

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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| In the Matter of a Penalty Assessment Against | DOCKET TV-160644 |
| IBRAHIM A. SUSEYI | ORDER 01 |
| in the amount of \$1,000 | ORDER GRANTING MITIGATION TO \$250 |

BACKGROUND

- 1 On February 29, 2016, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to household goods companies. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by Monday, May 2, 2016, 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 Ibrahim A. Suseyi (Suseyi or Company) did not file an annual report on May 2, 2016, and had not made that filing by May 16. On June 29, the Commission assessed a penalty of \$1,000 against Suseyi, calculated as \$100 per business day from May 2 to May 16.
- 3 On July 15, 2016, Suseyi filed a complete annual report and paid the required regulatory fee. That same day, Suseyi responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the information provided. In its response, the Company states, “Ibrahim Suseyi is new to the moving business and did not realize there was an annual report due. I (Jerry Slade with ByTheBook Keepers, Inc.) prepared the report as soon as I became aware of it. Please reduce his penalty.”
- 4 On July 27, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the Company became regulated in 2015 and therefore has no prior violations of WAC 480-15-480.

DISCUSSION

- 5 WAC 480-15-480 requires household goods carriers to file annual reports by May 1 of each year, or the first business day thereafter. Companies are responsible for complying

with their legal obligations, and the Company should have ensured its report was timely filed.

- 6 The Commission nevertheless agrees with Staff's recommendation. The Commission may consider a number of factors when entertaining a request for mitigation, including whether the violation was promptly corrected, a company's history of compliance, and the likelihood the violation will recur.¹ Here, Suseyi has since corrected the violation by filing its annual report and paying its regulatory fee. Because we have routinely granted mitigation to similarly-situated companies in their first year of operation, the Commission will exercise its discretion to reduce the penalty to \$250.

ORDER

THE COMMISSION ORDERS:

- 7 (1) Ibrahim A. Suseyi's request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.
- 8 (2) The \$250 penalty is due and payable no later than August 26, 2016.
- 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 August 12, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

¹ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013).

Service Date: August 12, 2016

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.