



Washington State Dig Law Safety Committee

P.O. Box 734 • Poulsbo, WA 98370

February 2, 2021

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

Mark Johnson, Executive Director and Secretary
Members of the Commission
Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

Re: Review Committee Decision – Cases 20-038, 20-039, and 20-045
Malaga Water District vs. Kyle Mathison Orchards

Dear Mr. Johnson:

The Washington State Dig Law Safety Committee received complaints regarding potential violations of Washington State Dig Law RCW 19.122.030 for work performed on August 26, 27, and November 19, 2020.

On January 26, 2021, the committee formed a review board and heard Cases 20-038, 20-039, and 20-045 filed by Malaga Water District against Kyle Mathison Orchards.

The review board determined that the respondent, Kyle Mathison Orchards, violated RCW 19.122.030(2) for failing to secure a valid locate before excavation in each of the three complaints.

Therefore, the committee recommends a total penalty of \$11,000.00 being assessed to the respondent as follows;

Case 20-038 \$1000.00 for one violation of RCW 19.122.030(2)
Case 20-039 \$5000.00 for one violation of RCW 19.122.030(2)
Case 20-045 \$5000.00 for one violation of RCW 19.122.030(2)

The recommended penalties total \$11,000.00. The review panel recommends that \$5,000.00 be deferred, on the condition that Kyle Mathison Orchards employees Ben Alworth, Angel Andrade, and Leonardo Alvarez attends NUCA dig safe training and incur no additional violations of RCW 19.122 within twelve months of receiving a penalty assessment order.



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

Sincerely,

Jim Walton, Chair
Cc: Lynda Holloway
Ben Alworth
Jon Johnston

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