



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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July 31, 2018

Mark L. Johnson, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Builder's Supply, Inc.*
Commission Staff's Recommendation to Accept Payment and Conditions.
Docket D-180474

Dear Mr. Johnson:

On June 18, 2018, the Utilities and Transportation Commission (commission) issued a \$16,000 Penalty Assessment in Docket D-180474 against Builder's Supply, Inc. (Builder's Supply or company) for three violations of RCW 19.122. These violations were based on information referred to the commission by the Washington State Dig Law Safety Committee. The Penalty Assessment was received via certified mail by Builder's Supply on June 20, 2018. The company failed to respond by the July 5, 2018, deadline.

On July 16, 2018, the owner of Builder's Supply, Kevin Hager, contacted staff regarding the past due penalty amount. Mr. Hager inquired about the possibility of still being able to accept the offer to pay \$10,000 of the penalty amount and suspend the remaining \$6,000 subject to conditions. Staff instructed him to submit a request in writing for the commission to consider.

On July 27, 2018 the commission received a letter from Mr. Hager requesting the ability to accept the penalty suspension conditions and also provided a reason for the company's failure to respond in a timely manner. Mr. Hager stated the reason he missed the original deadline was due to a death in his immediate family. Mr. Hager also reported that he closed his company and is no longer the owner. Staff would like to point out that Mr. Hager's letter contains an error in it by incorrectly requesting the ability to pay \$6,000 immediately in order to suspend the remaining amount. The correct payment amount that was offered was \$10,000 with the option to suspend \$6,000 subject to conditions. Staff clarified this error with the company and they promptly submitted a payment of \$10,000 on July 27, 2018.

Respect. Professionalism. Integrity. Accountability.

Mark L. Johnson

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Staff reviewed the letter submitted by Mr. Hager in conjunction with all other relevant information, and recommends that the commission accept the company's request to accept the penalty suspension with conditions. The company admitted the error of not responding to the initial penalty assessment and has already submitted the required \$10,000 payment.

Staff also recommends that if the company fails to abide by the conditions set forth in the penalty suspension, the entire remaining balance of \$6,000 will become immediately due and payable.

Sincerely,

Sean C. Mayo
Pipeline Safety Director