



DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

July 14, 2022

Jamie Michael Wilkinson, President and Registered Agent
JW Landworks Inc
4239 Hyacinth Street
Eugene, OR 97404

Re: Violation of Oregon Utility Notification Center Rules
DOJ File No. 860140-GB0314-22/ Docket No. NC 403

**PLEASE READ ALL DOCUMENTS CAREFULLY –
DIRECT ALL CORRESPONDENCE TO THE PUBLIC UTILITY COMMISSION OF OREGON**

On June 9, 2022, a representative from your company met with the Public Utility Commission of Oregon's Enforcement Committee to discuss an alleged rule violation. At that conference, an agreement was reached regarding penalties for the violation.

Enclosed are two sets of documents that contain a Complaint and a Stipulation. The Complaint serves as a formal notice to you of the violation you were charged with and requires that you Answer the allegation. Because you already reached an agreement with the Enforcement Committee, you do not need to submit an Answer. Instead, you need only sign and return the enclosed Stipulation in order to answer the Complaint. If you had not reached an agreement with the Enforcement Committee, filing an Answer would be your opportunity to admit or deny the allegation and, if denied, to ask for a formal hearing.

The Stipulation sets forth the terms and conditions of the agreement you reached with the Enforcement Committee. To finalize the settlement, **you must sign the original Stipulation and mail it within 20 days of the date of this letter to:**

**Public Utility Commission of Oregon
Administrative Hearings Division
P.O. Box 1088
Salem OR 97308-1088**

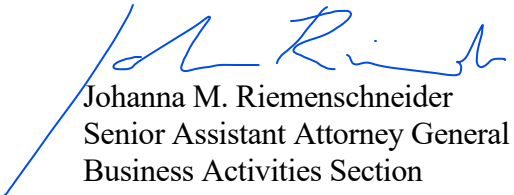
The Commission should issue an order adopting the Stipulation within 30 days of its receipt. Please retain the extra copy of the Stipulation for your files.

If for some reason you no longer agree to the terms of the Stipulation, you **MUST FILE AN ANSWER TO THE COMPLAINT**, admitting or denying the allegation within 20 days, or a default order may be issued.

JW Landworks Inc
July 14, 2022
Page 2

If there is a discrepancy between the formal Stipulation and the agreement reached at the meeting that causes you concern, please contact Kevin Hennessy (503) 378-6115.

Sincerely,



Johanna M. Riemenschneider
Senior Assistant Attorney General
Business Activities Section

JMR/pjr/#493766444
Enclosures

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

5.

OUNC adopted OAR 952-001-0050, which was in effect at all times herein relevant. The rule provides in relevant part:

(1) * * * [A]t least 2 business days, but not more than 10 business days before beginning an excavation, the excavator must notify the Oregon Utility Notification Center of the date and location of the proposed excavation, and the type of work to be performed.

6.

On or about February 14, 2022, Defendant violated OAR 952-001-0050(1), in that Defendant failed to notify the Oregon Utility Notification Center of a proposed excavation before commencing an excavation at or near 83251 Hillegas Avenue in Creswell, Oregon.

7.

ORS 757.993 provides, in relevant part, that:

“* * * every person who violates or who procures, aids or abets in the violation of any rule of the Oregon Utility Notification Center shall incur a penalty of not more than \$1,000 for the first violation and not more than \$5,000 for each subsequent violation.”

8.

Defendant has not violated OUNC rules in the past.

9.

WHEREFORE, the Commission directs Defendant to file a verified answer to this Complaint within twenty (20) days from the date this Complaint is mailed to Defendant. If no verified answer or other written appearance raising a question of fact or law is filed with the Commission at its office in Salem, Oregon, within the 20-day period, the allegations of the

///
///
///
///

1 Complaint is deemed admitted, and a penalty will be imposed by default order in the amount of
2 \$1,000 for each violation alleged, for a total of \$1,000.

3

4

DATED this 14th day of July 2022.

