

wsdlsafetycommittee@gmail.com

From: sendmail@washington-ucc.org
Sent: Tuesday, October 8, 2019 4:32 PM
To: wsdlsafetycommittee@gmail.com
Subject: Complaint Form

Complaint Form Request

Requester Information

Name: Heather Forgey
Company: City of Ellensburg
Company Phone: (509)925-8603
Company Email: forgeyh@ci.ellensburg.wa.us
Company Address: 501 N Anderson St, Ellensburg, 98926
Ticket Requested: no

Violation Information

Violation RCW: RCW 19.122.030
Violation Section: 19.122.030 (1a) and (2), (5)
Violation Description: Excavation took place on parcels 18005 and 23166 across the street from 901 W University Way by with no locate request
Violation Address: 900 W University Way
Violation Date: 10/71/9

Alleged Violator

Violator Name: Andrew Pittman
Violator Phone Number: (509)361-9618
Violator Email: pittman1996@gmail.com
Violator Address: 1441 W University Wy, Ellensburg, 98926
Violator Employess On Site: Andrew and Howard Pittman

Changed violator from Pittman Towing to Andrew Pittman on 8/10/19 per complaints request

Other Information

Other Information:

wsdlsafetycommittee@gmail.com

From: Mike Majnarich <majnarichs@msn.com>
Sent: Wednesday, November 20, 2019 4:13 PM
To: Shelley Cornelius
Subject: Fwd: Job 1

Sent from my iPad

Begin forwarded message:

From: Mike Majnarich <majnarichs@msn.com>
Date: November 19, 2019 at 4:46:15 PM PST
To: Mike Majnarich <lifes_a_ditch@yahoo.com>
Subject: Fwd: Job 1

Sent from my iPad

Begin forwarded message:

From: Mike Majnarich <majnarichs@msn.com>
Date: November 18, 2019 at 11:57:52 AM PST
To: Mike Majnarich <majnarichs@msn.com>
Subject: Job 1

Hello, My name is Mike Majnarich owner of Specialty Services NW. I want to thank you for your time and allowing me to present my side of an unfortunate series of events that transpired over the summer and into the fall. I have been doing excavation in and around the Spokane area for over 30 years. I have long been aware of the importance of having jobs marked prior to beginning excavation, to the point I have always brought my own locator to jobs to locate any secondary power, phone, gas, and to check accuracy of primary locate. I want to make note I own a locator as this comes into play later on. I have filed reports, (claims?) on 2 jobs, but which will be referred to as jobs 2 and 3. Job 1 is a event that took place in early June, I did not file on it. I was told that I could touch upon it briefly as it puts a lot of what happened later into context. Job 4 is something that is pending, if I'm so allowed I would like to touch upon it as well.

Ok, let's cut to the chase. This first part is concerning Job 1, ticket number 19242334, address --- . The locate was not completed on time. I called the number on the ticket to talk to somebody from Century Link so I could get this marked. This eventually put me in touch with Ty Lemaster, who called USIC. They informed him the job was in fact marked.

Mike,

This is the response I got from our locating contractor USIC...

Ty,

Both of these tickets were completed on time. They were not missed. Also, and notice went to the email address on the ticket to let the contractor know this.

Thank you,
David

There was no orange paint in my clearly marked dig area, the customer had no fence, gate or dogs to keep locators from doing their job. I called Ty, had a couple conversations with him but ultimately he sided with locators in that the job was marked. This led me to send him a picture of phone pedestal, phone box on house, and have another conversation where he reiterated that no phone was present. My last recourse was to go back to the job, hook up my locator, locate phone line, carefully excavate, take a picture and send another picture to Ty. Finally, almost 2 weeks later, Ty goes out to job, sees that there is indeed phone in the ground and calls USIC. The homeowners agreed to my request for their version of the events that went on, I would like to read this letter if I may.

