



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • www.utc.wa.gov

June 16, 2014

Steven V. King, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Career Path Services
Employment & Training*

Commission Staff's Response to Application for Mitigation of Penalties TN-141038

Dear Mr. King:

On May 23, 2014, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TN-14038 against Career Path Services Employment & Training for 10 violations of Washington Administrative Code (WAC) 480-30-080, which requires nonprofit special needs transportation provider companies to furnish annual reports to the commission no later than May 1 each year.¹

On June 2, 2014, Career Path Services wrote the commission requesting mitigation of penalties (Mitigation Request).² In its Mitigation Request, Career Path Services does not dispute that the violation occurred. The company states, "This report is handles by our Safety Team as part of the overall safety program, but no one in any department in our office reports seeing the WUTC mailing". The request continues, "...we have already calendared the submission of our 2014 report so we will not have an issue with non-compliance again."

It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline. On February 28, 2014, Annual Report packets were mailed to all regulated nonprofit special needs transportation provider companies. The instructions for annual report completion page of the annual report informed the regulated company that it must complete the annual report form, pay the regulatory fees, and return the materials by May 1, 2014, to avoid enforcement action.

¹See attachment A for a copy of the penalty assessment sent on May 23, 2014

²See attachment B for a copy of Career Path Services' Mitigation Request received on June 2, 2014

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On June 13, 2014, Career Path Services filed the 2013 annual report and paid the required regulatory fees on June 5, 2014. The company has been active since September 27, 1995. The company was delinquent in filing the 2011 annual report and received partial mitigation for that offense. Staff supports the company's request for mitigation to \$250 which is 25% of the assessed penalty with the understanding that future violations may not result in a favorable recommendation for mitigation.

If you have any questions regarding this recommendation, please contact Amy Andrews, Regulatory Analyst, at (360) 664-1157, or aandrews@utc.wa.gov.

Sincerely,

Sondra Walsh, Director
Administrative Services

¹See attachment A for a copy of the penalty assessment sent on May 23, 2014

²See attachment B for a copy of Career Path Services' Mitigation Request received on June 2, 2014

ATTACHMENT A

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS OF LAWS AND RULES

PENALTY ASSESSMENT: TN-141038
PENALTY AMOUNT: \$1,000

Career Path Services Employment & Training
10 North Post Street, Suite 200
Spokane, WA 99201

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-30-080, which requires nonprofit special needs transportation provider companies to file their annual report and pay regulatory fees each year by May 1. You did not file an annual report or pay regulatory fees by May 1, 2014.

Revised Code of Washington (RCW) 81.04.080 authorizes the Commission to assess penalties of \$100 for violations of Commission rules. Each violation is a separate and distinct offense and, in the case of a continuing violation, every day's continuance is a separate and distinct violation. The Commission interprets noncompliance with WAC 480-30-080 beyond May 1 as a continuing violation, and assesses penalties of \$100 for each day a company fails to file its report or pay its regulatory fees after that date.

As a result, the Commission has assessed penalties against you in the amount of \$1,000 on the following basis:

On February 28, 2014, the Commission mailed the 2013 annual report forms and the 2014 regulatory fee packets to all nonprofit special needs transportation provider companies registered in Washington. The instructions page for the annual report form instructed these companies to file annual reports and pay regulatory fees by May 1, 2014. The instructions page also stated that failure to file the annual report by May 1 would result in penalties. The deadline for requesting an extension to file your annual report was April 17. You did not request an extension.

As of May 15, 2014, Career Path Services Employment & Training has not filed its 2013 annual report or paid its 2014 regulatory fee. May 15 is 10 business days from May 1, resulting in a total penalty of \$1,000.

Your penalty is due and payable now. If you believe the violation did not occur, you may request a hearing to contest the penalty assessment. The Commission will grant that request only if

¹See attachment A for a copy of the penalty assessment sent on May 23, 2014

²See attachment B for a copy of Career Path Services' Mitigation Request received on June 2, 2014

material issues of law or fact require consideration of evidence and resolution in a hearing. A request for a hearing must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. If there is a reason for the violation that you think should excuse or reduce the penalty, you may ask for mitigation (reduction) of this penalty through evidence presented at a hearing or in writing. A request for mitigation must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. See RCW81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider the evidence and will notify you of his or her decision.

