

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

**NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS
OF LAWS RULES AND REGULATIONS**

PENALTY ASSESSMENT NO: TV-051935

PENALTY AMOUNT: \$100.00

HOUSEHOLD GOODS CARRIER

Pom-Arleau Transfer and Storage Corp.

5518 Enterprise Drive

East Wenatchee, WA 98802

The Commission believes that Pom-Arleau Transfer and Storage Corp. (Pom-Arleau) committed one or more violations of Washington State Laws or Commission rules; specifically, WAC 480-15-560, which requires that all motor vehicles must at all times have their vehicles maintained in a safe condition and be free of defects likely to result in an accident or breakdown. As a result, the Commission hereby notifies you that it has assessed penalties against Pom-Arleau in the amount of \$100.00. The basis for this penalty assessment is as follows:

On September 14, 2005, Motor Carrier Safety Investigator Leon Macomber conducted a safety inspection on your company. At that time, he placed one vehicle out-of-service for a defective break adjustment.

On November 29, 2005, Investigator Macomber conducted a safety recheck inspection on your company. Though he found that the safety defect ratio had improved from the previous inspection from 75% to 42.8%, and the vehicle out-of-service ratio had improved from 25% to 14.3%, the same vehicle placed out-of-service in September was placed out-of-service for improper brake adjustment. As a result, the Commission is assessing a \$100.00 penalty against Pom-Arleau for one violation of WAC 480-15-560 for the defective vehicle.

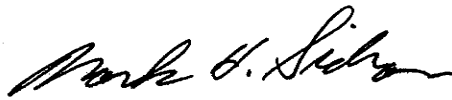
Penalties are due and payable upon receipt of this penalty notice. If for any reason you believe the violations described did not occur, you may request a hearing to contest the occurrence of the violations. If you have an explanation as to why the violations occurred, or have other facts you believe the Commission

should have considered, RCW 81.04.405 provides that you make application for mitigation of this penalty. To do so, complete the enclosed mitigation form and return it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, within FIFTEEN (15) days of your receipt of this penalty notice. You may, although you are not required to, present your request for mitigation at a hearing. The Commission will consider your plea and notify you of its determination.

If you would like a hearing to contest either the occurrence of the violations or the amount of the penalty, please state why you believe a hearing is called for in your circumstances.

Failure to request a hearing to contest the occurrence of the violations or the amount of the penalty, return the mitigation plea, or pay the amount due within 15 days will cause the Commission to refer this matter to the Office of the Attorney General for collection. Suit may then be brought against you and after trial, judgment may be entered against you.

DATED at Olympia, Washington and effective this ~~18th~~ day of January, 2006.


MARK H. SIDRAN, Chairman


PATRICK J. OSHIE, Commissioner


PHILIP B. JONES, Commissioner

**WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

APPLICATION FOR MITIGATION OF PENALTIES – TV-051935

NOTE: This form must be completed, signed, and received by the Commission within 15 days of your receipt of this form.

I have read and understand RCW 9A.72.020, which states that making false statements under oath is a class B felony (printed below). I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, application for mitigation of the penalties (as described in the attached Notice of Penalties), for the following reasons:

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: _____ [month/day/year], at _____ [city, state]

Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”