← **John Rasmussen**

8:34 AM



Re: Stump grinding early last summer

[Details](#)

To: Mike Majnarich

This Summer I needed stumps removed from around the house. I contacted Mike to have him take a look and give an estimate. He informed me that we would need to understand where all the underground utilities were before being able to proceed. He put in a request to have them located. I believe we waited at least 2 weeks and still there had not been anything done or located for us. He ended up bringing out his own equipment and doing the locating so the job could be completed. I believe Mike to be an honest man who works hard, its frustrating for me to see someone who has to deal with peoples left over mistakes and waiting on other people so he can perform his job. If I was in his shoes I would be discontent with the whole process and expect more from power companies and the utilities district. Mike is the type of guy who wants to work and get things accomplished for his customers, and to have a large company in the area who is slow to act and take responsibility for their job, even if it doesnt affect their bottom line is disheartening.

The whole process definitely did slow down our Summer and plans for landscaping. The project didnt turn out as well as we had wished in terms of completion and timing, Mike did all he could do for us I believe.







wsdlsafetycommittee@gmail.com

From: Mike Majnarich <majnarichs@msn.com>
Sent: Wednesday, November 20, 2019 4:14 PM
To: Shelley Cornelius
Subject: Fwd: Job 2 part 1

Sent from my iPad

Begin forwarded message:

From: Mike Majnarich <majnarichs@msn.com>
Date: November 19, 2019 at 9:08:34 AM PST
To: Mike Majnarich <majnarichs@msn.com>
Subject: Job 2 part 1

This job took place at 3928 West Olympic, ticket numbers 19451204 and 19459586. This job involved removing a tree and stump in a city of Spokane right of way, so it had to be permitted and inspected shortly after completion by the city of Spokane. It was also time sensitive, there could be no situations like what happened previously. Given the problems I was having getting locates completed it seemed prudent I phone in locate a full 2 weeks prior, which was the amount of time it took on Job 1. On my first legal dig day, I took time out of my schedule to drive to job to inspect locates, fully expecting a satisfactory outcome. This was not to be. The following pictures are what I saw on the morning of October



16.



It's clear by these photos that gas and power made it to my job, that it was white marked, but phone was not marked. It's worth noting the size of the phone pedestal, there was clearly major phone in the dig area. On the first ticket, shortly after it was phoned in I received this from USIC.



Excavation Site Clear Notification

To: MIKE MAJNARICH
Email: MAJNARICH@MSN.COM

10/11/2019, 11:53 AM

Below lists utilities that were stasured by USIC as Excavation Site Clear.

Please note there may be other Utilities which include private facilities that may be present in the work area and are NOT the responsibility of USIC to locate or mark.

Follow all Federal, State, and Local Laws.

<u>Ticket Number</u>	<u>Address</u>
19451204	3928 WEST OLYMPIC

<u>Utility</u>	<u>Locate Date/Time</u>	<u>Ticket Status</u>
Centurylink GM3C7 WA	10/11/2019, 11:53 AM	Excavation Site Clear

