

**STATE OF CALIFORNIA
LABOR AND WORKFORCE DEVELOPMENT AGENCY
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
BUREAU OF INVESTIGATIONS
1515 CLAY STREET, SUITE 1901
OAKLAND, CA 94612**

**2014 ANNUAL
REPORT OF THE BUREAU
OF INVESTIGATIONS
(LABOR CODE SECTION 6315.3)**

*DAVID LANIER
Secretary
LABOR AND WORKFORCE DEVELOPMENT AGENCY*

*CHRISTINE BAKER
Director
Department of Industrial Relations*

*JULIANN SUM
Chief
Division of Occupational Safety and Health*

*AMY D. MARTIN
Administrative Chief
Bureau of Investigations*

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INTRODUCTION

Enclosed is the 2014 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 2014 CALENDAR YEAR
(Labor Code section 6315.3(e))**

STAFFING

In 2014, the Bureau of Investigations (henceforth the Bureau) was staffed by the Administrative Chief, two staff attorneys, and an investigatory staff composed of a Supervising Special Investigator and three field investigators in Northern California (one of whom started in June 2014) 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 section 6315(c)) Since the passage of the California Occupational Safety and Health Act of 1973, Labor Code section 6300 et seq., the incumbent in this position has been a civil servant (rather than 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), also known as Cal/OSHA.

The Bureau thus exists as an entity within Cal/OSHA. 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 Cal/OSHA civil compliance staff makes a request for prosecution, pursuant to Labor Code section 6315(a) (these are the vast majority of cases referred to as "Requests for Prosecution from a Division Representative" 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 either serious injury to fewer than five employees or serious exposure. The Bureau is vested with the discretion to conduct an accident investigation in these 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))

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. Closed cases may involve a lack of an employer-employee relationship, no serious violations, or other factors indicating that criminal violations have not occurred. In all mandatory cases, the Bureau has continued its long-standing policy of conducting a preliminary investigation to ensure that a competent and professional investigation is conducted.

MEASURES, TRENDS, AND ACTIVITIES

There were 152 investigations in progress as of December 31, 2014. During the calendar year, the Bureau referred 21 cases to prosecuting authorities, and 9 cases were filed for prosecution. It is not uncommon for cases to be filed the year after they are referred (or several years later), and this year is no exception. Some of the cases referred to the prosecuting authorities in 2014 (especially towards the end of the year) will be considered for filing in calendar year 2015. In 2014, the Bureau closed 188 cases due to lack of legally 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 2003 through 2014.

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 two types of discretionary cases that get 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 get reported within "Requests for Prosecution from a Division Representative."

To ensure greater public awareness of meritorious occupational safety and health cases and encourage more prosecutions, the Bureau has continued to participate in seminars sponsored by the California District Attorneys Association (CDAA) pertaining to worker safety and Cal/OSHA crimes. The Bureau staff attended a statewide conference in 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 decided not to sponsor a seminar in 2014 but is expected to sponsor a seminar in 2015. 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 2014. The Bureau intends to continue concentrating its resources 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 (2003-2014)**

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			
	2014	184	171	0	12	0	1	188	119	69	21	19	1	0	0			
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

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

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 (discretionary); (K) Serious exposure (discretionary); (L) Requests for prosecution by a Division representative.

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
(LABOR CODE SECTION 6315.3(a))

LOGGED IN FOR THE NORTH AND SOUTH BUREAU OFFICES
2014 Calendar Year

	<u>TOTALS</u>
INITIAL ACCIDENT REPORTS	1060
INVESTIGATION REPORTS	984
A. Fatalities	171
B. Serious Injury of Five or More Employees	0
C. Requests for Prosecution from a Division Representative	13
D. Serious Injury to Fewer Than Five Employees (Discretionary)	813
E. Serious Exposure (Discretionary)	0
OTHER REPORTS AND DOCUMENTS RECEIVED FROM THE DIVISION	0

IB

TOTALS FOR 2014 CALENDAR YEAR
(LABOR CODE SECTION 6315.3(b)(1) and (2))

A.	<u>FATALITIES</u> (Labor Code section 6315.3(b)(1))	<u>TOTALS</u>
1.	Investigations in Progress as of January 1, 2014:	168
2.	Court Cases in Progress as of January 1, 2014:	14
3.	Investigations Completed in Calendar Year:	37
4.	Cases Referred during Calendar Year:	19
5.	Investigations in Progress as of December 31, 2014:	143
6.	Court Cases in Progress as of December 31, 2014:	10

IB

TOTALS FOR 2014 CALENDAR YEAR
(LABOR CODE SECTION 6315.3(b)(1) and (2))

B. <u>SERIOUS INJURY TO FIVE OR MORE EMPLOYEES</u> (Labor Code section 6315.3(b)(1))	<u>TOTALS</u>
1. Investigations in Progress as of January 1, 2014:	0
2. Court Cases in Progress as of January 1, 2014:	0
3. Investigations Completed in Calendar Year:	0
4. Cases Referred during Calendar Year:	0
5. Investigations in Progress as of December 31, 2014:	0
6. Court Cases in Progress as of December 31, 2014:	0

