



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

October 27, 2006

Edward McIntire
Eagles Connection
24907 South Rupp Road
Cheney, Washington 99004

RE: Penalty Assessment TC-060989

Dear Mr. McIntire:

A review of Washington Utilities and Transportation Commission (commission) records indicates that you have not remitted payment for the enclosed Notice of Penalties dated June 30, 2006.

On July 19, 2006, the commission received your petition for mitigation of the \$100 penalty. You waived a hearing. On September 14, 2006, the commission denied your mitigation request and directed you to remit the penalty payment along with the required annual report within 10 days of receipt of the order. Commission records indicate you filed the annual report on September 27, 2006, however, you have not yet remitted payment for the penalty assessments.

If we do not receive your payment by November 6, 2006, the commission will consider additional sanctions. In addition, we will refer the matter to the Office of the Attorney General for collection.

For questions regarding this matter, please contact Sheri Hoyt, Compliance Specialist, Business Practices Investigations Section. Ms. Hoyt can be reached at (360) 664-1149, or by e-mail at shoyt@wutc.wa.gov.

Sincerely,

Carole J. Washburn
Executive Secretary

Enclosure



WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT NO: TC-060989
PENALTY AMOUNT: \$100

TO: EACH OF THE 10 AUTO TRANSPORTATION
COMPANIES LISTED IN ATTACHED APPENDIX A

The commission believes that you have committed one violation of Washington Administrative Code 480-30-120 which requires auto transportation companies to file annual reports with the commission by May 1 each year. You are classified as such a company. Commission records show that you did not make the filing by the required date of May 1, 2006. (See Appendix A for individual companies' report status as of June 14, 2006.) Revised Code of Washington (RCW) 81.04.405 allows penalties of \$100 for every such violation.

As a result, the commission hereby notifies you that it has assessed penalties against you in the amount \$100, as follows:

On March 8, 2006, the commission mailed 2005 Annual Report forms and 2006 Regulatory Fee packets to you and other auto transportation companies registered in Washington State. A letter from Executive Secretary Carole Washburn instructed each company to file its annual report and pay its regulatory fees by May 1, 2006. The letter stated that failure to file your annual report by May 1 would result in a penalty and possible revocation of your registration to operate in Washington. Companies needing more time to file the annual report were permitted to request an extension before May 1, and to explain why the extension was needed. You did not request an extension of time and did not file your annual report before the deadline.

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 violation did not occur, you may request a hearing to contest the penalty assessment. If there is a reason for the violation 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 June 30, 2006.



DENNIS J. MOSS
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT, Docket No. TC-060989

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 violation occurred and enclose \$100 in payment of the penalty.
2. **Request for a hearing.** I believe that the alleged violation 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 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

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.”

APPENDIX A

	Company Name	Received Yes or No	If yes, Date Received
1.	A & B Peninsula Airporter LLC f/k/a Barry & Amy Muhlbaier	Yes	May 31, 2006
2.	All-Ways Transportation, Inc.	Yes	May 30, 2006
3.	Bremerton-Kitsap Airporter, Inc.	Yes	May 2, 2006
4.	Diamond-West Transportation Co., Inc.	No	
5.	Edward McIntire	No	
6.	Evergreen Trails, Inc.	No	
7.	Genie Service Company, Inc.	No	
8.	Masters, Edward	No	
9.	Miller Schmer Inc.	Yes	May 2, 2006
10.	Thompson, William R. d/b/a Star & Stripes Shuttle	Yes	May 4, 2006