

PSE Complaint

Date: 03/08/2018

Requestor:

Erika Hunter
Damage Prevention Program Manager
Puget Sound Energy
PO Box 97034, EST-4
Bellevue, WA 98009-9734

Alleged Violator:

Nicholas "Nick" Wallin
Wallin Excavating
1543 Sorenson Avenue
Enumclaw, WA 98022
WA UBI 603 507 602
253-653-3664

Date: 03/08/2018

Violation(s):

Complaint #1: 14919 41 Ave SE, Bothell (08/31/2017)

- Excavating without locates; Digging before the required two business days [RCW 19.122.030(2)]

Complaint #2: 1670 Spaulding Circle, Buckley (03/06/2018)

- Excavating without locates; Digging before the required two business days [RCW 19.122.030(2)]

Complaint #3: 1670 Spaulding Circle, Buckley (03/07/2018)

- Excavating without locates; Digging before the required two business days [RCW 19.122.030(2)]

History Summation:

Wallin Excavating is aware of the need to call for utility locates prior to digging as evidenced by their locate request history which dates back to 2015. Our first contact with Wallin Excavating was in May of 2017. PSE Damage Prevention Rep, Bob Douglas, observed a jobsite on NE 53rd Court in Sammamish on 05/01/2017 with fresh excavation and a machine on site. No one was at the site and Bob could not find a locate ticket for that address or nearby. He returned on 05/12/2017 and found Nick Wallin at the site. There was no excavation happening while he was there. He did educate Nick on RCW 19.122 and Nick confirmed they were doing work for foundations and Bob asked him to call in for locates prior to doing any further excavation at the site. To this date they have not called in a located request for that work site. After that we encountered them 3 more times- all without locates. We are submitting complaints for the 3 most recent violations.

From: sendmail@washington-ucc.org
Sent: Monday, March 12, 2018 2:51 PM
To: wsdsafetycommittee@gmail.com
Subject: Complaint Form

Complaint Form Request

PSE Complaint #1

Requester Information

Name: Erika Hunter
Company: Puget Sound Energy
Company Phone: (425)457-6995
Company Email: erika.hunter@pse.com
Company Address: 355 110th Ave NE- EST04, Bellevue, 98004
Ticket Requested: no

Violation Information

Violation RCW: RCW 19.122.030

Violation Section: Excavating without locates; Digging before the required two business days [RCW 19.122.030(2)]

Violation Description: • Bob Douglas, Damage Prevention PSE, had observed excavation work being done without locates as he was heading to a meeting. Bob called PSE Damage Prevention Rep Roger Arrington and let him know that he had seen Wallin conducting excavation without locates and asked him to stop by the site. Roger stopped at the site and confirmed that Wallin Excavating was doing excavation without locates and asked them to stop work until they had obtained valid locates. Wallin then called in to get a locate ticket. Roger was unable to take photos, so Bob stopped by again at the end of the day to take photos of the excavation which is why the pictures were taken after the locate ticket was called in to Washington 811 but prior to the scheduled work to begin date.

