

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties against:	DOCKET TG-190969
DAVID THEODORE KUNTZ, d/b/a DK DUMPERS	ORDER 03 IMPOSING SUSPENDED PENALTY

**BACKGROUND**

- 1 On January 22, 2020, the Washington Utilities and Transportation Commission (Commission) entered Order 02, Stipulated Initial Order Classifying Respondent as a Solid Waste Collection Company; Ordering Respondent to Cease and Desist; Imposing and Suspending Penalties on Condition of Future Compliance (Order 02). Order 02 required David Theodore Kuntz, d/b/a DK Dumpers, (DK Dumpers or Company) to cease and desist operating as a solid waste collection company and imposed a fine of \$2,000 for two violations of RCW 81.77, all but \$100 of which was suspended for a period of two years conditioned on the Company: (1) permanently refraining from operating as a solid waste collection company without first obtaining a certificate from the Commission, and (2) complying with all applicable statutes and Commission rules. That same day, DK Dumpers paid the \$100 portion of the penalty that was not suspended in full.
- 2 On November 5, 2020, Commission staff (Staff) filed with the Commission a Motion to Impose Suspended Penalties (Motion). In its Motion, Staff alleges that DK Dumpers continues to operate as solid waste collection company without the required certificate by advertising and offering to provide those services. Staff recommends the Commission impose the remaining \$1,900 suspended portion of the penalty for failing to comply with the conditions in Order 02.
- 3 On November 6, 2020, the Commission issued a Notice of Opportunity to Respond and Notice of Opportunity to Request a Hearing (Notice). The Notice gave the Company until November 16, 2020, to submit a written response or request a hearing to contest Staff's allegations. The Company did not file a response.

**DISCUSSION AND DECISION**

- 4 We find that DK Dumpers violated the conditions of Order 02 and impose the \$1,900 suspended portion of the penalty.
- 5 RCW 81.77.010(7) defines “solid waste collection company” as any person “owning, controlling, operating, or managing vehicles used in the business of transporting solid waste for collection or disposal, or both, for compensation.” Under RCW 81.77.040, a person operates as a solid waste collection company by hauling solid waste, or by advertising, soliciting, offering, or entering into an agreement to provide such service.
- 6 Staff provided evidence that DK Dumpers is engaging in the business of a solid waste collection company by advertising and offering those services. The Company failed to respond and thus failed to rebut Staff’s allegations. Accordingly, we find that the Company has failed to fulfill the conditions under which the Commission suspended \$1,900 of the assessed penalty and conclude that the suspended penalty amount is now due and payable.

**ORDER**

THE COMMISSION ORDERS That

- 7 (1) David Theodore Kuntz, d/b/a DK Dumpers, has not complied with the conditions under which the Commission suspended \$1,900 of the \$2,000 penalty assessment.
- 8 (2) The full \$1,900 suspended penalty is now immediately due and payable.

DATED at Lacey, Washington, and effective November 30, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*/s/ Rayne Pearson*  
RAYNE PEARSON  
Administrative Law Director