



Washington State Dig Law Safety Committee

A Standing Committee of Washington Utilities Coordinating Council
COMMUNICATION - COOPERATION - COORDINATION
P.O. Box 749 • Poulsbo, WA 98370

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June 5, 2017

CASE # 17-018

- 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

Eric Westman
11118 S 2083 PR SE
Kennewick, WA 99337

Re: **Complaint Case Number 17-018**

Dear Eric Westman, (509) 586-0202

The Washington Dig Law Safety Committee has received your request to review an alleged violation of RCW 19.122.030.

William James Bryant has been notified of this request via mail with return receipt.

Your review will be held June 21, 2017 at the Utilities and Transportation Commission Office (directions enclosed), starting at 11:00. *This will be a 40-minute meeting only, 20 minutes for each side.*

Please provide ten (10) color and numbered copies of any documentation you feel will support your case, by post to PO Box address listed in header above. Or (1) copy via Email to safetycommitteewaucc@gmail.com at least ten (10) days prior to the hearing.

If you have any questions, please contact me at 425-835-3451.

Sincerely,

Shelley Cornelius
Shelley Cornelius / OR John Cornelius
Administrative Assistant
Washington Utilities Coordinating Council

This is A Letter that Mr. James Bryant wrote and sent to my Lawyer

May 9, 2017

Michael Froehlich
Miller Mertens & Comfort
1020 North Center Parkway, Suite B
Kennewick, WA 99336

CASE # 17-018 (2)

Re: Jan Billings
Obstruction of Easement

Dear Mr. Froehlich:

Ms. Billings is upset because I asked her and her boyfriend not to park on my property. I finally had to have the sheriff come out to have them remove their cars. *This is a Lie*

Your previous letter was not ignored. There are no obstacles keeping her from getting to her property. As we previously discussed, none of the services are having any trouble turning around. Ms. Billings is giving you false information.



As for the construction I undertook, I did it legally. I called 811 Dig and they came out and located and made their marks (Ticket #18764874). They missed one phone line, which was repaired, and all phones are working. The railroad ties are old and are commonly used all over this area. I tried to find EPA info on this and could find no regulations. *This is a LIE NO SUCH TICKET NUMBERS!!!*

The only thing I am guilty of is trying to clean up and improve my property. Please be advised this easement does not belong to Ms. Billings. It belongs to all property owners.

Furthermore, if Ms. Billings and her boyfriend do not stop harassing me, I and my neighbors (as she has been harassing them as well) will seek legal counsel to file a lawsuit of our own and will be asking the court for equitable costs and attorney fees should we have to go to court.

Sincerely,

William J. Bryant
James Bryant
11110 S 2083 PR SE
Kennewick, WA 99337

The other neighbors have NOTHING TO DO w/BACK HERE @ the Dead-End Cul-De-Sac & Easement where I LIVE!!!

To whom it concerns, the above so-called (TAG/TICKET #18764874) that James Bryant states IS A FAKE NUMBER!!! TYLER, from the Locating & Sit Services, said that, that number does not make sense or match anything of theirs!!! that is a BAD Number!!! ALL their numbers start with (17) as being for the year!!! As of June 15, 2017, 811 service Does not have any Records of James Bryant calling in for a Locate request - ever!!!

MILLER MERTENS & COMFORT PLLC

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To whom it concerns;

Regarding, James/Jim Bryant cutting telephone line, Violating the Dig Safety Law.

First of all, this letter from you, to us... didn't give us very much time and notice!

Secondly, our mail person kind of screwed us up! The "Certified Mail" Letter, that you sent to us, we never got it until Late on Tuesday June 13th!

(We live, way back and around, at the end of a dirt road), We don't go out to get the mail every day - only when we go to town. Had we "known" you were sending us, something - so important, we would have gone out and checked daily for it.

And thirdly, our mail delivery Person "Lied"... They said that no "one was Home" on the Friday June 9th, that the Notice was left in our Mail Box, stating, that we had "Certified Mail," that we had to "sign" for! "That was a Lie"!!! We were to Home!!! Nobody came to the door, Nobody knocked on the Door!!! Nobody - Nothing!!!