Violation Address: 14919 41st Ave SE, Bothell

Violation Date: 08/31/2017

Alleged Violator

Violator Name: Wallin Excavating

Violator Phone Number: (253)653-3664

Cases 18-018 thru 18-020 PSE vs Wallin Excavating

Violator Email: nicholaswallin81@gmail.com

Violator Address: 1543 Sorenson Avenue, Enumclaw, 98022

Violator Employess On Site: Nick Wallin

Other Information

Other Information: This is complaint 1 of 3

Cases 18-018 thru 18-020 PSE vs Wallin Excavating

Complaint #1: 14919 41 Ave SE, Bothell

Ticket Number: 17345069

Original Call Date: 08/31/2017 02:07 pm

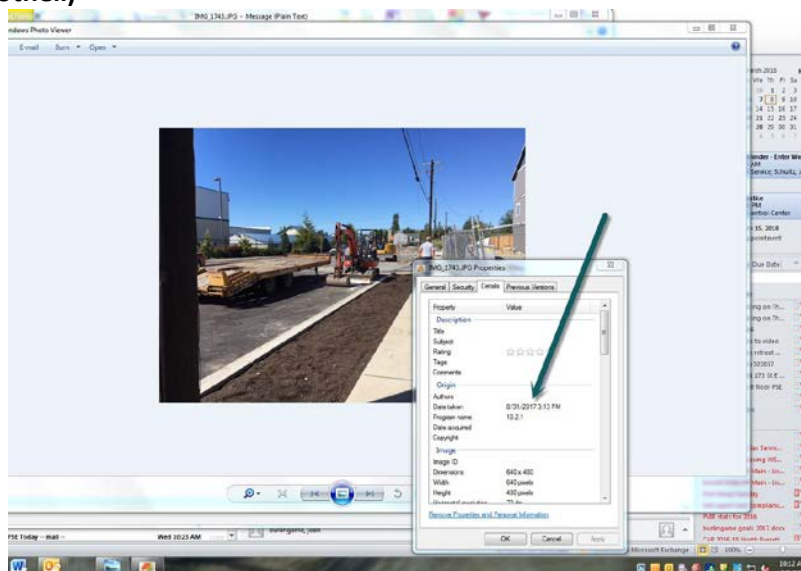
Work to Begin Date: 09/06/2017 12:00 am

Notes about the Ticket:

- Please note that the date and time of this locate request (17345069) is the same date and a close time stamp on the photograph submitted (below) as evidence of non-compliance.
 - Locate ticket request 08/31/2017 02:07 pm
 - Pictures of work done without valid locate 08/31/2017 03:13 pm.
- Bob Douglas, Damage Prevention PSE, had observed excavation work being done without locates as he was heading to a meeting. Bob called PSE Damage Prevention Rep Roger Arrington and let him know that he had seen Wallin conducting excavation without locates and asked him to stop by the site. Roger stopped at the site and confirmed that Wallin Excavating was doing excavation without locates and asked them to stop work until they had obtained valid locates. Wallin then called in to get a locate ticket. Roger was unable to take photos, so Bob stopped by again at the end of the day to take photos of the excavation which is why the pictures were taken after the locate ticket was called in to Washington 811 but prior to the scheduled work to begin date.

Evidence of Dates Picture Evidence was Taken:

(14919 41 Ave St, Bothell)



- PSE's Damage Prevention Representative took pictures of the excavation site on 8/31/2017.

Cases 18-018 thru 18-020 PSE vs Wallin Excavating

Excavating Without Locates Evidence: 14919 41 Ave St, Bothell



- As evidenced by this series of pictures there is no paint on the ground as Wallin Excavating is working on street improvements.

From: sendmail@washington-ucc.org
Sent: Monday, March 12, 2018 2:56 PM
To: wsdlssafetycommittee@gmail.com
Subject: Complaint Form

Complaint Form Request

PSE Complaint #2

Requester Information

Name: Erika Hunter
Company: Puget Sound Energy
Company Phone: (425)456-2854
Company Email: erika.hunter@pse.com
Company Address: 355 110th Ave NE- EST04, Bellevue, 98004
Ticket Requested: no

Violation Information

Violation RCW: RCW 19.122.030

Violation Section: Excavating without locates; Digging before the required two business days [RCW 19.122.030(2)]

Violation Description: • On 03/06/2018: joan burlingame, Damage Prevention PSE, observed Wallin Excavating working on a location on Spaulding Circle in Buckley; a site without paint on the ground and without a valid locate. When joan burlingame informed Mr. Wallin that it was against the WA 811 Call Before You Dig law to excavate prior to having valid locates on the ground. Mr. Wallin became argumentative telling joan that he knew where all the utilities were and he was digging outside of the easement so he did not (and would not) get locates because he didn't need them. From some of the very animated statements that Mr. Wallin made it became evident to joan that Mr. Wallin had heard the same information from another Damage Representative from PSE. When she asked if this was the case Mr. Wallin confirmed joan's statement. Mr. Wallin continued to state he was not going to get locates. When it became evident that Mr. Wallin was not going to call for locates, joan started taking pictures of the site and the work being done. Mr. Wallin came over to joan and asked her why she was taking pictures. She stated that she was getting evidence to take a complaint to the WA State Safety Committee. At that point Mr. Wallin called in for locates. • Immediately after Mr. Wallin called in for locates and sprayed white paint on the ground, he went back to his equipment and completed the excavation work; without a single locate on the ground. joan burlingame did not wait around to watch him continue to work without locates but went back the next day to document the additional work that Wallin Excavating had done immediately after calling for locates.

