

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TN-160662
EAST COUNTY SENIOR CENTER	ORDER 01
in the amount of \$1,000	ORDER GRANTING MITIGATION

BACKGROUND

- 1 On February 29, 2016, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee forms to all nonprofit transportation 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 East County Senior Center (ECSC or Company) did not file its annual report on May 2, 2016, and had not made that filing by May 16. On June 17, the Commission assessed a penalty of \$1,000 against ECSC, calculated as \$100 per business day from May 2 to May 16.
- 3 On July 8, 2016, ECSC responded to the Commission’s penalty assessment, admitting the violations and requesting mitigation of the penalty based on the written information provided. In its request, ECSC stated, “I was hired as Director of ECSC on April 1, 2016. I didn’t know about this yearly report until this letter arrived on June 23. Our bookkeeper was hired at the end of March. The previous bookkeeper was fired near the middle of March. Because these staff changes and the unknown report, I ask the Commission to be kind to a small nonprofit Senior Center. All Senior Centers in Snohomish County were just denied continued funding from United Way, ending a four decades long funding relationship ECSC runs a bus program that transports seniors and disabled adults throughout our community and is truly a lifeline for seniors in and around Monroe as there are limited transportation options in our area. I assure you this annual report will be on time.”
- 4 On July 13, 2016, ECSC filed a complete annual report and paid the required regulatory fee.

5 On July 25, 2016, Commission staff (Staff) filed a response recommending the Commission grant the Company's request for mitigation. Although the Company received and paid a \$225 penalty in 2013 for violations of WAC 480-30-080, Staff supports mitigation because the Company introduced new information related to recent personnel changes and funding cuts.

DISCUSSION

6 WAC 480-30-080 requires nonprofit transportation companies 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 received prior to the deadline despite any personnel changes.

7 We nevertheless agree with Staff that mitigation is appropriate here. 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 ECSC has corrected the violation by filing a complete annual report prior and paying the required regulatory fee. In addition, ECSC introduced new information related to personnel changes that interfered with the Company's ability to ensure its annual report was timely filed. Most notably, ECSC's primary purpose is to provide a valuable service to a vulnerable population; imposing a penalty would only harm the people it serves. Mitigating the penalty in its entirety is appropriate in light of the circumstances presented and ECSC's nonprofit status.

ORDER

THE COMMISSION ORDERS:

- 8 (1) East County Senior Center's request for mitigation of the \$1,000 penalty is GRANTED.
- 9 (2) No penalty is due.

¹ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013).

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 August 15, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

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.