

Service Date: February 2, 2026

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**NOTICE OF PENALTIES INCURRED AND DUE  
FOR VIOLATIONS OF LAWS AND RULES**

PENALTY ASSESSMENT: DG-260019

PENALTY AMOUNT: \$1,000

Investigation # 9253

EMAIL SERVICE

Ryan Lawrence  
REL Landscape Construction, LLC  
1026 East 30<sup>th</sup> Avenue  
Apt. 16  
Spokane, WA 99203-3252  
[Ryanlarry92@gmail.com](mailto:Ryanlarry92@gmail.com)

UBI: 604-736-805

Phone: (509) 879-7950

**YOU MUST RESPOND WITHIN 15 DAYS OF THIS NOTICE**

The Washington Utilities and Transportation Commission (Commission) believes that REL Landscape Construction, LLC (REL Landscape or Company) violated Revised Code of Washington (RCW) RCW 19.122.030(2) by failing to provide notice to a one-number locator service not less than two full business days and not more than 10 full business days before the scheduled work-to-begin date.

On December 12, 2025, Avista Corporation (Avista) submitted to the commission a 30-day report of an incident involving REL Landscape damaging a natural gas facility on November 30, 2025.

RCW 19.122.030(2) states, in part, that an excavator must provide notice to a one-number locator service not less than two full business days and not more than 10 full business days before the scheduled work-to-begin date, unless otherwise agreed by the excavator and facility operators in writing.

RCW 19.122.055(1)(a) states, in part, that any excavators who violate any provision of this chapter and causes damage to an underground gas facility are subject to a civil penalty of not more than \$25,000 for each violation.

Commission staff (Staff) conducted an investigation that included reviewing damage reports, investigation reports, the One Call Center database, and communications with the Company. The documents reviewed identified a natural gas event that involved REL Landscaping damaging a natural gas facility while excavating without a valid locate ticket.

The Commission reviewed findings and recommendations made by Staff and hereby notifies you that it is assessing a \$1,000 penalty (Penalty Assessment) against you on the following grounds:

1. **Alleged Violation:**

On November 30, 2025, REL Landscape was excavating at 4923 North Calispel Street, Spokane, Washington. The 30-day report submitted by Avista on December 12, 2025, indicated that the Company was excavating without a valid locate ticket and damaged a 1/2" polyethylene (PE) gas service line.

2. **Analysis:**

The alleged violation concerns RCW 19.122.030(2), which states, in part, that an excavator must provide notice to a one-number locator service not less than two full business days and not more than 10 full business days before the scheduled work-to-begin date, unless otherwise agreed by the excavator and facility operators in writing.

The 30-day incident report documented that REL Landscape was replacing a sewer line when the Company struck a 1/2" PE gas line without a valid locate. Avista was notified of the incident and the service technician that arrived at the site was able to shut off the gas line by squeezing it to secure the blowing gas. The Spokane Fire Department evacuated three homes. The ELM report provided by Avista confirmed that REL Landscape was digging without a valid dig ticket and damaged the 1/2" PE gas service line in the backyard of 4923 N. Calispel Street. The Maximo damage report documented that the Company had not requested a locate before excavation, and that ticket #25511705 was called in after the damage occurred. The Maximo report also documented that the damaged section of line was replaced and repairs were made. Avista provided a copy of one-call ticket #25511705, which the Company requested on the day the damage occurred, November 30, 2025, for 4923 North Calispel Street, Spokane, WA. Avista provided photographs documenting the excavation site.

On January 7, 2025, REL Landscape responded to Staff's request for information and acknowledged that the Company hit the gas line on North Calispel Road and did not have a valid locate at the time of damage. The Company noted that it greatly regretted not calling for locates and taking the proper safety precautions. In addition, REL Landscape added that Avista's gas line was directly above the sewer line. The Company plans on practicing more safe excavations process, including calling for locates on every dig, as the law requires.

Staff searched the Washington One Call Center database and did not find a valid locate requested by REL Landscape for November 30, 2025, at 4923 North Calispel Street, Spokane, Washington. However, Staff confirmed that locate ticket #25511705, was requested by the Company on the day of the damage, November 30, 2025, for the address at 4923 North Calispel Street.

The Commission considered the following factors in determining the appropriate penalty amount for the violation:

1. **How serious or harmful the violation is to the public.**

This incident could have been harmful to Company workers, utility technicians, nearby homeowners, and the public, and could have resulted in serious injury and loss of property.

2. **Whether the violation is intentional.**

This violation appears to be due to negligence by REL Landscape rather than a lack of knowledge regarding Washington State's dig law. Since January 12, 2025, REL Landscape has submitted three requests to locate underground facilities in Washington.

3. **Whether the company self-reported the violation.**

REL Landscape did not self-report the violation. The Commission received a 30-day Incident Report as required by WAC 480-93-200(4) from Avista on December 12, 2025, concerning an incident that occurred on November 30, 2025.

4. **The likelihood of recurrence.**

The likelihood of recurrence depends on the Company's actions going forward and its willingness to notify the one-call locator service every time prior to excavation.