Cases 18-018 thru 18-020 PSE vs Wallin Excavating

Violation Address: 1670 Spaulding Circle, Buckley

Violation Date: 03/06/2018

Alleged Violator

Violator Name: Wallin Excavating

Violator Phone Number: (253)653-3664

Violator Email: nicholaswallin81@gmail.com

Violator Address: [1543 Sorenson Avenue, Enumclaw, 98022](#)

Violator Employess On Site: Nick Wallin

Other Information

Other Information: This is complaint 2 of 3

Cases 18-018 thru 18-020 PSE vs Wallin Excavating

Complaint #2: 1670 Spaulding Circle, Buckley

Ticket Number: 18080944

Original Call Date: 3/06/2018 01:47 pm

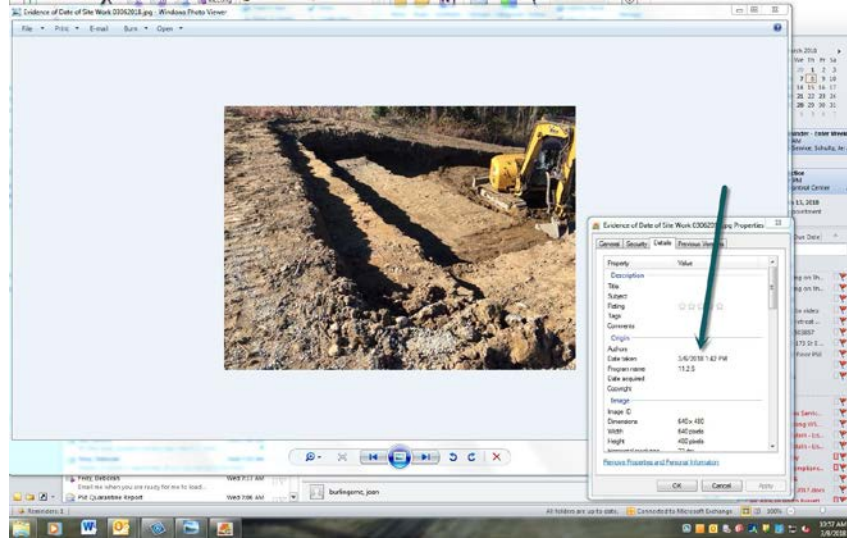
Work to Begin Date: 3/09/2018 12:00 am

Notes about the Ticket:

- The original locate for this location was 17353007 called in on 9/07/2017. This ticket expired on 10/22/2017.
- Please note that the date and time of this locate request (18080944) is after the date and time stamp on the photograph submitted as evidence of non-compliance.
 - Locate ticket request 3/06/2018 01:47 pm
 - Pictures of work done without valid locate 03/06/2018 01:42 pm.
- The number of days between the time the original locate ticket expired (17353007) and the date Nick Wallin was informed by joan burlingame that he should not be working without a valid locate ticket (03/06/2018) was 135 days.
- On **03/06/2018**: joan burlingame, Damage Prevention PSE, observed Wallin Excavating working on a location on Spaulding Circle in Buckley; a site without paint on the ground and without a valid locate. When joan burlingame informed Mr. Wallin that it was against the WA 811 Call Before You Dig law to excavate prior to having valid locates on the ground. Mr. Wallin became argumentative telling joan that he knew where all the utilities were and he was digging outside of the easement so he did not (and would not) get locates because he didn't need them. From some of the very animated statements that Mr. Wallin made it became evident to joan that Mr. Wallin had heard the same information from another Damage Representative from PSE. When she asked if this was the case Mr. Wallin confirmed joan's statement. Mr. Wallin continued to state he was not going to get locates. When it became evident that Mr. Wallin was not going to call for locates, joan started taking pictures of the site and the work being done. Mr. Wallin came over to joan and asked her why she was taking pictures. She stated that she was getting evidence to take a complaint to the WA State Safety Committee. At that point Mr. Wallin called in for locates.
- Immediately after Mr. Wallin called in for locates and sprayed white paint on the ground, he went back to his equipment and completed the excavation work; without a single locate on the ground. joan burlingame did not wait around to watch him continue to work without locates but went back the next day to document the additional work that Wallin Excavating had done immediately after calling for locates.

