

wsdlsafetycommittee@gmail.com

From: sendmail@washington-ucc.org
Sent: Thursday, June 13, 2019 4:45 PM
To: wsdlsafetycommittee@gmail.com
Subject: Complaint Form

Complaint Form Request

Requester Information

Name: Erika Hunter
Company: Puget Sound Energy
Company Phone: (425)456-2854
Company Email: erika.hunter@pse.com
Company Address: PO Box 97034, Bellevue, 98009
Ticket Requested: no

Violation Information

Violation RCW: RCW 19.122.030
Violation Section: Excavating without locates; [RCW 19.122.030(2)]
Violation Description: When Damage Prevention Rep Jackson Bergland arrived on site he found the house demolished. Worker Jesus was on site digging out foundation. Jackson advised him of the 811 dig law and strongly encouraged him to stop excavation until they had a valid dig ticket.. Jackson then called Jesus's boss, Pascha, and advised him of dig law. Pascha called Jackson back asking "if his guy was told to stop working". Jackson replied, "Yes. I advised Jesus it was in their company's best interest, due to safety concerns posed to the employees and the general public, and possible fines." Pascha stated said "I am digging on private property, do not tell my guys what to do" and hung up.
Violation Address: 8360 19th Ave NW, Seattle, WA,
Violation Date: 04/30/2019

Alleged Violator

Violator Name: Modern Homes LLC
Violator Phone Number: (253)632-5411
Violator Email: unknown@unknown.com
Violator Address: 2710 S 355th PL, Federal Way, 98003
Violator Employess On Site: Jesus

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From: sendmail@washington-ucc.org
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Requester Information

Name: Erika Hunter
Company: Puget Sound Energy
Company Phone: (425)456-2854
Company Email: erika.hunter@pse.com
Company Address: PO Box 97034, Bellevue, 98009
Ticket Requested: yes
Ticket Number: 19171871
Ticket Date: 04/30/2019

Violation Information

Violation RCW: RCW 19.122.030
Violation Section: Excavating without locates; [RCW 19.122.030(2)]
Violation Description: Jackson arrived on site and witnessed Jesus w/ Modern Homes continuing to excavate. Jackson advised equipment operator Jesus that he was endangering his own safety and the safety of the general public by continuing to excavate and again advised him to stop, which he did not.
Violation Address: 8360 19th Ave NW, Seattle
Violation Date: 05/02/2019

Alleged Violator

Violator Name: Modern Homes LLC
Violator Phone Number: (253)632-5411
Violator Email: unknown@unknown.com
Violator Address: 2710 S 355th PL, Federal Way, 98003
Violator Employess On Site: Jesus

Other Information

Case 19-057 PSE vs New Homes, LLC (2 of 2)

Other Information: 05/02/2019: Jackson received a call from ELM Locate Technician Julie Schick to inform him that when she arrived to mark ticket 19171871 at 8360 19th Ave NW, crews were onsite excavating.

Washington One Call

Ticket No: 19171871
2 FULL BUSINESS DAYS
Original Call Date: 04/30/19 02:38 pm
Work to Begin Date: 05/03/19 12:00 am
Expiration Date: 06/14/19 02:45 pm

CALLER INFORMATION

Company Name: MODERN HOMES LLC
Contact Name: TIM MARCHENKO
Phone: 253-632-5411
Alt. Contact:
Phone:

Fax Phone:
Caller Address: 2710 S 355TH PL FEDERAL WAY, WA 98003
Email Address: afichukpv@yahoo.com

DIG SITE INFORMATION

Type of Work: DEMO BUILDING
Work Being Done For: MODERN HOMES LLC

DIG SITE LOCATION

State: WA
County: KING
Place: SEATTLE
Address: 8360
Street: 19TH AVE NW
Intersecting Street: NW 85TH ST
Location of Work: EXCAVATION SITE IS ON THE E SIDE OF THE ROAD. ABV ADD IS ON CORNER OF ABV INTER. MARK ENTIRE PROP AT ABV ADD.
Remarks: READ THE AREA MARKED IN WHITE STATEMENT AREA WILL BE MARKED IN WHITE
Map Coord NW Lat: 47.6906801
Lon: -122.3812783
SE Lat: 47.6902948
Lon: -122.3804394

