

**DIVISION OF OCCUPATIONAL SAFETY AND
HEALTH BUREAU OF INVESTIGATIONS
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OAKLAND, CA 94612**

**2023 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 2023
(Labor Code section 6315.3(e))**

STAFFING

In 2023, the Bureau of Investigations (henceforth, the Bureau) was staffed by the Administrative Chief, two attorneys, and an investigatory staff composed of one Supervising Special Investigator, one Special Investigator in Northern California, and two Special Investigators in Southern California.

BUREAU ORGANIZATIONAL STRUCTURE AND STATUTORY MANDATES

The supervisor of the Bureau is designated the Administrative Chief pursuant to statute (Labor Code section 6315(c)). The Administrative Chief of the Bureau shall be an attorney and reports to the Chief of the Division of Occupational Safety and Health (DOSH).

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

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

In all cases, the focus of the Bureau’s investigative activity is on determining whether criminal violations have occurred. Principally, the Bureau determines whether any of the provisions of Labor Code sections 6423 and 6425, or certain Penal Code or Insurance Code provisions, have been violated. Cases that do not rise to the level of reasonable belief to satisfy the elements of a criminal violation are closed.

MEASURES, TRENDS, AND ACTIVITIES

As of December 31, 2023, 263 investigations were in progress. This number is derived from 171 cases in progress as of January 1, 2023, plus 268 cases opened during the calendar year, minus 176 cases closed and referred. During the calendar year, the Bureau referred four cases to prosecuting authorities, and there were three cases that had charges filed. The District Attorney Offices need time to investigate and prosecute the cases, so charges can be filed the year after they are referred (or several years later). Some of the cases referred to prosecuting authorities in 2023 will be considered for filing in calendar year 2024. In 2023, the Bureau closed a total of 172 cases, 18 were closed due to a lack of sufficient evidence of any criminal violation and an additional 154 cases were closed because no serious accident-related citations were issued. **The case closure numbers in the 2022 table were higher due to the large number of COVID-19 fatalities that BOI closed.**

Following this Executive Summary, a General Summary Table provides an overview of Bureau activity for the period 1/1/2022 to 12/31/2023. In August 2023, BOI switched to a new case management system. As result of the merger of data from the old case management system to the new, as well as increased automation, there may be discrepancies between the 2022 and 2023 reported numbers. Our best efforts were made to understand those discrepancies and rectify them with a focus on providing accurate 2023 data.

Over the past year, the Bureau prioritized cases most likely to result in criminal charges.

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

To ensure greater public awareness of meritorious occupational safety and health cases and encourage more prosecutions, the Bureau participates in local law enforcement task forces and meets with prosecuting authorities to strengthen lines of communication and ensure timely action on referred cases.

CONCLUSION

As demonstrated above and in the documents appended after this Executive Summary, the Bureau had significant successes in the calendar year 2023. The Bureau prioritized resources and concentrated on the most criminally egregious cases. The Bureau continued its outreach to prosecutorial agencies throughout California. Based on these continuing efforts, the Bureau hopes to have a significant deterrent impact on other potential violators in the state.

There were two significant prosecutions in 2023:

On January 21, 2022, the Los Angeles District Attorney's office filed 3 Felony counts of Labor Code section 6425(a) against German Machined Products LLC. The three violations include failing to use lockout/tagout procedures during cleaning and servicing machinery, failing to train employees on hazardous energy control procedures, and failing to develop and implement machine specific hazardous energy control procedures. As a result of these hazardous violations, an employee was fatally crushed while cleaning the inside of a milling machine. On October 4, 2023, German Machine Products entered a no contest plea for violation of Labor code 6425(a) and the company was sentenced to probation and ordered to pay restitution in the amount of \$480,000.00 to the victim's family.

On October 12, 2018, the Los Angeles District Attorney's office filed five Felony counts of Labor Code section 6425(a) against Steeltech Reinforcing Inc. The five violations include: failing to identify predictable hazards and implement the necessary safeguards, failing to comply with required toeboard standards, failing to properly use wooden base plates on stationary scaffold legs, failing to securely attach railings to the scaffold, and failing to

protect exposed protruding reinforced steel. The iron worker employee was walking on the top level of a scaffold, approximately 27 feet above the ground, when he fell and sustained fatal injuries due to the railing violations. On 6/1/2023, Steeltech Reinforcing entered a no contest plea to count 3 and 4, and the court found the defendant guilty of violating LC 6425(a). The defendant submitted a \$50,000.00 cashier check for restitution to the victim's family and was ordered to pay \$25,000.00 in fines.

**DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
BUREAU OF INVESTIGATIONS**

**General Summary Table
(1/1/2023 – 12/31/2023 and 1/1/2022 – 12/31/2022)**

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			
2023	269	266	0	1	1	1	172	154	18	4	4	0	0	0	0	3	4	3
2022	258	256	0	1	0	1	*777	712	65	3	3	0	0	0	0	2	7	7

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

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 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.

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.

*** Note: The case closure numbers in the 2022 table were higher due to the large number of COVID-19 fatalities that BOI closed.**

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SUMMARY OF REPORTS
PROVIDED TO THE BUREAU
(LABOR CODE SECTION 6315.3(a))
NORTHERN AND SOUTHERN BUREAU
OFFICES Calendar Year 2023

	TOTALS
INITIAL ACCIDENT REPORTS	2,347
INVESTIGATION REPORTS	
A. Fatalities	266
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	2,079
E. Serious Exposure (Discretionary)	1

IB

**TOTALS FOR CALENDAR YEAR 2023
(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, 2023:	171
	2. Court Cases in Progress January 1, 2023:	8
	3. Investigations Completed in Calendar Year:	172
	4. Cases Referred During Calendar Year:	4
	5. Investigations in Progress as of December 31, 2023:	263
	6. Court Cases in Progress as of December 31, 2023:	6

IB

TOTALS FOR CALENDAR YEAR 2023

(LABOR CODE SECTIONS 6315.3(b)(1) and (2))

B.	<u>SERIOUS INJURIES TO FIVE OR MORE EMPLOYEES</u>	<u>TOTALS</u>
	(Labor Code section 6315.3(c))	
	1. Investigation in Progress January 1, 2023:	0
	2. Court Cases in Progress January 1, 2023:	0
	3. Investigations Completed in Calendar Year:	0
	4. Cases Referred During Calendar Year:	0
	5. Investigations in Progress as of December 31, 2023:	0
	6. Court Cases in Progress as of December 31, 2023:	0

IB

TOTALS FOR CALENDAR YEAR 2023

(LABOR CODE SECTIONS 6315.3(b)(1) and (2))

C.	<u>REQUEST FOR PROSECUTION FROM A DIVISION</u>	<u>TOTALS</u>
	<u>REPRESENTATIVE/DISCRETIONARY</u>	
	(Labor Code section 6315.3(c))	
	1. Investigation in	
	Progress January 1, 2023:	1
	2. Court Cases in	
	Progress January 1, 2023:	0
	3. Investigations Completed in	
	Calendar Year:	1
	4. Cases Referred During	
	Calendar Year:	0
	5. Investigations in Progress as	
	of December 31, 2023:	0
	6. Court Cases in Progress as	
	of December 31, 2023:	0

IB

TOTALS FOR CALENDAR YEAR 2023

(LABOR CODE SECTIONS 6315.3(b)(1) and (2))

D.	<u>SERIOUS INJURY TO FEWER THAN FIVE EMPLOYEES</u> <u>(DISCRETIONARY)</u> (Labor Code section 6315.3(c))	<u>TOTALS</u>
	1. Investigation in Progress January 1, 2023:	1
	2. Court Cases in Progress January 1, 2023:	2
	3. Investigations Completed in Calendar Year:	1
	4. Cases Referred During Calendar Year:	0
	5. Investigations in Progress as of December 31, 2023:	0
	6. Court Cases in Progress as of December 31, 2023:	0

IB

TOTALS FOR CALENDAR YEAR 2023

(LABOR CODE SECTIONS 6315.3(b)(1) and (2))

