

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment) DOCKET TN-141038
Against)
) ORDER 01
CAREER PATH SERVICES)
EMPLOYMENT & TRAINING) ORDER GRANTING
) MITIGATION TO \$250
in the amount of \$1,000)
.....

BACKGROUND

- 1 Washington law requires private, nonprofit transportation providers to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-31-080. On February 28, 2014, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all regulated private, nonprofit transportation providers. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by May 1, 2014, 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 Career Path Services did not file its annual report on May 1, 2014, and had not made that filing by May 15. On May 23, the Commission assessed a penalty of \$1,000 against Career Path Services, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 2, 2014, Career Path Services responded to the Commission’s penalty assessment admitting the violations and requesting mitigation of the penalty based on the written information provided. The Company explained that the annual report paperwork did not reach the appropriate person, and was therefore overlooked. The Company noted that future filings will be completed via the Commission’s website to prevent additional violations.
- 4 On June 5, 2014, Career Path Services paid its regulatory fee and on June 13, the Company filed its annual report.

- 5 On June 16, 2014, Commission Staff (Staff) filed a response recommending the Commission reduce the penalty to \$25 per day, or \$250. Staff noted that the Company has been active since 1995; the Company received a paid a reduced penalty for violations of WAC 480-31-080 in 2012. Due to the Company's previous violation, Staff cautioned that future violations will likely be ineligible for mitigation.
- 6 On June 25, 2014, after receiving Staff's recommendation, Career Path Services remitted a \$250 payment to the Commission

DISCUSSION

- 7 WAC 480-31-080 requires private, nonprofit transportation providers to file annual reports and pay regulatory fees by May 1 of each year. Companies are responsible for complying with their legal obligations. The Company should have been aware of the need to file an annual report, and should not rely on receipt of Commission mailings to ensure compliance.
- 8 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a request for mitigation, including a company's history of compliance, whether the violation was promptly corrected, and the likelihood the violation will recur. Here, the Company was cited for violations of WAC 480-31-080 and assessed a \$150 penalty in 2012. The Company has no other violations of Commission rules in nearly 20 years of operation. Additionally, the Company has since filed its annual report and provided assurances of future compliance. In light of these factors, we believe a reduced penalty, which is still greater than the previous penalty, is appropriate. The Commission will therefore exercise its discretion to reduce the penalty to \$250.

ORDER

THE COMMISSION ORDERS:

- 9 (1) The request of Career Path Services Employment & Training for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.
- 10 (2) The penalty was paid in full on June 25, 2014.
- 11 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 August 4, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

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. 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 website.