wsdlsafetycommittee@gmail.com

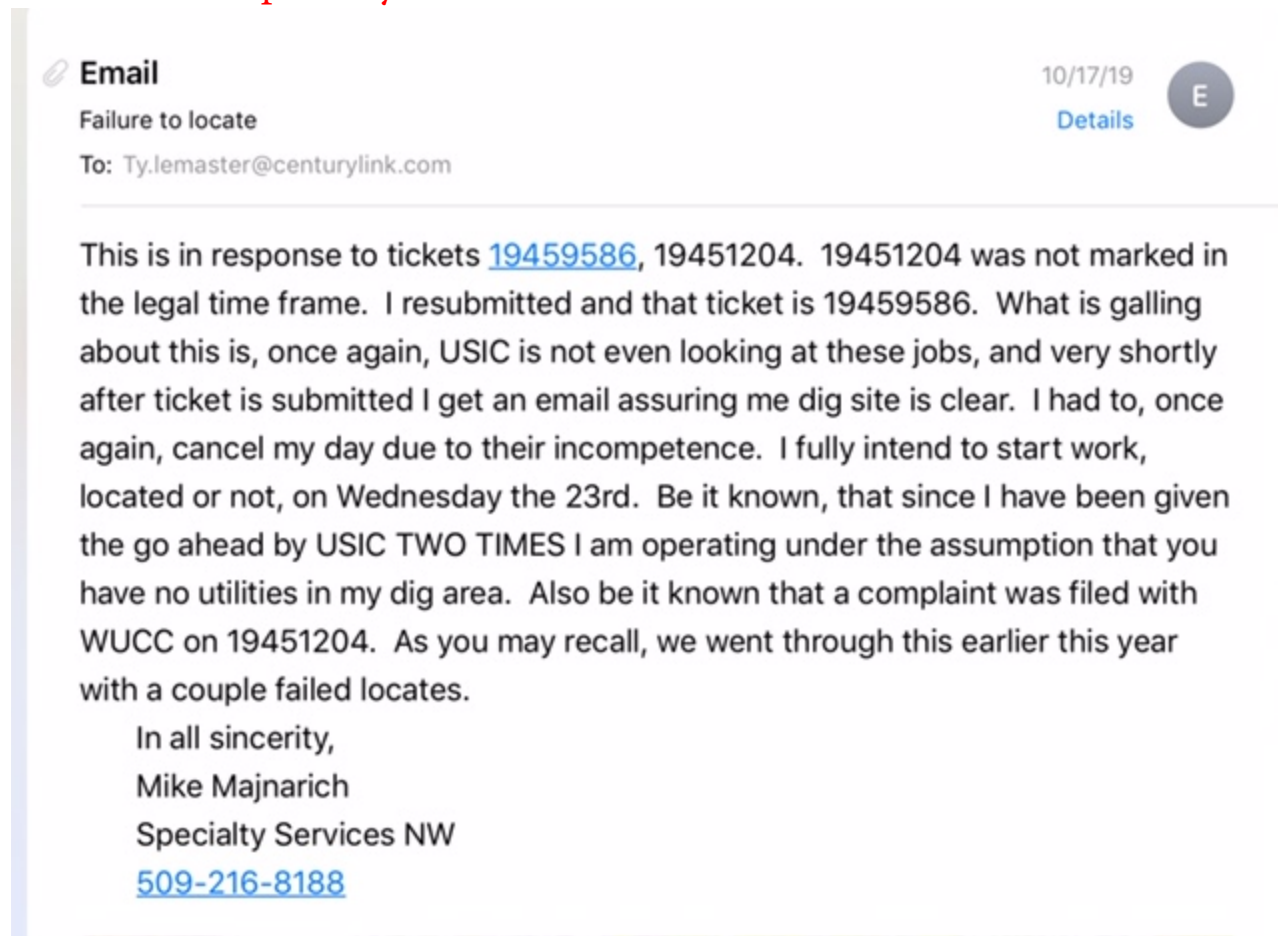
From: Mike Majnarich <majnarichs@msn.com>
Sent: Wednesday, November 20, 2019 4:14 PM
To: Shelley Cornelius
Subject: Fwd: Job 2 part 2

Sent from my iPad

Begin forwarded message:

From: Mike Majnarich <majnarichs@msn.com>
Date: November 19, 2019 at 10:00:35 AM PST
To: Mike Majnarich <majnarichs@msn.com>
Subject: Job 2 part 2

So another locate was phoned in while I was sitting in my truck, at the job site. And within a matter of minutes another clear to dig email from USIC arrives. So in essence what is happening is no one is showing to these jobs, to mark utilities. They are declaring them "clear to dig" without so much as setting eyes to them. This resulted in my unfortunately worded email to Ty, but at this point there were several jobs not being marked.



As I'm sure is obvious, my frustration is growing hence the unprofessional nature of the email. This required another phone conversation with Ty, who was somewhat more sympathetic on this given the failings of USIC on job 1. The contractor who hired me was never made aware of the troubles I was having on this job, my fear was I would receive any blowback for potential delays. His job was removal of the tree, permitting, backfilling large hole where stump was. My involvement was to grind stump and all roots. Since it was a city job, it was to be at least 12" deep but ultimately ended up close to 18". Its worth making note of this as it comes into play later. Fortunately, there were not stump or roots in conflict with phone, but there was phone in white marked area. Please see picture below.



Admittedly it's not the best picture but it does show Century Link going into dig area. Despite USIC assuring me twice that all was clear. Both orange paint and white paint are somewhat faded as this picture was taken 3 weeks later. I think back on this job, and had I assumed it would have been correctly marked in the original legal time frame, and had I not cancel a job and driven out to verify locates, the entire job would have been scrubbed on go day. I could have easily lost a valued account. The city would have to be notified of the cancellation. The inspection would have to have been called off.