E.	<u>SERIOUS EXPOSURE (DISCRETIONARY)</u> (Labor Code section 6315.3(d))	<u>TOTALS</u>
	1. Investigation in Progress January 1, 2023:	1
	2. Court Cases in Progress January 1, 2023:	0
	3. Investigations Completed in Calendar Year:	1
	4. Cases Referred During Calendar Year:	0
	5. Investigations in Progress as of December 31, 2023:	0
	6. Court Cases in Progress as of December 31, 2023:	0

II A

SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2023
AND FINAL COURT DISPOSITIONS IN 2023
-FATALITIES-

(LABOR CODE SECTION 6315.3(c))

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	N1111-065-20DC
EMPLOYER/SUBJECT	D&L Farm, Inc
DATE REFERRED TO BOI	09/03/2020
DATE REFERRED TO DA	01/28/2022
SYNOPSIS	The victim was tasked with shutting off a valve alone at night. The victim fell into the sump and died.
STATUTES/VIOLATIONS	Labor Code Section 6425(a)
T8 CCR SECTIONS	3213(b)
FINAL DISPOSITION	The San Joaquin County District Attorney's Office declined to file on 2/7/2023.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1110-012-16PC

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.

STATUTES/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 Although this case was referred to the San Bernardino District Attorney's office on 12/21/2017 for Penal Code section 187, which does not have a statute of limitations, the case is being closed pending further contact with the District Attorney's office.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1110-012-19PC

EMPLOYER/SUBJECT German Machined Products Inc

DATE REFERRED TO BOI 02/11/2019

DATE REFERRED TO DA 01/21/2022

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

STATUTES/VIOLATIONS Labor Code section 6425(a)

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

FINAL DISPOSITION On January 21, 2022, the Los Angeles District Attorney's office filed 3 Felony counts of Labor Code section 6425(a) against German Machined Products LLC and Gamma Aerospace LLC, referencing CCR Title 8 sections 3314(c), 3314(l)(1) and 3314(g). On October 4, 2023, German Machine Products entered a nolo plea one count of violation of Labor code 6425(a), reduced from a felony to a misdemeanor. On 12/20/2023, the company was sentenced to probation and ordered to pay restitution in the amount of \$480,000.00 to the victim's family. The counts against Gamma Aerospace LLC were dismissed.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1110-017-19XC

EMPLOYER/SUBJECT Superprint Lithographics, Inc

DATE REFERRED TO BOI 03/01/2019

DATE REFERRED TO DA 08/31/2021

SYNOPSIS The victim was pulled into a die cutting machine during set up.

STATUTES/VIOLATIONS Labor Code section 6425(a)

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

FINAL DISPOSITION On August 31, 2021, the Los Angeles District Attorney's office filed three Felony counts of Labor Code section 6425(a) against Superprint Lithographics, Inc., referencing CCR T8 sections 3314(c), 3314(g) and 3203 (a)(4). On 2/1/2023, the District Attorney's office amended the complaint to reflect count 1 misdemeanor, and the Defendant entered a nolo contendere plea and the court ordered 24 months summary probation, pay a \$41,000.00 fine, train supervisors, and update IIPP to include publishing warnings in English and Spanish.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER

S1110-021-08PC

EMPLOYER/SUBJECT Pouk & Steinle, Inc.

DATE REFERRED TO BOI 03/26/2008

DATE REFERRED TO DA 09/29/2009

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, were 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.

STATUTES/VIOLATIONS Labor Code sections 6425(a), 6423 (a)(1), 6423 (a)(2)

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

FINAL DISPOSITION

On 9/29/09, Pouk & Steinle, Cesar Medina, and Arnold Arias were charged by the Riverside District Attorney's office with a felony for violating Labor Code section 6425(a). On June 23, 2010, a stipulation of final judgment was filed against Pouk & Steinle, Inc., in which the employer was to pay \$1,213,000.00 in civil penalties for violating Business and Professions Code section 17200. The Defendant was also ordered to pay \$200,000.00 to the District Attorney's office and \$12,000.00 to Cal/OSHA for investigative and attorney costs. The Defendant also contributed

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BOI CASE NUMBER

S1110-021-08PC
\$200,000.00 to the Riverside County Attorney Law Enforcement

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BOI CASE NUMBER

S1110-021-08PC

Training Subfund and \$50,000.00 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 director's 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. On 12/31/2023, the BOI case was closed due to a prolonged outstanding warrant against Cesar Medina. The case will be re-opened when Medina is located.

