

**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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**2013 ANNUAL
REPORT OF THE BUREAU
OF INVESTIGATIONS
(LABOR CODE SECTION 6315.3)**

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INTRODUCTION

Enclosed is the 2013 annual report of Bureau of Investigations activity. Labor Code section 6315.3 requires the Bureau of Investigations to submit this report to the Chief of the Division of Occupational Safety and Health for submittal to the Director of the Department of Industrial Relations. Labor Code section 6315.3 requires the report to contain specific statistical data as well as summaries of investigative and prosecutorial activity. This report follows the specific format set forth in Labor Code section 6315.3 as outlined in the following Table of Contents.

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**EXECUTIVE SUMMARY OF ALLOCATION OF BUREAU RESOURCES
DURING 2013 CALENDAR YEAR
(Labor Code section 6315.3(e))**

STAFFING

In 2013, the Bureau of Investigations (henceforth the Bureau) was staffed by the Administrative Chief, two staff attorneys, and an investigatory staff comprised of a Supervising Special Investigator and three field investigators in Northern California (one of whom started in June 2013) and three field investigators in Southern California.

BUREAU ORGANIZATIONAL STRUCTURE AND STATUTORY MANDATES

The supervisor of the Bureau is designated the Administrative Chief pursuant to statute. (Labor Code 6315(c)) Since the passage of the California Occupational Safety and Health Act of 1973, Labor Code 6300 et seq., the incumbent in this position has been a civil servant (rather than holding a political or career executive assignment appointment). [Since its inception, three attorneys have served as Administrative Chief: John W. Hawkes, from 1974 to 1981, Michael D. Mason, from 1981 to February 2010, and Amy Martin, from February 2010 to the present.] The Administrative Chief of the Bureau reports to the Chief of the Division 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 a fatality has occurred or 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) (these are referred to as "BOI Discretionary" elsewhere in this report). For any case in which the Bureau is required to conduct an investigation and in which there is serious injury or death, the Bureau is under a mandatory duty to refer the results of the investigation to the appropriate prosecuting authority having jurisdiction over appropriate action, unless the Bureau determines that there is legally insufficient evidence of a violation of the law. (Labor Code section 6315(g)) In addition to these mandatory duties, the Bureau is also charged with the responsibility of reviewing all inspection reports involving serious violations in which there has been a serious injury to fewer than five employees or a serious exposure. The Bureau is vested with the discretion to conduct an accident investigation in these latter cases; hence their name of "Discretionary Investigations" elsewhere in this report. (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 to determine whether criminal violations have occurred.

Principally, the Bureau determines whether any of the provisions of Labor Code sections 6423 or 6425 or of certain Penal Code provisions have been violated. Cases that do not appear to satisfy the elements of a criminal violation are closed. These cases may involve a lack of an employer-employee relationship, no serious violations, or other factors indicating that criminal violations have not occurred. In order 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

There were 177 investigations in progress as of December 31, 2013. During the calendar year, the Bureau referred 29 cases to prosecuting authorities, and 14 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 2013 (especially towards the end of the year) will be considered for filing in calendar year 2014. In 2013, the Bureau closed 136 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 fluctuates from year to year. Following this Executive Summary, a General Summary Table provides an overview of Bureau activity for the years 2002 to 2013.

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

The Bureau has also continued to investigate misrepresentation cases, fraudulent documentation cases, amusement ride cases, and discretionary serious-injury cases (i.e., serious injury or serious exposure to fewer than five employees).

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 November 2013 in Sacramento to increase mutual understanding of criminal prosecution of Cal/OSHA crimes and the Division's investigatory processes. Although this process has generally led to successful referrals and prosecutions by district attorneys, the CDAA has decided not to sponsor a seminar in 2014. 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 cases referred.

SIGNIFICANT PROSECUTIONS
(CONCLUSION)

As demonstrated above and in the appended documents following this Executive Summary, the Bureau has seen significant successes in calendar year 2013. 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 see a high percentage 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 (2002–2013)**

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			
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
2005	186	177	0	0	0	9	126	41	85	49	46	0	1	0	2	41	51	11
2004	222	206	0	3	0	13	155	130	23	54	47	0	2	0	5	29	53	19
2003	182	172	0	1	0	9	113	87	26	53	47	0	1	0	5	73	49	19
2002	175	159	0	6	0	10	101	81	20	72	64	0	5	0	3	45	63	21

¹Opened Cases fall into the following categories: (A) Fatality; (B) Serious injury to five or more employees; (C) Serious injury to fewer than five employees; (D) Serious exposure; (E) Request for prosecution by a Division representative, not otherwise categorized.

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) Serious injury to fewer than five employees; (K) Serious exposure; (L) Request for prosecution by a Division representative, not otherwise categorized.

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 2013
(LABOR CODE SECTION 6315.3(a))

**SUMMARY OF REPORTS
PROVIDED TO THE BUREAU
LOGGED IN FOR THE NORTH AND SOUTH BUREAU OFFICES
2013 Calendar Year**

	<u>TOTALS</u>
INITIAL ACCIDENT REPORTS	1461
INVESTIGATION REPORTS	968
Fatalities	189
Catastrophes (Serious Injuries to Five or More Employee)	0
Discretionary (Serious Injuries to Fewer Than Five Employees)	779
Serious Exposures	0
BOI DISCRETIONARY	5
OTHER REPORTS AND DOCUMENTS RECEIVED FROM THE DIVISION	0

IB

TOTALS FOR 2013 CALENDAR YEAR
(LABOR CODE SECTION 6315.3(b)(1) and (2))

TOTALS FOR 2013 CALENDAR YEAR

I.	<u>FATALITIES</u> (Labor Code section 6315.3(b)(1))	<u>TOTALS</u>
	A. Investigations in Progress January 1:	133
	B. Court Cases in Progress January 1:	15
	C. Investigations Completed in Calendar Year (as of 12/31):	41
	D. Cases Referred During Calendar Year:	27
	E. Investigations in Progress as of 12/31:	167
	F. Court Cases in Progress as of 12/31:	14

TOTALS FOR 2013 CALENDAR YEAR

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

TOTALS FOR 2013 CALENDAR YEAR

III. <u>BOI DISCRETIONARY</u>	<u>TOTALS</u>
(Labor Code section 6315.3(b)(1))	
A. Investigations in Progress January 1:	10
B. Court Cases in Progress January 1:	1
C. Investigations Completed in Calendar Year (as of 12/31):	2
D. Cases Referred During Calendar Year:	2
E. Investigations in Progress as of 12/31:	3
F. Court Cases in Progress as of 12/31:	2

TOTALS FOR 2013 CALENDAR YEAR

IV. <u>SERIOUS INJURIES TO FEWER THAN FIVE EMPLOYEES</u> (Labor Codes section 6315.3(b)(2))	<u>TOTALS</u>
A. Investigations in Progress January 1:	0
B. Court Cases in Progress January 1:	0
C. Investigations Completed in Calendar Year (as of 12/31):	1
D. Cases Referred During Calendar Year:	0
E. Investigations in Progress as of 12/31:	7
F. Court Cases in Progress as of 12/31:	0

TOTALS FOR 2013 CALENDAR YEAR

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

II A

SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2013 AND
FINAL COURT DISPOSITIONS IN 2013

-FATALITIES-

(LABOR CODE SECTION 6315.3(c))

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

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

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

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

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

FINAL DISPOSITION On October 29, 2010, the San Francisco District Attorney's office filed a criminal complaint against Sanjay Sakhuja [owner], Pre-Press International, Inc. (dba Digital Pre-Press International), and Alick Yeung [press room manager] with one count of violating Felony Penal Code section 192(b) and five counts of Felony Labor Code section 6425(a). On 4/10/2013, DPI and Mr. Sakhuja entered guilty pleas on all counts. DPI was placed on 5 years probation and ordered to pay a fine of \$60,000 with at least \$50,000 paid by the owner. Mr. Sakhuja was ordered to pay a fine of \$250,000, which had been paid by the final sentencing on 12/11/2013. He was placed on 1 year home detention, 5 years probation and ordered to take a 30 hour Cal/OSHA class. Mr. Yeung plead guilty to misdemeanor Labor Code section 6425, he was ordered to perform a 150 hours of community service and attend a 30 hour worker safety course.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-033-08RF
EMPLOYER\SUBJECT Merced Farm Labor
DATE REFERRED TO BOI 5/16/2008
DATE REFERRED TO DA 3/23/2009

SYNOPSIS The victim, Maria Vasquez, an employee of Merced Farm Labor died as a result of heat stroke injuries sustained while working in a vine field. The temperatures during her work day were in the 95 degree range.