For the sake of completeness original tickets are included

Ticket: 19459586

October 16, 2019 at 4:22 PM

WASHINGTON UTILITY NOTIFICATION CENTER

DO NOT REPLY TO THIS EMAIL

This ticket is valid for 45 days from the legal start date and time. The expiration date and time is 11/30/2019 4:30 PM .

Washington Ticket#:	19459586	2 FULL BUSINESS DAYS	UPDATE
Update Of Tkt No:	19451204		
Transmit Date:	10/16/19	Time: 4:22 PM	
Original Call Date:	10/16/19	Time: <u>4:20 PM</u>	Type: CALL
Work to Begin Date:	10/19/19	Time: 12:00 AM	

Caller Information

Company:	SPECIALTIES SERVICES	Type:	CONTRACTOR
Contact Name:	MIKE MAJNARICH	Phone:	(509) 216-8188
Alt. Contact:		Phone:	
Best Time:		Fax:	
Address:	16221 S CURTIS RD; CHENEY, WA 99004		
Caller Email:	MAJNARICH5@MSN.COM		

Dig Site Information

Type of Work:	STUMP GRINDING
Work Being Done For:	PALMS TREE SERVICE

Dig Site Location

County:	SPOKANE	State:	WA
Place:	SPOKANE		
Address / Street:	3928 WEST OLYMPIC		
Nearest Intersection:	N RUSTLE ST		

Location of Work:

WORK IS LOCATED AT SOUTH WEST CORNER OF LAWN AT ABOVE ADDRESS. PLEASE LOCATE ANY UTILITIES INSIDE WHITE MARKED AREA AT ABOVE ADDRESS

Ticket: 19451204

October 11, 2019 at 11:19 AM

WASHINGTON UTILITY NOTIFICATION CENTER

DO NOT REPLY TO THIS EMAIL

This ticket is valid for 45 days from the legal start date and time. The expiration date and time is 11/25/2019 11:30 AM .

Washington Ticket#:	19451204	2 FULL BUSINESS DAYS	
Transmit Date:	10/11/19	Time:	11:19 AM
Original Call Date:	10/11/19	Time:	11:15 AM
Work to Begin Date:	10/16/19	Time:	12:00 AM

Type: WEB

Caller Information

Company:	SPECIALTIES SERVICES	Type:	CONTRACTOR
Contact Name:	MIKE MAJNARICH	Phone:	(509) 216-8188
Alt. Contact:		Phone:	
Best Time:		Fax:	
Address:	16221 S CURTIS RD; CHENEY, WA 99004		
Caller Email:	MAJNARICH@MSN.COM		

Dig Site Information

Type of Work:	STUMP GRINDING
Work Being Done For:	PALMS TREE SERVICE

Dig Site Location

County:	SPOKANE	State:	WA
Place:	SPOKANE		
Address / Street:	3928 WEST OLYMPIC		
Nearest Intersection:	N RUSTLE ST		

Location of Work:

WORK IS LOCATED AT SOUTH WEST CORNER OF LAWN AT ABOVE ADDRESS. PLEASE LOCATE ANY UTILITIES INSIDE WHITE MARKED AREA AT ABOVE ADDRESS

wsdlsafetycommittee@gmail.com

From: Mike Majnarich <majnarichs@msn.com>
Sent: Wednesday, November 20, 2019 4:14 PM
To: Shelley Cornelius
Subject: Fwd: Job 3 part 1

Sent from my iPad

Begin forwarded message:

From: Mike Majnarich <majnarichs@msn.com>
Date: November 20, 2019 at 11:51:17 AM PST
To: Mike Majnarich <majnarichs@msn.com>
Subject: Job 3 part 1

This is the second of two jobs that I filed a claim on. Ticket #19473452, job address 5718 S Laurelcrest Ct, called in on 10/26/19, work to begin 10/31/19.

Ticket: 19473452

October 26, 2019 at 6:44 PM

WASHINGTON UTILITY NOTIFICATION CENTER

DO NOT REPLY TO THIS EMAIL

This ticket is valid for 45 days from the legal start date and time. The expiration date and time is 12/10/2019 6:45 PM .