The Commission has considered these factors and determined that it should penalize REL Landscape Construction, LLC as follows:

- \$1,000 penalty for one violation of RCW 19.122.030(2) with an offer to suspend an \$800 portion of the penalty for 90 days, and then waive it, subject to the conditions that:
  - 1) Company management and field crew responsible for excavation complete Dig Safe Training provided through the National Utility Contractors Association (NUCA) within 90 days of this Penalty Assessment; and
  - 2) The Company must submit documentation of training completion to the Commission.

Further violation of RCW 19.122 will result in progressive penalty assessment up to maximum allowable by law.

These facts, if proven at a hearing and not rebutted or explained, are sufficient to support the Penalty Assessment.

Your penalty is due and payable now. If you believe the violation did not occur, you may deny committing the violation and contest the penalty through evidence presented at a hearing or in writing. Or, if there is a reason for the violation that you believe should excuse you from the penalty, you may ask for mitigation (reduction) of the penalty through evidence presented at a hearing or in writing. The Commission will grant a request for a hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request to contest the violation or for mitigation of the penalty must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. *See* RCW 81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding before an administrative law judge. The administrative law judge will consider the evidence and will notify you of their decision.

**You must act within 15 days after receiving this Penalty Assessment** to do one of the following:

- Pay the \$1,000 penalty amount due; or
- Pay \$200 and notify the Commission that you accept the offer to suspend an \$800 portion of the penalty amount for 90 days, and then waive it, subject to the following conditions:
  - Company management and field crew responsible for excavation must complete NUCA Dig Safe Training (<https://utc-9183.quickbase.com/db/bpkt6vndh>) within 90 days of service of this Penalty Assessment; and
  - The Company must submit documentation of training completion (Certificate) to the Commission. (See attached **NUCA Dig Safe Training Verification Record**); or
- Contest the occurrence of the violation; or
- Admit the violation but request mitigation of the penalty amount.

Please indicate your selection on the enclosed form and submit it electronically through the Commission's web portal at <https://efiling.utc.wa.gov/Form> **within FIFTEEN (15) days** after you receive this Penalty Assessment. If you are unable to use the web portal, you may submit it via email to [records@utc.wa.gov](mailto:records@utc.wa.gov). If you are unable to submit the form electronically, you may send a paper copy to the Washington Utilities and Transportation Commission, PO Box 47250, Olympia, Washington 98504-7250.

If you wish to make your payment online, please use this link: [Make a Payment Now \(wa.gov\)](#).<sup>1</sup>

**If you do not act within 15 days**, the Commission may refer this matter to the Office of the Attorney General for collection.

DATED at Lacey, Washington, and effective February 2, 2026.

*/s/Connor Thompson* \_\_\_\_\_  
CONNOR THOMPSON  
Director, Administrative Law Division

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<sup>1</sup> <https://www.utc.wa.gov/documents-and-proceedings/online-payments/make-payment-now>.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**  
PENALTY ASSESSMENT DG-260019 Investigation # 9253

**PLEASE NOTE:** You must complete and sign this document and send it to the Commission within 15 days after you receive the Penalty Assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, competent to testify to the matters set forth below, and I have personal knowledge of those matters. I hereby make, under oath, the following statements:

- [ ] 1. **Payment of penalty.** I admit that the violation occurred:  
[ ] Enclose \$1,000 in payment of the penalty.  
OR [ ] Attest that I have paid the penalty in full through the Commission's payment portal.
- [ ] 2. **Accept conditions.** I admit that the violation occurred and enclose \$200 toward the payment of the penalty. I also accept the Commission's offer to suspend for 90 days, and ultimately waive, the remaining \$800 penalty amount subject to the following conditions:
- o Company management and field crew responsible for excavation at the time of the incident, must complete NUCA Dig Safe training (<https://utc-9183.quickbase.com/db/bpkt6vndh>) within 90 days of service of this Penalty Assessment; and
  - o The Company must submit documentation of training completion (Certificate) to the Commission. (See attached **NUCA Dig Safe Training Verification Record**).
- [ ] 3. **Contest the violation.** I believe that the alleged violation did not occur for the reasons I describe below (**if you do not include reasons supporting your contest here, your request will be denied**):
- [ ] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.
- OR [ ] b) I ask for a Commission decision based solely on the information I provide above.
- [ ] 4. **Request mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reasons set out below (**if you do not include reasons supporting your application here, your request will be denied**):
- [ ] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.

OR [ ] b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: \_\_\_\_\_ [Month/Day/Year], at \_\_\_\_\_ [City, State]

\_\_\_\_\_  
Name of Respondent (Company) – please print

\_\_\_\_\_  
Signature of Applicant

RCW 9A.72.020 “Perjury in the first degree.”

- (1) A person is guilty of perjury in the first degree if in any official proceeding he or she makes a materially false statement which he or she knows to be false under an oath required or authorized by law.
- (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor's mistaken belief that his or her statement was not material is not a defense to a prosecution under this section.
- (3) Perjury in the first degree is a class B felony.