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

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

FINAL DISPOSITION

On 4/22/2009, the San Joaquin District Attorney's office filed a criminal complaint against Maria De Los Angeles Colunga, Elias Armenta and Raul Martinez for violating Penal Code Section 192(b)[referencing CCR Title 8 Section 3395(c)], Labor Code Section 6425(a)-Felony, and five Misdemeanor counts referencing CCR Title 8 Sections 3395(c), 3395(d) 3395(e)(1), 3395(e)(2) and 3439(b). Additionally, a Civil complaint was filed for Business & Professions Code sections 17203, 17204 and 17206 against Merced Farm Labor, a sole proprietorship, Maria De Los Angeles Colunga, individually and dba Merced Farm Labor and West Coast Grape Farming, Inc. On March 9, 2011, Ms. Colunga plead no contest to Misdemeanor Count 4 referencing CCR T8 section 3395(D). She was placed on 3 years formal probation, ordered to perform 40 hours of community service and to not engage in any farm labor business. Mr. Armenta plead no contest to Count 2 Felony Labor Code section 6425(a). He was placed on formal probation for 5 years, ordered to complete 80 hours of community service and not to engage in any farm labor business. An arrest warrant was issued for Raul Martinez. The civil case remains open.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-069-08PC
EMPLOYER\SUBJECT Teichert Construction
DATE REFERRED TO BOI 10/6/2008
DATE REFERRED TO DA 11/19/2009

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

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

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

FINAL DISPOSITION On 2/7/2011, the San Luis Obispo District Attorney's office filed a Business and Professions Code sections 17200 and 17203 case against Teichert. The Final judgment shall be in effect for 5 years. Teichert was ordered to adopt new safety policies for excavation sites and the employer was ordered to pay reimbursement costs and other monetary relief in the total amount of 3 million dollars. The District Attorney's office also filed a criminal complaint against Henry Duggins [foreman] for violating Penal Code section 192(b)[Felony two counts] and for Felony Labor Code section 6425(a)[two counts] referencing Title 8 section 1541(k)(2). On April 5, 2013, Mr. Duggins entered a plea of no contest for violating Labor Code section 6425(a), a Felony. Mr. Duggins was placed on three years formal probation, restitution to be determined by the probation officer. Additionally Mr. Duggins was ordered to complete 1,000 hours of community service.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-006-10DC
EMPLOYER/SUBJECT Pacific Gas & Electric Co.
DATE REFERRED TO BOI 3/18/2010
DATE REFERRED TO DA 6/19/2012

SYNOPSIS The victim died as a result of electrocution incurred while working to install a load break transformer in an underground enclosure.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1518(d), 2816(a), 2820, 2940(a), 2940(d), 2940.2(a), 2943(d)(3),
2943(e)(1)

FINAL DISPOSITION Closed 07/08/13. DDA Chris Gonzales declined to file due to insufficient evidence to support criminal prosecution.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1110-011-10PC
EMPLOYER\SUBJECT Solarcity Corporation
DATE REFERRED TO BOI 4/7/2010
DATE REFERRED TO DA 9/4/2012

SYNOPSIS The victim was installing solar panels on a roof when he fell 43 feet.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1670(a)

FINAL DISPOSITION On March 29, 2013, the Contra Costa District Attorney's office filed a Business and Professions Code section 17203, 17204, and 17206 complaint for civil penalties and final judgment against SolarCity Corporation, referencing Title 8 section 1670(a). SolarCity was ordered to pay civil penalties totaling \$237,450 which included \$150,000 to the prosecuting agency and regulatory agency as a civil penalty, \$100,000 to the District Attorney's office, \$23,500 as civil penalty to Cal/OSHA, \$26,500 to Cal\OSHA pursuant to a stipulation on civil penalties arising from the Cal/OSHA citations, \$37,450 for investigative costs, [\$27,450 reimbursement of cost to Cal/OSHA and \$10,000 to the District Attorney's office as reimbursement of costs], and \$50,000 to CDAA for Worker Safety Training Fund.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-022-10RR
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 No final prosecution decision as of 12/31/2013.

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), 1504

FINAL DISPOSITION No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-060-10XC

EMPLOYER\SUBJECT Family Ranch Inc.

DATE REFERRED TO BOI 10/27/2010

DATE REFERRED TO DA 1/8/2013

SYNOPSIS Employee was using an auger to drive posts into the ground when his clothing became entangled in the equipment resulting in fatal injuries.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 4002(a)

FINAL DISPOSITION On 11/22/2013, during the preliminary hearing the judge dismissed the charges due to the case not being filed prior to the passage of the statute of limitations.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-065-10RF

EMPLOYER/SUBJECT Selsor Construction

DATE REFERRED TO BOI 11/17/2010

DATE REFERRED TO DA 1/3/2012

SYNOPSIS The victim was assigned to root-picker duties when he was backed over by Selsor owner, Roger Selsor, who was operating a John Deere 644B front-end loader. At the time of the incident, the loader was being operated in reverse and did not have a functioning back up alarm.

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

T8 CCR SECTIONS 1592(e)

FINAL DISPOSITION On June 12, 2013, the Madera County District Attorney's office filed Felony Labor Code section 6425 against Roger Laverne Selsor. No final court disposition as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-008-11PC
EMPLOYER/SUBJECT Vino Farms
DATE REFERRED TO BOI 1/31/2011
DATE REFERRED TO DA 1/2/2012

SYNOPSIS The victim was run over by a skid steer tractor that the employer had modified and disabled the original factory installed dead man seat switch.

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

T8 CCR SECTIONS 3328 (b) and (g)

FINAL DISPOSITION On June 22, 2012, the Sonoma County District Attorney's office filed a Misdemeanor complaint against James William Poole and Vino Farm, Inc. for violating Labor Code section 6425(a) referencing Title 8 section 3328(b) and (g). On 1/17/2013, the defendants pled no contest and the terms for the 24 month probation were finalized. Mr. Poole was ordered to serve 30 days in Sonoma County jail and perform 80 hours of community service. Vino Farms was ordered to pay a fine of \$150,000 with \$75,000 suspended pending the successful performance on probation. Vino Farms was ordered to pay the victim's mother \$100,000 in restitution. The company paid \$25,000 to AgSafe. The company was also ordered to implement an enhanced buddy system.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-013-11DC
EMPLOYER\SUBJECT Central Valley Meat
DATE REFERRED TO BOI 2/28/2011
DATE REFERRED TO DA 11/19/2012

SYNOPSIS

The victim, a sanitization worker, was killed when a fellow maintenance employee activated a meat blender machine. The deceased sanitation employee was struck with the paddles of the blender and sustained fatal blunt force trauma to his neck.

