cost recovery, and \$10,000.00 to CDAA Environmental Project for Worker Safety training.

BOI CASE NUMBER S1331-096-17RF
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 On July 10, 2020, the Los Angeles District Attorney's office filed Felony Penal Code section 387 and eleven Felony Labor Code section 6425(a) counts, referencing CCR Title 8 sections 1511(a), 3314(c), 3314(g), 3314(g)(2)(a), 3314(h), 3314(i), 5157(c), 5157(c)(4), 5157(d), 5157(c) and 3203(a) against Alhambra Foundry Company.

BOI CASE NUMBER S1331-010-18RF
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 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).

BOI CASE NUMBER S1331-053-18RR
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 No final prosecution decision.

BOI CASE NUMBER S1331-112-18RR
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 No final prosecution decision.

II E

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2020
AND FINAL COURT DISPOSITIONS IN 2020**

-Severe Exposure- (DISCRETIONARY INVESTIGATIONS)

(LABOR CODE SECTION 6315.3(d))

NOTE: None in Northern or Southern California for 2020

III A

SUMMARY OF INVESTIGATIONS COMPLETED IN 2020

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: N1111-034-18FC

EMPLOYER NAME: Generations Healthcare Agency, Inc.

T8 CCR VIOLATIONS: 3212(d)(1)

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: N1111-062-18FC

EMPLOYER NAME: Monterey Mushroom, Inc.

T8 CCR VIOLATIONS : 3666(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: N1110-005-20FC

EMPLOYER NAME: KJ Woods Construction

T8 CCR VIOLATIONS: 1509(a) ref 3203(a); 1596(h)(1)

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: S1111-100-18FC

EMPLOYER NAME: Michael J. Milton dba PM Construction

T8 CCR VIOLATIONS: 1670(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: S1111-127-18FC

EMPLOYER NAME: 1) Builder Services Group Inc., dba Truteam

T8 CCR VIOLATIONS: 1633(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: S1111-001-19FC

EMPLOYER NAME: Optimum Inc.

T8 CCR VIOLATIONS: 1598(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: S1111-048-19FC

EMPLOYER NAME: Verde Cosmetic Labs, LLC dba Verde Labs

T8 CCR VIOLATIONS: 3657(b)

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: S1110-053-19FC

EMPLOYER NAME: Fenix Marine Services, Ltd.

T8 CCR VIOLATIONS: 3326

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: S1110-061-19FC

EMPLOYER NAME: Elite Roofing Supply SC LLC

T8 CCR VIOLATIONS: 1509(a), 1511(b), and 1670(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: S1111-064-19FC

EMPLOYER NAME: Fisher Ranch LLC dba River Packing LLC

T8 CCR VIOLATIONS: 3328(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: S1110-075-19FC

EMPLOYER NAME: Berkel and Company Contractors, Inc.

T8 CCR VIOLATIONS:

REASON NOT REFERRED: No serious accident-related citations were issued.

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

BOI CASE NUMBER: S1111-089-19FC

EMPLOYER NAME: 1) Southern Cal Gas Company; 2) Horizon Solar

T8 CCR VIOLATIONS: 3203(a)(2) and 3203(a)(4)

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: S1111-125-19FC

EMPLOYER NAME: Murray Plumbing and Heating Corporation

T8 CCR VIOLATIONS: 1541.1(d)(2), (g)(2)

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

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

BOI CASE NUMBER: S1110-003-20FC

EMPLOYER NAME: CR & R Incorporated

T8 CCR VIOLATIONS: 1509(a)(4)

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 2020
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 2020

III C

**SUMMARY OF INVESTIGATIONS COMPLETED IN 2020
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 2020

III D

**SUMMARY OF INVESTIGATIONS COMPLETED IN 2020
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 2020