

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TN-170808 <i>(Consolidated)</i>
CHENEY CARE FOUNDATION D/B/A CHENEY CARE CENTER	ORDER 02
in the amount of \$15,100	
In the Matter of the Investigation of	DOCKET TN-170809 <i>(Consolidated)</i>
CHENEY CARE FOUNDATION, D/B/A CHENEY CARE CENTER,	ORDER 02
for Compliance with WAC 480-30-100 and WAC 480-31-130	ORDER GRANTING PAYMENT ARRANGEMENT

BACKGROUND

- 1 On August 17, 2017, the Washington Utilities and Transportation Commission (Commission) assessed a \$15,100 penalty (Penalty Assessment) against Cheney Care Foundation d/b/a Cheney Care Center (Cheney Care or Company) for 198 critical violations of Washington Administrative Code (WAC) 480-31-100, Equipment – Safety, and WAC 480-31-130, Operation of motor vehicles.
- 2 On August 30, 2017, Cheney Care responded to the Penalty Assessment admitting the violations and requesting the commission make a decision based solely on the information provided.
- 3 On September 14, 2017, the Commission entered Order 01, Order of Consolidation; Order Upgrading Safety Rating; Order Imposing and Suspending Penalties. Order 01 assessed a reduced penalty of \$7,550, suspended a \$5,000 portion of penalty for a period of one year subject to conditions, and directed the Company to either pay the penalty or file jointly with Commission staff (Staff) a proposed payment arrangement within 10 days.

- 4 On September 19, 2017, Staff contacted the Executive Director and Secretary of the Commission explaining that the Company requested to pay the penalty in 13 monthly installments, and that Staff supports the request. The Company and Staff jointly propose the following payment schedule:

September 29, 2017	\$150
October 31, 2017	\$200
November 30, 2017	\$200
December 29, 2017	\$200
January 31, 2018	\$200
February 28, 2018	\$200
March 30, 2018	\$200
April 30, 2018	\$200
May 31, 2018	\$200
June 29, 2018	\$200
July 31, 2018	\$200
August 31, 2018	\$200
September 28, 2018	\$200

- 5 Staff also proposes that if Cheney Care misses one payment, the entire balance will become due and payable immediately.

DISCUSSION

- 6 The installment payment schedule Staff and the Company propose is reasonable. The Commission approves the proposal with two modifications. First, Cheney Care may make additional payments in advance of the payment due dates or pay an increased amount on the due dates, but no additional payment or increased amount will relieve the Company of its obligation to make timely monthly installments until the full amount is satisfied. Second, if Cheney Care fails to pay the penalty by the date it becomes due in full – either immediately upon a missed installment, or September 28, 2018, whichever applies – the \$5,000 suspended portion of the penalty will immediately become due and payable and the Commission may cancel the Company’s non-profit bus certificate.

ORDER

THE COMMISSION ORDERS THAT:

- 7 (1) The \$2,550 penalty is due and payable to the Commission in installments as set out in paragraph 4, above.
- 8 (2) If Cheney Care Foundation d/b/a Cheney Care Center fails to pay any installment by 5 p.m. on the date it is due, both the unpaid balance and the \$5,000 suspended portion of the penalty will immediately become due and payable without further order by the Commission.
- 9 (3) If Cheney Care Foundation d/b/a Cheney Care Center fails to pay any portion of the assessed penalty by the due date, the Commission may cancel the Company's household goods permit by order in this docket.

DATED at Olympia, Washington, and effective September 20, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA
Executive Director and Secretary