STATUTE/
VIOLATIONS

Penal Code section 192(b) and Labor Code section 6425(a)

T8 CCR SECTIONS

3314(g)(1), 5157(c)(1)

FINAL DISPOSITION

Close 06/04/13. DDA Matthew Carr declined to file due to insufficient evidence.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-014-11RR
EMPLOYER\SUBJECT The Pebble Beach Company-Forestry Dept.
DATE REFERRED TO BOI 3/15/2011
DATE REFERRED TO DA 3/20/2013

SYNOPSIS

Employee was attempting to place a choker around a tree and apparently was unable to slide the friction knot. The employee fell approximately 25-30 feet onto soft ground.

STATUTE/
VIOLATIONS

Labor Code Section 6425(a)

T8 CCR SECTIONS

3427(a)(1)(B), 3427(a)(1)(A)

FINAL DISPOSITION

No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-026-11RR

EMPLOYER\SUBJECT Nguyen & Nguyen LLC dba Honest Engines

DATE REFERRED TO BOI 5/31/2011

DATE REFERRED TO DA 5/29/2013

SYNOPSIS The victim was working under a car on a lift when the car fell and crushed him.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3548(a) and 3542(d)

FINAL DISPOSITION No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-039-11RR
EMPLOYER\SUBJECT P G & E
DATE REFERRED TO BOI 6/21/2011
DATE REFERRED TO DA 11/10/2012

SYNOPSIS The victim was electrocuted while attempting to restore service to a malfunctioning streetlight. The victim was wearing non-insulated leather gloves at the time of his death.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 2320.2(a)(3)

FINAL DISPOSITION No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-054-11RR
EMPLOYER/SUBJECT DA Services Hauling & Dumpster
DATE REFERRED TO BOI 8/31/2011
DATE REFERRED TO DA 8/5/2013

SYNOPSIS

The victim died as a result of injuries sustained when a truck mounted hydraulic lifting system failed to support a raised tilt frame assembly. The failure allowed a raised tilt frame to lower on top of the victim, causing fatal crushing injuries. The truck involved was not licensed to operate on streets or highways.

STATUTE/
VIOLATIONS

Labor Code section 6425(a)

T8 CCR SECTIONS

3314(c) and 4345(e)

FINAL DISPOSITION

No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-056-11RR
EMPLOYER/SUBJECT Membrane Technology Research
DATE REFERRED TO BOI 9/6/2011
DATE REFERRED TO DA 8/22/2013

SYNOPSIS

The victim died as a result of injuries sustained when a pressurized cylinder suddenly exploded. The cylinder contained gasses that were being mixed, or "married" within the cylinder by the victim. The cylinder was over-pressurized at the time it exploded.

STATUTE/
VIOLATIONS

Labor Code section 6425(a)

T8 CCR SECTIONS

560(a)(3), 3304, 3328

FINAL DISPOSITION

No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-062-11RR
EMPLOYER/SUBJECT Calvin Crest Conference
DATE REFERRED TO BOI 9/30/2011
DATE REFERRED TO DA 8/5/2013

SYNOPSIS

The victim died as a result of injuries sustained when she fell approximately thirty feet through a floor opening. The opening was in a raised platform within a tower used for rock climbing training.

STATUTE/
VIOLATIONS

Labor Code section 6425(a)

T8 CCR SECTIONS

3212(a)(1)

FINAL DISPOSITION

No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-073-11RF
EMPLOYER\SUBJECT Mark Dewsnup Individual DBA Mark Dewsnup
DATE REFERRED TO BOI 10/21/2011
DATE REFERRED TO DA 9/25/2012

SYNOPSIS

The victim and the company owner were attempting to drive a malfunctioning tractor out of a rice field onto a levy to conduct repairs to the tractor. The employer instructed the victim to drive the tractor while the employer manually controlled the broken throttle cable from the engine compartment while positioned on the left hand side of the tractor. While the victim was accessing the operator's cab of the tractor, the employer pulled on the throttle cable from the engine compartment causing the tractor to lunge forward. The victim was thrown from the cab area, into the path of the tractor's left rear wheel. The victim was immediately killed after being run over by the tractor's left rear wheel. The employer, a licensed building contractor, had no worker's compensation insurance for this rice field tilling service.

STATUTE/
VIOLATIONS

Penal Code 192(b), Labor code Section 6425(a) and 6423(a)(1)

T8 CCR SECTIONS

3441(a)(2)(C), 3441(a)(2)(D)

FINAL DISPOSITION

On November 19, 2012, the Yuba County District Attorney's office filed two counts against Mark Pike Dewsnup for violating Penal Code section 192(b)-Misdemeanor Involuntary Manslaughter and Felony Labor Code section 6425(a). No final court decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-038-12RR
EMPLOYER/SUBJECT Sierra Pacific Industries, Inc. 1
DATE REFERRED TO BOI 7/24/2012
DATE REFERRED TO DA 7/16/2013

SYNOPSIS

A sawmill's edger machine operator suffered a fatal injury after being caught and pulled into in-running rolls of the machinery. The machinery was manufactured by the employer and lacked proper guarding and an effective braking system.

STATUTE/
VIOLATIONS

Penal Code section 192(b) and Labor Code sections 6425(a) and 6423(a)(1)

T8 CCR SECTIONS

1487(c), 4310(a), 3203(a)(4), 4001

FINAL DISPOSITION

No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER

N1110-059-12DC

EMPLOYER/SUBJECT

David Bonacci, DBA American Rain Gutter

DATE REFERRED TO BOI

10/2/2012

DATE REFERRED TO DA

6/19/2013

SYNOPSIS

Employee fell from scaffold 20 to 22 feet.

STATUTE/
VIOLATIONS

Penal Code section 192(b) and 385(b) and Labor Code sections 6425(a) and 6423(a)(1)

T8 CCR SECTIONS

2946(a), 1644(a)(7), 1644(a)(6), 1518(d)(2) and 1511(b)

FINAL DISPOSITION

Closed 07/18/2013. DA Francisco A. Zarate declined to file due to insufficient evidence to support criminal prosecution.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-061-12RR
EMPLOYER\SUBJECT Jerod Davis DBA JKD Construction
DATE REFERRED TO BOI 10/19/2012
DATE REFERRED TO DA 5/16/2013

SYNOPSIS A carpenter working without personal fall protection falls to his death from a fourteen foot unguarded balcony.

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

T8 CCR SECTIONS 1670(a), 1716.2(g)(1) and 1621(a)

FINAL DISPOSITION No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-015-13RR
EMPLOYER/SUBJECT Miles Treaster & Associates, Inc.
DATE REFERRED TO BOI 4/12/2013
DATE REFERRED TO DA 12/11/2013

SYNOPSIS Employee fell from an elevated order picker while not using personal fall protection system.

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

T8 CCR SECTIONS 3656(c) and 3668(d)(1)(A)

FINAL DISPOSITION No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

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

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

STATUTE/
VIOLATIONS

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

T8 CCR SECTIONS

3241(c)

FINAL DISPOSITION

On October 28, 2008, the San Bernardino County District Attorney's office filed a civil complaint against Creative Stone MFG., for violating Business & Professions Code section 17200, referencing CCR Title 8 sections 3241(c), 3203(a)(4), 3381(a), and 3272(c). No final court disposition as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1110-006-06RF

EMPLOYER/SUBJECT Hy-Tech Tile Inc.

DATE REFERRED TO BOI 1/18/2006

DATE REFERRED TO DA 12/29/2006

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

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

T8 CCR SECTIONS 3704, referencing 4999(g).