STATE OF CALIFORNIA
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BOI CASE NUMBER S1110-022-19PC

EMPLOYER/SUBJECT Concreative Construction Company,
Gluck Development Company Inc dba Gluck Building Company,
Offshore Crane & Service Co. dba T & T Truck and Crane

DATE REFERRED TO BOI 04/11/2019

DATE REFERRED TO DA 03/13/2022

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

STATUTES/VIOLATIONS Labor Code section 6425(a)

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

FINAL DISPOSITION On March 13, 2022, the Ventura District Attorney's office filed felony Labor Code section 6425(a) against Jeremy L. Breeland [crane operator] referencing CCR Title 8 section 1616.1(n)(1). On October 2, 2023, Count 1 was reduced to a misdemeanor, the defendant Mr. Breeland entered a plea of nolo contendere and was ordered to pay a fine of \$220.00 to the court.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1110-034-14PC

EMPLOYER/SUBJECT National Distribution Services Inc.

DATE REFERRED TO BOI 05/06/2014

DATE REFERRED TO DA 04/25/2017

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.

STATUTES/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 August 13, 2018, the Riverside County District Attorney dismissed the state filing against Carl Bradley Johansson and Henry Enrique Garcia in light of the concurrent federal prosecution.

On August 13, 2021, Carl Bradley Johansson entered a guilty plea to counts one, two, and four of the second superseding indictment in United States v. National Distribution Services, Inc., et al. ED CR No. 5 :18-23 00114(B)-VAP, which charged defendant with Conspiracy, in violation of 18 U.S .C. §371, welding without Required Certifications, in violation of 49 U.S.C. § 5124 and 49 C. F. R. § 180 .413(a) (1), and Tax Evasion, in violation of 26 U. S . C. § 720.

Carl Bradley Johansson also entered a guilty plea to counts one

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and three of a separate indictment in United States v. Western
SI110-034-14PC

BOI CASE NUMBER

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BOI CASE NUMBER

S1110-034-14PC

Distribution, LLC, et al., ED CR No. 5: 21-00170-VAP, which charged defendant with Conspiracy to Commit Bank Fraud [COVID-19 relief fraud] Committed while on Pre-trial Release, in violation of U.S.C §§ 1349 and 3147, and Bank Fraud/Committed while on Pre-trial Release, in violation of U.S.C. §§ 1344 (2) and 3147.

On November 29, 2022, the U.S. District Court for the Central District of California sentenced Carl Bradley Johansson to 120 months of incarceration, \$1,252,979.00 of restitution, a \$500.00 special assessment, and 60 months of supervised release. Additionally, National Distribution Services, Inc. (NDSI), and Wholesale Distribution, Inc. (WDI), both controlled by Johansson, were sentenced on November 29, 2022. NDSI was sentenced to 1 year of probation and an \$800.00 special assessment. WDI was sentenced to 1 year of probation and a \$400.00 special assessment.

On April 25, 2022, the U.S. District Court sentenced Enrique "Henry" Garcia, to 30 months of incarceration, 1 year of supervised release, and a \$100.00 special assessment. On February 6, 2023, the U.S. District Court sentenced Donald Cameron Spicer, to 36 mos. probation, \$10,000.00 fine, and 1,000 hours community service.

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BOI CASE NUMBER S1110-105-22RR

EMPLOYER/SUBJECT Meeder Equipment Company

DATE REFERRED TO BOI 08/19/2022

DATE REFERRED TO DA 10/11/2023

SYNOPSIS The victim, a mechanic, was working in a liquefied propane gas permit confined space when his body was discovered in the tank. The victim died due to asphyxia.

STATUTES/VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 5157(f), 3657(b), 3659, 5157(c)(4), 5157(d)(1), 5157(d)(3)(C)(E), 5157(d), 5157(i), 5157(d)(6), 5157(e)(1), (5157(g), 5157(k) and 5157(k)

FINAL DISPOSITION No final prosecution decision.