IB

TOTALS FOR 2014 CALENDAR YEAR
(LABOR CODE SECTION 6315.3(b)(1) and (2))

C.	<u>REQUESTS FOR PROSECUTION FROM A DIVISION</u> <u>REPRESENTATIVE</u> (Labor Code sections 6315.3(b)(1) and (b)(2))	<u>TOTALS</u>
1.	Investigations in Progress as of January 1, 2014:	2
2.	Court Cases in Progress as of January 1, 2014:	2
3.	Investigations Completed in Calendar Year:	1
4.	Cases Referred during Calendar Year:	1
5.	Investigations in Progress as of December 31, 2014:	1
6.	Court Cases in Progress as of December 31, 2014:	2

IB

TOTALS FOR 2014 CALENDAR YEAR
(LABOR CODE SECTION 6315.3(b)(1) and (2))

D. <u>SERIOUS INJURY TO FEWER THAN FIVE EMPLOYEES</u>	<u>TOTALS</u>
<u>(DISCRETIONARY)</u>	
(Labor Codes section 6315.3(b)(2))	
1. Investigations in Progress as of January 1, 2014:	7
2. Court Cases in Progress as of January 1, 2014:	0
3. Investigations Completed in Calendar Year:	7
4. Cases Referred during Calendar Year:	2
5. Investigations in Progress as of December 31, 2014:	8
6. Court Cases in Progress as of December 31, 2014:	0

IB

TOTALS FOR 2014 CALENDAR YEAR
(LABOR CODE SECTION 6315.3(b)(1) and (2))

E. <u>SEVERE EXPOSURE (DISCRETIONARY)</u> (Labor Code section 6315.3(b)(2))	<u>TOTALS</u>
1. Investigations in Progress as of January 1, 2014:	0
2. Court Cases in Progress as of January 1, 2014:	0
3. Investigations Completed in Calendar Year:	0
4. Cases Referred during Calendar Year:	0
5. Investigations in Progress as of December 31, 2014:	0
6. Court Cases in Progress as of December 31, 2014:	0

II A

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2014 AND
FINAL COURT DISPOSITIONS IN 2014**

-FATALITIES-

(LABOR CODE SECTION 6315.3(c))

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	N1111-022-10DC
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	The District Attorney's office did not take action prior to the passing of the statute of limitations.

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 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-065-10PC

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. On July 18, 2014, the defendant entered a guilty plea to violating Misdemeanor Labor Code section 6425. The defendant was ordered to complete 720 hours of community service and pay court fines and penalties.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	N1111-014-11DC
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	The District Attorney's office did not take action prior to the passing of the statute of limitations.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	N1111-026-11DC
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	The District Attorney's office did not take action prior to the passing of the statute of limitations.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-039-11DC

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 The District Attorney's office did not take action prior to the passing of the statute of limitations.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	N1111-054-11DC
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	DDA Staci Grassini declined to file due to insufficient evidence to support criminal prosecution.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-056-11DC

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 The District Attorney's office did not take action prior to the passing of the statute of limitations.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-062-11DC

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 The District Attorney's office did not take action prior to the passing of the statute of limitations.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	N1111-073-11XC
EMPLOYER\SUBJECT	Mark Dewsnup Individual DBA Mark Dewsnup
DATE REFERRED TO BOI	10/21/2011
DATE REFERRED TO DA	9/25/2012
SYNOPSIS	<p>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.</p>
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	<p>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). On 3/13/2014, in the Yuba County Superior court, the defendant, Mark Dewsnup was found not guilty by a jury to violating Misdemeanor Labor Code section 6425(a). The Penal Code section 192 (b) had been removed in the amended complaint filing.</p>

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	N1111-030-12DC
EMPLOYER\SUBJECT	Waste Management, Inc.
DATE REFERRED TO BOI	6/20/2012
DATE REFERRED TO DA	3/26/2014
SYNOPSIS	Employee was a traffic controller and sustained internal crushing injuries and severe fractures to both legs when a front end loader crushed into her.
STATUTE/ VIOLATIONS	Labor Code section 6425(a)
T8 CCR SECTIONS	3203(a)(2) and 3666
FINAL DISPOSITION	DDA Tony Douglas declined to file due to insufficient evidence to prove beyond reasonable doubt.

