



Washington State Dig Law Safety Committee

A Standing Committee of Washington Utilities Coordinating Council

COMMUNICATION – COOPERATION -

COORDINATION

P.O. Box 734 • Poulsbo, WA 98370

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

October 3, 2016

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

Re: Review Committee Decision - Case Numbers 15-033, 037, 039 and 16-016 City of Lacey vs Westward Hoe Construction, Inc.

Dear Mr. King:

The Washington State Dig Law Safety Committee received a series of complaints regarding potential violation of the Washington State Dig Law RCW 19.122 for work performed in 2015 and 2016. On September 21, 2016 the Review Committee of the Safety Committee heard the complaint. The Complainant in this case is the City of Lacey, and the Respondent is Westward Hoe Construction, Inc.

The complainant alleged violation of RCW 19.122.030. The Review Committee finds that the respondent, Westward Hoe Construction, Inc. did violate RCW 19.122.030(1) for failing to provide notice to a one-number locating service for the excavation area for cases 15-033 and 15-037; and did violate 19.122.030(2) for not waiting the full two business days after calling in a dig ticket to begin excavation for cases 15-039 and 16-016.

The Review Committee recommends the following penalty be assessed to the respondent:

\$1000 for violating 19.122.030(1) Case 15-033
\$5000 for violating 19.122.030(1) Case 15-037
\$5000 for violating 19.122.030(2) Case 15-039
\$5000 for violating 19.122.030(2) Case 16-016

The Review Committee further recommends that \$15,000 of the total \$16,000 penalty can be deferred on the condition that Westward Hoe Construction Inc. owners and all crews complete NUCA Dig Safe Training within 90-days of a finding by the UTC. In addition, Westward Hoe Construction Inc. must provide a language interpreter for their Spanish speaking staff. If Westward Hoe Construction either fails to complete the training within the required 90-days or has a further violation of RCW 19.122.030 within 12-months of a finding of the UTC, then the \$15,000 deferred shall be due and owing.



**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

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dave Christensen'.

Dave Christensen, Chair

Cc: Lynda Holloway, UTC
City of Lacey
Westward Hoe Construction

15-033



Shelley Cornelius <safetycommitteewaucc@gmail.com>

Complaint Form - WUCC Website

sendmail@washington-ucc.org <sendmail@washington-ucc.org>

Thu, Oct 1, 2015 at 6:57 AM

To: safetycommitteewaucc@gmail.com

Cc: jared@wearedifmt.com

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

Requester Information

Name: John Dunlap

Company: City Of Lacey

Phone: (360) 239-0552

Address: 1200 College St SE

City: Lacey

Zipcode: 98503-2370

Email: Jdunalp@cilaceywaus

Requested A Ticket: False

Violation Information

Violation: RCW 19.122.030

Law Violated: 19.122.031 section (2)

Basic Description:

Started digging without locate ticket

Violation Address: 8624 Adonis Ave NE

Violation Date: 09/30/2015

Violation Information

Violator Company: Westward Hoe Construction Inc

Violator Phone: (360) 825-1025

Violator Address: 244th Ave SE

Violator City: Enumclaw

Violator Zipcode: 98022

Violator Email: idontknow@comus *Keenan.whcinc@comcast.net*

Violator Employees: Keenan Damery

Other Information

Additional Information:



Case 15-037

Shelley Cornelius <safetycommitteewaucc@gmail.com>

Complaint Form

sendmail@washington-ucc.org <sendmail@washington-ucc.org>
To: safetycommitteewaucc@gmail.com

Mon, Nov 30, 2015 at 11:09 AM

Complaint Form Request

Requester Information

Name: John Dunlap
Company: City of Lacey
Company Phone: (360)239-0552
Company Email: jdunlap@ci.lacey.wa.us
Company Address: 1200 College St SE, Lacey, 98503
Ticket Requested: no

Violation Information

Violation RCW: RCW 19.122.030
Violation Section: 19.122.030 (2)
Violation Description: No call for marks before digging.
Violation Address: 8648 Adonis Ave NE
Violation Date: 11/30/2015