FINAL DISPOSITION On February 11, 2009, the San Bernardino County District Attorney's office filed a Business and Professions civil complaint against Hy-Tech Tile, Inc. for violating Labor Code section 6425 [referencing CCR Title 8 sections 3421(c), 3203(a)(4), 3381(a) and 3272(c)]. No final court disposition as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

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

SYNOPSIS

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

STATUTE/
VIOLATIONS

Labor Code sections 6425(a);6423 (a)(1);6423 (a)(2)

T8 CCR SECTIONS

1541(a)(1); 1541(k)(1);1541(k)(2);1541.1(c);1541.1(h)

FINAL DISPOSITION

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

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER

S1111-003-09RF

EMPLOYER\SUBJECT

U C Los Angeles - Dept. of Chemistry & Biochemistry

DATE REFERRED TO BOI

1/23/2009

DATE REFERRED TO DA

12/28/2009

SYNOPSIS

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

STATUTE/
VIOLATIONS

Labor Code section 6425(a)

T8 CCR SECTIONS

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

FINAL DISPOSITION

On December 27, 2011, the Los Angeles District Attorney's office filed a Felony complaint against The Regents of the University of California and Patrick Harran [Principal Investigator] for violating three counts of Labor Code section 6425(a), referencing CCR Title 8 sections 5191(f)(4), 3203(a)(6) and 3383(b). In July 2012, the District Attorney's office entered into a prosecution enforcement agreement with UCLA in which all criminal charges against UCLA were dismissed. In the administrative enforcement terms and conditions, UCLA agreed to establish a \$500,000 scholarship at Berkeley Law school for the study of environmental law, the Regents have implemented a comprehensive training and safety compliance program at UCLA which has produced a safety video regarding the handling and transfer of pyrophorics, and UCLA will pay not more than \$50,000 to Cal/OSHA for inspections above and beyond the usual number of inspections conducted prior to the execution of the agreement. No final court disposition for Dr. Harran as of 12/31/2013.

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). No final court disposition as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-035-09PC
EMPLOYER\SUBJECT Mass Fran dba: West Coast Water Proofing
DATE REFERRED TO BOI 4/28/2009
DATE REFERRED TO DA 4/21/2011

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

STATUTE/
VIOLATIONS Labor Code section 6425(a)

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

FINAL DISPOSITION On April 15, 2013, the Orange County District Attorney's office filed a Business and Professions Code section 17206 final judgment pursuant to stipulation. In light of the defendant being assessed civil penalties of \$90,000 by Cal/OSHA and \$38,541.67 to the City of Huntington Beach, the People agreed to a nominal civil penalty of \$700.00 in addition to the 4 year injunction.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-043-09RF
EMPLOYER\SUBJECT Macy's Inc
DATE REFERRED TO BOI 7/13/2009
DATE REFERRED TO DA 3/23/2012

SYNOPSIS The victim was operating a cardboard bailing/crushing machine and was feeding cardboard into the unit, when he fell into the unguarded opening of the unit resulting in fatal crushing injuries. The original enclosed feed chute and safety interlock of the unit had been removed. The bailer was subject to modifications which resulted in a several unguarded points of operation that exposed employees to the risk of injury or death. Further, it was discovered that employees routinely bypassed the operating sensors of the unit to allow the bailer to continuously cycle, further compounding the exposure.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 4353

FINAL DISPOSITION On July 6, 2012, the Los Angeles County District Attorney's office filed a Felony complaint against Macy's, Inc., Macy's West Stores, Inc., Macy's retail Holdings, Inc. and Macy's Corporate Services, Inc for violating two counts of Labor Code section 6425(a), referencing CCR Title 8 sections 1511(a) and 4353. No final court disposition as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-048-09PC
EMPLOYER/SUBJECT Golden State Foods, Inc.
DATE REFERRED TO BOI 7/23/2009
DATE REFERRED TO DA 7/3/2012

SYNOPSIS The Victim, a machine operator, entered the enclosed area of a robotic palletizing work station, in an attempt to clear a box that was jammed in the machine. As the Victim worked to clear the jam, she triggered a photo-sensor on the robotic palletizer. As the unit activated, the robotic arm pinned the Victim against the conveyor roller, crushing the Victim's upper torso and causing fatal chest injuries. The subsequent investigation determined that employees commonly circumvented the safety interlock on the unit to avoid shutting down the machine, which would result in suspension of the entire production line.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3203(a)

FINAL DISPOSITION On July 6, 2012, the Los Angeles District Attorney's office filed a Felony complaint against Golden State Foods Corp. and Jai Mahendra Shroff for violating 5 Counts of Labor Code section 6425(a) referencing CCR Title 8 sections 1511(a), 3314(c), 3314(g), 3314(h) and 3203(a) and for violating one Count of Penal Code section 387(a) [Liability for nondisclosure of serious concealed danger]. On 10/22/13, Golden State Foods plead guilty to Count 3, a violation of LC section 6425(a) referencing T8 section 3314(h). The terms of the settlement agreement, in part, state that the company will make the equipment safe, take specific steps to document compliance, pay restitution totaling \$250,000 [125K to victim's family and 125K to Cal/OSHA Bureau of Investigations specifically to be used for training and equipment for the investigators in the Unit] and a fine of \$450,000. Mr. Schroff was convicted of a misdemeanor and was placed on one year probation and ordered to pay the victim's family \$10,000.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-058-09PC
EMPLOYER\SUBJECT 1)Twin Spring, LLC 2) DNAM Apparel 3) Silhouette LLC
DATE REFERRED TO BOI 9/9/2009
DATE REFERRED TO DA 6/20/2012

SYNOPSIS

The victim, a warehouse employee, while working in his usual capacity, stuck his head inside an open vision panel of a freight elevator door to check the location of the freight car. As the car was descending from the tenth floor, the freight elevator struck the Victim in the head, causing severe head injuries. The Victim died at the hospital from his injuries on September 8, 2009.

STATUTE/
VIOLATIONS

Labor Code section 6425(a)

T8 CCR SECTIONS

3020(b)(18)(D)(4)

FINAL DISPOSITION

On August 27, 2012, the Los Angeles County District Attorney's office filed a Felony complaint against D.N.A.M. Apparel Industries, LLC for violating three counts of Labor Code section 6425(a), referencing CCR Title 8 sections 1511(A), 3020(b)(18)(D)(4) and 3203(a) and one count of violating Penal Code section 387 [Liability for nondisclosure of serious concealed danger]. The company entered a guilty plea to one count of LC 6425(a), they were placed on three years formal probation, ordered to pay a total fine of \$200,000 and comply with a civil agreement of 1.5 million dollars to the victim's family.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-003-10PC

EMPLOYER\SUBJECT Jeffrey Court

DATE REFERRED TO BOI 1/18/2010

DATE REFERRED TO DA 12/29/2011

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

STATUTE/
VIOLATIONS Labor Code section 6425(a)

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

FINAL DISPOSITION

On June 14, 2013, the San Bernardino District Attorney's office filed Business and Professions Code section 17206 final judgment against Jeffrey Court. The defendant was permanently enjoined and restrained from violating T8 CCR sections 3326, 3203, 3668, Labor Code sections 6403, 6425 and 6423. The defendant was ordered to pay \$600,000 to the District Attorney's office [offset by \$285,000 credit for facility assessment, improvements, and employee training] and \$5,000 to CDAA.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

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

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

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

T8 CCR SECTIONS 1542(a)(3); 3328 (a)

