

# Washington State Dig Law Safety Committee

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

March 7, 2018

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

**Re:** Review Committee Decision - Case Numbers 18-003 and 18-004 Puget Sound Energy vs Estate Fence, LLC.

Dear Mr. King:

The Washington State Dig Law Safety Committee received a complaint regarding a potential violation of the Washington State Dig Law RCW 19.122.030(1)(a) for work performed on 10/25/2017 in case 18-003 and on 1/10/2018 in case 18-004.

On February 28, 2018, the Washington State Dig Law Safety Committee Review Board heard complaint Cases 18-003 and 18-004 Puget Sound Energy vs Estate Fence, LLC.

The Review Committee determined that the respondent, Estate Fence, LLC. did violate RCW 19.122.030(1)(a) on case 18-003 by failing to request locates 2 business days before digging for a fence. Estate Fence, LLC. did also violate RCW 19.122.030(1)(a) on case 18-004 by not requesting locates before digging for a fence.

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

- Case 18-003, the committee decided to issue a warning and will send a warning letter to Estate Fence, LLC. No further action is required by the UTC for this case.
- Case 18-004 the committee recommends a fine of \$1000.00 with \$1000.00 deferred if the owner and field supervisors of Estate Fence, LLC. agree to complete NUCA dig safe training within 6 months of receipt of the UTC's penalty assessment letter and incur no additional dig law violations within 12 months.



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: Lynda Holloway

Erika Hunter, Puget Sound Energy

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**PSE Complaint- Estate Fence**

Submitted Date : 01/26/2017

Byron Bese  
Employee: Tim Butler  
Estate Fence LLC  
25406 176<sup>th</sup> Ave SE  
Covington, WA 98042  
Phone: 253-639-3660

History Summation:

Puget Sound Energy Damage Prevention Representatives have interacted with or observed work by Estate Fence 25 times. Out of the 25 experiences, they were found to be in violation of RCW 19.122 a total of 14 times. 13 times were related to not requesting a locate and the 14<sup>th</sup> time was for not maintaining marks.

We have contacted Byron Bese, the owner, and his Foreman Tim Butler, multiple times to educate them about the requirements of the dig law. We have also had interactions in the field with employees- Jason, Gene, and Mike Jacobsen. According to our documented history, we have been communicating with Estate Fence, since at least the fall of 2016. All 14 of the documented noncompliance events happened in 2017 and 2018.

(See Detailed history at the bottom of this document)

Although we have documented 14 instances of noncompliance, our intent is to file on the 4 most recent as separate violations. Photos documenting noncompliance at each address follow the complaint summation.

Complaint #1- Location: 7030 30<sup>th</sup> Place W, Lot #14, Seattle- High Point Development  
Violation: RCW 19.122.030 (1)(a), Failure to call for Locates

Complaint #2- Location: 7030 30<sup>th</sup> Place W, Lot #13, Seattle- High Point Development  
Violation: RCW 19.122.030 (1)(a), Failure to call for Locates

Complaint #3- Location: 6968 Ave SW, Building #8, Seattle- High Point Development  
Violation: RCW 19.122.030 (1)(a), Failure to call for Locates

Complaint #4- Location : 410 6<sup>th</sup> Lane NE, Issaquah- Westridge  
Violation: RCW 19.122.030 (1)(a), Failure to call for Locates

Complaints 1-3, occurred on 10/25/2017 at the same development. PSE's Damage Prevention Field Rep Bob Douglas was working in the West Seattle area and observed recent fence construction in a new plat development at the addresses listed above. Upon inquiring with the site superintendent, Norm from Polygon Homes, he was told that the work was being done by Estate Fence Company. After checking [www.managetickets.com](http://www.managetickets.com) Bob was able to determine that Estate Fence had not called in any locates within that development within the previous 60 days. He took photos, reminded the superintendent of Polygon homes that all sub-contractors must call for locates and left his card. He also left a voice message for Byron Bese. Byron did not return his call but did call for locates at these addresses the following day.