We found that Notice in the mail Box on Tuesday Afternoon, when we stopped by the Mail Box, on the way to Eric's Doctor's appointment, that "Notice" had been in the Box all weekend!!!

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After Eric's Doctor's appointment, we had to drive over to the Pasco, WA. Post Office to go get it.

On the "sewage" and Drainfield information... it is just included to "show" and to "prove" a "point", that this is a "pattern" of Mr. James Bryant, He does not have respect for the Law or of others property!!! He thinks that He is above the Law, and can do as He Please's!!!

One more time... Mr. James Bryant was having work done and was working Himself, putting in Irrigation to His property. He Did Not call "911" the Dig number, and cut my phone line, on April 14th, 2017!!! I, (Jan) called Frontier repair number, I was put on Hold and transferred about 4 times - for a total of about 45 minutes that Day!!! (Eric + I don't have cell phone plans like most people, we buy "minutes" on phone cards, for our phones)... We have "TracFones"!!! That Day, April 14, 2017 the day my phone line was cut, I called Frontier to report it, to the repair Department. I was placed on hold for an extended amount of time, while each person I talked to, figured out "who" they should send me to next. I was

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(5) (X)

transferred to about 4 different People and each time, I was put on hold, for a total of about 45 minutes!!! That's how much of my pre-paid phone minutes were "lost" and "wasted", on nonsense, that didn't need to be, if only Mr James Bryant had followed the "Law" and made that one little FREE Phone Call to: "811 call Before you Dig"!!!

After I was finally connected to the Right Department and the Right Person, I was told, that my phone line repair would have to wait to be repaired until, Tuesday the 18th of April - because Monday was a Holiday! I was left for "5" Days without a phone!!!

I had to "waste" some more of my "Tracfone" pay-by-the-minutes, that whole weekend, by using my cell phone, instead of my land line!!! My Parents - My Mom is 80 years old, (with Dementia) and my Dad is 86 and that is the only phone number that they have "memorized" and the only phone number of their "7" Children that have had the "SAME NUMBER", for a multiple Years, "37" as a matter of FACT!!!

Another example of Mr. James Bryant's wrong doing, "He states that He did call the big number and James states, that they gave He Him a ticket number,

We had to go to Benton County Court on May 23 @ 8:00 in the morning, on another matter regarding Mr. Bryant, Mr. James Bryant

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(6) (A)

told the Judge, who was presiding the court hearing that morning, that he did call, the 811 Dig number, and Mr. James Bryant presented a tag/ticket number 18764874. Later, I called 811 to "verify" that number, that Mr. James Bryant wrote down. I talked to someone name Tyler, "Tyler" said, "I can tell you right off the start, - that, that is a BAD number"!!! I asked Tyler, "why?" "Because how it starts with the numbers 18... "ALL THEIR numbers START WITH... 17" representing the "Year" that we are in)!!!

"Russel" the Repair tech from Frontier called the house here at about 1:59 p.m. on April 18th, 2017 1-(509) 378-8793

6/15/2017

One Call Concepts Ticket List

Image:

Section:

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House Number: 11110 S. 2083 PR SE

Street:

Intersecting Street: FINLEY ROAD

Location:

Remarks:

You can look on the Web-site "cc Searchandstatus.com" and look-up a ticket number or by a person's name and on all the tickets that were issued for your address's area for the last 6 years!!! TOLD to me by "ANBY" on 6-19-17 @ about 9:35 A.M.