FINAL DISPOSITION On May 25, 2012, the Los Angeles District Attorney's office filed a Felony complaint against Dave Shaw Concrete & Block, Inc., John Fenton and Juan Ramirez for violating one count of Labor Code section 6425(a) referencing CCR Title 8 sections 3328(a), 1542(a)(3), 1593(m), 1632(b) and 1710(a)(3). On 5/23/2013, Mr. Ramirez and Dave Shaw Concrete & Block, Inc., entered a guilty plea to count 2, Misdemeanor Labor Code section 6423(A)(1). Mr. Ramirez was placed on 1 year summary probation, performs 100 hours of community service and ordered to pay restitution [along with the Employer] to the victim's family. Dave Shaw Concrete & Block, Inc. was placed on 2 years' summary probation, pay a \$25,000 fine. Mr. Fenton is deceased.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-017-10PC
EMPLOYER\SUBJECT Parker Hannifin
DATE REFERRED TO BOI 4/6/2010
DATE REFERRED TO DA 12/26/2012

SYNOPSIS

The Victim, a machinist, was replacing a fluorescent light on the shop's ceiling by standing on a fully extended scissorlift. At the same time, another employee was operating a two-ton overhead crane near the Victim's position. The Victim's co-worker moved the crane forward, directly into the path of the Victim. The crane struck the top of the extended scissor lift, knocking over the lift. The Victim fell approximately 19 feet to the floor below, sustaining injuries to his head and arm. The Victim had been hospitalized for approximately three weeks, when he died from complications relating to his injuries. The subsequent investigation revealed that the employer failed to lock out the overhead crane while the scissor lift was being used in proximity to the crane's operating path.

STATUTE/
VIOLATIONS

Labor Code section 6425(a)

T8 CCR SECTIONS

4991(a)

FINAL DISPOSITION

On July 11, 2013, the Riverside District Attorney's office filed Business and Professions Code section 17200 Final judgment against Parker Hannifin referencing CCR Title 8 sections 3646(b), 4991(a), and 3657(g). The company was permanently enjoined from violating the referenced Title 8 sections and LC 6423. Parker Hannifin was ordered to pay \$400,000(fine) and \$50,000 (reimbursement for investigative costs) to the District Attorney's office, \$25,000 to the CDAA, and \$25,000 to Cal/OSHA Bureau of Investigations specifically to be used for training and equipment for the investigators in the Unit.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-025-10RF
EMPLOYER\SUBJECT Reliable Container Corp.
DATE REFERRED TO BOI 5/12/2010
DATE REFERRED TO DA 12/28/2012

SYNOPSIS The Victim was found pinned between a forklift and machine.

STATUTE/
VIOLATIONS Labor Code sections 6425(a)

T8 CCR SECTIONS 3203(a)(6); 3314(g)

FINAL DISPOSITION On 4/11/2013, the Los Angeles District Attorney's office filed a Felony criminal complaint against Reliable Container Corporation, Jesus Hernandez, John Romero, and Jose Jimenez for violating three counts of Labor Code section 6425 referencing Title 8 sections 3314(g), (h), 3203(a) and Penal Code section 387(a)[liability for nondisclosure of serious concealed danger]. No final court decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-041-10PC
EMPLOYER\SUBJECT #1) Gold Grower Services Inc #2) S & R Farm Labor Contractor Inc.
DATE REFERRED TO BOI 7/9/2010
DATE REFERRED TO DA 3/21/2012

SYNOPSIS The victim, a fruit picker employed by Gold Growers Services Inc., was working in a grapefruit orchard in close proximity to overhead energized 12KV power lines. The victim was carrying a 22 foot portable metal ladder which made contact with the energized overhead power lines resulting in the victim being fatally electrocuted.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3279(d)(11)

FINAL DISPOSITION On December 10, 2012, the Riverside County District Attorney's office filed Felony Labor Code section 6425(a) complaint against Eligio Rivera Cruz [Supervisor] for violating CCR T8 section 2946(a). On July 30, 2013, Mr. Cruz plead guilty to a violation of Labor Code section 6423(a), a Misdemeanor. He was sentenced to three years' summary probation, ordered to pay a \$5,000 fine plus penalty and assessments, perform 100 hours of community service, complete 100 hours of safety training related to worker safety with an emphasis on farm work. Additionally, Mr. Cruz is required to visit every field crew under his direction and conduct a daily safety assessment, complete a report indicating his observations including any preventative action. Mr. Cruz will provide these reports to the District Attorney's office every 6 months.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

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

SYNOPSIS

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

STATUTE/
VIOLATIONS

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

T8 CCR SECTIONS

1541.1(a)

FINAL DISPOSITION

On May 7, 2013, the Los Angeles County District Attorney's office filed three counts of Felony Labor Code section 6425(a) referencing CCR T8 sections 1509, 1541.1(a) and 1541.1(k) against Paul McGrath Contracting and one Felony count of LC 6425(a) against Paul McGrath. No final court disposition as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-058-10DC

EMPLOYER\SUBJECT La Mirada Rockport

DATE REFERRED TO BOI 9/3/2010

DATE REFERRED TO DA 1/30/2013

SYNOPSIS The victim was employed to load 35 granite slabs into a 20 ft. long cargo container. As the granite slabs were placed into a container by the forklift operator, the Victim would enter the container to assist in guiding the slabs into position and to release the clamp. As the Victim entered the right side of the container ostensibly to release the clamp, the 18 slabs on the left side of the A-frame tipped, causing approximately 26 slabs to collapse onto the right side of the container, fatally crushing the Victim.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3328(a);3704

FINAL DISPOSITION Deputy District Attorney Doug Poston declined to file due to insufficient evidence to support criminal prosecution.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-069-10RR
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 No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-075-10RF
EMPLOYER\SUBJECT 1) Tom Beatti inc. dba Royal Roofing & Constr. Co
2) Royal Roofing Corp.dba Jeni Beattie
DATE REFERRED TO BOI 10/25/2010
DATE REFERRED TO DA 7/8/2013

SYNOPSIS

The Victim, a roofer, was completing repairs on a multi-story apartment building and was attempting to lower a bucket of roofing mastic to ground level using a material hoist, positioned along the unprotected edge of the building's roof. The Victim was not wearing fall protection. As the bucket was being lowered, the Victim fell approximately 35 feet to the concrete parking area below and died of injuries sustained from the fall. The employer did not report the incident to Cal/OSHA. The Employer was operating under a suspended contractor's license. The Employer had "reassigned" its employees to a corporate entity and contractor's license held by a relative [daughter], in an effort to obtain a reduced workers compensation premium. The subsequent licensee [daughter] fraudulently obtained her contractor's license through the submission of false experience verifications. Neither employer maintained an Injury and Illness Prevention Program, nor did they provide safety training to employees

STATUTE/
VIOLATIONS

Labor Code section 6425(a)

T8 CCR SECTIONS

1509(a);1730(b);3328(e)

FINAL DISPOSITION

On October 3, 2013, the Los Angeles County District Attorney's office filed four Felony counts of Labor Code section 6425(a) against Tom Beattie, Tom Beattie Inc., Jennifer Jolene Beattie, Royal Roofing Inc. dba Royal Roofing Corp., and Kevin Sarno, referencing CCR T8 sections 1509(a), 1509(b), 1730(b) and 328(e). No final court disposition as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-003-11RR
EMPLOYER\SUBJECT 1) Jose Reyes Ubaldo dba Jose Reyes Gardening 2)
Mike McNeilly, Home Owner
DATE REFERRED TO BOI 1/12/2011
DATE REFERRED TO DA 5/24/2013

SYNOPSIS The Victim, a day laborer picked up from a street corner where day laborers gather, was hired to do stucco work on a single family residence. The employer is a sole proprietor gardener and landscaper, who also perform light construction services. The employer did not have a contractor's license. On day two, the morning of the fatal incident, the Victim fell off the scaffold. The employer's non-compliance and failure to properly have the scaffold erected according to regulation caused the Victim to fall, which resulted in the Victim's death.

