



**Date:** August 8, 2019

**Location:** Colorado Department of Labor and Employment  
633 17th Street, Suite 500  
Denver, CO 80202

**Present:** Mike Mills, Jim Moody, Jeannette Jones, Patrick Fitzgerald, Eric Kirkpatrick, Mark Jurgemeyer, Raymond Swedfeger, Mark Frasier, Julie Mileham, Tom Sturmer, Lori Warner, Randy Wheelock, Chris Kampmann.

**Absent:** Jeff Rumer, Katherine Duitsman.

**Note:** The meeting was recorded and started at 12:00pm. These minutes represent a summary of this meeting and are not intended to be a verbatim document. Audio recordings of the meetings can be obtained by contacting [cdle\\_safetycommission@state.co.us](mailto:cdle_safetycommission@state.co.us).

#### MINUTES APPROVAL:

**A Motion was made to approve the minutes from the July 11, 2019, meeting:** motion carried and discussion was entered. There was no discussion; a vote was taken to approve the minutes. It was approved by a unanimous vote.

#### COMPLAINT HEARINGS:

- The Review Committee's Findings of Fact forms from the July 17, 2019 hearings were reviewed with the Safety Commission.
  - Complaint # 2019-017: **A Motion was made to adopt the Review Committee's recommended remedial action as noted in the Findings of Fact form:** Motion carried & discussion was entered. There was no further discussion. A vote was taken. It was approved by a unanimous vote.
  - Complaint # 2019-004: **A Motion was made to adopt the Review Committee's recommended remedial action as noted in the Findings of Fact form:** Motion carried & discussion was entered. There was no further discussion. A vote was taken. It was approved by a unanimous vote.
  - Complaint # 2019-025: **A Motion was made to adopt the Review Committee's recommended remedial action as noted in the Findings of Fact form:** Motion carried & discussion was entered. There was no further discussion. A vote was taken. It was approved by a unanimous vote.
- Complaint # 2019-019 through 2019-024: Discussion was had regarding the lack of communication from the party that filed the complaint (same party for 2019-025). This discussion included a change to the Hearing Notification email - which now requires a response with notice of how parties will attend hearings (and the potential for complaints to be dismissed and/or removed from the schedule of

hearings if party that filed the complaint chooses not to respond). There was a question about whether or not the party that files a complaint and then does not communicate would be held accountable - would this be considered a frivolous complaint? At this time the Commission will not make this a policy and will continue to consider each case separately. It was noted that without the Statute or Regulations giving deadlines, changes to the Regulations may be needed to clarify timing of complaints and for now the Safety Commission will vote on any complaints that need to be dismissed (prior to the hearing occurring). **A Motion was made to dismiss hearings [complaint #s] 2019-019, 2019-020, 2019-021, 2019-022, 2019-023 & 2019-024 all Sturgeon Electric vs. USIC/Reconn/Comcast/CenturyLink due to lack of response from the complainant:** Motion carried & discussion was entered. There was no further discussion. A vote was taken. It was approved by a unanimous vote.

- With openings in the August hearing schedule, complaints were shifted on the hearing schedule to fill the gaps.
- September & October Hearing dates and Review Committee members were selected.

#### **BEST PRACTICES:**

A summary of the work completed by the Best Practices sub group was provided. Jeanette discussed the new process the group will follow. Electronically locatable & its 3 pieces of the law (as viewed by the Best Practices group) were noted; challenges were discussed for the majority of the meeting. Have a plan to develop a draft that will be further discussed at the next meeting.

#### **ADMINISTRATIVE ITEMS/OPS UPDATE:**

- PHMSA review of CO excavation ongoing.
- Database: OPS staff are meeting to look at next steps in developing the system.
- Regulations - working copy: Items to add for future consideration? *Elaborate on dismissal of complaints (dismissed due to non-response), timeline to file a complaint (suggest no more than 12 months after the date of the event).*
- September 17th Safety Summit: some SC members and OPS staff will be in attendance

#### **CO 811 UPDATE & ANNUAL REPORT:**

JD Maniscalco, Jose Espino & Melissa C. (Business Analyst) were present. Barry Miller (subcontractor from Foresight) was also available for the Annual Report discussion.

- Progress continues from last month's update regarding software & phone updates. Discussion was held around the new iDig program.
- Upcoming & past events: Damage Prevention Mixer in July, 811Run on August 10th in Arvada, and Mock Line strike in September. See CO 811 website for details and more events.
- Ticket Reading Training available online for Safety Commission members.
- New SW Liaison has been hired: David Waller.
- Elections for the CO 811 Board & SC representative are underway.
- New Committee: Data Driven Strategic Committee: to look at the data to know how to move forward in the future.
- CO 811's Annual Report presented; questions sent ahead of time by some SC members were discussed. Ways to get better data was discussed; at this time the DIRT report is a huge well of information & there may be a need to improve upon this in the future.

#### **PHMSA REPORT**

- Meetings and an official response letter will occur later in the year.
- Discussion was held around the required items (from PHMSA) and how the CO 811 Annual Report data meets the requirements.

**OTHER BUSINESS:**

- August 11th is National 811 Day.
- It was noted that this meeting is occurring on the 1 year anniversary of the new law (CRS).
- Training Considerations for Current & Future Safety Commission members: discussion was had about resources available for members on their own time vs AG Annual training requirement and other trainings that may occur in various SC meetings.
- Agenda for the next meeting was discussed.

The next meeting is scheduled for September 12, 2019.

Meeting adjourned at 3:24 pm