

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of PENALTY ASSESSMENT
AGAINST The Caroline Kline Galland
Home, in the amount of \$100.00

DOCKET NO. TN-060238

DECLARATION OF
SHERI HOYT

SHERI HOYT, under penalty of perjury under the laws of the state of Washington, declares as follows:

1. I am over 18 years of age, a citizen of the United States, a resident of the state of Washington, and competent to be a witness.
2. I am employed by the Washington Utilities and Transportation Commission (Commission) as a Compliance Specialist in the Business Practices Investigations Section. I have been employed at the Commission for over 13 years, holding various positions. As a Compliance Specialist, my responsibilities include conducting investigations regarding the business practices of regulated utility or transportation companies. As part of those duties, I investigate household goods companies that may be operating in violation of Commission statute, rule, or tariff.
3. On March 6, 2006, The Caroline Kline Galland Home (Galland Home) filed with the Commission an Application for Mitigation of Penalties (Mitigation Request) in Docket No. TN-060238. I have read the Mitigation Request.
4. This Mitigation Request arises from a Notice of Penalties Incurred and Due for Violations of Laws, Rules and Regulations issued by the Commission on February 28, 2006, in Docket No. TN-060238. In that Notice, the Commission issued a penalty of \$100.00 for a violation of WAC 480-31-080. The Notice contained a typo that referenced WAC 480-31-081 (a regulation that does not exist), instead of WAC 480-31-080. I am not aware of any claims of confusion based on the typo.
5. Before recommending the Commission issue penalties, as part of my job, I conducted an investigation of the Commission's records. My investigation resulted in an investigation report titled, "Staff Investigation - Annual Report/Regulatory Fees." A true and accurate copy of that audit report is attached to this declaration as Attachment A.
6. The violation in this case arose from records maintained by the Commission.

Specific Issue Addressed by the Galland Home in its Mitigation Request

Submitted Completed Report late on December 5, 2005

7. In its Mitigation Request, Galland Home requests that the penalty be withdrawn because it claims it mailed the completed report and the proper regulatory fees on December 5, 2005.
8. Galland Home stated it received information during a Utilities and Transportation Commission audit that the company “did not qualify as an agency that would be under UTC regulation,” and therefore it did not file the 2004 annual report. The company did further research that lead it to believe it should be reporting to the Commission.
9. After receiving Galland Home’s Mitigation Request, I reviewed the Commission’s records. Staff discovered the company’s 2004 annual report and 2005 regulatory fee calculation sheet on March 3, 2006. The report had been received on December 12, 2005, and then was mislaid. Consequently, it was not entered into the Commission’s Annual Reports Tracking System. The regulatory fee calculation sheet included Galland Home’s credit card information, and the Commission charged the 2005 regulatory fees to Galland Home’s credit card on March 8, 2006.
10. Because the annual report was received, then mislaid by the Commission, I support the company’s request for full mitigation of the \$100.00 penalty.

DATED this 15th day of March, 2006 at Olympia, Washington.

SHERI HOYT

Attachment A

The Caroline Kline Galland Home – TN-060238 Staff Investigation - Annual Report/Regulatory Fees February 13, 2006

Purpose

The purpose of this investigation is to determine if The Caroline Kline Galland Home is in violation of WAC 480-31-080 which requires private, nonprofit special needs transportation companies to furnish annual reports to the Commission no later than May 1, of the succeeding year and pay appropriate regulatory fees.

Background

This investigation was prompted by Staff's yearly review of annual reports for private, nonprofit special needs transportation companies registered in the state of Washington.

On March 3, 2005, the Commission mailed 2004 Annual Report forms and 2005 Regulatory Fee packets to regulated private, nonprofit special needs transportation companies in Washington State. A letter signed by Carole Washburn instructed companies to file annual reports by May 1, 2005. Companies requesting an extension were asked to do so prior to May 1, providing a reason for the requested extension (Appendix A).