STATUTE/
VIOLATIONS Labor Code 6425(a)

T8 CCR SECTIONS 1644(a)(4);1644(a)(7)

FINAL DISPOSITION No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-005-11DC
EMPLOYER\SUBJECT dba: Baxter Bioscience
Baxter Healthcare Corp.
DATE REFERRED TO BOI 1/21/2011
DATE REFERRED TO DA 12/19/2013

SYNOPSIS

On the date of the fatal incident, an employee descended into a reaction vessel where Nitrogen gas had been bubbled up through the product for apx. 20 hours. The victim was discovered by a supervisor unresponsive at the bottom of the tank. Subsequent to discovery of the initial victim, a co-worker entered the vessel and attempted to rescue the first victim. Upon entering the tank, the co-worker lost consciousness. A third co-worker then entered the tank and attempted to rescue the two unconscious workers. The third employee also succumbed to the hazardous atmosphere and was rendered unconscious. The initial victim died as a result of exposure to the hazardous atmosphere in the tank. The first co-worker sustained severe brain damage and is on mechanical life support. The third employee was hospitalized and subsequently recovered.

STATUTE/
VIOLATIONS

Labor Code section 6425(a)

T8 CCR SECTIONS

5157(c)(3), 5157(d)(1), 5157(d)(9), 5157(k)(3)(B), 5194(h)(2)(E)

FINAL DISPOSITION

Closed 12/31/2013. DDA Hoon Chun declined to file due to insufficient evidence to support criminal prosecution.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

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

SYNOPSIS

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

STATUTE/
VIOLATIONS

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

T8 CCR SECTIONS

1541(a)(1)

FINAL DISPOSITION

Deputy District Attorney, Kevin Holligan declined to file due to insufficient evidence to support criminal prosecution.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-012-11RR
EMPLOYER\SUBJECT Setton Pistachio of Terra Bella
DATE REFERRED TO BOI 2/11/2011
DATE REFERRED TO DA 4/5/2012

SYNOPSIS

The Victim, a maintenance mechanic, was removing an under floor trench auger in a pistachio processing facility. While entering the auger trench to begin repair work, another employee energized the electric auger motor causing the auger to rotate at 1725 rpm. The victim was killed due to crushing injuries and amputation to part of his lower body. The power source for the equipment and the electric auger motor were not physically locked out or tagged out as required by CCR Title 8.

STATUTE/
VIOLATIONS

Labor Code section 6425(a)

T8 CCR SECTIONS

3314(j)(1); 3314(d); 3314(e)

FINAL DISPOSITION

No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-013-11RR
EMPLOYER\SUBJECT Ameron International
DATE REFERRED TO BOI 2/11/2011
DATE REFERRED TO DA 10/4/2013

SYNOPSIS

The victim, a Fitter, was cutting a piece of concrete-reinforced steel pipe using a sledge hammer to break the concrete lining on the inside of the pipe. The victim then applied tension to one side of the pipe using two sling hooks supported by a 30-ton Gantry crane. When the two pieces separated, one of the pieces, weighing approximately 4,600 lbs., fell off the trunnion rollers. The victim was inside the pipe section as it fell and was crushed by the pipe as it struck the ground.

STATUTE/
VIOLATIONS

Labor code section 6425(a)

T8 CCR SECTIONS

4999(c)

FINAL DISPOSITION

No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-026-11RR
EMPLOYER\SUBJECT Eberhard Construction and Roofing/Corporate Contractors
DATE REFERRED TO BOI 4/22/2011
DATE REFERRED TO DA 10/24/2013

SYNOPSIS The victim, a Foreman, was acting as a "spotter" holding the vacuum hose approximately 3 feet behind another employee that was using the vacuum to remove gravel from the roof of a warehouse, and was working near a skylight. The victim fell through the skylight, falling approximately 29 feet to the concrete floor below. The investigation revealed that the employer failed to provide skylight screens or covers, guardrails, personal fall protection systems or fall protection plans for their workers who were working within 6 feet of a skylight.

STATUTE/
VIOLATIONS Labor Code 6425(a)

T8 CCR SECTIONS 3212(e)

FINAL DISPOSITION No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-031-11RF
EMPLOYER\SUBJECT All American Window Cleaning, Inc.
DATE REFERRED TO BOI 3/30/2011
DATE REFERRED TO DA 8/17/2012

SYNOPSIS

The Victim, a window cleaner, was using a 39-foot aluminum window cleaning device (Tucker Pole) to wash windows on a three-story office building. The victim was standing on the sidewalk directly under a 12,000 volt circuit (overhead power line). The victim raised the Tucker Pole which came into contact with the overhead power line. The pole was found lodged on the overhead conductor. As a result of the contact, the victim was fatally electrocuted and sustained 4th degree burns over 60% of his body.

STATUTE/
VIOLATIONS

Labor Code sections 6425(a)

T8 CCR SECTIONS

2946(a); 2946(b)(2);

FINAL DISPOSITION

On June 27, 2013, the Orange County District Attorney's office filed Felony Labor Code section 6425(a) against Dwight Dean Enzi, Jonathon Robles, Mario Diaz and All American Window Cleaning, Inc., in reference to CCR Title 8 section 2946(a) and (b). No final court decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-060-11RR

EMPLOYER\SUBJECT ThermaSource, Inc.

DATE REFERRED TO BOI 8/1/2011

DATE REFERRED TO DA 3/20/2013

SYNOPSIS

An employee operating a forklift tilted a load of pipes forward. One of the 6,720-pound pipes rolled uncontrollably off of the forks and onto the flatbed trailer that the victim was standing on. The rolling pipe hit a previously loaded stationary pipe, trapping the victim's foot as he tried to get out of the way. The victim was carried off the flatbed by the rolling pipes, which landed on him and crushed him to death.

STATUTE/
VIOLATIONS

Labor Code section 6425(a)

T8 CCR SECTIONS

3650(t)(28)

FINAL DISPOSITION

No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER

S1111-070-11RR

EMPLOYER\SUBJECT

American Apparel (USA) LLC

DATE REFERRED TO BOI

8/19/2011

DATE REFERRED TO DA

12/31/2013

SYNOPSIS

The Victim, a machine operator, was working on a circular knitting machine which had a faulty power switch. A maintenance employee began the repair then left to retrieve a tool. While the maintenance employee was away, the Victim returned to the machine and began to retrieve a finished bolt of fabric. The Victim bumped into a power switch that was hanging by wires, which caused a loose wire to make contact with metal and activate the machine. The Victim became entangled and was crushed to death.

STATUTE/
VIOLATIONS

Labor Code section 6425(a) and Penal Code section 192(b)

T8 CCR SECTIONS

3203(A);2340.16(b);2500.8(A)(4);3225(a)(1)3314(g)(2)(A);4184(b);4475(a);
6151(c)(1);3314(c);3314(j)

FINAL DISPOSITION

No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-082-11RR
EMPLOYER\SUBJECT 1) Community Recycling and Resource Recovery 2)A &
B Harvesting
DATE REFERRED TO BOI 10/13/2011
DATE REFERRED TO DA 12/31/2013

SYNOPSIS

On the date of the fatal incident, three employees released the contents of a water truck into an access shaft, in an attempt to clear debris. The victim partially entered the access opening. The victim mentioned feeling sleepy and the co-worker observed the victim proceed toward the bottom of the shaft and became unresponsive. The victim's brother, who was also working on the crew, entered the shaft in an attempt to rescue the victim. The victim's brother also collapsed after entering the shaft and both victims' sustained fatal injuries due to exposure to the hazardous atmosphere.

