



# Washington State Dig Law Safety Committee

P.O. Box 734 • Poulsbo, WA 98370

June 30, 2021

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State Of WASH.  
UTIL. AND TRANSP.  
COMMISSION

**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**

Mark Johnson, Executive Director and Secretary  
Members of the Commission  
Utilities and Transportation Commission  
621 Woodland Square Loop SE  
Lacey, WA 98503

Re: Review Committee Decision – Case 20-047 James Libra vs.  
Kodiak Fence & Gate

Dear Mr. Johnson:

The Washington State Dig Law Safety Committee received a complaint regarding a potential violation of Washington State Dig Law RCW 19.122.030 for work performed on October 1, 2020.

On June 17, 2021, the committee formed a review board and heard Case 20-047 filed by James Libra against Kodiak Fence & Gate.

The review board determined that the respondent violated both RCW 19.122.030(5) for excavating before the locator had marked all known utilities and RCW 19-122.040(2)(a) for failing to use reasonable care to avoid damaging said utilities before the locator determined their precise location.

Therefore, the committee recommends a total penalty of being assessed to the respondent as follows:

- \$1,000 penalty for one violation of RCW 19.122.030(5)
- \$1,000 penalty for one violation of RCW 19.122.030(2)(a)

The recommended penalties total \$2,000 with an opportunity to suspend \$1,800 on the condition that the owners and field staff for Kodiak Fence & Gate attend NUCA dig safe training and incur no additional violations of RCW 19.122 within twelve months of receiving a penalty assessment order.



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Please let me know if you have any questions regarding this case. You contact me at 206-794-9823.

Sincerely,

Jim Walton, Chair

Cc: Lynda Holloway

James Libra

Shaun Dagley