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BOI CASE NUMBER S1110-115-15PC

EMPLOYER/SUBJECT Cobalt Construction Company,
Essey Construction Company Inc dba Rock Hard Concrete,
Steel City Scaffolding,
Steeltech Reinforcing 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.

STATUTES/VIOLATIONS LC 6425(a) referencing CCR T8 section 1511(a), 1511(b), 1644(a)(6), 1637(a) and 1509(a)

T8 CCR SECTIONS 1509(A), 1511(B), 1621(B), 1644(A)(3), 1644(A)(6), 1712(C)(1), 3395(I), 4650(E).

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. On 2/22/2021, all charges were dismissed against Cobalt Construction. On 6/1/2023, Steeltech Reinforcing entered a nolo contendere plea to count 3 and 4, the court found the defendant guilty of violating LC 6425(a). The defendant submitted a \$50,000.00 cashier check for Lidvia P. Manero. Defendant was ordered to pay \$25,000.00 in fines.

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BOI CASE NUMBER S1110-120-22RR

EMPLOYER/SUBJECT Michael Ray Gingrich dba COZ Plumbing; Thunderbird Villa
Mobile Home Park Plumbing

DATE REFERRED TO BOI 09/14/2022

DATE REFERRED TO DA 10/13/2023

SYNOPSIS The victim, a day laborer, was digging in a trench when a sewer
line ruptured flooding the trench which resulted in the victim
drowning.

STATUTES/VIOLATIONS Penal Code section 192(b), Labor Code section 6425(a), 5423 and
CA Business and Professions Code 7027.3

T8 CCR SECTIONS 341(c)(1)(A), 1509(a), 1541(k)(1) and 1541(a)(1);341(c)(1)(A),
1509(a), 1541(k)(1) and 1541(a)(1);341(c)(1)(A), 1509(a),
1541(k)(1) and 1541(a)(1)

FINAL DISPOSITION No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1110-122-18PC

EMPLOYER/SUBJECT Andres Doroteo dba Andy's Frammer,
The Kraken LLC

DATE REFERRED TO BOI 11/26/2018

DATE REFERRED TO DA 02/11/2021

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

STATUTES/VIOLATIONS Labor Code section 6425(a)

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

FINAL DISPOSITION On February 11, 2021, the Los Angeles District Attorney's office
filed three felony counts of Labor Code section 6425(a),
referencing CCR Title 8 sections 1670(a), 1621(a) and 1509
against Andreas Doroteo and Adrian Rudomin. On 1/9/2023,
both Defendants entered a plea to count 2, misdemeanor 6425(a)
and were ordered to pay \$125,000.00 victim restitution.

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BOI CASE NUMBER S1110-332-20RF

EMPLOYER/SUBJECT Golden West Group Inc. / California Ranch Food Company Inc.

DATE REFERRED TO BOI 12/01/2020

DATE REFERRED TO DA 5/15/2023

SYNOPSIS On December 2, 2020, Long Beach District Office was notified of a double fatality at California Ranch Food, a food processing plant in Vernon. Both employees fainted and were taken to the hospital where they were pronounced dead by way of asphyxiation. On November 7, 2023, the Los Angeles County District Attorney's Office filed a criminal complaint against Golden West Food Group and CA Ranch Foods alleging 12 counts each for violations of Labor Code 6425(a).

STATUTES/VIOLATIONS Labor Code section 6425(a)
T8 CCR SECTIONS 3203(a)(5), 5144(G)(3), 3220(C)(1), 3328(G), 5141(A), and 5194(H)(1)

FINAL DISPOSITION Charges filed 11/7/2023. No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1110-372-21RR

EMPLOYER/SUBJECT California Box II

DATE REFERRED TO BOI 08/02/2021

DATE REFERRED TO DA 10/11/2023

SYNOPSIS On July 23, a janitor, working on a roof, fell through a skylight. The employee was then hospitalized at Pomona Valley Hospital in Pomona, where he passed away on August 2, 2021.

STATUTES/VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3203, 3212(a)(3) and 3212(e)

FINAL DISPOSITION No final prosecution decision.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-002-18PC

EMPLOYER/SUBJECT Air Engineering Services,
Ceco Concrete Construction LLC,
NH Environmental,
Regis Holding LLC

DATE REFERRED TO BOI 01/05/2018

DATE REFERRED TO DA 08/07/2020

SYNOPSIS The victim fell 25 feet.