STATUTE/
VIOLATIONS

Labor Code section 6425(a)

T8 CCR SECTIONS

(ER #1) 5155(c)(3);5157(c)(3);5157(d)(5);5157(d)(9);5157(g)

FINAL DISPOSITION

No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER

S1111-084-11RF

EMPLOYER\SUBJECT

Express Glass and Mirror, Inc. / Anthony Saucillo dba L
A Construction Co.

DATE REFERRED TO BOI

9/12/2011

DATE REFERRED TO DA

7/30/2013

SYNOPSIS

The Victim was walking on a glass catwalk when he fell approximately 30' through an opening that was partially covered with wood planks. The victim was transported to California Hospital Medical Center where he was pronounced deceased.

STATUTE/
VIOLATIONS

Labor Code 6425(a)

T8 CCR SECTIONS

1632(h), 1644(a)(6) and 1670(a)

FINAL DISPOSITION

On December 10, 2013, the Los Angeles District Attorney's office filed Felony Labor Code section 6425(a) referencing CCR T8 sections 1632(h), 1644(a)(6) and 1670(a) against the company and Tony Ma. No final court disposition as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-085-11RR

EMPLOYER\SUBJECT Avarham Zafrani

DATE REFERRED TO BOI 9/18/2011

DATE REFERRED TO DA 7/29/2013

SYNOPSIS

The Victim was employed as a laborer by Abraham Zafrani, an unlicensed contractor. The victim and the crew were working along the face of un-shored vertical excavation, which was being prepared for the construction of a retaining wall. The victim was excavating a two foot deep trench at the base of the vertical cut when the face of the improperly shored excavation collapsed, fatally crushing him.

STATUTE/
VIOLATIONS

Labor Code section 6425(a).

T8 CCR SECTIONS

1541.1(a)(1); 1541.1(a)(2)

FINAL DISPOSITION

No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-094-11RR
EMPLOYER\SUBJECT Vista Paint
DATE REFERRED TO BOI 11/15/2011
DATE REFERRED TO DA 4/17/2013

SYNOPSIS Two victims were using a chemical paint remover in a confined space. The victims were inside a 3,000-gallon paint mixing tank, removing dried paint from the tank walls with the aid of the paint remover. Vapors from the paint remover, which contained 60-100% methylene chloride, had accumulated to a concentration that was toxic to both victims, resulting in the death of one victim and a life-threatening serious injury to the other.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 5202(g)(3)(A); 5202(d)(1)(A); 5157(d)(3)

FINAL DISPOSITION No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-105-11RR

EMPLOYER\SUBJECT RSI Roofing

DATE REFERRED TO BOI 12/21/2011

DATE REFERRED TO DA 10/14/2013

SYNOPSIS The Victim was working on the roof of a 3 story condo building as a roofer when he fell approximately 19 feet through a skylight opening to the stairwell handrail. The victim died as a result of injuries sustained in the fall.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3212(e)

FINAL DISPOSITION No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER

S1111-007-12RR

EMPLOYER\SUBJECT

US Sino Investment, Inc.

DATE REFERRED TO BOI

1/30/2012

DATE REFERRED TO DA

6/20/2013

SYNOPSIS

The Victim, a laborer, was engaged in the construction of a large single-family residence on a hillside location and was in the process of completing the initial foundation work for the residence. At the time of the incident, the victim was placing wooden forms along the face of an un-shored vertical excavation, approximately 10-12 feet in height. The top section of the unprotected excavation collapsed, fatally crushing the victim. A city building inspector had issued a Stop Work Notice to the employer to prohibit any further work within the unprotected excavation. The employees were not trained in excavation safety or the proper use of required protective systems (shoring). Further, the employer did not maintain a required competent person on-site to oversee excavation operations.

STATUTE/
VIOLATIONS

Labor Code: 6425(a); P.C. 192

T8 CCR SECTIONS

1541(k)(1)

FINAL DISPOSITION

No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-034-12RR
EMPLOYER\SUBJECT Cleveland Wrecking Company
DATE REFERRED TO BOI 6/19/2012
DATE REFERRED TO DA 9/30/2013

SYNOPSIS The Victim was torch cutting beams in a boiler room from a man basket while working on a demolition project for PG & E plant. The victim was working 50 feet high when a beam collapsed, knocking over the man basket. The victim died of injuries sustained from the fall.

STATUTE/
VIOLATIONS Labor Code sections 6425

T8 CCR SECTIONS 1735(m)(1)

FINAL DISPOSITION No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-039-12RR

EMPLOYER\SUBJECT Dalton Trucking Inc.

DATE REFERRED TO BOI 7/20/2012

DATE REFERRED TO DA 6/24/2013

SYNOPSIS The Victim was repairing the bottom pneumatic-powered gates on a bottom-dump hauling truck. While working between the bottom gates, which the Victim opened in order to do welding work, the pneumatic-powered gates closed and crushed the Victim's shoulder area, causing severe injuries. The Victim did not use a tool to block out the gates from inadvertent movement. A coworker found the Victim trapped at the shoulders and he pulled the lever to open the bottom gates, freeing the Victim. The Victim was transported to the hospital and died as a result of his injuries.

STATUTE/ VIOLATIONS Labor code section 6425(a)

T8 CCR SECTIONS 3314(d)

FINAL DISPOSITION No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-057-12RR
EMPLOYER\SUBJECT Parker Hannifin Stratoflex Division Inc.
DATE REFERRED TO BOI 9/11/2012
DATE REFERRED TO DA 12/20/2013

SYNOPSIS The Victim was performing routine maintenance on several air conditioning units on the roof of the warehouse within 6 feet of skylights. The victim was not protected from falling through the skylights by physical barriers, a fall protection system, or any equivalent means. The victim fell through an unprotected skylight and landed on the concrete warehouse floor 30 feet below

STATUTE/
VIOLATIONS Labor Code Section 6425(a)

LABOR CODE SECTIONS 3312(e)

FINAL DISPOSITION No final prosecution decision as of 12/31/2013.

II B

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2013 AND
FINAL COURT DISPOSITIONS IN 2013**

**-CATASTROPHES-
(SERIOUS INJURIES OR SERIOUS EXPOSURES OF FIVE OR MORE EMPLOYEES)**

(LABOR CODE SECTION 6315.3(c))

NOTE: None in Northern or Southern California for 2013.

II C

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2013 AND
FINAL COURT DISPOSITIONS IN 2013**

-BOI DISCRETIONARY-

(LABOR CODE SECTION 6315.3(c))

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1230-059-13RR
EMPLOYER\SUBJECT Electro-Forming Inc.
DATE REFERRED TO BOI 8/15/2013
DATE REFERRED TO DA 11/19/2013

SYNOPSIS The Employer admitted to using equipment in violation of the Order Prohibiting Use [OPU].

STATUTE/
VIOLATIONS Labor Code section 6326

T8 CCR SECTIONS 4237(a)(b)

FINAL DISPOSITION No final prosecution decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1230-123-07RF

EMPLOYER\SUBJECT K & B Amusements

DATE REFERRED TO BOI 11/16/2007

DATE REFERRED TO DA 4/15/2008

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

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

T8 CCR SECTIONS 3911; 3912(a); 3920

FINAL DISPOSITION On April 25, 2008 a Misdemeanor complaint was filed against Barton P. Finlayson and Ricky Snyder for violating one count of California Labor Code section 7915(a) for operating a Whirlybird amusement ride without a permit. No final court disposition as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER

S1231-037-10RF

EMPLOYER\SUBJECT

Jobbers Meat Package

DATE REFERRED TO BOI

6/18/2010

DATE REFERRED TO DA

9/25/2012

SYNOPSIS

The Victim was employed as a sanitation worker at a meat packing company engaged in the processing of ground beef products. The victim was responsible for cleaning and sanitizing the processing equipment at the end of the production shift. At the time of the incident, the victim was cleaning a mixer-blender unit. As part of the company's normal practice, the mixer-blender was turned on while the unit was being cleaned. The Victim was standing on a ladder and was working near the unguarded opening of the unit, when he fell into the mixer. The Victim's legs were severed by the mixer. The Victim also sustained severe abdominal injuries. The subsequent investigation determined that the guard covering the top of the mixer had been removed by the employer and that the safety interlocks for the top cover had been circumvented to permit operation of the unguarded machine.

