

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment	)	DOCKET TV-140967
Against	)	
	)	ORDER 01
MARK DOUBRAVSKY TRUCKING,	)	
INC.	)	ORDER GRANTING
	)	MITIGATION
in the amount of \$200	)	
.....	)	

**BACKGROUND**

- 1 Washington law requires household goods carriers to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-15-480. On February 28, 2014, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all household goods carriers. 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 Mark Doubravsky Trucking did not file its annual report on May 1, 2014. On May 5, Mark Doubravsky Trucking filed its annual report with no regulatory fees due.
- 3 On June 5, 2014, the Commission assessed a penalty of \$200 against Mark Doubravsky Trucking, calculated as \$100 per business day from May 1 to May 5, the day the report was received.
- 4 On June 19, 2014, Mark Doubravsky Trucking responded to the Commission’s penalty assessment and requested mitigation based on the written information provided. The Company explained that its bookkeeper recently underwent surgery to remove cancer from her hip, and it missed the deadline because she believed postmarking the report by May 1 would be sufficient. Additionally, the Company noted that it had no revenue in 2013. Included with its mitigation request was a \$200 payment. The Company provided assurances that future reports will be timely filed.

5 On June 24, 2014, Commission Staff (Staff) filed a response recommending the Commission grant full mitigation of the penalty due to the Company's compelling circumstances.

**DISCUSSION**

6 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. Here, we believe neither punishment nor incentive is warranted. The Company's bookkeeper underwent surgery for a serious medical condition, and the Company had no revenue in 2013. Moreover, the Company has been active since 2005 and has no prior violations of WAC 480-15-480. Finally, the Company provided assurances of future compliance. Given these circumstances, we will grant full mitigation of the penalty.

**ORDER**

**THE COMMISSION ORDERS:**

- 7 (1) The request of Mark Doubravsky Trucking for mitigation of the \$200 penalty is GRANTED.
- 8 (2) No penalty is due. The Commission will issue a refund to Mark Doubravsky Trucking for the \$200 payment received on June 19, 2014.
- 9 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 July 15, 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.