Interactive Map

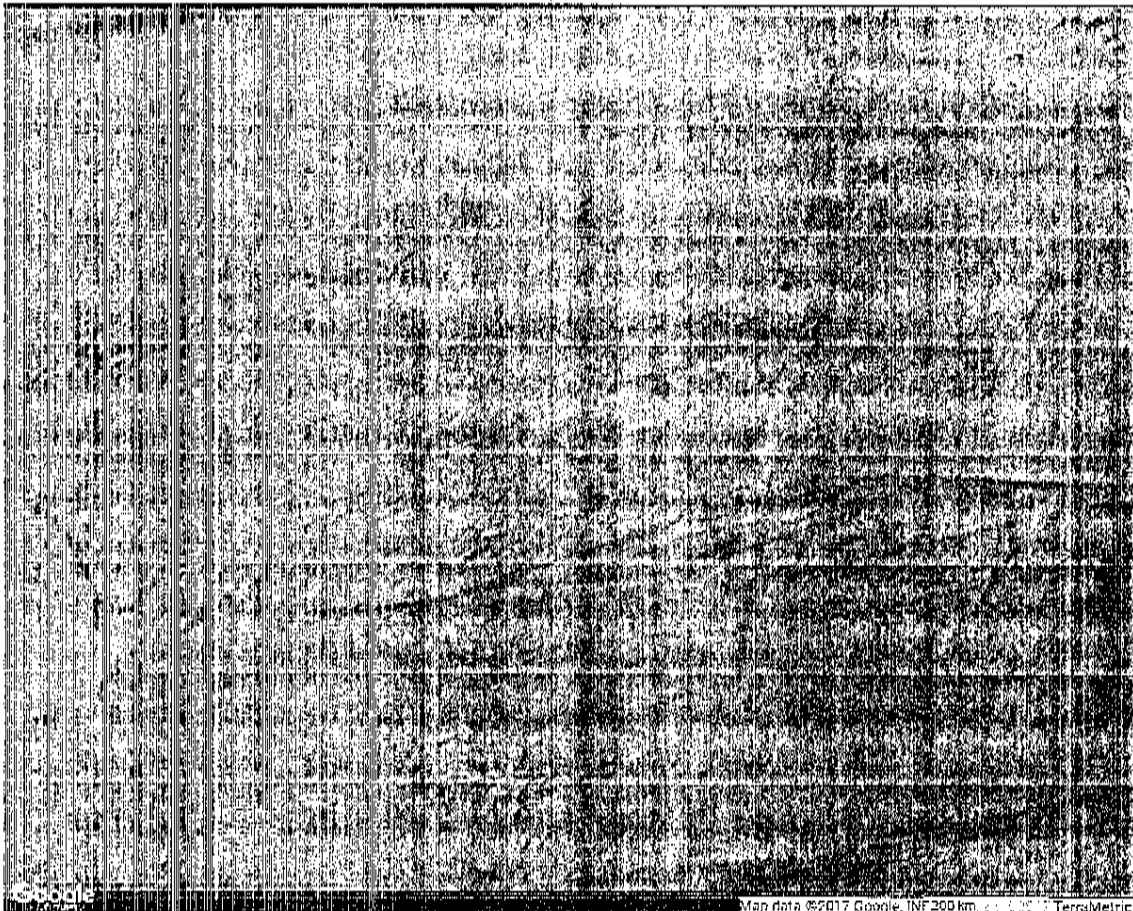
Advance/Alternate Search

Search Map:

Anyway, Mr. Bryant Lied to the Judge in Court and stated, that He called 811 Dig Line and got a ticket number!

Warning
Failed to
WA

Click the 'Create Polygon' button on the right side of the map to create a search polygon on the map. This will allow you to view all tickets within the search polygon.



Lat/Lon

Search
48 -102.91922

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Bobbi Romige

From: Brendan Siefken
 Sent: Friday, August 05, 2016 16:48
 To: BCSOEvidence; BCSORecords
 Cc: Clay Vannoy; Taylor Hallman
 Subject: ENTF - 16-10333 Eric Westman

The State will not be filing charges in this case as the State does not believe the alleged victim reasonably believed the threats would be carried out. It appears that there is an ongoing dispute between the neighbors and allegations of wrongdoing from both sides. The alleged victim did not report the alleged threats until after he was contacted by law enforcement who were investigating his own wrongdoing. !!!