Cases 18-018 thru 18-020 PSE vs Wallin Excavating

(1670 Spaulding Circle, Buckley March 6, 2018)



Cases 18-018 thru 18-020 PSE vs Wallin Excavating

PSE's Damage Prevention Representative took pictures of the excavation site on 03/06/2018 to demonstrate work already done without valid locates.

Excavating Without Locates Evidence 1670 Spaulding Circle, Buckley March 6, 2017:



- As evidenced by this series of pictures Wallin Excavating is actively working the site without paint on the ground or a valid locating ticket.



- In this series of three pictures Wallin Excavating has established the rough elevations of the foundation. The center picture shows one of Wallin Excavating's employees with a measuring rod.



- This is a picture of the company logo on the passenger side of the company truck.

From: sendmail@washington-ucc.org
Sent: Monday, March 12, 2018 3:00 PM
To: wsdlssafetycommittee@gmail.com
Subject: Complaint Form

Complaint Form Request

PSE Complaint #3

Requester Information

Name: Erika Hunter
Company: Puget Sound Energy
Company Phone: (425)456-2854
Company Email: erika.hunter@pse.com
Company Address: 355 110th Ave NE- EST04, Bellevue, 98004
Ticket Requested: no

Violation Information

Violation RCW: RCW 19.122.030

Violation Section: Excavating without locates; Digging before the required two business days [RCW 19.122.030(2)]

Violation Description: • On 03/06/2018: joan burlingame, Damage Prevention PSE, observed Wallin Excavating working on a location on Spaulding Circle in Buckley; a site without paint on the ground and without a valid locate. When joan burlingame informed Mr. Wallin that it was against the WA 811 Call Before You Dig law to excavate prior to having valid locates on the ground. Mr. Wallin became argumentative telling joan that he knew where all the utilities were and he was digging outside of the easement so he did not (and would not) get locates because he didn't need them. From some of the very animated statements that Mr. Wallin made it became evident to joan that Mr. Wallin had heard the same information from another Damage Representative from PSE. When she asked if this was the case Mr. Wallin confirmed joan's statement. Mr. Wallin continued to state he was not going to get locates. When it became evident that Mr. Wallin was not going to call for locates, joan started taking pictures of the site and the work being done. Mr. Wallin came over to joan and asked her why she was taking pictures. She stated that she was getting evidence to take a complaint to the WA State Safety Committee. At that point Mr. Wallin called in for locates. • Immediately after Mr. Wallin called in for locates and sprayed white paint on the ground, he went back to his equipment and completed the excavation work; without a single locate on the ground. joan burlingame did not wait around to watch him continue to work without locates but went back the next day, 03/07/2018, to document the additional work that Wallin Excavating had done immediately after calling for locates.

Cases 18-018 thru 18-020 PSE vs Wallin Excavating

Violation Address: 1670 Spaulding Circle, Buckley

Violation Date: 03/07/2018

Alleged Violator

Violator Name: Wallin Excavating

Violator Phone Number: (253)653-3664

Violator Email: nicholaswallin81@gmail.com

Violator Address: [1543 Sorenson Avenue, Enumclaw, 98022](#)

Violator Employess On Site: Nick Wallin

Other Information

Other Information: This is complaint 3 of 3. It is at the same address as complaint #2 but on a different date.