Washington Ticket#:	19473452	2 FULL BUSINESS DAYS	
Transmit Date:	10/26/19	Time:	6:44 PM
Original Call Date:	10/26/19	Time:	6:41 PM
Work to Begin Date:	10/31/19	Time:	12:00 AM

Type: WEB

Caller Information

Company:	SPECIALTIES SERVICES	Type:	CONTRACTOR
Contact Name:	MIKE MAJNARICH	Phone:	(509) 216-8188
Alt. Contact:		Phone:	
Best Time:		Fax:	
Address:	16221 S CURTIS RD; CHENEY, WA 99004		
Caller Email:	MAJNARICH@MSN.COM		

Dig Site Information

Type of Work:	STUMP GRINDING
Work Being Done For:	HOMEOWNERS

Dig Site Location

County:	SPOKANE	State:	WA
Place:	SPOKANE		
Address / Street:	5718 S LAURELCREST CT		

Sent from my iPad

[See More](#)

I showed up to remove stump on November 1, 2019. What makes this a little unusual is that the homeowner had worked in the utilities industry in Indiana, he was well aware of what needed to be marked, and was aware that job had not had communications marked. Upon arrival, it was clear I would not be working today so did not even unload equipment. After talking with homeowner, we came to the mutual conclusion that job would have to be postponed. Here is picture of original locate, you can see power clearly, gas is visible with a large space in between where phone should be.



wsdlsafetycommittee@gmail.com

From: Mike Majnarich <majnarichs@msn.com>
Sent: Wednesday, November 20, 2019 4:14 PM
To: Shelley Cornelius
Subject: Fwd: Job 3 part 2

Sent from my iPad

Begin forwarded message:

From: Mike Majnarich <majnarichs@msn.com>
Date: November 20, 2019 at 12:08:14 PM PST
To: Mike Majnarich <majnarichs@msn.com>
Subject: Job 3 part 2

I can't remember if I emailed or called Ty, but within an hour according to the homeowner a man



showed up and marked the following.

The paint was where we thought phone would be. Unfortunately, I had to rearrange my schedule to go do another job across town and would be unable to return for several days. Ty was giving my complaints a lot more credence at this point, and I would like to reference an email where the words "screening department " were mentioned for the first

time.

FYI

CenturyLink

Ty Lemaster
Manager Region Operations
Greater Spokane Market

[\(509\)835-4600](tel:(509)835-4600) Office

[\(509\)818-6522](tel:(509)818-6522) Mobile

ty.lemaster@centurylink.com

Integrity Matters!

From: McGovern, Jeffrey <JeffreyMcGovern@usicllc.com>

Sent: Monday, November 11, 2019 9:18 AM

To: Lemaster, Ty L <ty.lemaster@centurylink.com>

Subject: Re: [19494269](#)

I am working with Dan Comeau to get a tech out there this morning to locate.

It looks like all the issues they are having is with our Digital Screening Dept. closing out these tickets as clear. I am currently working with my District Manager David Gallant, to remedy this issue.

Thank You,

Live the SAFE-LIFE!

Jeff McGovern

Field Supervisor E. WA & N. ID

O: [425 489 4256](tel:425-489-4256)

C: [425 328 0635](tel:425-328-0635)

This term will come up later in a conversation with David who introduced himself as a manager at USIC. For now, I want to ask why any jobs would be “screened”?

Lastly, it’s worth taking a look at the letter the homeowner sent me to be used at this hearing. He makes it very clear the inconvenience was his as well as mine.

wsdlsafetycommittee@gmail.com

From: Mike Majnarich <majnarichs@msn.com>
Sent: Wednesday, November 20, 2019 4:14 PM
To: Shelley Cornelius
Subject: Fwd: Jerry's letter Job 3 Part 3

Sent from my iPad

Begin forwarded message:

From: Mike Majnarich <majnarichs@msn.com>
Date: November 20, 2019 at 12:17:01 PM PST
To: Mike Majnarich <majnarichs@msn.com>
Subject: Jerry's letter Job 3 Part 3

Here is the letter from the homeowner. I apologize for my lack of skills in presenting this, I'm only able to present it as three pictures.

Hi Mike—

Following is our best recollection of the activities associated with your removal of our tree stump at 5718 S. Laurelcrest Court in Spokane.

