

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Penalty Assessment Against
SEATAC MOTOR COACHES, LLC, in the
amount of \$2,900

DOCKET NO. TE-060868

DECLARATION OF
SHERI HOYT

SHERI HOYT, under penalty of perjury under the laws of the state of Washington, declares as follows:

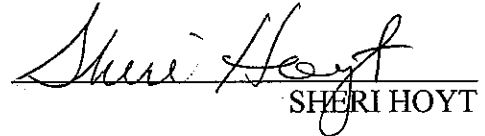
1. I am over 18 years of age, a citizen of the United States, a resident of the state of Washington, and competent to be a witness.
2. I am employed by the Washington Utilities and Transportation Commission (Commission) as a Compliance Specialist in the Business Practices Investigations Section. I have been employed at the Commission for over 14 years, holding various positions. As a Compliance Specialist, my responsibilities include producing penalty assessments for signature by administrative law judges. As part of those duties, I receive compliance reviews or other inspections or investigations where staff has recommended penalties and draft orders for consideration by the commission.
3. On May 26, 2006, I received the SeaTac Motor Coaches, LLC (SeaTac) compliance review with a staff recommendation for a penalty of \$2,900 for violations of Washington Administrative Code (WAC) 480-40-070¹, which adopts by reference 49 C.F.R. § 395.5(a)(1), requiring or permitting a passenger commercial motor vehicle driver to drive more than 10 hours following eight consecutive hours off duty; WAC 480-40-070, which adopts by reference 49 C.F.R. § 395.5(a)(2), requiring or permitting a passenger commercial motor vehicle driver to drive after 15 hours on duty following eight consecutive hours off duty; and WAC 480-40-070, which adopts by reference 49 C.F.R. § 395.8(e), requiring or permitting a driver to make false reports of duty status. Administrative Law Judge Dennis J. Moss signed the penalty assessment order on July 27, 2006, and the Commission served the penalty assessment the same day. The deadline for any application for mitigation or request for hearing was August 11, 2006.
4. On September 5, 2006, the Commission received SeaTac's application for mitigation of penalties (application). The application was signed by Ruthann Bacon. In the application, Ms. Bacon stated she had only just found the penalty assessment order in

¹ WAC 480-40-070 was repealed by Order No. R-533 in Docket No. TC-020497, but the Commission preserved the adoption by reference of 49 C.F.R. § 395 in new rule WAC 480-30-221(1) and in amended rule 480-30-999. The adoption of the new rule was filed with the Code Reviser's Office June 8, 2006, went into effect upon the expiration of thirty days after the date of filing. At the time of the change, the penalty assessment was in processing and, consequently, issued with reference to the old rule number, RCW 480-40-070.

a desk drawer. Ms. Bacon stated that the penalty assessment had been hidden by John Brehmer, SeaTac's safety and training manager. Mr. Brehmer's employment was terminated on August 29, 2006.

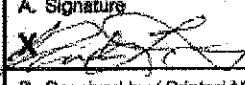
5. On September 5, 2006, I contacted the Commission's Records Management office and learned that the name of the person who signed the certified mail card for the penalty assessment was Paul Fanson. See Attachment A for a copy of the certified mail card, date stamped July 31, 2006. Mr. Fanson, in addition to being a driver for SeaTac, is the registered agent of the company.
6. Because the registered agent knew about the penalty assessment at least by July 31, 2006, yet the company did not submit an application for mitigation until more than three weeks past the deadline, I recommend that the Commission reject SeaTac's application as untimely.

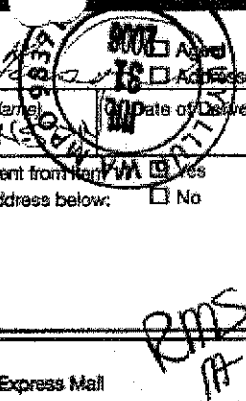
DATED this 20th day of September, 2006 at Olympia, Washington.


SHERI HOYT

ATTACHMENT A

TE 0100868

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION FOR DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature </p> <p>B. Received by (Printed Name) <u>DAVE L. FRASER</u></p> <p>Date of Delivery <u>0007 10 10</u></p> <p>C. Is delivery address different from front? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>SEATAC MOTOR COACHES, LLC PO BOX 38 PUYALLUP WA 98371</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>



2. Article Number (Transfer from service label) 7006 0300 0005 5467 8566