Brendan Siefken
 Deputy Prosecuting Attorney
 Benton County Prosecuting Attorney's Office
 509-735-3591
 509-736-3056 (fax)

Mr. Bryant tried to have us (Both Jan & Eric) charged with Harassment, when-in fact, He - Mr. Bryant was the person doing the wrong doing!!! The Judge Also, said that we had the legal right to turn Mr. Bryant in, for His illegal actions!!!

FILED



MAY 23 2017

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BENTON COUNTY DISTRICT COURT

Benton County District State Of Washington

Bryant, William James
Petitioner (Protected Person)

vs.

Westman, Eric Brian
Billings, Janice Marie
Respondent (Restrained Person)

No. AHY17-015

Denial Order

Domestic Violence

Antiharassment

Vulnerable Adult

Sexual Assault

Stalking

(Optional Use) (ORDYMT)

Clerk's Action Required

Next Hearing Date/Time: _____

At: _____

This Matter having come on for hearing upon the request of (name) Bryant, William for a:

Temporary Order

Full Order

Renewal Order

Modification Order

Termination Order

and the Court Finding:

Petitioner Respondent did not appear.

Petitioner requested dismissal of petition.

The order submitted has not been completed or certified upon penalty of perjury.

This order materially changes an existing order. A hearing after notice is necessary.

No notice of this request has been made or attempted to the vulnerable adult

opposing party.

~~The petitioner has failed to demonstrate that there is sufficient basis to enter a temporary order without notice to the vulnerable adult opposing party.~~

Domestic Violence:

The domestic violence protection order petition does not list a specific incident and approximate date of domestic violence.

A preponderance of the evidence has not established that there is domestic violence.

The respondent proved by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the protection order expires.

6/15/2017

One Call Concepts Ticket List

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Choose State Search

= Will accept partial entry

Ticket Information



Ticket Number: 18764874

Start Date: 05/15/2017

End Date: 06/15/2017

Header: 2 FULL BUSINESS DAYS

← Ticket Number that Mr. Bryant said was given to him...
comes up as a BAD NUMBER!!!

Ticket Type:

Phone Web XML Fax IVR Mobile

Transmission Type:

All Cancellations Corrections Updates Remarks Home Owner Default

Has Attachment: N

Caller Information

Contact Name: James Bryant

Caller Phone: 5092054149

Caller ID:

Company:

Fax:

Email:

checked under His name & number for a Tag or Ticket number
Nothing came-up/Ever!!!
Also, under His other "Legal" name: William James Bryant

Excavation Information

Type Of Work: DIGGING

Work Done For: IRRIGATION/FENCE

Duration:

Explosives:

Location Information

County: ADAMS ASOTIN BENTON CHELAN CLALLAM CLARK

City: KENNEWICK

Township:




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(11)