5

Respectfully submitted,

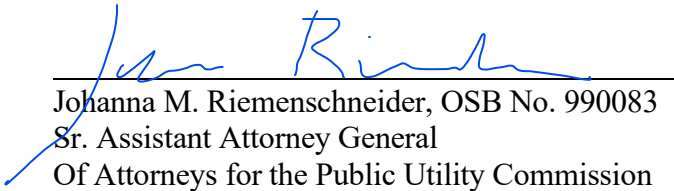
6

ELLEN F. ROSENBLUM
Attorney General

7

8

9



Johanna M. Riemenschneider, OSB No. 990083
Sr. Assistant Attorney General
Of Attorneys for the Public Utility Commission
of Oregon

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

1 4.

2 The parties further agree that the Commission may enter an order assessing civil
3 monetary penalties against Defendant in the amount of \$1,000 under the following terms and
4 conditions:

- 5 A. Defendant must sign and return this Stipulation within 20 days of the date it was
6 served upon (mailed to) Defendant.
- 7 B. \$200 becomes due and payable on or before the 30th day following the Commission's
8 entry of its order in this case.
- 9 C. Payment must be by **cashier's check or money order** made out to the **Public Utility**
10 **Commission of Oregon** and the memo line of the cashier's check or money order
11 must state the "NC" docket number in the caption of this Stipulation.
- 12 D. Payment of the balance (\$800) is suspended and will be waived with no further
13 penalties imposed for the violation alleged in the Complaint unless Defendant fails to
14 comply with all of the terms of this Stipulation and all of the rules adopted by the
15 Oregon Utility Notification Center (OUNC) under ORS 757.552 for a one-year period
16 following the date of the Commission's entry of an order.
- 17 E. Defendant must ensure that all of its employees attend an online training through the
18 Oregon Construction Contractors Board located at the following link:
19 <https://www.oregon.gov/CCB/education/Pages/CE/safetycourses.aspx>
20 The course is entitled Excavation Safety 101. Defendant must ensure that all of its
21 employees attending this online training obtain a form that verifies their attendance.
22 Defendant must return all completed training verification forms to Complainant
23 within 10 days of the last training and in no event later than 55 days following the
24 date of the Commission's entry of an order in this docket. Forms must be returned to
25 Complainant at:
- 26

Public Utility Commission
Administrative Hearings Division
201 High Street SE, Ste. 100
PO Box 1088
Salem, OR 97308-1088

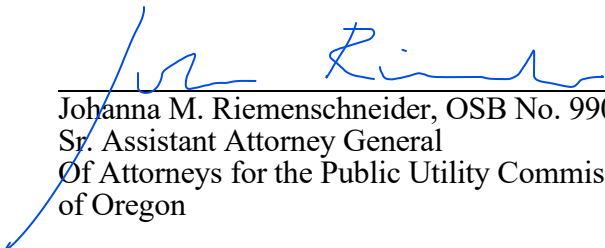
F. In the event that Complainant contends that Defendant has not complied with all of the terms of this Stipulation and all OUNC rules for that one-year period, Complainant may reopen this proceeding and petition for imposition of all or a portion of the suspended penalties. In such case, Defendant is entitled to a notice and hearing on the basis upon which Complainant contends that compliance has not occurred.

G. Complainant's failure to enforce any provision of this Stipulation, or decision to waive any violation or nonperformance of this Stipulation in one instance, will not constitute a waiver by the Complainant of that provision, any other provision, or any other violation or nonperformance in another instance.

5.

This Stipulation is conditioned upon final approval of its terms by the Commission. If the Stipulation is not accepted in its entirety, it is deemed withdrawn.

DATED this 14th day of July 2022.


Johanna M. Riemenschneider, OSB No. 990083
Sr. Assistant Attorney General
Of Attorneys for the Public Utility Commission
of Oregon

DATED this _____ day of July 2022.

Defendant / Representative (signature)

(Print Name)