Complaint #3: 1670 Spaulding Circle, Buckley

Ticket Number: 18080944

Original Call Date: 3/06/2018 01:47 pm

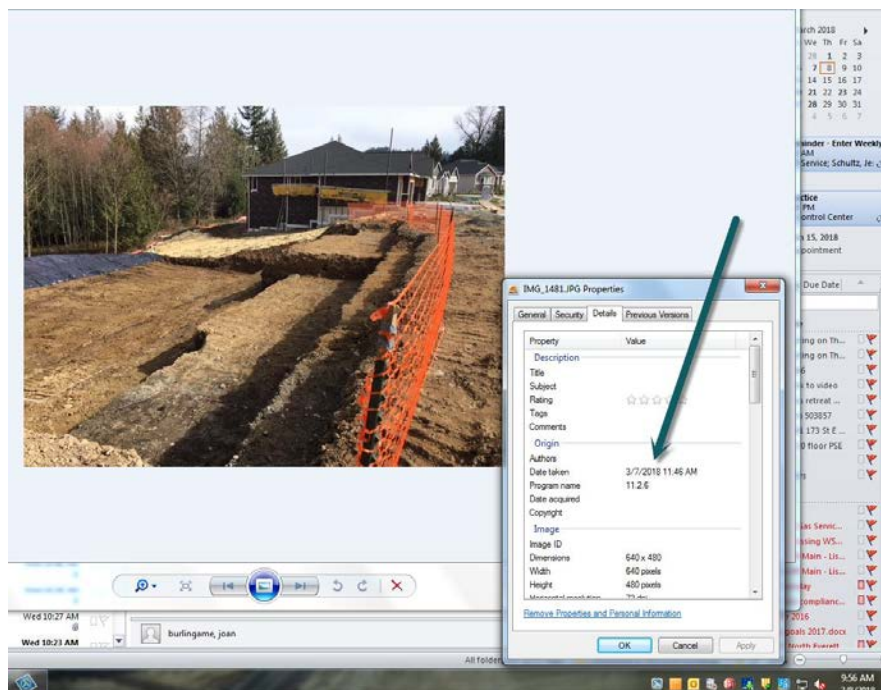
Work to Begin Date: 3/09/2018 12:00 am

Notes about the Ticket:

- The original locate for this location was 17353007 called in on 9/07/2017. This ticket expired on 10/22/2017.
- Please note that the date and time of this locate request (18080944) is after the date and time stamp on the photograph submitted as evidence of non-compliance.
 - Locate ticket request 3/06/2018 01:47 pm
 - Pictures of work done without valid locate 03/06/2018 01:42 pm.
- The number of days between the time the original locate ticket expired (17353007) and the date Nick Wallin was informed by Joan Burlingame that he should not be working without a valid locate ticket (03/06/2018) was 135 days.
- On **03/06/2018**: Joan Burlingame, Damage Prevention PSE, observed Wallin Excavating working on a location on Spaulding Circle in Buckley; a site without paint on the ground and without a valid locate. When Joan Burlingame informed Mr. Wallin that it was against the WA 811 Call Before You Dig law to excavate prior to having valid locates on the ground. Mr. Wallin became argumentative telling Joan that he knew where all the utilities were and he was digging outside of the easement so he did not (and would not) get locates because he didn't need them. From some of the very animated statements that Mr. Wallin made it became evident to Joan that Mr. Wallin had heard the same information from another Damage Representative from PSE. When she asked if this was the case Mr. Wallin confirmed Joan's statement. Mr. Wallin continued to state he was not going to get locates. When it became evident that Mr. Wallin was not going to call for locates, Joan started taking pictures of the site and the work being done. Mr. Wallin came over to Joan and asked her why she was taking pictures. She stated that she was getting evidence to take a complaint to the WA State Safety Committee. At that point Mr. Wallin called in for locates.
- Immediately after Mr. Wallin called in for locates and sprayed white paint on the ground, he went back to his equipment and completed the excavation work; without a single locate on the ground. Joan Burlingame did not wait around to watch him continue to work without locates but went back the next day, **03/07/2018**, to document the additional work that Wallin Excavating had done immediately after calling for locates.

