

December 1, 2016

Dear Steven King and Darin-

RE: Docket D-161117

On November 23, 2016, Westward Hoe Construction requested mitigation that we were able to have a hearing and explain the circumstances. The information that was received service dated November 10, 2016 did not request any additional information other than to check a box and return, there for a hearing should not have been denied. It was not stated that the evidence be presented with the requested paperwork. A hearing was requested to provide evidence and explain.

Another contractor was working on the lots in questions for Lennar. Westward Hoe Construction was asked to finish the lots started by a previous contractor. Locates by Westward Hoe Construction were called in at that time. However, it was the understanding that the lots were ready and we were given the authority to complete the lots. It was not that we started work before locates were marked, it was being told to start by our customer. It ended up being a huge miscommunication between previous contractor, our customer, our crew the urgency to complete work as scheduled. The crew on site was told by the superintendent to start the lots and were clear to begin work. No malicious intent. It was having several different crews (unaware of Lacey's policies: locates were on the ground and digging began) being pulled off other jobs to satisfy our customer's urgency to remain on schedule and complete the lots. The City of Lacey is the only jurisdictions that enforces these policies that our company has worked with. We have not experienced these policies in any other city we have worked for.

In an email received, it states under the violation RCW 19.122.030, it states to wait 2 business days before excavation begins unless otherwise agreed by the excavator and facility operator. Our facility operator (Lennar) told us lots were ready to have excavation started. Our crews do not habitually question the authority of our customer (Lennar)

Westward Hoe Construction now has one crew down (new crew-not involved in any violations) in Lacey to stay on schedule and task. No additional violations have occurred.

We are asking that you reconsider the monetary increased portion of the fine be eliminated and that we are able to further educate ourselves and crew on City of Lacey's Dig Safe training. This penalty would take all profits of a small job and that greatly effects a small company like Westward Hoe Construction.

Thank you for your time.

 (owner)

Westward Hoe Construction