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 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	N1111-061-12RF
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	On March 24, 2014, the Sutter County District Attorney's office filed Felony Penal Code section 192(b) and Felony Labor Code section 6425 against Jerry Lee Pierce. No final court disposition as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1110-071-12RR
EMPLOYER\SUBJECT 1) Mario Jesus Flores 2) Rosa Farms
DATE REFERRED TO BOI 11/26/2012
DATE REFERRED TO DA 12/29/2014
SYNOPSIS Employee was ran over by a trailer.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3441(a)(2)(D)

FINAL DISPOSITION No final prosecution decision as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	N1111-014-13RR
EMPLOYER\SUBJECT	Pacific States Industries dba Redwood Empire Sawmill
DATE REFERRED TO BOI	4/11/2013
DATE REFERRED TO DA	3/24/2014
SYNOPSIS	The victim was fatally injured when he was drawn into a moving conveyor belt drum.
STATUTE/ VIOLATIONS	Penal Code section 192(b), Labor Code sections 6425(a) and 6423(a)(1)
T8 CCR SECTIONS	3314(c), 3314(g)(2)(A), 3999(b), 3999(f), 4051(a), 6332(b) and 3203(a)(6)
FINAL DISPOSITION	No final prosecution decision as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	N1111-015-13DC
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	DDA Martha Holzapfel declined to file due to insufficient evidence to support criminal prosecution.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-016-13RR

EMPLOYER\SUBJECT Henkel Corporation

DATE REFERRED TO BOI 4/16/2013

DATE REFERRED TO DA 5/8/2014

SYNOPSIS The victim was a temporary employee assigned to work at Henkel Corporation by a temporary staffing agency [Staffing Solutions, Inc.] as a Temporary Operator. Henkel Corporation directed the victim the task of mixing aerospace quality adhesives utilizing industrial mixers. The victim was working alone and was found wrapped around the shaft of the mixer, tangled in his coveralls and stripped naked. Both of his lower legs were severely injured to the point of amputation below the shins. The victim was rushed to the Intensive Care Unit at John Muir Medical Center, where he later died from his injuries.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3203(a)(4) and (a)(6), 4002(a), 3314(g)(1), 3383(b)

FINAL DISPOSITION No final prosecution decision as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	N1111-027-13RR
EMPLOYER\SUBJECT	1) Bob Britt DBA Arrow Asphalt Paving 2) Williams Ag Service Inc.
DATE REFERRED TO BOI	5/10/2013
DATE REFERRED TO DA	4/15/2014
SYNOPSIS	Employee was paving a landing strip and was hit by an airplane blade & belts.
STATUTE/ VIOLATIONS	Penal Code section 192(b), Labor Code sections 6425(a) and 6423(a)(1)
T8 CCR SECTIONS	1511(b), 1590(a)(4) and 1590(a)(5)
FINAL DISPOSITION	No final prosecution decision as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-038-13RR
EMPLOYER\SUBJECT Salvador William Versaggi DBA Versaggi Construction
DATE REFERRED TO BOI 6/5/2013
DATE REFERRED TO DA 3/17/2014

SYNOPSIS The Victim, a Carpenter, was working from an elevated nailed bracket scaffold, lowering a window frame opening approximately 8-9 inches. The nailed bracket scaffold was not guarded with rails and the Victim was not protected with fall protection. The Victim fell approximately 18'3" from the unguarded scaffold to the concrete basement floor. The Employer failed to instruct employees to use fall protection, failed to install guardrails on the scaffolding, failed to complete the stairway from the 2nd story to the 3rd story/street level, and allowed the use of a prohibited type of scaffold [nailed bracket scaffold.]

STATUTE/
VIOLATIONS Labor Code Section 6425(a)

T8 CCR SECTIONS 1621(a), 1670(a), 1629(b)(1)(A) and 1637(j)

FINAL DISPOSITION No final prosecution decision as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-049-13RR

EMPLOYER\SUBJECT Grocery Outlet

DATE REFERRED TO BOI 7/12/2013

DATE REFERRED TO DA 8/13/2014

SYNOPSIS The Victim, a janitor, was working in the rear warehouse area of a grocery store, placing empty cardboard boxes into a vertical baler. The gate safety switch had been rendered inoperable, either purposely or due to lack of maintenance. The Victim started the baler with the gate open, and then reached into the baler, ostensibly to clear a jam. The Victim's upper body was contacted by the descending ram on the baler, resulting in fatal injuries.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 3314(c), 3328(c), 4353(h), 4355(a)(1), 4353(g)

FINAL DISPOSITION No final prosecution decision as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-066-13DC

EMPLOYER\SUBJECT Robert A. Bothman Co.

DATE REFERRED TO BOI 8/27/2013

DATE REFERRED TO DA 9/25/2014

SYNOPSIS Two employees for Robert A. Bothman, Inc., as well as a school district employee, were working on a renovation project at a public middle school site. A three axle dump truck was parked on a pathway near the top of a small hill. The truck driver reported that he had parked the truck, set the brake and exited the vehicle, and was standing where the two employees [and one school district employee] were repairing the asphalt behind the truck. The truck, which was not chocked to prevent movement, began to roll backwards down the hill. One of the employees was unable to get out of the way, was struck and being fatally injured.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1593(h)

