

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TE-170653

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. Contest the violation. I believe that one or more of the alleged violations did not occur, for the reasons I describe below (if you do not include reasons supporting your contest of the violations here, your request will be denied):

[] 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.

X 3. Application for mitigation. I admit the violations, but I believe that the penalty should be reduced because the violations occurred due to circumstances beyond my control, as explained below (if you do not include reasons that support your application for mitigation here, your request will be denied):

[] 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.

2017 JUL -3 AM 9:31 RECEIVED PERSONNEL MANAGEMENT

RECEIVED JUL 03 2017 WASH. UTIL. & TP. COMM

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: 6-27-2017 [month/day/year], at VANCOUVER, WA [city, state]

Tyson GIARE LLC
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.”

June 27, 2017

To whom it may concern;

I am asking for a reduction in the penalty due to the following reasons:

1. As you may, or may not know I was selected for a safety compliance review Monday, April 3rd. And there is a good amount of paperwork involved in getting ready for such a review.
2. I also was issued a reminder from the US Department of transportation that I needed my Biennial update due before April 30, 2017. (Very similar to the the WUTC report)
3. I am recently a 1st time father as of April 13, 2017. That being said, there also is quite a bit of prep work before and after the birth of a new child.

Being I am the owner and operator of my business, I have quite a bit of responsibility. And with everything going on all within the same few weeks back in April, the 2016 annual report forms, and 2017 regularly fees did get unknowingly overseen. Going back, all I can find is one email sent February 28, 2017 stating the annual report. I was unaware of it not being filed, until just receiving a certified letter on Thursday, June 22, 2017. Being a small business owner \$1000 is a significant amount of money to me and my family. Any reduction of fines would be much appreciated.

Thank you!

Tyson Glawe



STATE OF WASHINGTON
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

March 20, 2017

Tyson Glawe
Tyson Glawe LLC


Your company has been selected for a safety compliance review. Please have the following documents and items available for inspection:

1. Insurance policy with limits of coverage for each vehicle operated under your permit with the commission.
2. A copy of your MCS-90, endorsement for motor carrier policies of insurance, for interstate operations, if applicable.
3. Insurance claim information for the previous 12 months. Provide a copy of loss run report from your insurance company.
4. Complete driver's list for all drivers employed at any time in the past 365 days with hire dates and driver license numbers. Include termination dates when applicable.
5. Driver qualification files for all drivers used in the past 12 months, including copies of medical certificates on drivers operating commercial motor vehicles with GVWR of 10,001 pounds or more *or* more than 8 passengers.
6. Drug and alcohol testing records (if applicable). Please include a list of drivers assigned to your random testing pool, all pre-employment tests for all new hires in the last 12 months and the annual report provided by your consortium for the last calendar year.
7. Records of duty status with supporting documentation (time cards, log books, trip records, fuel receipts, etc.), for the previous six months.
8. A complete list of all vehicles operated at any time in the past 365 days. Include unit number, license number gross vehicle weight rating or rated number of passengers. Indicate if leased or owned.
9. Maintenance records, including Annual DOT inspections for all vehicles used in the past 365 days & driver vehicle inspection reports (DVIR's).
10. Accident register for all DOT recordable accidents.
11. Gross operating revenue for the prior fiscal year.
12. Total operating miles for vehicles operated under your permit, for the previous 12 months.
13. Vehicle(s) for inspection. *(If available)*.
14. Federal Employee Identification Number (FEIN).
15. *Complete all information on the attached Safety Review Questionnaire.*

Your appointment is scheduled for: **Monday, April 3rd @ 9:30 a.m.** If you have any questions, please contact me via email at fagne@utc.wa.gov or by telephone at **360-664-1231** (office) or **360-529-2082** (cell).

Respectfully,

Francine Gagne



U.S. Department of
Transportation
1200 New Jersey Ave. S.E.
Washington, D.C. 20590

Federal Motor Carrier
Safety Administration

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PIN
TYSON GLAWE LLC
15812 NE 25TH AVE
VANCOUVER WA 98686-1511



BIENNIAL UPDATE REMINDER / WARNING NOTIFICATION

Dear TYSON GLAWE,

The Federal Motor Carrier Safety Administration (FMCSA) requires an update of your Motor Carrier Identification Report (MCS-150) form every two years (commonly known as the biennial update). This is required, even if your company's information has not changed or the company is no longer operating in interstate commerce.

"Interstate commerce" means trade, traffic, or transportation in the United States:

1. Between a place in a State and a place outside of such State (including a place outside of the United States); or
2. Between two places in a State through another State or a place outside of the United States; or
3. Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States.

FMCSA records indicate registration information for USDOT Number XXXX814 was last updated on December 14, 2014. Pursuant to 390.19(b)(2), its biennial update is due on or before April 30, 2017.

Pursuant to 49 CFR 390.19(b)(4), failure to complete the biennial update, consistent with the requirements of 49 CFR 390.19(b)(2), may result in the imposition of a civil penalty of up to \$1,000 for each offense. Each day the violation continues constitutes a separate offense, and the total penalty for all offenses related to a single violation may not exceed \$10,000. Failure to complete the biennial update may also result in deactivation of USDOT Number XXXX814. There is no charge assessed to your company to complete the biennial update process.

An active USDOT Number is required for motor carrier transportation in interstate commerce. Transportation without USDOT Registration and an active USDOT Number is specifically prohibited. See 49 USC 31134 and 49 CFR 392.9b. Continued operations after deactivation of a USDOT number may result in additional civil penalties, in accord with 49 U.S.C. 521.

To complete an online biennial update, perform the following steps:

- a) Go to <https://www.fmcsa.dot.gov/registration>
- b) Click on **FMCSA Online Registration System**
- c) Under **Existing Registration Updates** click on the radio button next to the prompt **I need to update my USDOT number registration information or file my biennial update (MCS-150)**. Scroll to the bottom of the screen and then click **Continue**.
- d) When the **USDOT Number MCS-150 Update (Including Biennial)** informational screen is displayed, click **File Electronically** to continue the process.
- e) Enter your full USDOT Number, PIN, EIN/SSN, Company Official information, and then click **Continue**. For your convenience, your PIN has been provided at the top of this letter.