

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TV-140944

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.

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[] 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:

[X] 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: 7/10/2014 [month/day/year], at Seattle WA [city, state]

BENS MOVING and Delivery inc.
Name of Respondent (company) - please print

Israel Paredes
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."

This is the first letter that I received.
my petition to pay the penalty fee was denied.

A second letter was received with the denial

but hearing petition accepted. I lost that

mail. I'm hoping that you could assist me

to direct my letter to the proper office.

Thank you

Israel Padden

ben@smoving.com@gmail.com

Ben's Moving and Delivery Service Inc.
UTC:0001903
Regarding Docket Number(s) 140944

Seattle, July 11, 2014

To: Utilities and Transportation Commission,

This is a letter regarding the Notice of Penalties Incurred and Due for Violations of Laws and Rules- Penalty and denial of our petition.

One of the reasons that we did not comply with the WA State on a timely manner was because during the months of November, through April our family went through foreclosure and lost our house. We had a fierce battle with the lawyers and the bank but we couldn't save our home.

We were forced out of your property in February of 2014, and did not have a permanent residence until late the first week of June. Craigslist totally blocked us out of their website from November of 2013 through end of April 2014; therefore we did not have any business to report and we were financially hurting and unable to hire a professional accountant but most of all we had nothing to report except our loss. We had a very hard time this year and we haven't really started our business as we planned. Our Craigslist's competitors have been flagging our company and that has prevented us from continuing our business.

This is our formal petition for a hearing. We would love to have a chance to make an appointment to explain our financial situation and the reasons for not filing the annual report by the deadline, with that said, we'll be waiting for your response. Please feel free to contact us through email as well.

This is our new business address, please make the appropriate changes. We are supposed to renew our WA State License and we will provide our new address to them as well.

Ben's Moving and Delivery Service Inc.
11544 Greenwood Ave. N. Unit #1
Seattle, WA 98133
Bensmovingco@gmail.com
206-673-6122

Israel Faredes
Bens Moving & Delivery Services Inc.

2014 JUL 14 AM 8:16

11/11/2014 10:00:00 AM

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: TV-140944
PENALTY AMOUNT: \$1,000

Bens Moving & Delivery Services, Inc.
12040 Greenwood Ave N
Seattle, WA 98133

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-15-480, which requires household goods carrier companies to file their annual reports 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 480-15-480 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 household goods carrier 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, Bens Moving & Delivery Services, Inc. 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 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.

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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 480-15-450 to cancel your permit to operate as a household goods carrier in Washington.

DATED at Olympia, Washington, and effective June 4, 2014.

DENNIS J. MOSS
Administrative Law Judge