FINAL DISPOSITION DDA Tony Douglas declined to file due to insufficient evidence to support criminal prosecution.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	N1111-005-14RR
EMPLOYER\SUBJECT	Total Appearance Exhibit Services, Inc.
DATE REFERRED TO BOI	2/10/2014
DATE REFERRED TO DA	10/23/2014
SYNOPSIS	Employee was ran over by a trailer that was being pulled by a tractor.
STATUTE/ VIOLATIONS	Labor Code sections 6425(a) and 6423(a)(1)
T8 CCR SECTIONS	3650(t)(3) and 3664(b)
FINAL DISPOSITION	No final prosecution decision as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1111-017-14RR
EMPLOYER\SUBJECT Gary Jurin DBA Gary Jurin Logging
DATE REFERRED TO BOI 4/24/2014
DATE REFERRED TO DA 10/2/2014
SYNOPSIS Employee was crushed by a snag that fell from the top of a tree.

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

T8 CCR SECTIONS 6259(a)

FINAL DISPOSITION No final prosecution decision as of 12/31/2014.

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 12/31/2014.

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 12/31/2014.

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 S1111-003-09PC

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. On June 20, 2014, Patrick Harran entered into a deferred prosecution agreement in which he agreed to make no public statement denying responsibility for the conditions under which the lab was operated, commit no violations of LC 6423 or 6425, and he was to participate with the South Central Scholars for five years and he was to perform 400 hours of non-teaching community service at UCLA Health Services.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-019-09RF

EMPLOYER\SUBJECT Solus Industrial Innovations LLC

DATE REFERRED TO BOI 3/20/2009

DATE REFERRED TO DA 12/30/2010

SYNOPSIS Two employees were troubleshooting a hot water tank that had been leaking. The hot water tank exploded, broke through the roof about 30 feet above the floor and returned through the roof and fell into the workplace about 25 feet from its original location. Both employees were killed instantly and a third employee was injured by flying shrapnel and was treated and released at the hospital.

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

T8 CCR SECTIONS 3328(g)

FINAL DISPOSITION On March 8, 2012, the Orange County District Attorney's office filed two Felony counts against Roy Thomas Faulkinbury and Carl Edward Richardson for violating Labor Code section 6425 referencing Title 8 sections 467(a), 3328(a),(b), (f), (h), and (g). On December 20, 2012, the Orange County Grand Jury indicted Mr. Faulkinbury and Mr. Richardson for violating two counts of Felony Labor Code section 6425(a) referencing CCR T8 sections 467(a), 3328(a)(b)(f) and (g). On 2/14/2014, Carl Richardson and Roy Faulkinbury entered a no contest plea to the two felony counts of LC 6425(a). The Defendants must pay a collective total of \$450,000 to the victim's families and they are ordered to complete community service. The District Attorney's office also filed a civil Business and Professions Code complaint against Solus. No final court disposition as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-043-09PC

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. On 8/11/2014, Macy's Corporate Services, Inc. entered into a plea agreement and proposed order. A 3rd Count of violating Penal Code section 387(a), Corporate Criminal Liability was added. The proposed order stated the defendant had to enter a nolo contendere pleading to Count 3, conduct an independent audit of all balers and pay a court fine of \$950,000.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	S1111-025-10PC
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]. On 3/13/14, Reliable Container pleaded nolo contendere to one Misdemeanor count of LC 6425. The company was placed on 3 years probation and ordered to pay \$415,000 victim restitution, \$25,000 to BOI for equipment and training, \$25,000 to CDAA worker safety training fund, and \$85,000 in fines to the Court. The cases for the remaining three defendants were dismissed.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	S1111-050-10PC
EMPLOYER\SUBJECT	Paul McGrath Contracting
DATE REFERRED TO BOI	7/29/2010
DATE REFERRED TO DA	7/20/2011
SYNOPSIS	<p>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.</p>
STATUTE/ VIOLATIONS	Labor Code 6423(a)(1) and 6425(a)
T8 CCR SECTIONS	1541.1(a)
FINAL DISPOSITION	<p>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. On 5/9/14, the company entered a nolo contendere plea to violating one count of Felony LC 6425. The company was placed on formal probation for 5 years and ordered to pay a total fine of \$154,050. On 5/9/2014, Defendant McGrath entered a nolo contendere plea to count 4, violating LC 6425 a Misdemeanor. On 11/17/2014, the case against McGrath was dismissed in furtherance of justice.</p>

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-069-10RF

EMPLOYER\SUBJECT Nibbelink Masonry Construction Corp.