Complaint #4, occurred on 01/10/2018. PSE's Damage Prevention Field Rep, Roger Arrington, was working in the Issaquah area and observed recent fence construction in a new plat. He checked for a ticket and found none. He then approached the Estate Fence employee, Tim Butler, on site and asked him if he had just installed the fence post. Tim replied that it had been installed by their crew the day before. Roger asked the employee to stop digging until they got a ticket and the utilities were located. Roger then asked to speak to the owner Byron Bese and Tim handed him his phone to speak to "the boss". The person, Jeff, on the phone said Byron was out sick but that they would stop working and call locates in. Roger told Jeff that we have talked to them many times before and he was aware that they knew they should be calling for locates. He then took pictures and left. Estate Fence called in 11 tickets later that day but none for this address.



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## Complaint Form

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

Thu, Jan 11, 2018 at 2:58 PM

## Complaint Form Request

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### Requester Information

**Name:** Erika Hunter  
**Company:** Puget Sound Energy  
**Company Phone:** (425)456-2854  
**Company Email:** erika.hunter@pse.com  
**Company Address:** 355 110th Ave NE EST11w, Bellevue, 98004  
**Ticket Requested:** no

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### Violation Information

**Violation RCW:** RCW 19.122.030  
**Violation Section:** RCW 19.122.030 (1)(a), Failure to call for Locates  
**Violation Description:** PSE's Damage Prevention Field Rep Bob Douglas was working in the West Seattle area and observed recent fence construction in a new plat development at the addresses listed above. Upon inquiring with the site superintendent, Norm from Polygon Homes, he was told that the work was being done by Estate Fence Company. After checking [www.managetickets.com](http://www.managetickets.com) Bob was able to determine that Estate Fence had not called in any locates within that development within the previous 60 days. He took photos, reminded the superintendent of Polygon homes that all sub-contractors must call for locates and left his card. He also left a voice message for Byron Bese. Byron did not return his call but did call for locates at these addresses the following day.  
**Violation Address:** 6968 Ave SW, Building #8, Seattle- High Point Development  
**Violation Date:** 10/25/2017

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### Alleged Violator

**Violator Name:** Estate Fence LLC  
**Violator Phone Number:** (253)639-3660  
**Violator Email:** bese@comcast.net  
**Violator Address:** 25406 176th Ave SE, Covington, 98042  
**Violator Employess On Site:** Tim Butler/Byron Bese

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### Other Information

**Other Information:** This is complaint 3 of 4

Complaint #3- Location: 6968 Ave SW, Building #8, Seattle- High Point Development  
Violation: RCW 19.122.030 (1)(a), Failure to call for Locates











Newly installed fence with wet concrete still showing

Case 18-003





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## Complaint Form

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

Thu, Jan 11, 2018 at 3:01 PM

## Complaint Form Request

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### Requester Information

**Name:** Erika Hunter  
**Company:** Puget Sound Energy  
**Company Phone:** (425)456-2854  
**Company Email:** erika.hunter@pse.com  
**Company Address:** 355 110th Ave NE EST11w, Bellevue, 98004  
**Ticket Requested:** no

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### Violation Information

**Violation RCW:** RCW 19.122.030  
**Violation Section:** RCW 19.122.030 (1)(a), Failure to call for Locates  
**Violation Description:** PSE's Damage Prevention Field Rep, Roger Arrington, was working in the Issaquah area and observed recent fence construction in a new plat. He checked for a ticket and found none. He then approached the Estate Fence employee, Tim Butler, on site and asked him if he had just installed the fence post. Tim replied that it had been installed by their crew the day before. Roger asked the employee to stop digging until they got a ticket and the utilities were located. Roger then asked to speak to the owner Byron Bese and Tim handed him his phone to speak to "the boss". The person, Jeff, on the phone said Byron was out sick but that they would stop working and call locates in. Roger told Jeff that we have talked to them many times before and he was aware that they knew they should be calling for locates. He then took pictures and left. Estate Fence called in 11 tickets later that day but none for this address.  
**Violation Address:** 410 6th Lane NE, Issaquah- Westridge  
**Violation Date:** 01/10/2018

