

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TE-160707
KUSH TOURISM, LLC	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 to all charter and excursion carriers. 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 Kush Tourism, LLC (Kush Tourism or Company) did not file its annual report on May 2, 2016, and had not made that filing by May 16. On June 21, the Commission assessed a penalty of \$1,000 against Kush Tourism, calculated as \$100 per business day from May 2 to May 16.
- 3 On June 22, 2016, Kush Tourism responded to the Commission's penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that it mistakenly believed it had filed its annual report in connection with its safety inspection earlier this year. The Company further explained that it has a very limited operations, and the penalty would create a financial hardship.
- 4 On June 23, 2016, Kush Tourism filed a complete annual report and paid its regulatory fee.
- 5 On June 28, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$250, because the Company has no prior violations of WAC 480-30-071.

DISCUSSION

- 6 WAC 480-30-071 requires charter and excursion 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.
- 7 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, Kush Tourism has since corrected the violation by filing its annual report and paying its regulatory fee. In addition, this is the Company's first violation of WAC 480-30-071 since it became regulated in 2014. Although the Company has a relatively brief history of compliance, we have routinely granted mitigation for first time violations. In light of these factors, the Commission will exercise its discretion to reduce the penalty to \$250.

ORDER

THE COMMISSION ORDERS:

- 8 (1) Kush Tourism, LLC's request for mitigation of the \$1,000 penalty is GRANTED in part, and the penalty is reduced to \$250.
- 9 (2) The \$250 penalty is due and payable no later than July 19, 2016.
- 10 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 5, 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).

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.