

Service Date: February 2, 2026

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: D-250971
PENALTY AMOUNT: \$1,000
Investigation # 9259

SERVICE VIA EMAIL

Michael Murray
9215 Cascade Place
Silverdale, WA 98383
CoreLLC@live.com

Phone: (360) 271-8880

YOU MUST RESPOND WITHIN 15 DAYS OF THIS NOTICE

The Washington Utilities and Transportation Commission (Commission) believes that Michael Murray (Murray or Respondent) violated Revised Code of Washington (RCW) 19.122.030(2) by failing to provide notice to a one-number locator service not less than two business days before the scheduled work-to-begin date.

RCW 19.122.070(1) states, in part, that violations of any provision of the chapter are subject to a civil penalty of not more than \$1,000 for an initial violation and not more than \$5,000 for each subsequent violation within a three-year period.

On December 18, 2025, the Washington State Dig Law Safety Committee (Safety Committee) heard case 25-083 filed by Matthew Timmons (Matthew Timmons or Complainant) against Michael Murray. The Safety Committee determined that Michael Murray violated RCW 19.122.030(2) by failing to request a locate ticket before excavating and recommended that the Commission impose a \$1,000 penalty.

Commission staff (Staff) reviewed the documents, reports, and communications with the Safety Committee and agreed with the Safety Committee's findings and recommendations.

The Commission hereby notifies you that it is assessing a \$1,000 penalty (Penalty Assessment) against you on the following grounds:

1. Alleged Violation(s):

On May 20, 2025, Michael Murray was excavating at 8128 High School Loop Northeast, Bainbridge Island, Washington. The complaint submitted by Matthew Timmons on September 4, 2025, indicated that Michael Murray was digging without a valid locate ticket.

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 complaint alleges that Murray began digging without permits or a dig ticket. Further, the complaint went on to explain that Puget Sound Energy (PSE) confirmed that digging had taken place without a prior locate ticket and the construction activity was within the restricted area, posing an immediate risk. The complaint documented that digging began in mid-May of 2025 and a stop work order was issued on May 28th for lack of permits. The construction activity began again in late August of 2025, without any locate tickets being requested. The complaint noted that an emergency locate was requested under ticket #25372416, but did not provide a date for when the emergency locate was requested.

In Michael Murray's response, he explained he has been digging and installing utilities for over 20 years. The site was a replacement for an existing retaining wall that had been removed by the person filing the complaint and no utilities were near the area. Murray noted that at no time was anyone or any utilities in danger. The Respondent went on to explain that he located the powerline from the telephone pole to the house, along with the power lines from the house meter to the shop, and propane line. Murray noted that 811 does not locate any utilities on the property past the meter. Continuing in his response, Murray explained that it was determined that locates were not needed because the area previously had a wall, which was removed by Complainant, and extensive digging had already been performed in the area. A large tree had been removed, and a stump was ground to the grade of the final level of the base layer. Murray wrote that the new wall was installed at the grade of the previous wall and only required the removal of dirt, per the engineer's specifications, to make room for the new structural retaining blocks. The Respondent provided photographs of the excavation area which included the trench for the new wall.

The Respondent's excavation was not an exempted activity under RCW 19.122.031 and therefore required a valid locate ticket.

Staff conducted a search of the Washington One Call Center database and did not find a valid locate ticket for 8128 High School Loop NE, Bainbridge Island, Washington for May 20, 2025. Staff located emergency ticket #25372416, which was requested by the Complainant on August 26, 2025, for 8128 High School Loop NE.

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 significantly more harmful to the Respondent, nearby homeowners, and the public, and it could have resulted in severe injury and loss of property.

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

The violation does not appear to be intentional, but rather due to negligence by Michael Murray. Over the past 12 months (January 13, 2025-January 13, 2026), Respondent has submitted five requests to locate underground facilities in Washington.

3. **The likelihood of recurrence.**

The likelihood of recurrence depends on the Respondent's actions going forward and its willingness to notify the one-number locate service every time before beginning excavation.

The Commission has considered these factors and agrees with the Safety Committee's findings of probable violation and penalty recommendation, 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) Michael Murray must complete NUCA Dig Safe Training 90 days of service of this Penalty Assessment; and
 - 2) The Respondent 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:

- Michael Murray must complete NUCA Dig Safe training (<https://utc-9183.quickbase.com/db/bpkt6vndh>) within 90 days of service of this Penalty Assessment; and
- The Respondent 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. If you are unable to submit the form electronically, you may send a paper copy to the Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, Washington 98504-7250.

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

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

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT D-250971 Investigation # 9259

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 and:
- 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:
- Michael Murray must complete NUCA Dig Safe training (<https://utc-9183.quickbase.com/db/bpkt6vndh>) within 90 days of service of this Penalty Assessment; and
 - The Respondent 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 – 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.