MEMBERS NOTIFIED

District	Company Name	Marking Concerns	Customer Service	Repair	Status
CC7700	COMCAST CABLE	800-778- 9140	800-934- 6489	855- 537- 6296	Not yet responded

District	Company Name	Marking Concerns	Customer Service	Repair	Status
PUGG03	PUGET SOUND ENERGY GAS	888-728-9343	888-225-5773	888-225-5773	Clear, No Utility Owned Facility in Excavation Area
QLNWA16	CTLQL-CENTURYLINK	800-778-9140	800-283-4237	800-573-1311	Not yet responded
SEACL01	SEATTLE CITY LIGHT	206-684-4239	206-684-4239	206-684-3000	Not yet responded
SEAH2001	SEATTLE PUBLIC UTILITIES-WATER	206-386-1849	206-386-1800	206-386-1800	Does not report
SEAWW01	SEATTLE PUBLIC UTILITIES-DWW	206-386-1849	206-684-3000		Does not report

Legend:  Locate Polygon

Lat/Lon



PSE Complaint Cases 19-056 and 19-057

Date: 06/07/2019

Requestor:

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

Alleged Violator:

Modern Homes LLC
Pavel Y Afichuck,
2710 S 355th PL
Federal Way, WA, 98003
WA UBI 603 185 301
253-632-5411

Dates: 4/30/2019, 5/2/2019

Violation(s):

Complaint #1: (4/30/2019) 8360 19th Ave NW, Seattle,

- Excavating without locates; [RCW 19.122.030(2)]

Complaint #2: (5/2/2019) 8360 19th Ave NW, Seattle

- Excavating without locates; [RCW 19.122.030(2)]

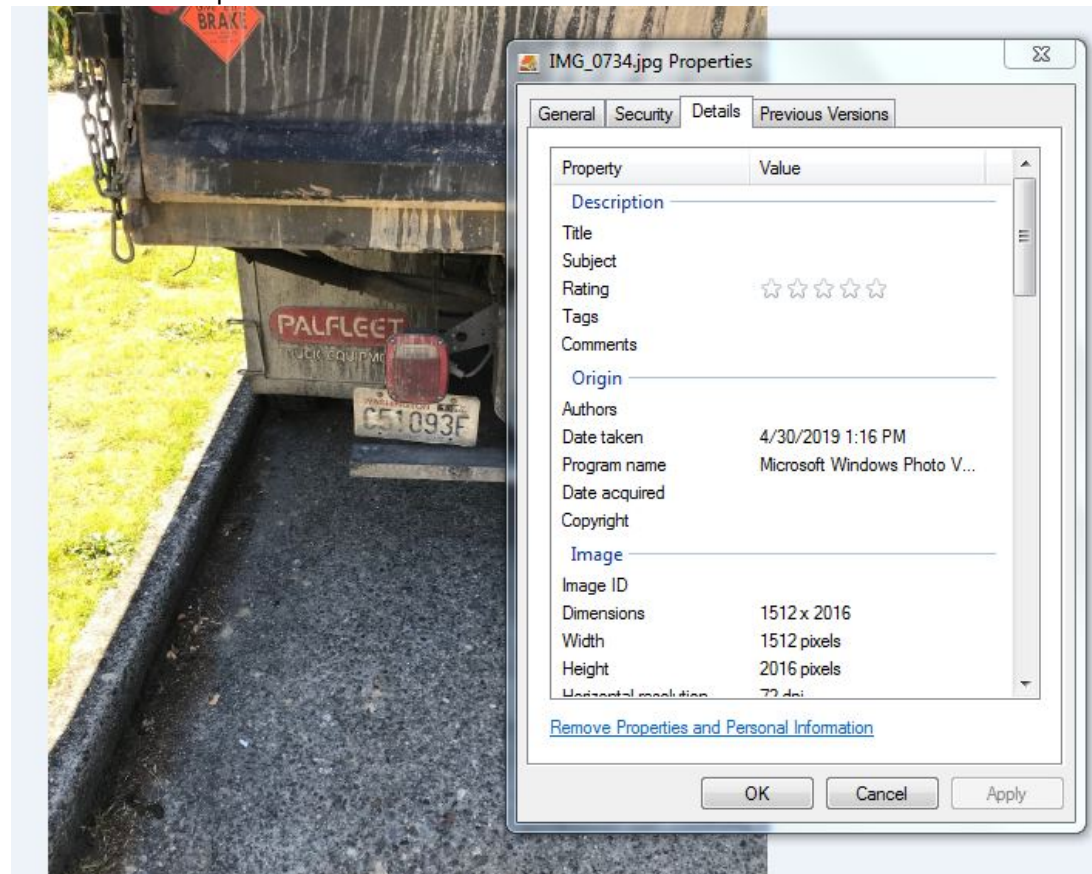
History Summation:

