

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment
Against

NICHOLAS PAPADIMAS

in the amount of \$200

DOCKET TE-160723

ORDER 01

ORDER GRANTING MITIGATION TO \$50

BACKGROUND

- 1 On February 29, 2016, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms 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 Nicholas Papadimas (Company) filed an incomplete report on March 25, 2016, and did not make a complete filing until May 4. On June 22, the Commission assessed a penalty of \$200 against Nicholas Papadimas, calculated as \$100 per business day from May 2 to May 4.
- 3 On August 1, 2016, Nicholas Papadimas responded to the Commission's penalty assessment, admitting the violations and requesting mitigation based on the written information provided. The Company explained that it mailed its annual report on March 20, 2016, shortly before the owner – who is a sole proprietor – left the country. When the owner returned, he received notice that the report was incomplete and promptly provided the missing information.
- 4 On August 4, 2016, Commission staff (Staff) filed a response recommending a penalty reduction to \$25 per day, or \$50, because the Company filed its annual report prior to receiving the penalty assessment and has no prior violations of WAC 480-30-071.

DISCUSSION

- 5 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 it filed a complete report prior to the deadline.
- 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, Nicholas Papadimas corrected the violation by filing its annual report and paying its regulatory fee prior to receiving the penalty assessment. In addition, this is the Company's first violation of WAC 480-30-071 since it became regulated in 2013. 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 \$50.

ORDER

THE COMMISSION ORDERS:

- 7 (1) Nicholas Papadimas's request for mitigation of the \$200 penalty is GRANTED in part, and the penalty is reduced to \$50.
- 8 (2) The \$50 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).

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.