

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment     ) DOCKET TN-141041  
Against   )  
  ) ORDER 01  
STILLAGUAMISH SENIOR CENTER     )  
  ) ORDER GRANTING  
in the amount of \$300                     ) MITIGATION  
.....   )

**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 Stillaguamish Senior Center did not file its annual report on May 1, 2014. On May 22, the Commission assessed a penalty of \$300 against Stillaguamish Senior Center, calculated as \$100 per business day from May 1 to May 6, the date the report was received.
- 3 On June 3, 2014, Stillaguamish Senior Center 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 on April 14, 2014, the executive director’s husband had a heart attack and was subsequently hospitalized for two weeks. Following his release, she stayed with him for another week, then returned to work on May 5. The Company’s annual report was filed the next day, on May 6.
- 4 On June 13, 2014, Commission Staff (Staff) filed a response recommending the Commission waive the penalty in full due to the compelling circumstances presented

by the Company. Staff also noted that the Company has been active since 2009, and has no prior violations of WAC 480-31-080.

**DISCUSSION**

- 5 The Commission agrees with Staff's recommendation and will not impose a penalty. The Commission's primary objective in any enforcement action is to ensure compliance with a company's legal obligations; penalties both punish past violations and provide an incentive to comply in the future. Given the circumstances here, we believe neither punishment nor incentive is warranted. The Company's executive director experienced a family emergency that unexpectedly called her away from work for an extended period. Upon her return, the report was promptly filed. Under these circumstances, we will grant full mitigation of the penalty.

**ORDER**

**THE COMMISSION ORDERS:**

- 6 (1) The request of Stillaguamish Senior Center for mitigation of the \$300 penalty is GRANTED.
- 7 (2) No penalty is due.
- 8 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.