Modern Homes LLC received education about RCW: 19.122 by PSE Damage Prevention Representative Jackson Bergland at their prior jobsite location at 2222 NW 62nd St. This occurred just one week before first violation. In December 2017, Pavel (Pasha) Afichuck was also educated by Damage Prevention Representative Roger Arrington on the importance of RCW 19.122. Modern Homes has continued to be non-compliant while excavating near our underground gas infrastructure. They are well aware of the safety hazards and have not made adequate efforts to change their business practices to be compliant and work safely. Modern Homes called in four locate requests in 2017, none in 2018 and four locate requests in 2019 as of 06/07/2019.

Complaint #1: 8360 19th Ave NW, Seattle, WA, 98117 4/30/2019

- **Ticket Number:** No locate requested
- **Original Call Date:** N/A
- **4/30/2019:** When Damage Prevention Rep Jackson Bergland arrived on site he found the house demolished. Worker Jesus was on site digging out foundation. Jackson advised him of the 811 dig law and strongly encouraged him to stop excavation until they had a valid dig ticket.. Jackson then called Jesus's boss, Pascha, and advised him of dig law. Pascha called Jackson back asking "if his guy was told to stop working". Jackson replied, "Yes. I advised Jesus it was in their company's best interest, due to safety concerns posed to the employees and the general public, and possible fines." Pascha stated said "I am digging on private property, do not tell my guys what to do" and hung up.
- **Damage Prevention Representative's further actions:** Jackson again educated crew on site, and took pictures of the work area.
 - **Documented the site through pictures**
 - Evidence of date pictures were taken
 - Lack of locate marks on the ground on 04/30/2019
 - Excavation on site
 - Screen shot of locate history

Evidence of date pictures were taken



As evidenced by this series of pictures there is clearly excavation taking place.







- Evidence that Modern Homes LLC is not complying with RCW 19.122.030; Search and Status shows all tickets called in for Modern Homes LLC from 01/01/2017 to 06/07/2019.
- Please note that 8360 19th Ave NW was not called into 811 until 4/30/2019 at 2:38 PM, and the education on site occurred at 1:16 PM that same day.

SEARCH & STATUS
Washington

Contact
Help
Chat

Choose State
Return to Search

1 - 8 of 8 Results
 Go to Record #: Go

Ticket #	Type	Call Date	Excavator Company	Addr	Street	City
17034209	Phone	02/10/17 09:47:45	MODERN HOMES LLC	4809	DELRIDGE WAY SW	SEATTLE
17050218	Phone	02/27/17 08:03:36	MODERN HOMES LLC	4809	DELRIDGE WAY SW	SEATTLE
17163069	Phone	05/12/17 09:39:21	MODERN HOMES LLC	6105	22ND AVE NW	SEATTLE
17470514	Phone	12/01/17 09:47:50	MODERN HOMES LLC	308	NW 41ST ST	SEATTLE
19171871	Phone	04/30/19 14:38:29	MODERN HOMES LLC	8360	19TH AVE NW	SEATTLE
19172660	Phone	04/30/19 18:35:06	MODERN HOMES LLC	308	NW 41ST ST	SEATTLE
19172671	Phone	04/30/19 18:41:20	MODERN HOMES LLC	2222	NW 62ND ST	SEATTLE
19219967	Phone	05/28/19 10:51:13	MODERN HOMES LLC	702	NW 62ND ST	SEATTLE