DATE REFERRED TO BOI 10/4/2010

DATE REFERRED TO DA 12/28/2012

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

STATUTE/
VIOLATIONS Labor code section 6425(a)

T8 CCR SECTIONS 1637(n)(1)

FINAL DISPOSITION On May 24, 2014, the San Bernardino District Attorney's office filed Felony Labor Code section 6425(a) against Nibbelink Masonry Construction Corp. referencing CCR T8 section 3668. No final court disposition as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-075-10PC
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 provided 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). On 5/12/14, Tom Beattie Inc., entered a guilty plea to Misdemeanor LC 6425. The company was placed on 3 years probation, ordered to pay a \$50,000 fine as well as update the IIPP and training. Defendant Beattie entered a nolo contendere plea to violating Misdemeanor LC 6425. He was sentenced to 3 years probation, ordered to pay a fine totaling \$47,605. The remaining counts against Defendant Beattie were dismissed and the cases against the remaining defendants were dismissed.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	S1111-003-11DC
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	<p>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.</p>
STATUTE/ VIOLATIONS	Labor Code 6425(a)
T8 CCR SECTIONS	1644(a)(4);1644(a)(7)
FINAL DISPOSITION	Deputy District Attorney Kevin Halligan declined to file due to insufficient evidence to support criminal prosecution.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-012-11PC
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 On 5/29/2014, the Tulare County District Attorney's office filed a civil Business and Professions Code section 17204 and 17206 against Setton Pistachio of Terra Bella, referencing CCR T8 section 3314(j)(1), 3314 (d), 3314(e), 3314(h)(3) and 3314(g)(2)(A). A Stipulated final Judgment was filed on June 2, 2014. The defendant was ordered to pay \$300,000 to Tulare County, \$14,174.88 to Cal/OSHA, and \$100,000 to Cal/OSHA for civil penalties.

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 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-026-11PC
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 On 1/28/2014, the Los Angeles District Attorney's office filed Felony Labor Code section 6425, referencing CCR Title 8 section 3212(e) against Eberhard Roofing. On 10/9/14, the case was dismissed in furtherance of justice per 1385 Penal Code.

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	<p>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.</p>
STATUTE/ VIOLATIONS	Labor Code sections 6425(a)
T8 CCR SECTIONS	2946(a); 2946(b)(2);
FINAL DISPOSITION	<p>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 12/31/2014.</p>

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-060-11DC

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 Deputy District Attorney Deborah Owen declined to file due to insufficient evidence to support criminal prosecution.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-070-11PC
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 On August 26, 2014, the Orange County District Attorney's office filed a Final Judgment against American Apparel for Business and Professions Code 17200 for violating T8 sections 3203, 2340.16, 2500.8, 3314, 4184, 6151, and 4475. The company agreed to pay a total of One Million dollars (\$150,00 in victim restitution, \$100,285 to DOSH for fines related to citations issued, \$32,925 to DOSH for investigative cost recovery, and \$566,790 to DA's office for civil penalties)

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-082-11DC

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 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 On 10/6/2014, Kern County District Attorney Lisa Green, declined to file.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	S1111-084-11PC
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 Express Glass and Mirror and Tony Ma. On 5/21/14, Tony Ma entered a guilty plea to Felony LC 6425. He was placed on three years formal probation, ordered to perform 240 hours of community service and to pay \$48,000 in victim restitution. The case against the Express Glass and Mirror was dismissed.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-085-11RF

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 unshored 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 On September 15, 2014, the Ventura County District Attorney's office filed a Felony complaint against Abraham Zafrani for violating Labor Code section 6425(a). No final court disposition as of 12/31/2014

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-094-11PC

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 On November 21, 2014, a complaint for civil penalties for Business and Professions code section 17207 and Final Judgment was entered against Vista Paint Corporation for violating Health and Safety Codes 25503.5, 25504, 255505, and Title 8 sections 5205, 5203 and 5144. The company agreed to pay a total settlement of \$950,000 (\$340,000 in victim restitution, \$37,500 to DOSH for cost recovery, \$100,000 to DOSH Bureau of Investigation for training and equipment, \$163,460 in civil penalties, and \$100,000 in donations to community projects and organizations).

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-105-11DC

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 On 11/5/2014, DDA Elizabeth McClutchey declined to file.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-007-12RF
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 as 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); Penal Code: 192(b)

T8 CCR SECTIONS 1541(k)(1)

FINAL DISPOSITION On July 17, 2014, the Grand Jury of the County of Santa Clara indicted U.S. Sino Investment Inc. Richard Liu and Dan Luo for violating Penal Code Section 192(b), Involuntary Manslaughter. Counts Two, Three and Four were filed against U.S. Sino and Dan Luo for violating Felony Labor Code section 6425(a), referencing T8 sections 1541.1(a), 1541(j)(1) and 1541(k)(1). No court disposition as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	S1111-034-12DC
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(a)
T8 CCR SECTIONS	1735(m)(1)
FINAL DISPOSITION	Deputy District Attorney John Mitchell declined to file due to insufficient evidence to support criminal prosecution

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 12/31/2014.