On June 1, 2005, a letter signed by Carole Washburn was sent to each private, nonprofit special needs transportation company that had not filed an annual report by May 1, 2005. The letter stated that Staff intended to recommend enforcement action, including possible penalties, for any company that failed to file a completed annual report prior to July 1, 2005 (Appendix B).

In October 2005, Licensing Services Staff reviewed annual reports and regulatory fees for private, nonprofit special needs transportation companies and compiled a list of companies that were out of compliance. The matter was referred to Business Practices Investigations.

Investigation

As of May 1, 2005, The Caroline Kline Galland Home had not filed a 2004 annual report. The Commission mailed the company a letter on June 1, stating that Staff intended to recommend enforcement action, including possible penalties, for any company that failed to file a completed annual report no later than July 1, 2005.

On December 1, 2005, Staff spoke by telephone with Bonnie at The Caroline Kline Galland Home regarding the delinquent 2004 annual report and the company's failure to pay its 2005 regulatory fees. Staff sent a link to the Commission's website and the appropriate annual report forms to Bonnie at "BonnieB@KlineGalland.org" via electronic mail (Appendix C). As of February 13, 2006, The Caroline Kline Galland Home still has not filed an annual report for 2004 or paid its 2005 regulatory fees.

Recommendation:

Penalize The Caroline Kline Galland Home \$100.00 for a violation of WAC 480-31-080.

Appendix A



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

March 3, 2005

Subject: 2004 Annual Report/2005 Regulatory Fees

Enclosed is your 2004 Private Nonprofit Special Needs Transportation Providers annual report form. Every provider subject to regulation by the Washington Utilities and Transportation Commission (Commission) must file an annual report and pay regulatory fees per RCW 81.66.030. The annual report forms are available on the Commission's web site at www.wutc.wa.gov. The Commission will also send an additional paper copy of the annual report forms upon request.

You must file your annual report and pay regulatory fees by May 1, 2005. Perfunctory extensions will not be granted. If you need an extension, please file prior to May 1, 2005, providing a reason for requesting an extension. In granting an extension, the Commission will consider whether application of the rule imposes undue hardship on the requesting person, different from hardships imposed on similarly situated persons per WAC 480-31-080.

Inquiries regarding annual reports should be directed to 360-664-1201 or annualreports@wutc.wa.gov.

It is the Commission's policy to provide equal access to its services. If you need special accommodations, please call 360-664-1133. TTY Toll Free 1-800-416-5289.

Sincerely,

A handwritten signature in cursive script that reads "Carole J. Washburn".

Carole J. Washburn
Executive Secretary

Enclosures



Appendix B



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

June 1, 2005

Dear Regulated Provider:

Every Private, Nonprofit Special Needs Transportation Provider subject to regulation by the Washington Utilities and Transportation Commission (Commission) is required by state law to file an annual report and pay an annual \$10.00 per vehicle fee by May 1st of each year. The Commission mailed you the 2004 annual report form and fee calculation sheet on March 3, 2005. Our records indicate that you have not yet filed the completed annual report form and have not paid your per-vehicle fee for 2005.

Commission staff intends to recommend enforcement action against any Provider that fails to file a completed annual report. Enforcement action in this case may include penalties of up to \$100 per day and/or suspension or revocation of your authority to operate in Washington. In order to avoid action against your company, you must file your annual report as soon as possible, and no later than July 1, 2005. We also urge you to pay your per-vehicle fee with your annual report.

Annual report forms are available on the Commission's web site at www.wutc.wa.gov. If you have questions or require additional information, please call (360) 664-1201 or e-mail us at annualreports@wutc.wa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Carole J. Washburn".

Carole J. Washburn
Executive Secretary



Appendix C

Sheri Hoyt/WUTC
12/01/2005 04:11 PM

To bonnieb@klinegalland.org
cc
bcc
Subject WUTC Annual Report form and Regulatory Fee sheet link

<http://www.wutc.wa.gov/webdocs.nsf/6b37f4d5aaaa2ec8825708400800b4e/37a2ee47443b77ab88256fba007dc2af!OpenDocument>