1 - 8 of 8 Results
 Go to Record #: Go

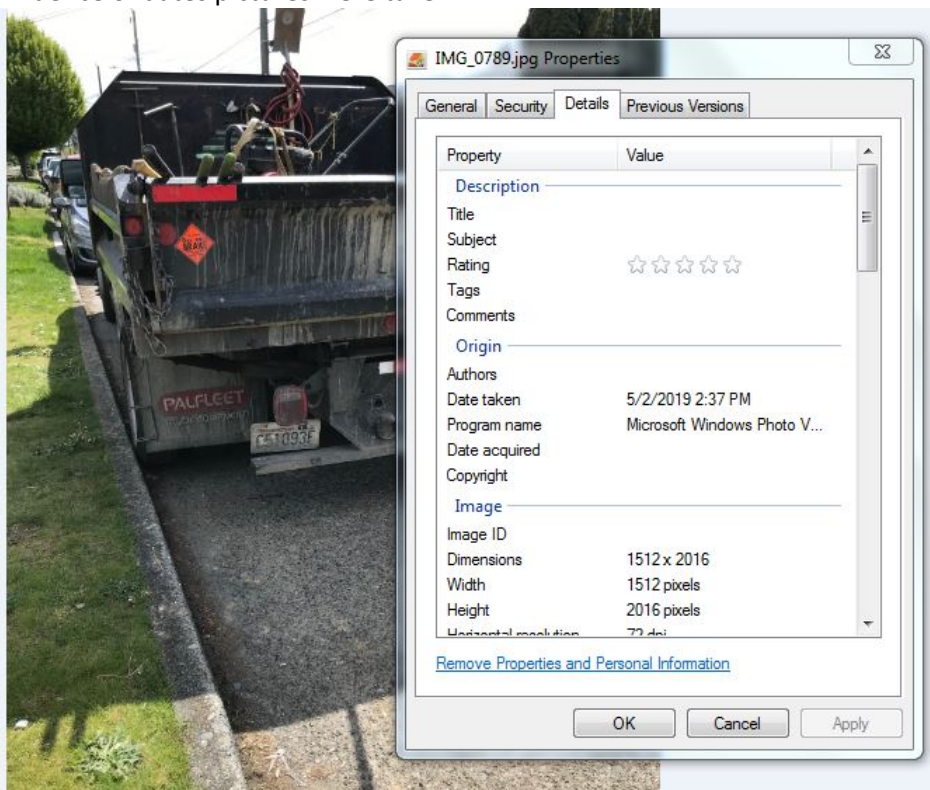
Complaint #2:

Ticket Number: 19171871

Original Call Date: 4/30/19

- **05/02/2019:** Jackson received a call from ELM Locate Technician Julie Schick to inform him that when she arrived to mark ticket 19171871 at 8360 19th Ave NW, crews were onsite excavating.
- **05/02/2019:** Jackson arrived on site and witnessed Jesus w/ Modern Homes continuing to excavate. Jackson advised equipment operator Jesus that he was endangering his own safety and the safety of the general public by continuing to excavate and again advised him to stop, which he did not.
- **Damage Prevention Representative's further actions:** Jackson contacted Pasha via voice mail to inform that we may be issuing a complaint.
 - **Documented the excavation on site through pictures.**
 - Date time stamp of pictures
 - Three pics show Modern Homes jumped locates, excavation continuing to take place.

Evidence of dates pictures were taken:



Pictures showing excavation continuing, before locate ticket was valid and after they were asked to stop