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)

T8 CCR SECTIONS 3312(e)

FINAL DISPOSITION No final prosecution decision as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	S1111-066-12RR
EMPLOYER/SUBJECT	1) Brahma Group Inc./ 2) CAMS/WCAC Juniper California LLC
DATE REFERRED TO BOI	10/4/2012
DATE REFERRED TO DA	6/2/2014
SYNOPSIS	<p>The two victims were employed by an industrial contractor which had been hired to maintain and repair equipment at a power plant. The victims were leak testing repair welds inside of a vertical pressure vessel by applying up to 120 PSI of pressure via air hose to a sealed false bottom inside the vessel. A section of the false bottom violently ruptured while they were standing on it, killing one victim and seriously injuring the other. The victims were instructed by their employer to use an unsafe pressure testing procedure for leak testing welds, directly resulting in this incident</p>
STATUTE/ VIOLATIONS	Labor Code 6425(a)
T8 CCR SECTIONS	3328(b);3301(f);3228(b)
FINAL DISPOSITION	No final prosecution decision as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-069-12RR

EMPLOYER\SUBJECT Bumble Bee Foods

DATE REFERRED TO BOI 10/11/2012

DATE REFERRED TO DA 5/20/2014

SYNOPSIS The victim, a basket pusher, was tasked with preparing the retort. A co-worker observed the victim's pallet jack unattended and the victim was not observed on the production floor. The supervisor instructed the co-worker to finish loading the retort. The retort operator closed and locked the retort front door, the rear door having already been closed, and opened the retort steam valve. When the victim did not return shortly after the retort was started, several employees began a search. After initial search efforts were exhausted, the searchers focused on the last retort that was loaded. Upon opening the rear door, the victim's body was found. The victim had sustained fatal massive thermal burns.

STATUTE/
VIOLATIONS Labor Code 6425(a)

T8 CCR SECTIONS 5157(d)(1) and 5157(g)

FINAL DISPOSITION No final prosecution decision as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-073-12RR
EMPLOYER\SUBJECT Force Environmental, Inc./Force/ Pacific Demolition,
Inc. /Halbert Construction Co, Inc.
DATE REFERRED TO BOI 10/18/2012
DATE REFERRED TO DA 8/22/2014

SYNOPSIS The Victim was on the second story repairing a plastic cover to an open roof atrium when he fell through the plastic from an approximate height of 25 feet landing on the concrete floor. The investigation determined that although the Victim was wearing fall protection, there was no anchor point for him to tie off to.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1670(a)

FINAL DISPOSITION No final prosecution decision as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-007-13RR

EMPLOYER\SUBJECT C R & R

DATE REFERRED TO BOI 3/1/2013

DATE REFERRED TO DA 10/13/2014

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

STATUTE/
VIOLATIONS Labor Code section 6425(a)

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

FINAL DISPOSITION No final prosecution decision as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	S1111-011-13RR
EMPLOYER\SUBJECT	Los Angeles Engineering
DATE REFERRED TO BOI	3/15/2013
DATE REFERRED TO DA	9/16/2014
SYNOPSIS	<p>The victims were employed by a utility contractor as laborers. The victims and their co-workers had completed excavating a 45 feet long and 14 feet deep trench. The trench had been dug to facilitate the installation of reinforced concrete piping that was part of larger storm water reclamation project. The victims were working inside the trench completing final excavation by hand, when the side of the excavation collapsed onto the victims, fatally crushing one victim and injuring the second. The subsequent investigation determined that the victims were working in an area (approximately 28 feet in length) without the required protective system.</p>
STATUTE/ VIOLATIONS	Labor Code 6425(a)
T8 CCR SECTIONS	1541(k); 1541.1(a)
FINAL DISPOSITION	No final prosecution decision as of 12/31/2014

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-015-13RR

EMPLOYER\SUBJECT Pacific Excavation

DATE REFERRED TO BOI 4/8/2013

DATE REFERRED TO DA 8/15/2014

SYNOPSIS The victim, employed as a laborer by Pacific Excavation, a grading and excavation contractor, was working in a 10-foot-deep vertical trench without an adequate protective system. The victim was using a hand shovel to grade the bottom of the trench when a large chunk of soil broke loose from the vertical wall of the excavation, hitting him in the head and killing him.

STATUTE/
VIOLATIONS Labor Code section 6425(a)

T8 CCR SECTIONS 1541.1(a)(1)

FINAL DISPOSITION No final prosecution decision as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	S1111-021-13RR
EMPLOYER\SUBJECT	Jerich International dba Jerich USA, Inc.
DATE REFERRED TO BOI	4/18/2013
DATE REFERRED TO DA	7/28/2014
SYNOPSIS	<p>The Victim, employed by a logistics company as a warehouse laborer, walked into an area of the warehouse where 500- and 1,000-pound bales of recyclable paper were received, stacked and stored. A 1000 pound bale of paper came loose from the stack and struck the victim in the head, killing him. The employer did not stack or restrain the bales of paper in a way that would keep them from falling.</p>
STATUTE/ VIOLATIONS	Labor Code 6425(a)
T8 CCR SECTIONS	3203(a)(7); 3241(c)
FINAL DISPOSITION	No final prosecution decision as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	S1111-037-13RR
EMPLOYER\SUBJECT	Midwest Roofing Company
DATE REFERRED TO BOI	6/19/2013
DATE REFERRED TO DA	11/17/2014
SYNOPSIS	<p>The Victim was employed by a roofing company and was working on a two-story residential apartment building, 17 feet 4 inches above ground. The Victim was working without fall protection between the leading edge of the roof and the end of an exposed roof joist and was using a circular saw to trim the end of a damaged roof joist. The Victim subsequently fell off the roof, sustained massive head injuries and died six days later. The employer had a prior history of not utilizing fall protection on previous jobsites and had been convicted for violating CA Labor Code Section 6425(a) after an employee, without required fall protection, fell through a roof opening while removing structural roof sheeting and sustained fatal injuries.</p>
STATUTE/ VIOLATIONS	Labor Code 6425(a)
T8 CCR SECTIONS	1670(a)
FINAL DISPOSITION	No final prosecution decision as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1111-082-13RR