You must act within 15 days after receiving this notice to do one of the following:

- Pay the amount due.
- Request a hearing to contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

If you do not act within 15 days, the Commission may refer this matter to the Office of the Attorney General for collection, which may file suit in state court to collect the penalty. The Commission may also initiate proceedings under WAC 480-31-052 to revoke your authority to provide nonprofit transportation services in Washington.

DATED at Olympia, Washington, and effective May 22, 2014.

GREGORY J. KOPTA
Administrative Law Judge

¹See attachment A for a copy of the penalty assessment sent on May 23, 2014

²See attachment B for a copy of Career Path Services' Mitigation Request received on June 2, 2014

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TN-141038

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 violations occurred. I have:
- Enclosed \$ _____ in payment of the penalty
 - Submitted my payment of \$ _____ online at www.utc.wa.gov. My confirmation number is _____.
2. **Request for a hearing.** I believe that one or more of the alleged violations did not occur, for the reasons I describe below, and I request a hearing based on those reasons for a decision by an administrative law judge:
3. **Application for mitigation.** I admit the violations, 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: _____ [month/day/year], at _____ [city, state]

Name of Respondent (company) – please print

Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”

¹See attachment A for a copy of the penalty assessment sent on May 23, 2014

²See attachment B for a copy of Career Path Services’ Mitigation Request received on June 2, 2014

ATTACHMENT B

www.careerpathservices.org



10 N Post Street, Suite 200
Spokane, WA 99201

May 28, 2014

WUTC
P O Box 47250
Olympia, WA 98504-7250

Re: Penalty Assessment: TN-14138

To Whom it May Concern:

I am requesting mitigation of the \$1,000 penalty assessed Career Path Services for late filing of our nonprofit special needs transportation report. We received the certified notice of penalty on May 27th. Unfortunately, we have no record of receiving the original documents.

This report is handled by our Safety Team as part of the overall safety program, but no one in any department in our office reports seeing the WUTC mailing. As a non profit corporation, we are required to file many annual reports with the State of Washington, and take this responsibility seriously. All staff know to pass on anything with a State of Washington return address. Unfortunately, the paperwork did not reach who it needed to.

I just looked at the WUTC website, and it appears we are now able to download and complete a report and submit it on line. Our 2013 report will be completed and submitted today, and we have already calendared submission of our 2014 report so we will not have an issue with non-compliance again.

I respectfully requested mitigation of the assessed penalty due to not receiving the forms, and the assurance that we will file electronically in the future so this will not happen again.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Marie Bjork-Haugen".

Marie Bjork-Haugen
CFO
mebjork@careerpathservices.org
509-323-1233

2014 JUN -2 AM 8:32
STATE OF WASHINGTON
OFFICE OF THE ATTORNEY GENERAL
COMMUNICATIONS SECTION

¹See attachment A for a copy of the penalty assessment sent on May 23, 2014

²See attachment B for a copy of Career Path Services' Mitigation Request received on June 2, 2014

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TN-141038

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 violations occurred. I have:

[] Enclosed \$ _____ in payment of the penalty

[] Submitted my payment of \$ _____ online at www.utc.wa.gov. My confirmation number is _____.

[] 2. Request for a hearing. I believe that one or more of the alleged violations did not occur, for the reasons I describe below, and I request a hearing based on those reasons for a decision by an administrative law judge:

[X] 3. Application for mitigation. I admit the violations, but I believe that the penalty should be reduced for the reasons set out below:

Please see attached letter

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

OR [X] 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: 5/29/14 [month/day/year], at Spokane WA [city, state]

Mare Bjork-Haugen
Name of Respondent (company) – please print

Mare Bjork-Haugen
Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”

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