

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TV-160628
KEIKO MARTINEZ	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 Keiko Martinez (Company) did not file an annual report on May 2, 2016, and had not made that filing by May 16. On June 28, the Commission assessed a penalty of \$1,000 against Keiko Martinez, calculated as \$100 per business day from May 2 to May 16.
- 3 On July 13, 2016, Keiko Martinez filed a complete annual report and paid the required regulatory fee. That same day, Keiko Martinez responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation based on the information provided. In its response, the Company states, “I take this business very seriously and want everything in order. The packet that I got from Commission, there were not 2015 annual report forms and 2016 regulatory fee packets inside the envelope. I made copies of these paperwork that was inside of the envelope. Please consider that this is my first year of my first business. English is my second language.” Keiko Martinez included with its response a copy of the Commission order granting it temporary household goods carrier authority.
- 4 On July 26, 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 not rely on reminders from the Commission to ensure compliance.
- 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.<sup>1</sup> Here, Keiko Martinez 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) Keiko Martinez'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 29, 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 15, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING  
Executive Director and Secretary

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<sup>1</sup> 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.**