



**Washington State Dig Law Safety Committee**  
A Standing Committee of Washington Utilities Coordinating Council  
COMMUNICATION – COOPERATION – COORDINATION  
P.O. Box 734

October 6, 2015

Steve King, Executive Director and Secretary  
Members of the UTC  
1300 Evergreen Park Drive SW  
Olympia, WA 98504-7250

Re: Review Committee Decision - Case Number 15-026  
City of Lacey vs. Steve Ruhnke Construction, Inc.

Dear Mr. King:

The Washington State Dig Law Safety Committee received a complaint regarding a potential violation of the Washington State Dig Law RCW 19.122 for work performed on July 2, 2015. The complaint was filed with the Safety Committee on July 6, 2015. On September 30, 2015 the Review Committee of the Safety Committee heard the complaint. The Complainant in this case is the City of Lacey, and the Respondent is Steve Ruhnke Construction, Inc.

The complainant alleged violation of RCW 19.122.030(1), failure to request a dig ticket prior to performing excavation. The Review Committee finds that the respondent, Steve Ruhnke Construction, Inc., did violate RCW 19.122.030(1), by not requesting a dig ticket prior to performing excavation as part of utility installation work performed at 7712 Brianna Ct SE.

Based on a prior violation for RCW 19.122.030(1), Case 15-002, the Review Committee recommends that a \$2,500.00 penalty be assessed for this violation.

Please let me know if you have any questions regarding this case. I can be contacted at 425.430.7212.

Sincerely,

Dave Christensen  
Chair

Cc: John Dunlap  
Steve Ruhnke  
Lynda Holloway, UTC

**Committee Members**

Represent:

Local Government

Natural Gas Utility

Contractors

Excavators

Electric Utility

Consumer – Owned Utility

Pipeline Utility

Insurance Industry

Utilities and Transportation  
Commission

Telecommunications  
Company

Three At – Large Positions

15-026



Shelley Cornelius &lt;safetycommitteewaucc@gmail.com&gt;

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## Complaint Form - WUCC Website

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**sendmail@washington-ucc.org** <sendmail@washington-ucc.org>  
To: safetycommitteewaucc@gmail.com  
Cc: jared@wearedifmnt.com

Mon, Jul 6, 2015 at 8:43 AM

John Dunlap Jr. just filed a complaint from washington-ucc.org

### Requester Information

**Name:** John Dunlap Jr.  
**Company:** City of Lacey  
**Phone:** (360) 239-0552  
**Address:** 1200 College St SE  
**City:** Lacey  
**Zipcode:** 98509  
**Email:** Jdunlap@cilaceywaus  
**Requested A Ticket:** False

### Violation Information

**Violation:** RCW 19.122.030  
**Law Violated:** 19.122.030 (b) on notice  
**Basic Description:**  
No dig ticket and a broken step service line.  
**Violation Address:** 7712 Brianna Ct SE  
**Violation Date:** 07/02/2015

### Violation Information

**Violator Company:** Steve Ruhnke Contruction Inc  
**Violator Phone:** (425) 471-1466  
**Violator Address:** 17066 Beaton Rd SE Suite 190B  
**Violator City:** Monroe  
**Violator Zipcode:** 98272  
**Violator Email:** Idontknow@waus  
**Violator Employees:** Steve

### Other Information

### Additional Information:



Cc:  
Subject: 2 FULL BUSINESS DAYS 15195454

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Ticket No: 15195454 2 FULL BUSINESS DAYS  
Send To: LACEY01 Seq No: 8 Map Ref:

Transmit Date: 7/06/15 Time: 10:15 AM Op: webusr  
Original Call Date: 7/06/15 Time: 10:14 AM Op: webusr  
Work to Begin Date: 7/09/15 Time: 12:00 AM

State: WA County: THURSTON Place: OLYMPIA  
Address: 7712 Street: BRIANNA CT SE  
Nearest Intersecting Street: ATCHINSON DR SE

Twp: 18N Rng: 1W Sect-Qtr: 35-SW,34-SE  
Twp: Rng: Sect-Qtr:

Type of Work: EXCAVATION  
Location of Work: FROM CARPENTER RD SE TURN EAST ONTO BRIANNA CT. SE INTO  
: BRIANNA MEADOWS DEVELOPMENT/DR HORTON. CONTINUE NORTH EAST ON BRIANNA CT SE  
: ON THE NORTH WEST SIDE OF STREET ON LOT 25. MARK ENTIRE LOT APPROX.  
: 50X100FT. AREA MARKED OUT WITH WHITE STAKES.

