



Washington State Dig Law Safety Committee **D-240979**

1673 S Market Blvd, #121
Chehalis, WA 98532

Received
Records Management
Dec 30, 2024

December 30, 2024

Jeff Killip, Executive Director, and Secretary
UTC Records Center
Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

Re: Review Committee Decision – Complaint Case 24-096 Avista Utilities vs. M&L Construction, Inc.

Dear Mr. Killip:

The Washington State Dig Law Safety Committee (committee) received a complaint filed by Avista Utilities against M&L Construction, Inc. (M&L Construction) regarding potential violations of the Washington State Dig Law RCW 19.122.030.

On Dec. 5, 2024, the committee formed a peer review board and reviewed Complaint Case 24-096.

The peer review board determined that the respondent, M&L Construction violated RCW 19.122.040(2)(a) one time for not using reasonable care to avoid damaging underground facilities; by failing to determine the precise location of underground facilities which have been marked.

Therefore, the committee recommends a total penalty of \$1,000 be assessed to the respondent as follows:

- \$1,000 for one violation of RCW 19.122.040(2)(a) that occurred on June 11, 2024, at 11811 N Stevens Ct, Spokane, WA.

Additionally, the committee recommends a deferral opportunity be offered to suspend \$800 of the \$1,000 total, based on the condition that M&L Construction incurs no additional violations of RCW 19.122 within the next 12 months.

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

Sincerely,

Jim Walton, Chair
WA State Dig Law Safety Committee

cc: Marina Rathbun, UTC
Scot Hattenburg, M&L
Tyler Proszek, Avista

Committee Members Represent:

Local Government

Natural Gas Utility

Contractors

Excavators

Electric Utility

Consumer Owned Utility

Pipeline Utility

Water Utility

Utilities and Transportation Commission

Telecommunications Company

Three At-Large Positions