

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TE-151054
Against	)	
	)	ORDER 01
TYSON GLAWE, LLC	)	
	)	ORDER DENYING MITIGATION
in the amount of \$300	)	
.....	)	

**BACKGROUND**

- 1 Washington law requires charter and excursion carriers to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-30-071. On February 27, 2015, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all charter and excursion carriers. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by May 1, 2015, or face penalties of \$100 for each violation of Commission rules. In the case of continuing violations, each day’s continuance is a separate violation. RCW 80.04.405.
- 2 Tyson Glawe, LLC (Tyson Glawe or Company) filed its annual report late on May 6, 2015. On June 10, the Commission assessed a penalty of \$300 against Tyson Glawe, calculated as \$100 per business day from May 1 to May 6.
- 3 On June 25, 2015, Tyson Glawe responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that the annual report form was very confusing and it had difficulty reaching Commission staff for assistance.
- 4 On June 30, 2015, Commission staff (Staff) filed a response recommending the Commission deny the Company’s request for mitigation. Staff explained that the Company filed its annual report late in 2014, and failed to present any new or compelling information for the Commission to consider.

**DISCUSSION**

5 WAC 480-30-071 requires charter and excursion carriers to file annual reports by May 1  
of each year. Companies are responsible for complying with their legal obligations, and  
the Company should have ensured its annual report was timely filed.

6 We agree with Staff that mitigation of the penalty is not appropriate here. The  
Commission may consider a number of factors when entertaining a request for  
mitigation, including a company's history of compliance and the likelihood the violation  
will recur.<sup>1</sup> Tyson Glawe received and paid a \$50 reduced penalty for filing its annual  
report late in 2014. In addition, the Company has not presented any new or compelling  
information that warrants a reduced penalty. Accordingly, we find the \$300 penalty is  
appropriate to deter repeat violations.

**ORDER**

**THE COMMISSION ORDERS:**

7 (1) Tyson Glawe, LLC's request for mitigation of the \$300 penalty is **DENIED**.

8 (2) The \$300 penalty is due and payable no later than July 17, 2015.

9 The Secretary has been delegated authority to enter this order on behalf of the  
Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective July 7, 2015.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**STEVEN V. KING**  
Executive Director and Secretary

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<sup>1</sup> Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation  
Commission (January 7, 2013).

**NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.**