



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](http://www.utc.wa.gov)

July 1, 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. Redneck Limo Service, LLC*

Commission Staff's Response to Application for Mitigation of Penalties TE-141073

Dear Mr. King:

On May 27, 2014, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TE-141073 against Redneck Limo Service, LLC for 10 violations of Washington Administrative Code (WAC) 480-30-071, which requires charter and excursion carriers to furnish annual reports to the commission no later than May 1 each year.<sup>1</sup>

On June 17, 2014, Redneck Limo Service, LLC wrote the commission requesting mitigation of penalties (Mitigation Request).<sup>2</sup> In its Mitigation Request, Redneck Limo Service, LLC does not dispute that the violation occurred. The company provided medical documentation and a statement the company had been sold as of December 31<sup>st</sup>.

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 charter and excursion 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.

On June 16, 2014, Redneck Limo Service, LLC filed the 2013 annual report and timely paid the required regulatory fees on December 31, 2013. The company has been active since December 7, 2009. No previous violations of WAC 480-30-071 are on commission record. The UTC also recently adopted new rules requiring the annual report to be filed by May 1 while the regulatory fees remained due on December 31. Despite the commission communication regarding these

<sup>1</sup>See attachment A for a copy of the penalty assessment sent on May 27, 2014

<sup>2</sup>See attachment B for a copy of Redneck Limo's Mitigation Request received on June 17, 2014

UTC Annual Reports  
July 1, 2014  
Page 2

filing changes to all regulated charter and excursion companies, and the compelling circumstances provided, commission staff supports the company's request for mitigation. Staff recommends waiving the penalty in full.

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

Sincerely,

Sondra Walsh, Director  
Administrative Services

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<sup>1</sup>See attachment A for a copy of the penalty assessment sent on May 27, 2014

<sup>2</sup>See attachment B for a copy of Redneck Limo's Mitigation Request received on June 17, 2014

## ATTACHMENT A

### WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: TE-141073  
PENALTY AMOUNT: \$1,000

Redneck Limo Service, LLC  
1111 W. 53rd Ave  
Kennewick, WA 99337

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-30-071, which requires charter and excursion carriers to file their annual reports. You did not file an annual report 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 480-30-071 beyond May 1 as a continuing violation, and assesses penalties of \$100 for each day a company fails to file its report 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 charter and excursion carriers registered in Washington. The instructions page for the annual report form instructed these companies to file annual reports 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, Redneck Limo Service, LLC has not filed its 2013 annual report. 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 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

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<sup>1</sup>See attachment A for a copy of the penalty assessment sent on May 27, 2014

<sup>2</sup>See attachment B for a copy of Redneck Limo's Mitigation Request received on June 17, 2014

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 RCW 81.04.405.

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 480-30-171 to cancel your certificate to operate as a charter and excursion carrier in Washington.

DATED at Olympia, Washington, and effective May 27, 2014.

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GREGORY J. KOPTA  
Administrative Law Judge

<sup>1</sup>See attachment A for a copy of the penalty assessment sent on May 27, 2014

<sup>2</sup>See attachment B for a copy of Redneck Limo's Mitigation Request received on June 17, 2014

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TE-141073

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.”

<sup>1</sup>See attachment A for a copy of the penalty assessment sent on May 27, 2014

<sup>2</sup>See attachment B for a copy of Redneck Limo’s Mitigation Request received on June 17, 2014

ATTACHMENT B

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TE-141073

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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:

[ ] 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: 6/16/14 [month/day/year], at KENNEWICK, WA [city, state]

REDNECK LIMOUSINE SERVICES LLC
Name of Respondent (company) - please print

[Signature]
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 27, 2014

2See attachment B for a copy of Redneck Limo's Mitigation Request received on June 17, 2014

Response to Notice of Penalties for violations of laws and rules.

Penalty Assessment: TE-141073

WUTC,

Concerning the receipt of notice service date of May 27<sup>th</sup> I was out of state working and when I returned on the 12<sup>th</sup> of June, I received it in the mail.

I would ask for a reduced or dismissal of the fine due to medical reasons and the associated symptoms of a prescription drug Metoprolol reaction causing temporary memory loss, light headedness and confusion and the resultant issue of not meeting the deadlines for reporting.

I requested help and will have the required report done and submitted by 6/16/14. Faxed to 360 586-1150

History and explanation of my claim and request:

On December 25<sup>th</sup> 2013, I went into the hospital for heart issues and received a stent and subsequent medications for treatment. One of the Medicines was Metoprolol used to treat heart disease. I noticed after a few months of taking this medication that I was having some difficulty focusing and was dizzy at times, and was having some short term memory loss.

Over the period of the last three months things worsened and I demonstrated difficulties at work. Also found myself having troubles with late payments on bills etc. During my last work trip it didn't go well do to my loss of attention to detail and when I returned on the 12<sup>th</sup> I was reprimanded.

In response to my bosses discussions, I realized that I was not able to keep up with things so 6\15\2014 I went I went to Kadlec Hospital emergency room in Richland Wa and described my symptoms to the Doctor and after CT brain scans and X-Rays and extensive blood work (discussions with my heart Dr) it was determined the Metoprolol was causing the side affects described. The Dr stopped that medication and upped another blood pressure medication and told me it would take 2 or so days for it to get out of my system. He gave me a return to work paper that will be supplement (Attachement) to this response.

**Note:** Additionally, I Sold the limousine company to James Weber at the close of Year of 2013 Midnight the 31<sup>st</sup> of December and consider myself no longer responsible for these annual reports or any business related responsibilities.

I apologize for my mistakes and hope you will consider my claim. Please find attached: Medical Release to work and response letter to this violation.

Sincerely



David Douglas

Previous owner: Redneck Limousine Services LLC

<sup>1</sup>See attachment A for a copy of the penalty assessment sent on May 27, 2014

<sup>2</sup>See attachment B for a copy of Redneck Limo's Mitigation Request received on June 17, 2014

**Kadlec Regional  
Medical Center  
Emergency  
Department**  
888 Swift Blvd  
Richland WA 99352  
Phone: 509-946-4611

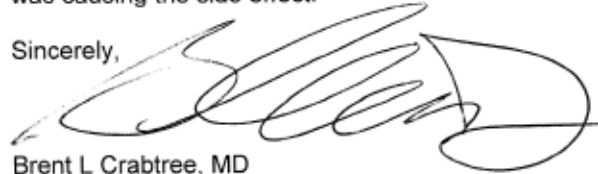
June 15, 2014

Patient: **David D Douglas**  
Date of Birth: **4/18/1956**  
Date of Visit: **6/15/2014**

To Whom It May Concern:

David Douglas was seen and treated in our emergency department on 6/15/2014. He may return to work on 6/16/14. We have stopped the medication, which we believe was causing the side effect.

Sincerely,



Brent L. Crabtree, MD

<sup>1</sup>See attachment A for a copy of the penalty assessment sent on May 27, 2014

<sup>2</sup>See attachment B for a copy of Redneck Limo's Mitigation Request received on June 17, 2014