



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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August 4, 2016

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. Nicholas Papadimas*

Commission Staff's Response to Application for Mitigation of Penalties TE-160723

Dear Mr. King:

On June 22, 2016, the Utilities and Transportation Commission issued a \$200 Penalty Assessment in Docket TE-160723 against Nicholas Papadimas for two violations of Washington Administrative Code (WAC 480-30-071 and 480-30-076), which requires charter and excursion carrier companies to furnish annual reports, supporting documentation and the regulatory fee to the commission no later than May 1 each year, or in this case, May 2 as May 1 was a Sunday.

On August 1, 2016, Nicholas Papadimas wrote the commission requesting mitigation of penalties. In its mitigation request, Nicholas Papadimas does not dispute the violation occurred. The company states, "...I filed my annual report on 3/20/2016 and I mailed it to your office on the same day along with my check for \$77.00 which was cashed a few days later that month. Since I was leaving for Greece I forgot everything about it until my return in April, when I received a notice from your office that my report was not complete. I needed to rewrite my name and number as a contact person for Orion NW when I already had written all my contact info under the first box of the owner. Since my company is a sole proprietor, owned and operated by me by definition at the state of Washington I didn't think it was necessary to write it again. I was told by your agent Amber that I needed to put the number 0 after I replied no to the interstate traveling. She emailed me the copy to fix it. I mailed it back. Never heard of you but feeling uncomfortable my wife emailed her again to find out if she got it and everything was okay. On May 2 she replied that she did and yes everything was fine. A month later I received your notice of the large penalty. I didn't ignore my responsibilities filing and paying the report in due time, and I find it a little unfair to get such a steep fine."

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 29, 2016, Annual Report packets were mailed to all

regulated charter and excursion carrier companies. The instruction page informs the regulated company that it must complete the annual report form and pay the regulatory fees, and return the materials by May 2, 2016, to avoid enforcement action.

Nicholas Papadimas provided an incomplete annual report on March 25. On March 25, commission staff sent an email to the company and advised the company that the annual report was incomplete as: The business structure section was missing the percentage, Schedule 1 was missing the contact information for the Customer Service Contact, and no information was provided for the Interstate Mileage figure. On April 28, commission staff spoke with and sent an email to the company reiterating that the information above was still outstanding. On May 4, the company sent commission staff an email providing an updated copy of the annual report and stated "I sent it on Saturday from my printer but I just checked my email and I do not have a confirmation from you. Can you please look at it and ensure it is okay?" Commission staff responded via email on May 4 and advised the company that the annual report was complete.

Nicholas Papadimas has been active since 2013 and previously filed on time. Although the company did not respond to the penalty assessment within 15 days as allowed, the company provided the annual report prior to the issuance of the penalty assessment and Nicholas Papadimas does not have any previous violations of WAC 480-30-071 and 480-30-076. As such, staff recommends that the penalty be reduced to \$25 per day for a total penalty assessment of \$50.

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

Sincerely,



Sondra Walsh, Director  
Administrative Services