Remarks:  
:

Company : STEVE RUHNKE CONSTRUCTION Best Time:  
Contact Name: RANDY DIAMOND Phone: (425)508-0076  
Alt. Contact: RANDY Phone: (425)508-0076  
Contact Fax :  
Work Being Done For: DR HORTON  
Additional Members:  
ATT08 CC7711 LEVL301 MCI01 PUGE10 PUGG10 QLNWA31  
TCSSW01







## WSDLSC Review Committee Hearing Process

“We are here today for a meeting of the Washington State Dig Law Safety Committee’s Review Committee to hear the complaint filed by City of Lacey (Complainant) against Steve Ruhnke Construction (Respondent) alleging violation of RCW 19.122.030.1(b). Case Number 15-026”

“Let’s start with introductions”, (introduce self, vice chair, and administrative assistant), then ask Safety Committee to introduce themselves, (five members introduce themselves), ask Complainant to identify themselves and then Respondent identify themselves.

“I will now read an opening statement to open this session.”

*John Dunlap*  
*Steve Ruhnke*  
*Jimmy*  
*Jill*

### Review Committee Opening Statement

“Today’s meeting is not a hearing. It is an informal session at which complaints of alleged violations of the Washington State Dig Law, RCW 19.122, Underground Utilities are heard. Each party will have the opportunity to present their case before the committee. After both parties have been heard, the committee will caucus and determine whether a violation has in fact occurred, and make a recommendation as to enforcement action. The recommendation may be to drop the matter, issue a warning letter, require training, or impose a penalty. If a monetary penalty is recommended, and the committee sees fit, some or the entirety of the monetary penalty may be suspended if additional conditions, such as training, are agreed upon and met by the party in violation.”

“Once a decision has been made, the committee will forward their recommendation to the Utilities and Transportation Commission (UTC), which under the law has sole discretion to accept, modify, or reject the recommendation of the Safety Committee. Once the UTC has reviewed the recommendation and an enforcement action is issued, the offender will have the option to accept the penalty, request mitigation, or request a hearing before a UTC administrative law judge.”

“Since this is not a formal hearing, no recording devices will be used. Nothing either party says at this meeting can be used as evidence against that party if this matter ever goes to a hearing before the UTC. We have these guidelines to encourage the parties to be open and candid. “

“The following is our process for today’s session: “

- The Complainant will have 20 minutes to present their case.



- The Respondent will have 20 minutes to present their case
- The Complainant will then have 5 minutes for rebuttal
- The Respondent will have 5 minutes for rebuttal
- The Review Committee will ask questions of the Complainant and Respondent (Remind Committee Members prior to hearing to direct questions to either respondent or complainant as part of each question)
- The Review Committee will Caucus
- The Review Committee will deliver their recommendation

(Review Hearing process proceeds as outlined above)

Upon conclusion of Q&A: “That concludes this portion of the session. At this time, the Review Committee will leave the room to caucus and make a recommendation. Please wait here while the Review Committee caucuses. A decision by the committee is typically rendered in about twenty minutes.”

Review Committee adjourns to different conference room.

Upon re-entry into the session room, Chair or Vice Chair reads the recommendation:

→ “The Review Committee has made its recommendation. We will read that recommendation at this time. Please note that there is no further opportunity for comment by either the Respondent or Complainant as part of the closing.”

**Review Committee Closing Statement**

“After hearing from both the Complainant ( City of Lacey ) and the Respondent ( Steve Ruhnke Construction ) regarding the alleged violation of RCW 19.122.030.1(b), the Review Committee makes the following recommendation:

*[State findings and recommendation from Form]*

This recommendation will now be sent to the Utilities and Transportation Commission (UTC), which under the law, has sole discretion to accept the recommendation as submitted by this committee or to amend the decision at its discretion. Once the UTC has reviewed the recommendation and an enforcement action is issued, ( Steve Ruhnke Construction ) will have the option to accept the penalty, request mitigation, or a hearing before a UTC administrative law judge.”

# Review Committee Recommendation Form

Date: 09/30/2015 Case Number: 15-026

Review Board Members: Larry Bailey Mark Scoccolo  
Scott Sammons Dave Christensen  
Joe Robertson

## Persons Involved:

### Complainant:

- Company Name City of Lacey
- In Attendance \_\_\_\_\_  
\_\_\_\_\_

### Respondent:

- Company Name Steve Ruhnke Construction
- In Attendance \_\_\_\_\_  
\_\_\_\_\_

Law or laws in Review: RCW 19.122.030.1(b)

### Review Committee Decision:

The Review Committee has determined that the Respondent Has/Has Not violated the Washington State Dig Law sections 19.122.030(1)

The Review Committee has determined that the Complainant Has <sup>Not</sup> violated the Washington State Dig Law sections \_\_\_\_\_

### Justification for decision:

The Review Committee supports the decision that the Respondent Has/Has Not violated the Washington State Dig Law. <sup>and recommends the following:</sup> As follows:

a \$2,500 penalty for a repeat violation of RCW 19.122.030(1).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_