

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
PENALTY ASSESSMENT DG-160166

**PLEASE NOTE:** You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

1. **Payment of penalty.** I admit that the violation occurred and enclose \$2,000 in payment of the penalty.

2. **Contest the violation.** I believe that the alleged violation did not occur for the reasons I describe below:

a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.

OR  b) I ask for a Commission decision based solely on the information I provide above.

3. **Request mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reasons set out below:

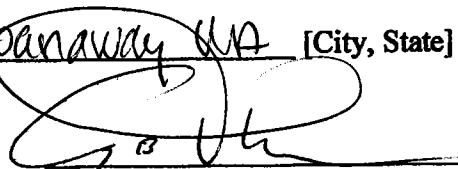
a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.

OR  b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: 6/26/16 [Month/Day/Year], at Spanaway WA [City, State]

Gary Thayer  
Name of Respondent (company) - please print

  
Signature of Applicant

2016 JUN 29 AM 8:55

RECEIVED  
STATE OF WASHINGTON  
UTILITY AND TRANSPORTATION COMMISSION

June 26, 2016

Gregory J Kopta  
Director, Administrative Law Division  
1300 S Evergreen Park Dr SW  
Olympia, WA 98504-7250

Re: Docket Number DG-160166

Invoice# 3273-2

Mr. Kopta:

I am writing in regards to the "Final Notice" I received in regards to the above penalty. I have enclosed my portion of the penalty assessment. While I agree that the violation was committed, I do not feel that the penalty issued is fair.

My issue is in regards to the second violation on 6/25/15 at 1223 1<sup>st</sup> ST, Kirkland, WA. At that time, I was working for JNG and doing their dirt work and utilities. I was told that locates had already been called in and the evidence was on the ground. Unfortunately, the locates were incorrect, by a quite a large margin, as indicated in the penalty assessment documentation.


Last June, I was unaware that, as the contractor, I myself had to call in for locates—even if the call had been previously made by the builder. Therefore, there is no record of a call from me, because I did not make one.

I now know that as a contractor, I am responsible to call for locates regardless of whether or not the call has been made by the builder and regardless of the writing that is on the ground.

Since that time, I have called for locates for any job that I am going to be digging at. While I admit to the violation, request for locates had been made, just not by me. Therefore, the damage was caused by the locators themselves and their failure to adequately identify the pipeline in question.

Thank you for your time reviewing my information. Any reduction in the penalty would be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gary B. Thayer'. The signature is written over the word 'Sincerely,' and extends to the right across the page.

Gary B. Thayer

Gary Thayer Construction, LLC

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Spanaway, WA 98387

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