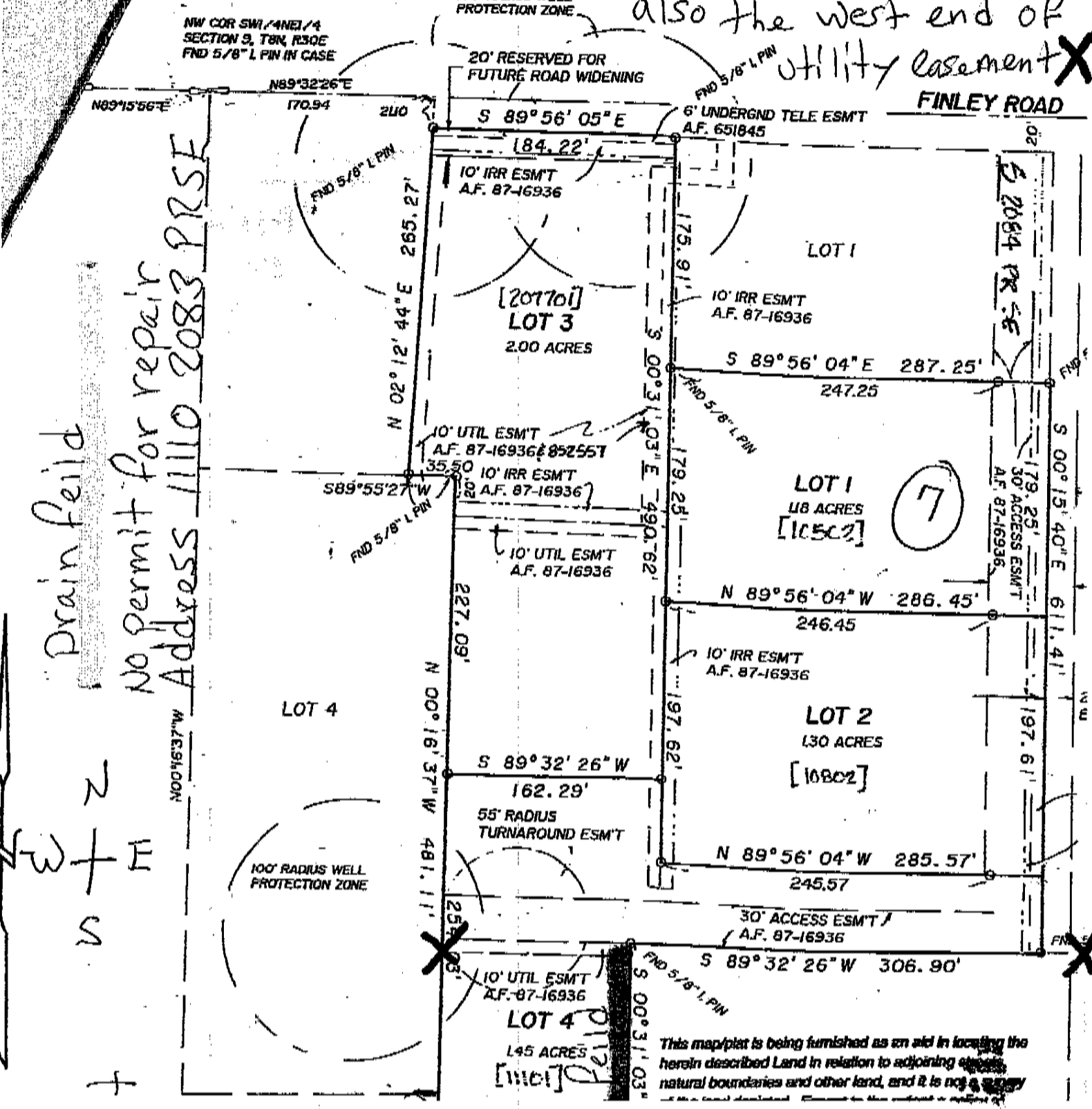
Facility Information					
Facility/Owner Name James Bryant		Program Area SewageSystem		Facility Phone (509)205-4149	
Health Office Benton-Franklin Health District		Region Benton-Franklin Health District			
Building # 2083 E	Direction S	Street Name 2083 PRSE	Type	Suffix	Unit #
Zip Code 99337		City Kennewick	Franklin Benton		State WA
Country USA		Directions			

General Details		Critical	
Complaint Type On Site Sewage Disposal		Date Received 04-Apr-2017 01:40 PM	
Investigation Start Date 05-Apr-2017 10:30 AM		Date Closed 24-Apr-2017	
Received By James Coleman		Referred To JoDee Peyton <input checked="" type="checkbox"/>	
Confirmation No		Census Tract	
Complaint ID JCON-AL4S93			

Complainant Information		
Name	Phone #1 (509)no call back number	Phone #2 (509)
Address no info	Email	Results Requested <input type="radio"/> No <input type="radio"/> Yes
City	State WA	Zip Code
Country USA		

Complainant Details and Actions	
Complaint Details Caller left voice message that said Bison Septic had been on site to pump tanks on March 26th and several holes had been dug up. Holes and dirt still remain. Caller worries that owner may be trying to repair his system. <input checked="" type="checkbox"/>	
Action Taken Visited property and spoke with property owner. Encouraged him to come to BFHD and get a repair permit. Problem appears to be resolved. No formal action taken.	Follow-Up Date 21 -Apr-2017
Action Required By	
Comments	
Attachments	
  	
photo summary 040517.pptx final photo on 042417.JPG follow up on 042117.pptx	

Black X is where Mr Bryant was digging within the utility easement (12) and not calling 811 locate before digging, the X on the south east is where Mr Bryant cut the Frontier phone line also the west end of utility easement X