My wife initially contacted you on approximately October 24 about removing the tree stump remaining from our tree that was damaged in the snow storm earlier in October. The following day you came to our home to inspect the location and provide a cost estimate for your services. We agreed to your estimate and asked you to proceed with the stump removal at your earliest opportunity. Our landscaping contractor had asked us to have the stump removed this fall before weather conditions became such that removal could not be done until spring.

That way, our landscaping contractor would not be delayed in planting a replacement tree in the spring of 2020.

A few days later (we do not have a record of the date) we noticed paint markings around the project location. The paint markings were red (for electric) and yellow (for gas) only. There were no other markings visible at this time. As I had formerly worked for a utility in Illinois I knew that there should also be markings for the telephone and cable tv lines that I knew were also located in or near the project location, as well as for any other utilities that might also be present. It was my assumption that those utilities would be marked soon thereafter.

On November 1 you contacted us to indicated that you would come to our home later that day to remove the stump. When you arrived I pointed out my belief that the needed location markings were incomplete. You agreed and stated that you

had encountered similar problems recently at other locations where you had been hired to do stump removals. You advised me that you could not perform the stump removal until all the utility lines were properly marked, and that you would have to make another locate request and return another time after the needed markings had been performed. Since we understood your situation we agreed to proceed in that manner.

A little over an hour after you left on the 1st, I saw a man pull up at the project location in a pickup truck and proceed to locate and mark the telephone and cable tv lines. To the best of my recollection, this pickup truck had no identifying name or markings on it. I went out to observe this man's work and asked him why the lines had not been marked earlier. He stated that he had "just now received the locate request".

After the man completed his work and left I texted you about his arrival and that the lines were now marked. You asked that I send you a photo of the now marked project location which I then did. You then returned to our home on November 7 and performed the stump removal without any further issues.

The failure to have all the utilities within the project location properly marked in a timely manner caused us to have to rearrange our schedule for a second visit by you, as well as creating additional worry about possible weather delays causing additional delays.

I hope the above information meets your request. Please let me know should you have further questions.

Thanks for your patience and for doing a

Jerry Scheppe

wsdlsafetycommittee@gmail.com

From: Mike Majnarich <majnarichs@msn.com>
Sent: Wednesday, November 20, 2019 4:14 PM
To: Shelley Cornelius
Subject: Fwd: Job 4 part 1

Sent from my iPad

Begin forwarded message:

From: Mike Majnarich <majnarichs@msn.com>
Date: November 20, 2019 at 12:36:08 PM PST
To: Mike Majnarich <majnarichs@msn.com>
Subject: Job 4 part 1

This a job that was unmarked, that I have as yet not filed a claim on, but I want to include it if possible because it illustrates a continuing trend of my jobs not being marked. It also shows Ty's becoming convinced that the problem is with USIC and not me. Job address 5203 Mulvaney, first ticket # 19486438, second ticket # 19496249

Ticket: 19486438

November 4, 2019 at 8:59 PM

WASHINGTON UTILITY NOTIFICATION CENTER

DO NOT REPLY TO THIS EMAIL

This ticket is valid for 45 days from the legal start date and time. The expiration date and time is 12/19/2019 9:00 PM.

Washington Ticket#:	19486438	2 FULL BUSINESS DAYS	
Transmit Date:	11/04/19	Time:	8:59 PM
Original Call Date:	11/04/19	Time:	8:55 PM
Work to Begin Date:	11/07/19	Time:	12:00 AM

Caller Information

Company:	SPECIALTIES SERVICES	Type:	CONTRACTOR
Contact Name:	MIKE MAJNARICH	Phone:	(509) 216-8188
Alt. Contact:		Phone:	
Best Time:		Fax:	
Address:	16221 S CURTIS RD; CHENEY, WA 99004		
Caller Email:	MAJNARICH@MSN.COM		

Dig Site Information

Type of Work:	STUMP GRINDING
Work Being Done For:	EVERYTHING LAWN AND TREE

Dig Site Location

County:	SPOKANE	State:	WA
Place:	SPOKANE		
Address / Street:	5203 N MULVANEY CT		
Nearest Intersection:			

Location of Work:

PLEASE LOCATE ANY UTILITIES INSIDE WHITE MARKED AREA IN FRONT OF HOUSE, ON RIGHT SIDE OF DRIVE

Remarks:

Sent from my

iPad

WASHINGTON UTILITY NOTIFICATION CENTER

DO NOT REPLY TO THIS EMAIL

This ticket is valid for 45 days from the legal start date and time. The expiration date and time is 12/25/2019 9:00 AM .