STATUTE/
VIOLATIONS

Labor Code section 6425(a)

T8 CCR SECTIONS

4542

FINAL DISPOSITION

On February 13, 2013, the Los Angeles District Attorney filed 5 Felony Counts of Labor Code 6425 referencing CCR Title 8 sections 3314(c), 3314(d), 3314(g), 3314(h) and 3314(j) against Jobbers Meat Packing aka Wilmar Meat Co. No final court decision as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1231-076-10RF
EMPLOYER/SUBJECT Lusive Decore
DATE REFERRED TO BOI 9/21/2010
DATE REFERRED TO DA 9/14/2011

SYNOPSIS

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

STATUTE/
VIOLATIONS

Penal Code sections 132 and 134 and Labor Code section 6426

T8 CCR SECTIONS

FINAL DISPOSITION

On June 5, 2013, the Los Angeles County District Attorney's office filed Felony Penal Code section 132 [offering false evidence] against Jason K. Cooper and Terra Clark. No final court disposition as of 12/31/2013.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1231-036-12PC
EMPLOYER\SUBJECT D&D Construction Specialties Inc.
DATE REFERRED TO BOI 7/18/2012
DATE REFERRED TO DA 8/13/2013

SYNOPSIS

On May 24, 2012, the Cal/OSHA Enforcement Division conducted an inspection at 11639 Chenault Street, Los Angeles, CA. The inspection revealed that employees of D&D Construction were engaged in the hand digging three exploration shafts along the side of the complex. The shafts ranged in depth from 18' to 21' and lacked required protective shoring. The employee exposed to the hazard was ordered out of the shaft by the Division inspector and an Order Prohibiting Use was issued by the Division which prohibited further work in the unshored excavations.

STATUTE/
VIOLATIONS

Labor Code 6425(a)

T8 CCR SECTIONS

1512(b), 3381(a), 1542(a)

FINAL DISPOSITION

On May 4, 2011 one count alleging a felony violation of Labor Code Section 6425(a) was filed against D&D Construction Specialties and Company President, Dan Moore. The matter was resolved via plea agreement on November 9, 2011. Defendant D&D Construction Specialties Inc. entered a plea of nolo contendere. The count against Dan Moore was dismissed. In addition to monetary penalties, the Court imposed a two-year term of summary probation, which included an "obey all laws" provision. **On December 17, 2013**, the Los Angeles County District Attorney's office filed a settlement agreement for probation violation in court case BA384059. The defendant admitted to violating probation on or about May 24, 2012. The defendant was ordered to pay \$18,685.00 to Cal/OSHA's Bureau of Investigations for training and equipment, \$20,315.00 to Cal/OSHA for citations issued based upon the facts underlying the probation violation and if this is not completed in a timely manner the funds are to be converted to a straight fine payable to Cal/OSHA-BOI.

II D

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2013 AND
FINAL COURT DISPOSITIONS IN 2013**

**-DISCRETIONARY INVESTIGATIONS-
(SERIOUS INJURIES OR SERIOUS EXPOSURES OF FEWER THAN FIVE
EMPLOYEES)**

(LABOR CODE SECTION 6315.3(c))

NOTE: None in Northern or Southern California for 2013

III A

**SUMMARY OF INVESTIGATIONS COMPLETED IN
2013 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 : N1111-068-11FC

EMPLOYER NAME : The Davey Tree Surgery Company

T8 CCR VIOLATIONS : 2940.7(b)(4)(a)

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

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

BOI CASE NUMBER : N1111-075-11FC

EMPLOYER NAME : G & S Paving

T8 CCR VIOLATIONS : 1592(e)

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

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

BOI CASE NUMBER : N1111-082-11FC

EMPLOYER NAME : Cal Experience LLC

T8 CCR VIOLATIONS : 3314(c) and 3548(b)

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

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

BOI CASE NUMBER : N1111-018-12FC

EMPLOYER NAME : Viking Construction

T8 CCR VIOLATIONS : 1670(s)

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 : N1111-024-12FC

EMPLOYER NAME : Shuster's Logging, Inc.

T8 CCR VIOLATIONS : 6280(a)

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

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

BOI CASE NUMBER : N1111-026-12FC

EMPLOYER NAME : Thomas Grammer

T8 CCR VIOLATIONS : 3421(b) and 3127(c)(2)

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

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

BOI CASE NUMBER : N1111-037-12FC

EMPLOYER NAME : Terra Nova Ranch

T8 CCR VIOLATIONS : 3381(b)

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

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

BOI CASE NUMBER : N1110-042-12FC

EMPLOYER NAME : 3 Phase Line Construction Inc.

T8 CCR VIOLATIONS : 3328(a)

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

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

BOI CASE NUMBER : N1111-056-12FC

EMPLOYER NAME : Davey Tree Surgery Co.

T8 CCR VIOLATIONS : 3427(c)(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 : N1111-069-12FC

EMPLOYER NAME : Golden Link Plastic, Inc.

T8 CCR VIOLATIONS : 3314(d) and 3664(c)

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

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

BOI CASE NUMBER : N1111-072-12FC

EMPLOYER NAME : B & A International Farm Labor Service, Inc.

T8 CCR VIOLATIONS : 3381(b)

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

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

BOI CASE NUMBER : N1111-076-12FC

EMPLOYER NAME : Action Metal Recycling, Inc.

T8 CCR VIOLATIONS : 3664(e)

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

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

BOI CASE NUMBER : N1111-001-13FC

EMPLOYER NAME : KEECO LLC

T8 CCR VIOLATIONS : 3706(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 : S1110-047-12FC

EMPLOYER NAME : Inland Empire Builders, Inc.

T8 CCR VIOLATIONS :

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

III B

**SUMMARY OF INVESTIGATIONS COMPLETED IN
2013 BUT NOT REFERRED FOR PROSECUTION**

**-CATASTROPHES-
(SERIOUS INJURIES OR SERIOUS EXPOSURES OF FIVE OR MORE EMPLOYEES)**

(LABOR CODE SECTION 6315.3(d))

NOTE: None in Northern or Southern California for 2013.

III C

**SUMMARY OF INVESTIGATIONS COMPLETED IN
2013 BUT NOT REFERRED FOR PROSECUTION**

-BOI DISCRETIONARY-

(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 : S1231-071-11FC

EMPLOYER NAME : Strategic Sciences Corp. 2) Rainbow of Hope

T8 CCR VIOLATIONS : 5416(c) and 5164(a).

REASON NOT REFERRED : Although a serious accident-related citation was issued, the victim would have been the chargeable party.

III D

**SUMMARY OF INVESTIGATIONS COMPLETED IN
2013 BUT NOT REFERRED FOR PROSECUTION**

**-DISCRETIONARY INVESTIGATIONS-
SERIOUS INJURIES OR SERIOUS EXPOSURES OF FEWER THAN FIVE
EMPLOYEES**

(LABOR CODE SECTION 6315.3(d))

NOTE: None in Northern or Southern California for 2013.