Drain field
No permit for repair
Address 1110 2083 PRSE

W
E
S
+

This map/plot is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and it is not a warranty

8/15/2017
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Search and Status

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Washington One Call

Ticket No: 17131791
++EMERGENCY++
Original Call Date: 04/25/17 10:40 am
Work to Begin Date: 04/25/17 10:45 am
This is for when Jim Bryant was digging for the second time on 4-25-17, after the first incident which was on April 14, 2017 when my line was cut. I was 5 days without a phone!!! Repair was made on April 18th, 2017, by a Russell@Frontier 378-8793 (509) 25 (425) 261-5882

CALLER INFORMATION

Company Name: ERIC W
Contact Name: ERIC W
Phone: 509-586-0202
Alt. Contact: Phone:
Fax Phone: WA
Caller Address: WA
Email Address:

DIG SITE INFORMATION

Type of Work: SAFETY INSTALLING A FENCE
Work Being Done For:

DIG SITE LOCATION

State: WA
<http://www.searchandstatus.com/wa/ea/poll/cha/SearchAndStatusV1/wa.jsp?enc=4f01CBule3XNFkARRG6UBR0x9j7UKSV4pHBO%2F-vCgw6DGJlmmwfoYDnUAAecl>

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Search and Status

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County: BENTON

Place: KENNEWICK

Address: 11110

Street: S 2083 PR RD SE

Intersecting Street: FINLEY

Location of Work: ABV ADD APPROX 1/8 MILE SW OF ABV INTER ON DIRT ROAD. DIGGING HAPPENING ON WEST SIDE OF PROP.

Remarks: SAFTEY TICKET - -CALLER NOT DIGGING

Map Coord NW Lat: 46.1928796

Lon: -119.0642654

SE Lat: 46.1919177

Lon: -119.0623082

MEMBERS NOTIFIED

District	Company Name	Marking Concerns	Customer Service	Repair
BENDPW01	BENTON CO ROAD DEPT	509-786-5611	509-786-5611	509-786-5611
BENPUD01	BENTON COUNTY PUD	509-582-2175	509-582-2175	509-582-2175
CHTWA06	CHARTER COMMUNICATIONS	800-778-9140	855-248-7822	855-248-7822
COLIRR01	COLUMBIA IRRIGATION DISTRICT	509-586-6118	509-586-6118	509-586-6118
GTE08	FRONTIER COMMUNICATIONS NW INC	800-778-9140	877-462-8188	877-462-8188

Legend: Locate Polygon

http://www.searchandstatus.com/warechapp/locateSearchAndStatusView.jsp?enc=410JC BUleu3XnFKa8RGSUjBx9j7UJKSW4pyHBO%2FvCgw5DG1jImw8QYDnUAded