Alleged Violator

Violator Name: Weastward Hoe Construction INC
Violator Phone Number: (253)335-9129
Violator Email: keenan.whcinc@comcast.net
Violator Address: 45407 244th Ave, Enumclaw, 98022
Violator Employess On Site: Keenan Damery

Other Information

Other Information:



Case 15-039

Shelley Cornelius <safetycommitteewaucc@gmail.com>

Complaint Form

sendmail@washington-ucc.org <sendmail@washington-ucc.org>
To: safetycommitteewaucc@gmail.com

Mon, Dec 21, 2015 at 11:16 AM

Complaint Form Request

Requester Information

Name: John Dunlap
Company: City of Lacey
Company Phone: (360)239-0552
Company Email: jdunlap@ci.lacey.wa.us
Company Address: 1200 College St SE , Lacey, 98503
Ticket Requested: yes
Ticket Number: 15360420 & 15360423
Ticket Date: 12/11/15

Violation Information

Violation RCW: RCW 19.122.030

Violation Section: (2)-(1) of this section to a one-number locator service not less than two business days and not more than ten business days before the scheduled date for commencement of excavation, unless otherwise agreed by the excavator and facility operators. Also section (5) An excavator must not excavate until all known facility operators have marked or provide information regarding underground facilities as provided in this section.

Violation Description: Westward Hoe didn't wait two full business days before excavation. Also dug without all facility operators having marked there facilities.

Violation Address: 3409 Hera St NE Lacey WA & 3403 Hera St NE Lacey WA

Violation Date: 12/15/15

Alleged Violator

Violator Name: Westward Hoe Coonstruction Inc
Violator Phone Number: (253)335-9129
Violator Email: keenan.whcinc@comcast.net
Violator Address: 45407 244th Ave, Enumclaw, 98022
Violator Emploeyss On Site: Keenan Damery

Other Information

Other Information:

Washington One Call

Ticket No: 15360420

2 FULL BUSINESS

DAYS

Original Call Date: 12/11/15 06:45 am

Work to Begin Date: 12/16/15 12:00 am

CALLER INFORMATION

Company Name: WESTWARD HOE CONSTR. INC

Contact Name: KEENAN DAMERY

Phone: 360-825-1025

Alt. Contact: KEENAN D. - CELL -

Phone: 253-335-9129

CALL 1ST

Fax Phone:

Caller Address: 45407 244TH AVE ENUMCLAW, WA 98022

Email Address: keenan.whcinc@comcast.net

DIG SITE INFORMATION

Type of Work: NEW CONSTRUCTION

Work Being Done

For: LENNAR HOMES

DIG SITE LOCATION

State: WA

County: THURSTON

Place: LACEY

Address: 3409

Street: HERA ST NE

Intersecting Street: DENNI DR NE

Location of Work: FROM THE INTER OF WILLAMETTE DR AND DENI HEAD W
APX 400FT TO THE N SIDE OF DENI DR LOT 64 IS AT THE
CORNER MARK THE ENTIRE LOT

