

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: TV-072320

PENALTY AMOUNT: \$800

HOUSEHOLD GOODS CARRIER:

Ace Van & Storage Co., Inc.
2402 B South Wright
Tacoma, WA 98409

The Washington Utilities and Transportation Commission (Commission) believes that you have committed one or more violations of Washington Administrative Code (WAC) 480-15-570, which requires household goods carriers to comply with Code Federal Regulations (CFR) Part 382. RCW 81.04.405 allows penalties of one hundred dollars for every such violation.

As a result, the Commission hereby notifies you that it has assessed penalties against you in the amount of \$800, as follows:

On November 7 and 8, 2007, Investigator Leon Macomber conducted a terminal safety inspection of records and vehicle inspections for Ace Van & Storage Co., Inc. (Ace Van & Storage). Mr. Macomber found numerous violations in driver qualification files and vehicle inspection, repair and maintenance records. Most significantly, Ace Van & Storage failed to comply with these controlled substance requirements:

- Six violations of WAC 480-15-570, which adopts by reference Title 49, CFR Part 382.305(i)(1), failing to use a scientifically valid method to select drivers for random testing.
- One violation of WAC 480-15-570, which adopts by reference Title 49, CFR 382.403(a), failing to prepare an annual calendar year summary.
- One violation of WAC 480-15-570, which adopts by reference Title 49, CFR 382.603, failing to ensure persons designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes of training for alcohol and/or 60 minutes of training for controlled substance.

This information, if proved at a hearing and not rebutted or explained, is sufficient to support the penalty assessment.

Your penalty is due and payable now. If you believe the violations did not occur, you may request a hearing to contest the penalty assessment. If there is a reason for the violations that you think should excuse you from the penalty, you may ask for mitigation (reduction) of this penalty. See RCW 81.04.405.

You have the right to present your request for review or mitigation at a hearing, but you are not required to do so. If you do, the Commission will review the evidence supporting your request in an informal hearing, called a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider your plea and notify you of his or her decision.

You must act within 15 days after receiving this notice to do one of the following:

- Pay the amount due.
- Request a hearing to contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

If you do not act within 15 days, the Commission may refer this matter to the Office of the Attorney General for collection. The Commission may then sue you to collect the penalty.

DATED at Olympia, Washington, and effective January 24, 2008.

DENNIS J. MOSS
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT, Docket No. TV-072320

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. 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, the following statements.

- [] 1. Payment of penalty. I admit that the violations occurred and enclose \$800 in payment of the penalty.
[] 2. Request for a hearing. I believe that the alleged violations did not occur, based on the following information, and request a hearing for a decision by an administrative law judge:
[] 3. Application for mitigation. I admit the violations, but I believe that the penalty should be reduced for the reason(s) set out below.
[] a) I ask for a hearing for a decision by an administrative law judge
OR [] b) I waive a hearing and ask for an administrative decision on the information I present here.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

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

Name of Respondent (company) – please print

Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if 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.”