Washington Ticket#:	19494269	2 FULL BUSINESS DAYS	
Transmit Date:	11/10/19	Time:	8:51 AM
Original Call Date:	11/10/19	Time:	<u>8:45 AM</u>
Work to Begin Date:	11/15/19	Time:	12:00 AM

Type: WEB

Caller Information

Company:	SPECIALTIES SERVICES	Type:	CONTRACTOR
Contact Name:	MIKE MAJNARICH	Phone:	(509) 216-8188
Alt. Contact:		Phone:	
Best Time:		Fax:	
Address:	16221 S CURTIS RD; CHENEY, WA 99004		
Caller Email:	MAJNARICH@MSN.COM		

Dig Site Information

Type of Work:	STUMP GRINDING
Work Being Done For:	EVERYTHING LAWN AND TREE

Dig Site Location

County:	SPOKANE	State:	WA
Place:	SPOKANE		
Address / Street:	5203 N MULVANEY		
Nearest Intersection:			

Location of Work:

THIS IS A REDO OF TICKET 19486438. PHONE AND CABLE NOT MARKED ON FIRST REQUEST, I HAVE GOOD REASON TO BELIEVE THEY ARE IN WHITE MARKED AREA OR VERY CLOSE. PLEASE LOCATE ANY UTILITIES INSIDE WHITE MARKED AREA TO RIGHT OF DRIVE NEAR FRONT OF HOUSE.

Remarks:

AREA MARKED IN WHITE

wdsafetycommittee@gmail.com

From: Mike Majnarich <majnarichs@msn.com>
Sent: Wednesday, November 20, 2019 4:15 PM
To: Shelley Cornelius
Subject: Fwd: Job 4 part 2

Sent from my iPad

Begin forwarded message:

From: Mike Majnarich <majnarichs@msn.com>
Date: November 20, 2019 at 12:40:41 PM PST
To: Mike Majnarich <majnarichs@msn.com>
Subject: Job 4 part 2

I will be brief here, as this job is not in dispute.
Before picture



After picture, upon completion of second locate

request



Ty's email to USIC -

16928 Woodinville Redmond RD NE, B-100
Woodinville, WA 98072
USICLLC.com



From: Lemaster, Ty L <ty.lemaster@centurylink>
Sent: Monday, November 11, 2019 9:09 AM
To: McGovern, Jeffrey <JeffreyMcGovern@usic>
Subject: FW: [19494269](#)

EXTERNAL SENDER - Exercise Caution.

Jeff,

Please verify that this is correct...it looks like we

Ty

CenturyLink
Ty Lemaster
Manager Region Operations
Greater Spokane Market

wsdlsafetycommittee@gmail.com

From: Mike Majnarich <majnarichs@msn.com>
Sent: Wednesday, November 20, 2019 4:15 PM
To: Shelley Cornelius
Subject: Fwd: Conversation with David with USIC

Sent from my iPad

Begin forwarded message:

From: Mike Majnarich <majnarichs@msn.com>
Date: November 20, 2019 at 12:53:13 PM PST
To: Mike Majnarich <majnarichs@msn.com>
Subject: Conversation with David with USIC

On November 11, David from USIC called me about locate problems. The conversation centered around the fact that my calls were being screened up to this point. What was not discussed was why they were being screened, or if this was a safe practice to use. The call ended with his promise that my calls would no longer be screened. My guess is that I was being screened because I was grinding stumps, and the screening department had misconceptions about the process. Some people just assume you just go a couple inches deep. Not true. I have nothing to document this conversation, but in my mind it is tantamount to an admission of guilt in all the proceeding matters.

This concludes my presentation of my materials. I thank you for your time and consideration in this. I'm convinced everyone in attendance here has the same goal that being an increasingly safer and damage free environment in which to excavate.

Sent from my iPad