Remarks: BEST INFORMATION AVAILABLE

Map Coord NW Lat: 47.0831676

Lon: -122.7571613

SE Lat: 47.0797044

Lon: -122.7520755

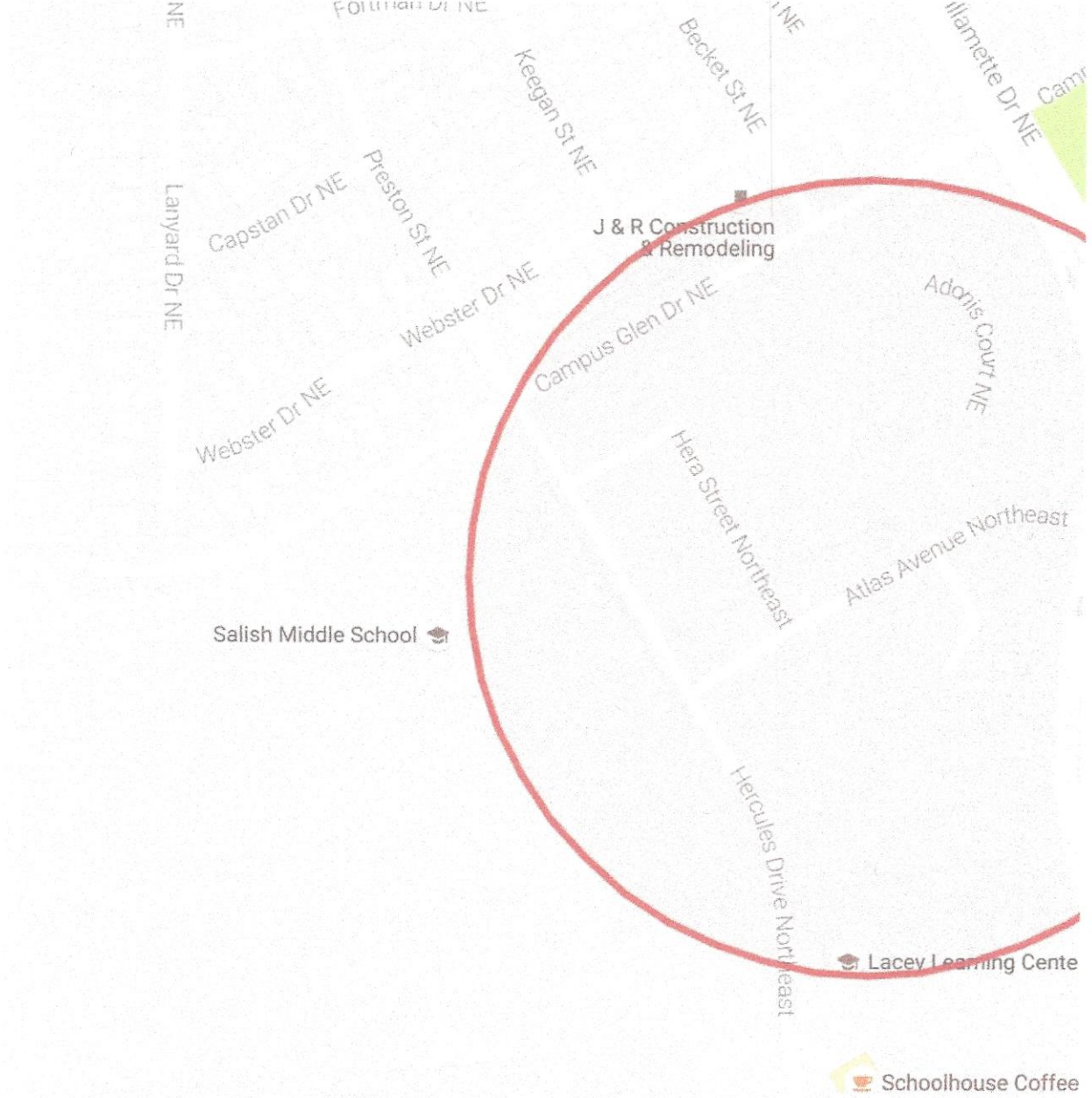
MEMBERS NOTIFIED

District	Company Name	Marking Concerns	Customer Service	Repair
CC7711	COMCAST CABLE	800-762-0592	800-266-2278	888-824-8289
LACEY01	CITY OF LACEY	360-491-5644	360-491-5644	360-491-5644
PUGE10	PUGET SOUND ENERGY, ELECTRIC	888-728-9343	888-225-5773	888-225-5773

District	Company Name	Marking Concerns	Customer Service	Repair
PUGG10	PUGET SOUND ENERGY GAS	888-728-9343	888-225-5773	888-225-5773
QLNWA31	CTLQL-CENTURYLINK	800-778-9140	800-283-4237	800-573-1311

