

**WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

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

PENALTY ASSESSMENT NO: TE-060033
PENALTY AMOUNT: \$ 21,700.00

PASSENGER CHARTER CARRIER:

Elite Charters, Inc.
PO Box 271
College Place, WA 99324

The commission believes that you have committed one or more violations of the commission's order issued in Docket No. TE-050009. Violating a commission order to cease operations subjects you to monetary penalties of \$100 per violation under RCW 81.04.405. As a result, the commission hereby notifies you that it has assessed penalties against you in the amount of \$21,700.00.

The basis for this penalty assessment is as follows. Further information about the violations alleged is contained in the attached report prepared by the staff of the commission.¹

On December 6, 2005, the commission issued an Order Canceling Operating Authority to you in docket TE-050009. The order instructed you to immediately return your original certificate and advised that you were no longer authorized to operate under the operating authority.

On December 12, 2005, you transported 73 people from the Walla Walla Holiday Inn Express on a Christmas light tour. On December 13, 2005, you transported 69 people from the Holiday Inn Express on a second light tour.

On December 19, 2005, you transported 75 people from Key Technology in Walla Walla to a company meeting.

Your company transported 217 people for compensation after the commission cancelled your certificate and advised you that you were no longer authorized to operate. Your certificate was cancelled because of your failure to provide proof of the required bodily injury and property damage liability insurance to the commission. We take very seriously any instance of a passenger carrier operating without proof of the required insurance.

¹ In formal proceedings before the commission, the commission's regulatory staff appears as an independent party with the same privileges, rights, and responsibilities as any other party in the proceeding. Commission staff operates independently from the three-member Commission, who decides the merits of each case. RCW 34.05.455; WAC 480-07-340.

Penalties are assessed totaling \$21,700.00, as provided under RCW 81.04.405, for 217 violations of the commission's order in Docket No. TE-050009.


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 80.04.405 provides that you may 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 request 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 ~~17~~¹⁸ day of January 2006.


MARK H. SIDRAN, Chairman


PATRICK OSHIE, Commissioner


PHILIP JONES, Commissioner

**WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

APPLICATION FOR MITIGATION OF PENALTIES – TE-060033

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.”