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### Alleged Violator

**Violator Name:** Estate Fence LLC  
**Violator Phone Number:** (253)639-3660  
**Violator Email:** bese@comcast.net  
**Violator Address:** 25406 176th Ave SE, Covington, 98042  
**Violator Employess On Site:** Tim Butler/Byron Bese


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### Other Information

**Other Information:** This is complaint 4 of 4

Case 18-004

Complaint #4- Location : 410 6<sup>th</sup> Lane NE, Issaquah- Westridge  
Violation: RCW 19.122.030 (1)(a), Failure to call for Locates

 **Class B Basic Electrical Work Label**  
**B 001204662**

Use permanent marker and write clearly. Clean and dry surface before adhering.

This label is only valid after user enters information for this jobsite into Electronic Permit & Inspection System (EPIS) using Secure Access Washington (SAW).

Validation Date	11-3-17
Date of work	11-3-17
Elec Contractor Name	Bobs Heating & AC
Elec Contractor License #	BOBSHHAC850NJ
Installing Electrician Certificate #	JOHANSM922K2
Site Address	410 6 <sup>th</sup> Ln NE
City	Issaquah
County	King
Job site owner name and phone #(to arrange inspection)	Polygon 425-889-9345
Description of work	Low Volt Test & AC



## Case 18-004

### Interaction History:

Roger	10/18/2016		highcroft		Phone Contact	byron bese	Locates were good
Roger	11/21/2016	1707 229 pl se	highland crest		Field Visit		Locates were good
Roger	11/21/2016	1881 228 pl se	highland crest		Field Visit		Locates were good
Bob	4/14/2017	50th ct s	canyon creek	Jason	Field Visit		
Kwame	5/2/2017	42nd ave	brookside	t. butler	Field Visit	t.butler	Did not call for locates
Kwame	5/9/2017	212th st	aspen at belvedere	tim butler	Field Visit	tim	Did not call for locates
Kwame	5/11/2017	37th ct s	mountain view	tim butler	Phone Contact	tim	Did not call for locates
bob	5/12/2017	32214 50th ct s	canyon creek		Field Visit	byron bese	Did not call for locates
bob	5/19/2017	32209 56th ct s	canyon creek		Field Visit		Locates were good
Kwame	5/30/2017	s 322nd st		tim butler	Field Visit	tim	Locates were good
bob	6/20/2017	lots 78,79,80,81,82 s 322nd st			field visit		other
Bob	7/5/2017	32206 & 32214 49th a	canyon creek		Field Visit	tim butler or byron	Did not call for locates
Bob	7/7/2017	1813 little si ave	cottages	gene	Field Visit	byron bese	Did not call for locates
Bob	7/10/2017	32206 49th ave se	canyon creek		Field Visit	byron bese	locates were good
bob	7/17/2017	23045 se 18th pl	highcroft		Field Visit		locates were good
bob	8/15/2017	6th ln ne	westridge	mike jacobsen	Field Visit	Byron Bese	Did not call for locates
bob	9/6/2017	32306 49th ave s	canyon creek		Field Visit	byron	locates were good
bob	9/22/2017	32317 49th ave s	canyon crest		Field Visit	byron	locates were good
bob	10/6/2017	32326 49th ave s	canyon creek		Field Visit	byron	locates were good
bob	10/25/2017	lots 7,8,13,14 7030 30	high point	norm	Field Visit	byron bese	Did not call for locates
bob	10/27/2017	498 and 499 5th ave n	westridge		Field Visit	byron bese	Did not call for locates
bob	11/1/2017	32365 49th ave s	canyon creek		Field Visit	byron	Did not call for locates
bob	11/28/2017	5007 s 324th	canyon creek		Field Visit	byron	locates were good
bob	12/20/2017	4905 s 324th	canyon creek		Field Visit	byron bese	locates were good