

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TN-120894
Against	)	
	)	ORDER 01
CAREER PATH SERVICES	)	
EMPLOYMENT & TRAINING,	)	
	)	ORDER GRANTING PARTIAL
in the amount of \$300.00.	)	MITIGATION
.....	)	

**MEMORANDUM**

- 1 **Penalty.** On July 11, 2012, the Washington Utilities and Transportation Commission (Commission) assessed a penalty of \$300 against Career Path Services Employment & Training (Career Path), for violations of Washington Administrative Code (WAC) 480-31-080. This rule requires non-profit transportation providers to file annual reports with the Commission by May 1 each year.
  
- 2 On February 29, 2012, the Commission mailed Annual Report forms and Regulatory Fee packets to all regulated non-profit transportation providers. On May 14, 2012, the Commission mailed a letter to companies that had not yet filed an annual report notifying them that they had incurred, as of that date, a penalty of \$800. The letter explained that companies that filed their annual reports no later than May 25, 2012, would receive mitigated penalties of \$25 per day, with an additional \$25 per day assessed for each instance in the previous five years that the company received a penalty for filing a late report.
  
- 3 Career Path filed its 2011 annual report on May 17, 2012. This is 16 days late, making the company liable for a penalty of up to \$1,600 as provided in RCW 80.04.405. Even under the Commission’s offer of mitigation for violations cured by May 25, 2012, Career Path was subject to a penalty of \$400. The Commission nevertheless exercised its discretion and assessed a penalty of \$300 against Career Path based on the number of business days the company’s filing was late, rather than on the basis of calendar days.

4 **Mitigation Request.** On July 26, 2012, Career Path filed a Commission form requesting mitigation (Mitigation Request). Career Path does not dispute that the violation occurred. The company states:

As a newer employee to our nonprofit organization and the transition of new job duties this annual requirement was inadvertently not completed and paid. ... I request that this penalty be reduced due to my administrative oversight. Additionally, I have created a monthly checklist of duties and this annual procedure has been added to my monthly checklist so this is not missed in the future.

5 **Commission Staff Support for Partial Mitigation.** Commission Staff filed a Response to the Mitigation Request on August 10, 2012. Staff supports mitigating the assessed penalty by \$150 because this is the organization's first offense.

6 **Commission Determination.** The Commission determines that it should grant the Mitigation Request. While the Commission's primary goal in taking enforcement actions in the form of penalty assessments is to gain compliance and promote future compliance, a secondary goal is to impress upon participants that the Commission does not take lightly violations of law related to public safety. The Commission agrees that a \$150 penalty is a reasonable punitive measure to impose for the non-profit organization's first-time violation of WAC 480-31-080.

### **ORDER**

#### THE COMMISSION ORDERS THAT:

7 (1) The penalty of \$150 assessed against Career Path Services Employment & Training, on July 11, 2012, is due and payable to the Commission within 15 days following the date of this Order.

- 8 (2) The Commission delegates to its Secretary authority to enter this Order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective August 28, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER  
Executive Director and Secretary

**NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. Under WAC 480-07-904(3), you may seek Commission review of this decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Executive Secretary for decision under WAC 480-07-904(1). You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.**

**The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.**