



Washington State Dig Law Safety Committee

P.O. Box 734 • Poulsbo, WA 98370

D-220622

August 18, 2022

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

Amanda Maxwell, 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 22-014 Shannon McHenry vs. Hero Greens Nursery & Landscaping

Dear Amanda Maxwell:

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 two occasions, April 11, 2022, and April 15, 2022.

On June 8, 2022, the committee formed a review board and heard Case 22-014 filed by Shannon McHenry against Hero Greens Nursery and Landscaping.

The review board determined that the respondent violated RCW 19.122.030(2) for failing to request a locate before excavation on April 11, 2022, and again on April 15, 2022.

Therefore, the committee recommends a total penalty of \$2000 being assessed to the respondent as follows:

- \$1000 for one violation of RCW 19.122.030(2) on April 11
- \$1000 for one violation of RCW 19.122.030(2) on April 15

The recommended penalties total \$2000 with an opportunity to suspend \$1800 on the condition that the owner, Stephen Ertel, and all company employees attend NUCA dig safe training within 45 days of receiving the penalty assessment and incur no additional violations of RCW 19.122 within twelve months.

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COMMISSION



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

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Sincerely,

A handwritten signature in black ink that reads "Jim Walton".

Jim Walton, Chair

Cc: Lynda Holloway

Stephen Ertel, Hero Greens Nurser