

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

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

**PENALTY ASSESSMENT NO: TE-061282**

**PENALTY AMOUNT: \$4,100**

**CHARTER PASSENGER CARRIER:**

Monroe Transportation LTD d/b/a Chinook Charter Service  
Post Office Box 13193  
Mill Creek, Washington 98082

The commission believes that you have committed one or more violations of Washington Administrative Codes (WAC) 480-40-070 and 480-40-075, which adopt by reference Title 49, Code of Federal Regulations (CFR) 391, 393 and 396.

As a result, the commission hereby notifies you that it has assessed penalties against you in the amount \$4,100, as follows:

On May 30, 2006, Investigators Tom McVaugh and Alan Dickson began a compliance review on Monroe Transportation LTD d/b/a Chinook Charter Service (Chinook). The review ended on June 21, 2006, with an inspection of all vehicles owned/operated by Chinook. At the conclusion of the review, Chinook received a satisfactory safety rating. However, Mr. McVaugh and Mr. Dickson identified a total of 41 violations of CFR. The violations identified during the review are as follows:

- One violation of WAC 480-40-070, which adopts by reference Title 49, CFR 391.21(a), using a driver who has not completed and furnished an employment application.
- Two violations of WAC 480-40-070, which adopts by reference Title 49, CFR 391.45(b)(1), using a driver that is not medically certified during the preceding 24 months.
- One violation of WAC 480-40-075, which adopts by reference Title 49, CFR 393.47, failing to equip a motor vehicle with brake lining adequate to provide for safe and reliable stopping.
- One violation of WAC 480-40-075, which adopts by reference Title 49, CFR 393.9, operating a motor vehicle with an inoperable high beam head light.
- One violation of WAC 480-40-075, which adopts by reference Title 49, CFR 393.209(e), operating a motor vehicle with loose steering connection.

- One violation of WAC 480-40-075, which adopts by reference Title 49, CFR 396.3A1BA, operating a motor vehicle with steer axle brake out of adjustment.
- One violation of WAC 480-40-075, which adopts by reference Title 49, CFR 393.51, operating a motor vehicle with an inoperable low air warning device.
- One violation of WAC 480-40-075, which adopts by reference Title 49, CFR 393.75(a), operating a motor vehicle with a flat tire (less than 50% of maximum pressure marked on sidewall).
- One violation of WAC 480-40-075, which adopts by reference Title 49, CFR 393.207(e), operating a motor vehicle with cracked or broken torsion bar or torsion bar suspension.
- Two violations of WAC 480-40-075, which adopts by reference Title 49, CFR 393.62, failing to maintain push-out or escape windows in operating condition.
- Two violations of WAC 480-40-075, which adopts by reference Title 49, CFR 396.3(a)(2), failing to inspect push-out windows, emergency doors and emergency marking lights in buses at least every 90 days.
- Seventeen violations of WAC 480-40-075, which adopts by reference Title 49, CFR 396.3(c), failing to retain records of inspection and maintenance for one year, or six months after leaving motor carrier's control.
- Two violations of WAC 480-40-075, which adopts by reference Title 49, CFR 396.5(b), failing to ensure that vehicle is free of oil and/or grease leaks.
- Three violations of WAC 480-40-075, which adopts by reference Title 49, CFR 396.11(c), failing to correct safety related defects listed on vehicle inspection reports.
- Five violations of WAC 480-40-075, which adopts by reference Title 49, CFR 396.3(b)(3), failing to keep a record of inspection, repairs and maintenance indicating their date and nature.

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.

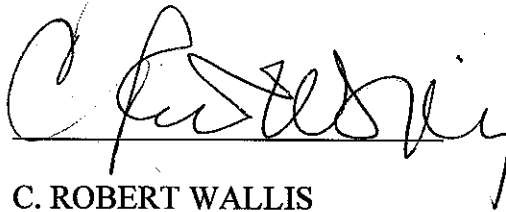
You must act within 15 days after receiving this notice to do one of the following:

- 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 August 22, 2006.



C. ROBERT WALLIS  
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT, Docket No. TE-061282

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 \$1,000 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
    - b) I waive a hearing and ask for an administrative decision on the information I present here.
- OR

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: \_\_\_\_\_, at \_\_\_\_\_  
[month/day/year] [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.”