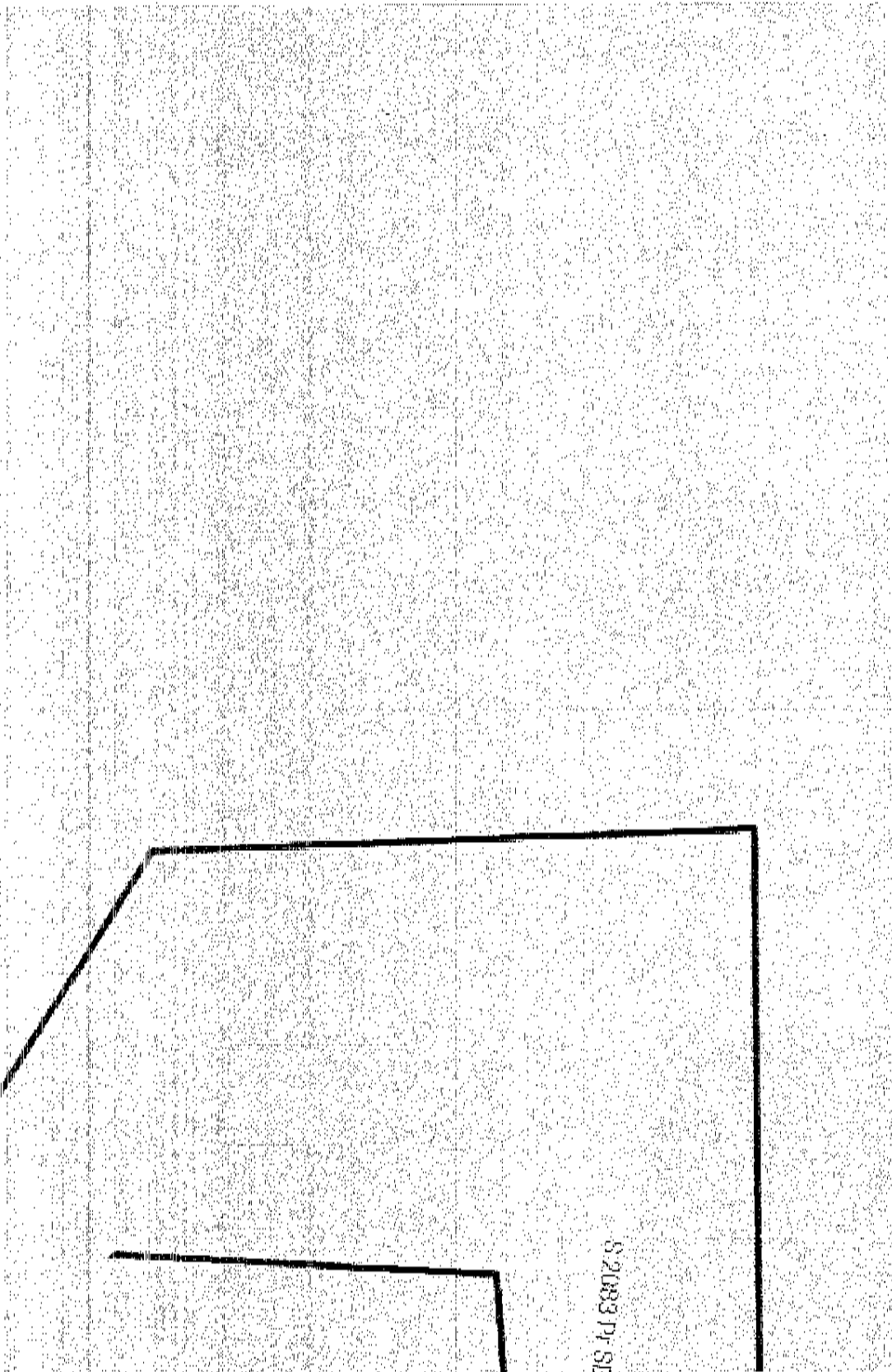
8/15/2017

Lat/Lon

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Search and Status

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<http://www.searchandstatus.com/Map/MapApp/TrackerSearchAndStatusView.jsp?enc=4f0JC8u1e0XtFk88R66U1Bx0jy7UkSW4pYHBO%2FvCgw5DG1lImwclQYDnUAdedL>

Also, Jim Bryant asked the
Pod if he had problems turning
around?

486 Benton Franklin
Health Dept

460-4200

Jim Colman
469 4319

I heard no
comment
around 11:00
A.M.

I called early Tues 4/25/17
See what Jim Colman found about
Jim Bryant's septic system.

Pod Feild worker
4-25-17

locator came out and
located Pod. Power utility
and told Jim Bryant he "must"
be a backg. ft

Ticket # Locator
Service

17131791 April 25, 2017

Reference #
Installing
cancel

The digger shall call
2 days in advance for
locate before digging.
Jim has not done so.

Date of digging -

CASE # 17-018

4/25/2017

highlighted

This one was
for the 2nd
second diggings
was ~~cancel~~

Jim Bryant never called
locate before you dig. (6)
Illegal RR tie postes being
installed / EPA contacted