EMPLOYER\SUBJECT Key Energy

DATE REFERRED TO BOI 10/12/2013

DATE REFERRED TO DA 10/10/2014

SYNOPSIS The Victim was employed by an oil well rigging company as a floor hand. During assembly of an oil rig, he was standing on an I-beam under a load being raised by a forklift. The load was not properly secured to the forks, however, and an error on the part of the operator resulted in the load falling off, striking the victim and killing him.

STATUTE/
VIOLATIONS Labor Code 6425(a)

T8 CCR SECTIONS 3650(t)(12) ;3650(t)(27)

FINAL DISPOSITION No final prosecution decision as of 12/31/2014.

II B

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2014 AND
FINAL COURT DISPOSITIONS IN 2014**

-SERIOUS INJURY TO FIVE OR MORE EMPLOYEES-

(LABOR CODE SECTION 6315.3(c))

NOTE: None in Northern or Southern California for 2014.

II C

SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2014 AND
FINAL COURT DISPOSITIONS IN 2014

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

(LABOR CODE SECTION 6315.3(c))

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER N1230-059-13RF

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 On March 13, 2014, the Contra Costa District Attorney's office filed a total of 23 counts [21 counts related to H&S charges] which included one Misdemeanor count of violating Labor Code section 6326 [Violation of Order Prohibiting Use] and one Misdemeanor count of violating LC section 6423(a)(1) referencing CCR T8 section 4237. No final court disposition as of 12/31/2014.

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 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1231-076-10PC

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. On 2/25/2014, the defendants paid \$10,000 and provided confirmation that they had completed 320 hours of community service. On 3/5/2014, the case was dismissed in furtherance of justice.

II D

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2014 AND
FINAL COURT DISPOSITIONS IN 2014**

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

(LABOR CODE SECTION 6315.3(c))

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1231-037-10PC

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. On 1/9/2014, the defendant entered a nolo contendere plea to count one Felony LC 6425. The company was placed on 2 years probation, ordered to pay \$50,000 in victim restitution, \$25,000 to BOI for training and equipment, and \$15,000 to CDAA worker safety training fund. The remaining counts were dismissed.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER	S1231-009-13RR
EMPLOYER\SUBJECT	AMF Support Surfaces Inc dba Tridien Medical
DATE REFERRED TO BOI	3/7/2013
DATE REFERRED TO DA	12/15/2014
SYNOPSIS	<p>On March 2, 2013, the Victim, a punching press operator furnished to the employer by a temporary staffing agency, was discarding a cart full of foam waste into a horizontal baler when the Victim fell down the hopper and into the feed chamber. The baler activated and the moving platen ram caught his legs and crushed them against the top of the bailing compartment. The Victim sustained serious permanent injuries after both his legs were amputated at thigh level.</p>
STATUTE/ VIOLATIONS	Labor Code section 6425(a)
T8 CCR SECTIONS	3481(a)
FINAL DISPOSITION	No final prosecution decision as of 12/31/2014.

STATE OF CALIFORNIA
BUREAU OF INVESTIGATIONS

BOI CASE NUMBER S1231-062-14RR
EMPLOYER\SUBJECT Setton Pistachio of Terra Bella
DATE REFERRED TO BOI 8/12/2014
DATE REFERRED TO DA 10/7/2014

SYNOPSIS The victim, a sanitation worker assigned to clean machinery for sorting pistachios, lost her footing and fell. When she reached out her right hand to break her fall, it came into contact with an unguarded moving conveyor belt and she was drawn into the rollers, resulting in serious injury to her right arm.

STATUTE/
VIOLATIONS Labor Code 6425(a)

T8 CCR SECTIONS Section 3999(b)

FINAL DISPOSITION No final prosecution decision as of 12/31/2014.

II E

**SUMMARY OF CASES REFERRED TO PROSECUTORS IN 2014 AND
FINAL COURT DISPOSITIONS IN 2014**

**-SEVERE EXPOSURE -
(DISCRETIONARY INVESTIGATIONS)**

(LABOR CODE SECTION 6315.3(c))

NOTE: None in Northern or Southern California for 2014

III A

**SUMMARY OF INVESTIGATIONS COMPLETED IN
2014 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 : N1110-020-13FC

EMPLOYER NAME : Ken Bareilles dba Geraldo Vargas Herrera

T8 CCR VIOLATIONS :

REASON NOT REFERRED : No citations were issued. No ER/EE relationship.