STATUTES/VIOLATIONS Labor Code section 6425

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 Felony Labor Code sections against Gregory Swanson and one count against Steven Larey, referencing CCR Title 8 sections 1670(a) and 1509. On September 10, 2022, the District Attorney's office filed felony Labor Code section 6424(a) against Inc. Aesair. On 9/14/2022, the charges against Defendants Swanson and Larey were dismissed in furtherance of justice per penal code section 1385. On 11/8/2022, the Defendant AES Air, entered a no contest plea to count 2 of Labor Code section 6425 and the court sentence was 1 year probation and a \$75,000.00 fine.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-041-20DC

EMPLOYER/SUBJECT Borrmann Metal Center

DATE REFERRED TO BOI 04/24/2020

DATE REFERRED TO DA 12/28/2021

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

STATUTES/VIOLATIONS Labor Code section 6425(a)

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

FINAL DISPOSITION The San Bernadino County District Attorney's office did not file a criminal complaint prior to the passage of the felony statute of limitations.

II D

SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2023
AND FINAL COURT DISPOSITIONS IN 2023

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

(LABOR CODE SECTION 6315.3(c))

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1330-040-14PC

EMPLOYER/SUBJECT C&L Sparks Inc DbA Sparks Electric Inc

DATE REFERRED TO BOI 06/10/2014

DATE REFERRED TO DA 05/16/2017

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.

STATUTES/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

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER

S1330-040-14PC

placed on three years' summary probation, pay a fine to the court and to pay \$12,000.00 to Cal/OSHA Bureau of Investigations. The remaining counts were dismissed. Warrants have been issued for John Carroll and Andrew Dominguez. Case being closed pending further contact with the District Attorney's office.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1330-053-18PC

EMPLOYER/SUBJECT Golden Springs Development, LLC,
RJ Drew Construction Services Inc. dba Advanced Restoration
Group

DATE REFERRED TO BOI 06/25/2018

DATE REFERRED TO DA 02/25/2021

SYNOPSIS Victim fell through a skylight.

STATUTES/VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3203, 3395, 3395(h) and 3212(e)

FINAL DISPOSITION The Los Angeles District Attorney's office filed two Felony Labor Code section 6425 against Rafael Garcia, referencing CCR Title 8 sections 3212(e) and 3203. On 3/22/2023, the Defendant entered a guilty plea to misdemeanor Labor Code section 6425(a), he was sentenced to summary probation for one year and count 2 was dismissed.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1330-073-15PC

EMPLOYER/SUBJECT Johnny Walter Ford dba Dynamo Maintenance & Repair Services

DATE REFERRED TO BOI 08/05/2015

DATE REFERRED TO DA 06/12/2018

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

STATUTES/VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 5417(d)

FINAL DISPOSITION On June 12, 2018, the Los Angeles District Attorney's office filed Labor Code section 6425(a), referencing CCR Title 8 section 5417(d) against Johnny Walter Ford. An arrest warrant was issued. This case is being closed pending further contact with the District Attorney's office.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER

S1331-112-18PC

EMPLOYER/SUBJECT

Krones Inc / Krones AG

DATE REFERRED TO BOI

11/06/2018

DATE REFERRED TO DA

10/06/2021

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.

STATUTES/VIOLATIONS
T8 CCR SECTIONS

Labor Code section 6425(a)

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

FINAL DISPOSITION

The Los Angeles District Attorney's office filed 10 felony counts of Labor Code section 6425, referencing CCR Title 8 sections 5157(d), 5157(d)(9), 5157(k), 5157(k)(3), 5157(d)(5), and 5157(d)(3) against Krones Ag and Krones Inc. USA. On 5/27/2022, after the people's motion to amend count 3 to a misdemeanor, Krones Inc. entered a nolo contendere plea to LC section 6425(a). On 6/13/2023, the defendants were placed on summary probation for 12 months, ordered to pay \$100,000.00 to David Moore and \$10,000.00 restitution. All charges were dismissed for Krones AG.