

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TV-120943
Against)	
)	ORDER 01
JONATHON SHERIDAN d/b/a/ JFS)	
TRANSPORT,)	ORDER PARTIALLY
)	SUSPENDING PENALTY,
in the amount of \$450.00.)	SUBJECT TO CONDITION
.....)	

MEMORANDUM

- 1 **Penalty.** On July 24, 2012, the Washington Utilities and Transportation Commission (Commission) assessed a penalty of \$450 against Jonathon Sheridan d/b/a JFS Transport (JFS), for violations of Washington Administrative Code (WAC) 480-15-480. This rule requires household goods carriers 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 household goods carriers as required by WAC 480-15-480. On May 15, 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 \$900. The letter explained that companies who filed their annual reports no later than May 25, 2012, would receive reduced 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 JFS filed its annual report on May 25, 2012, which is 24 days past the deadline of May 1, 2012, making the company liable for penalties of up to \$2,400. The penalty assessed was reduced from the maximum \$100 per calendar day to \$25 per business day for a total of \$450. JFS has held permanent household goods authority since October 2010 and has never received a penalty for filing a delinquent annual report in the past.

4 **Mitigation Request.** On August 17, 2012, JFS filed a Commission form requesting mitigation (Mitigation Request). In its Mitigation Request, JFS does not deny the violation, but states:

We apologize this statement is late as we were on vacation from July 18-July 31st in California. I was on vacation and did not file on time. I was unaware we had to file until an email was sent by Lynn, Carnes who then collected the report and we paid the fee of \$110.00. She did not advise me their would be any late fees at that time. We apologize for late report. We were unaware it had to be submitted. When we received email from Lynn, we immediately filled out report and turned in the same day, as we were unaware it was past due.

5 **Commission Staff Support for Mitigation.** Commission Staff filed a Response to the Mitigation Request on July 24, 2012. Staff supports mitigating the assessed penalty from \$450 to \$225 because this is the company's first delinquent annual report.

6 **Commission Determination.** The Commission determines that it should grant the Mitigation Request, consistent with Staff's support, to the extent of suspending one-half of the penalty assessed, subject to the condition that JFS file its 2012 annual report by May 1, 2013. If the company fails to meet this condition, the suspended penalty amount of \$225 will become due without further action by the Commission.¹

7 The Commission's primary goal in reaching its determination is to promote future compliance. The suspended penalty amount, as well as the penalty due under the terms of this order, should encourage such compliance. A secondary goal of penalty assessments is to punish violations. A penalty of \$225 seems adequate to this purpose, in this case.

ORDER

THE COMMISSION ORDERS THAT:

8 (1) The penalty of \$450 assessed against Jonathon Sheridan d/b/a JFS Transport, on July 24, 2012, is suspended to the extent of \$225, subject to the condition that JFS files its 2012 annual report by May 1, 2013. If the company fails to

¹ The Commission may assess an additional penalty for any late filing of the 2012 annual report.

timely file its 2012 annual report, the suspended penalty will become due without further action by the Commission.

- 9 (2) The balance of the penalty assessed, also \$225, is due and payable to the Commission within 15 days following the date of this Order.
- 10 (3) 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 October 31, 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.