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

BOI CASE NUMBER : N1111-029-13FC

EMPLOYER NAME : TraPac Inc.

T8 CCR VIOLATIONS : 3475(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 : N1111-039-13FC

EMPLOYER NAME : Stevens Creek Quarry, Inc.

T8 CCR VIOLATIONS : 3653(a), 7021(a)

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

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

BOI CASE NUMBER : N1111-044-13FC

EMPLOYER NAME : David Rodriguez DBA David's Automotive

T8 CCR VIOLATIONS : 3562(d), 3562(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 : N1111-049-12FC

EMPLOYER NAME : 1) Randstad Horizons, LP 2) Gibson Winery

T8 CCR VIOLATIONS : 3314(d), 5141(a)

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

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

BOI CASE NUMBER : N1111-071-13FC

EMPLOYER NAME : Sunwest Fruit Company, Inc.

T8 CCR VIOLATIONS : 3381(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 : N1111-080-13FC

EMPLOYER NAME : John Boak Logging LLC

T8 CCR VIOLATIONS : 6328(A)

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

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

BOI CASE NUMBER : N1110-004-14FC

EMPLOYER NAME : Galaxy Granite

T8 CCR VIOLATIONS : 3704, 3203(a)(7)

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 : N1111-006-14FC

EMPLOYER NAME : Patty's Forestry Service, Inc.

T8 CCR VIOLATIONS : 3427(c)(4)

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

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

BOI CASE NUMBER : N1111-010-14FC

EMPLOYER NAME : Curtis Beresford DBA Full Service Scaffold

T8 CCR VIOLATIONS : 2946(a)

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

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

BOI CASE NUMBER : N1110-030-14FC

EMPLOYER NAME : Foundation Building Materials

T8 CCR VIOLATIONS : 1670(a)

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

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

BOI CASE NUMBER : S1111-029-12FC

EMPLOYER NAME : Live Nation

T8 CCR VIOLATIONS : 3210(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 : S1111-054-12FC

EMPLOYER NAME : California Beverage Marketing Corp

T8 CCR VIOLATIONS : 3203(a)(7)

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

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

BOI CASE NUMBER : S1111-013-13FC

EMPLOYER NAME : Astro Aluminum Treating Co.

T8 CCR VIOLATIONS : 4999©(1), 4999(a), 5042(a)(9)

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 : S1110-016-13FC

EMPLOYER NAME : Hernandez Landscaping

T8 CCR VIOLATIONS :

REASON NOT REFERRED : No jurisdiction.

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

BOI CASE NUMBER : S1111-074-13FC

EMPLOYER NAME : Relex, Inc. /GNS Development Corp. dba Golf N

T8 CCR VIOLATIONS : 3427(a)(4)

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

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

BOI CASE NUMBER : S1111-001-14FC

EMPLOYER NAME : Remac Tire Service

T8 CCR VIOLATIONS : 3562(e)

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

III B

**SUMMARY OF INVESTIGATIONS COMPLETED IN
2014 BUT NOT REFERRED FOR PROSECUTION**

-SERIOUS INJURY TO FIVE OR MORE EMPLOYEES-

(LABOR CODE SECTION 6315.3(d))

NOTE: None in Northern or Southern California for 2014.

III C

**SUMMARY OF INVESTIGATIONS COMPLETED IN
2014 BUT NOT REFERRED FOR PROSECUTION**

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

(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 : N1230-087-13FC

EMPLOYER NAME : EnerG Shield

T8 CCR VIOLATIONS :

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

III D

**SUMMARY OF INVESTIGATIONS COMPLETED IN
2014 BUT NOT REFERRED FOR PROSECUTION**

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

(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 : N1231-088-13FC

EMPLOYER NAME : 1)Clean Harbors Environmental Services 2)

T8 CCR VIOLATIONS : 3203(a), 3380(f), 5417(e) and 5418(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 : N1231-024-14FC

EMPLOYER NAME : Kwan Wo Ironworks, Inc.

T8 CCR VIOLATIONS : 4845(q), 4845(b), 1522(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 : S1230-006-13FC

EMPLOYER NAME : Sports Chalet

T8 CCR VIOLATIONS : 5416(a)

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

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

BOI CASE NUMBER : S1230-102-13FC

EMPLOYER NAME : Argus Contracting

T8 CCR VIOLATIONS :

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

III E

**SUMMARY OF INVESTIGATIONS COMPLETED IN
2014 BUT NOT REFERRED FOR PROSECUTION**

**-SERIOUS EXPOSURE-
(DISCRETIONARY INVESTIGATIONS)**

(LABOR CODE SECTION 6315.3(d))

NOTE: None in Northern or Southern California for 2014.