Cases 18-018 thru 18-020 PSE vs Wallin Excavating

(1670 Spaulding Circle, Buckley March 7, 2018)



- PSE's Damage Prevention Representative took pictures of the excavation site on 03/07/2018 to demonstrate that Wallin Excavating completed the job without waiting for valid locates; even after

Cases 18-018 thru 18-020 PSE vs Wallin Excavating

being reminded, on 03/06/2018, that work should not be done until locates were on the ground.
(1670 Spaulding Circle, Buckley)

Excavating Without Locates Evidence 1670 Spaulding Circle, Buckley March 7, 2017:



- By comparing this series of photographs it is evident that Wallin Excavating had continued to work, without a valid locate, after Joan Burlingame left the site. The orange safety fence is now

Cases 18-018 thru 18-020 PSE vs Wallin Excavating

installed, the foundation elevation steps are a lot cleaner, and the back of the lot is leveled with extra dirt piled in back and partially covered.



Pictures and Other Evidence:

Evidence of a Lack of Locate Tickets:

- **Lifetime History of Wallin Excavating Calling in For Locates:** PSE searched for all locate tickets requested by Wallin Excavating between 01/01/2014 and 03/06/2018 to document Wallin Excavating’s history of calling in locates.

Ticket #	Type	Call Date	Excavator Company	Address	Street	City
10018202	ITTC	09/14/14 13:04:14	AJ WALLIN SAWYER	4892	SOUTH CAGANO DRIVE	CAMANO
10018248	ITTC	09/16/14 19:56:32	JENNIFER WALLIN	1464	168TH PL NE	BELLEVUE
101128143	Phone	05/15/14 12:58:30	WALLIN CONSTRUCTION	1	3219	CLEARBROOK PL
101172847	ITTC	09/24/14 09:48:18	KIRSTIN WALLIN	183	KELBANDO CIR	FRIDAY HARBOR
10244386	Phone	09/26/14 16:02:09	CHARLES WALLING	840	W 157 ST	CHENEY
10287817	Phone	10/23/14 14:24:24	WALLINGFORD PRESBYTERIAN CHURC	1414	N 42ND ST	SEATTLE
10287850	Phone	09/11/15 09:08:45	WALLIN EXCAVATING	2	5181 PL NE	KIRKLAND
10260993	Phone	08/12/16 07:58:15	WALLIN EXCAVATING	3	2093	E LAKE SAMBAMENSH PL SE
10113076	ITTC	09/30/16 16:19:38	MAX WALLIN	2248	77TH AVE SE	MERCER ISLAND
10111187	Phone	01/16/17 11:50:41	WALLIN EXCAVATING	4	3110	N 149TH CT
10248799	Phone	07/03/17 12:40:38	WALLIN EXCAVATING	5	421	MARTIN LUTHER KING JR WAY S
10115248	ITTC	09/14/17 12:13:13	RYAN WALLING	1410	N 6TH ST	TACOMA
10245069	Phone	09/11/17 14:07:00	WALLIN EXCAVATING	6	14919	41ST AVE SE
10239997	Phone	09/07/17 07:41:57	WALLIN EXCAVATING	7	1670	SPALDING CIR
10289920	Phone	09/28/17 07:48:53	WALLIN EXCAVATING	8	2350	N 84TH ST
10088144	Phone	02/26/18 10:27:39	WALLIN EXCAVATING	9	931	N 72ND ST
10085326	Phone	02/26/18 11:51:48	WALLIN EXCAVATING	10	1616	86TH AVE SE
10088948	Phone	03/06/18 13:47:57	WALLIN EXCAVATING	11	1650	SPALDING CIR

- As can be seen in the evidence titled “Lifetime History of Wallin Excavating Calling in For Locates,” Wallin Excavating has called in only eleven locates in a period of three years, nine months, and 19 days. Two of these locates were basically obtained because of “pressure” applied by PSE’s Damage Prevention Representatives. This evidence demonstrates that Mr. Wallin knew about the need to get locates as long ago as May 15, 2014 and had initiated getting locates nine times without pressure from PSE.