Legend:  Locate Polygon

Lat/Lon



50 m

Map t. Report a map error

Case 16-016



Shelley Cornelius <safetycommitteewaucc@gmail.com>

Complaint Form

sendmail@washington-ucc.org <sendmail@washington-ucc.org>
To: safetycommitteewaucc@gmail.com

Wed, May 25, 2016 at 7:36 AM

Complaint Form Request

Requester Information

Name: John Dunlap
Company: City Of Lacey
Company Phone: (360)239-0552
Company Email: jdunlap@ci.lacey.wa.us
Company Address: 1200 College St SE, Lacey, 98503
Ticket Requested: yes
Ticket Number: 16156938
Ticket Date: 05/24/2016

Violation Information

Violation RCW: RCW 19.122.030
Violation Section: 19.122.030 section (2)
Violation Description: Started digging before have a locate ticket
Violation Address: 3453 Juno St NE
Violation Date: 05/24/2016

Alleged Violator

Violator Name: Westward Hoe Construction Inc
Violator Phone Number: (253)335-9129
Violator Email: keenan.whcinc@comcast.net
Violator Address: 45407 244th Ave, Enumclaw, 98022
Violator Employess On Site: Keenan Damery

Other Information

Other Information:

Washington One Call

Ticket No: 16156938 2 FULL BUSINESS DAYS

Original Call Date: 05/24/16 07:39 am
Work to Begin Date: 05/27/16 12:00 am

CALLER INFORMATION

Company Name: WESTWARD HOE CONSTR. INC
Contact Name: KEENAN DAMERY **Phone:** 360-825-1025
Alt. Contact: KEENAN D. - CELL - **Phone:** 253-335-9129

CALL 1ST

Fax Phone:

Caller Address: 45407 244TH AVE ENUMCLAW, WA 98022
Email Address: keenan.whcinc@comcast.net

DIG SITE INFORMATION

Type of Work: DIG OUT FOR NEW CONST
Work Being Done For: LENNAR HOMES

DIG SITE LOCATION

State: WA **County:** THURSTON
Place: LACEY **Address:** 3453
Street: JUNO ST NE
Intersecting Street: ADONIS AVE NE
Location of Work: EXCAVATION SITE IS ON THE W SIDE OF THE ROAD. ADD IS RIGHT AT THE ABV INTER ON THE W SIDE OF JUNO ST NE. MARK ENTIRE LOT AT ABV ADD. AREA MARKED IN WHITE. THIS IS IN LENNAR COMMUNITY OF CAMPUS RESERVE - LOT 38 FROM DENI DR NE AND WILLAMETTE DR NE JUNO ST NE IS APX 150FT W, HEAD N ON JUNO ST APX 300FT TO ADDRESS
Remarks: BEST INFORMATION AVAILABLE +UPDATE+ LOT AND ADD
Map Coord NW Lat: 47.0833361 **Lon:** -122.7570570
SE Lat: 47.0799607 **Lon:** -122.7531195

MEMBERS NOTIFIED

District	Company Name	Marking Concerns	Customer Service	Repair
CC7711	COMCAST CABLE	800-762-0592	800-266-2278	888-824-8289
LACEY01	CITY OF LACEY	360-491-5644	360-491-5644	360-491-5644

District	Company Name	Marking Concerns	Customer Service	Repair
PUGE10	PUGET SOUND ENERGY, ELECTRIC	888-728-9343	888-225-5773	888-225-5773
PUGG10	PUGET SOUND ENERGY GAS	888-728-9343	888-225-5773	888-225-5773
QLNWA31	CTLQL-CENTURYLINK	800-778-9140	800-283-4237	800-573-1311

Legend:  Locate Polygon

Lat/Lon



Shelley Cornelius <safetycommitteewaucc@gmail.com>

Cases 15-033, 037 and 16-016 Westward Hoe Construction

1 message













John Dunlap

Utility Locator

City of Lacey Public Works

Cell (360)239-0552 -FAX (360)456-0813

jdunlap@ci.lacey.wa.us