

**WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

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

PENALTY ASSESSMENT NO: TV-052018

PENALTY AMOUNT: \$ 100.00

HOUSEHOLD GOODS CARRIER:

Lindsey, Jerry d/b/a Jerry Lindsey Excavating
1865 West Uncas Road
Port Townsend, Washington 98368

The Commission believes that you have committed one or more violations of Washington Utilities and Transportation rules; specifically WAC 480-15-480 which requires household goods carriers to furnish annual reports to the Commission no later than May 1 each year. Despite repeated notice of this requirement, you did not file the regulatory fee calculation sheet until December 13, 2005. As a result, the Commission hereby notifies you that it has assessed penalties against you in the amount of \$100.00. The basis for this penalty assessment is as follows:

On March 3, 2005, the Commission mailed 2004 Annual Report forms and 2005 Regulatory Fee packets to household goods carriers in Washington State. A letter signed by Executive Secretary Carole Washburn instructed companies to file annual reports by May 1, 2005. Companies requesting an extension were required to do so prior to May 1, providing a reason for the requested extension. Although you filed the annual report on April 21 and again on June 10, 2005, you did not include the regulatory fee calculation sheet. Lindsey, Jerry d/b/a Jerry Lindsey Excavating, filed the regulatory fee calculation sheet on December 13, 2005.

On June 1, 2005, a letter signed by Carole Washburn was sent to each household goods carrier that had not filed an annual report by May 1, 2005. The letter stated that Staff intended to recommend enforcement action, including possible penalties and/or suspension or revocation of authority to operate in Washington, for any company that failed to file a completed annual report by July 1, 2005.

On November 29, 2005, the Commission issued a Complaint and Order to Show Cause Why Permit Should Not be Cancelled for Failure to Pay Regulatory Fees and/or Failure to File 2004 Annual Report, and Notice of Hearing. The hearing

was held on December 19, 2005. The complaint against Lindsey, Jerry d/b/a Jerry Lindsey Excavating was dismissed as you had previously filed the regulatory fee sheet.

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 ~~26th~~ day of January, 2006.


MARK H. SIDRAN, Chairman


PATRICK OSHIE, Commissioner


PHILIP JONES, Commissioner

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

APPLICATION FOR MITIGATION OF PENALTIES

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."