

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**NOTICE OF PENALTIES INCURRED AND DUE
FOR VIOLATIONS OF LAWS AND RULES**

PENALTY ASSESSMENT: TE-100276

PENALTY AMOUNT: \$100

RYAN'S EXPRESS MOTORCOACH
D/B/A RYAN'S EXPRESS MOTORCOACH
A CALIFORNIA CORPORATION
13020 YUKON AVENUE
HAWTHORNE, CALIFORNIA 90250

The Washington Utilities and Transportation Commission (Commission) believes that you have committed a violation of Washington Administrative Code (WAC) 480-30-071 which requires charter and excursion carriers to file annual reports with the Commission by December 31 each year. You are classified as such a company. Commission records show that you did not make the filing by the required date of December 31, 2009. Revised Code of Washington (RCW) 81.04.405 allows penalties of \$100 for every such violation. Each and every such violation shall be a separate and distinct offense and, in the case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.

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

On November 3, 2009, the Commission mailed 2009 Annual Safety Report forms and 2010 Regulatory Fee packets to charter and excursion carriers registered in Washington State. A letter from Executive Director and Secretary David W. Danner instructed companies to file annual safety reports and pay regulatory fees by December 31, 2009. Further, the letter stated failure to file the annual safety report by December 31 would result in a penalty and possible cancellation of the company's permit to operate in Washington. Those companies wishing to request an extension to file the annual safety report were asked to do so prior to December 31, providing a reason for the requested extension. You did not request an extension.

On January 15, 2010, the Commission sent letters to those companies that had not yet filed their reports. The letter, signed by David W. Danner, gave an extension to companies to file their reports by January 29, 2010. In the letter, Mr. Danner stated the Commission would not seek to penalize any company with a report received postmarked by January 29, 2010.

As of February 17, 2010, Ryan's Express Motorcoach failed to file the 2009 Annual Safety Report.

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 February 18, 2010.



ANN E. RENDAHL
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TE-100276

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:

see attached

RECEIVED
 2010 MAR -1 AM 9:12
 STATE OF WASHINGTON
 UTILITIES AND TRANSPORTATION COMMISSION

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: 2-24-10 [month/day/year], at Hawthorne, CA [city, state]

Ryan's Express Motorcoach
Name of Respondent (company) – please print

Camille [Signature]
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.”

Statement

February 24, 2010

This is in reference to the penalty assessment TE-100276

I present here:

We never received the original packet for the Annual Safety Report. We did verify that the address was correct, but since we ceased operations in Washington State at the end of the year, the documents could have possibly been overlooked or discarded. We would still like to keep our authority active as we would like to possibly do business in the state in the future. We respectfully ask to have the penalty waived or removed. We did contact Tina Leipski, at the UTC in January to ask if there was anything else we needed to do to keep the authority active, she indicated that there wasn't anything else required. (She was apparently under the impression that we had already filed the Safety Report) We have since completed that report and have e-mailed it to the UTC.

We will await your decision.

Thank you.

A handwritten signature in black ink, appearing to read "Daniel Azar", with a long, sweeping underline that extends to the left and then curves back under the name.

Daniel Azar/Ryan's Express Motorcoach