WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: TE-080282
PENALTY AMOUNT: $1,200

CHARTER PARTY CARRIER OF PASSENGERS:
Genie Service Company, Inc.
1846 Terminal Drive, Suite 101
Richland, WA 99352

The Washington Utilities and Transportation Commission (Commission) believes that you have committed one or more violations of Washington Administrative Code (WAC) 480-30-221, Vehicle and driver safety requirements, which requires charter carriers to comply with Title 49, Code of Federal Regulations (CFR), including Part 391, which governs driver qualifications, and Part 395, which governs drivers' hours of service. Revised Code of Washington (RCW) 81.04.405 allows penalties of up to 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 $1,200, as follows:

On November 26, 2007, Commission Motor Carrier investigator John Foster conducted a compliance review at Genie Service Company, Inc. (Genie Service Company). This compliance review was conducted as part of a plan to monitor Genie Service Company's overall compliance with the Commission's safety rules and regulations, as required by Commission Order in Docket TE-061753. Violations are shown in bold are identical to violations previously identified in a September 2006 compliance review:

- **One violation of WAC 480-30-221, which adopts by reference Title 49, CFR Part 391.51(b)(2), failing to maintain inquiries into driving records in driver's qualification files.**
- One violation of WAC 480-30-221, which adopts by reference Title 49, CFR Part 395.51(b)(2), failing to maintain inquiries into driver's employment record in driver's qualification file.
- Three violations of WAC 480-30-221, which adopts by reference Title 49, CFR Part 391.51(b)(4), failing to maintain the responses to each state agency to the annual driver record inquiry required by CFR 391.25(a).
- **Three violations of WAC 480-30-221, which adopts by reference Title 49, CFR Part 395.5(a)(1), prohibiting motor carriers from requiring or permitting a passenger-carrying commercial motor vehicle driver to drive more than 10 hours.**
- Four violations of WAC 480-30-221, which adopts by reference Title 49, CFR Part 395.5(a)(2), prohibiting motor carriers from requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty 15 hours.

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 February 22, 2008.

ANN E. RENDAHL
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TE-080282

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 $1,200 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:

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[ ] 3. **Application for mitigation.** I admit the violation, 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

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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."