

Sean T. Brooks Moving Inc.
7210 W. Kendrick Ave.
Nine Mile Falls, Wa. 99026

5-29-2015

To: Amy Andrews (UTC)

Pages 5 including cover sheet
Fax number 360 664-1289
Phone 360 664-1157

From: Sean T. Brooks
Fax : 509 328-1080
Phone : 509 991-6550

RECEIVED
RECORDS MANAGEMENT

2015 MAY 29 AM 11:33

STATE OF WASH.
UTIL. AND TRANS.
COMMISSION

RECEIVED

2015 MAY 29 AM 9:44

FINANCIAL SERVICES

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

**PENALTY ASSESSMENT: TV-150884
PENALTY AMOUNT: \$100**

**BROOKS, SEAN T.
7210 W. KENDICK AVE.
NINE MILE FALLS, WA 99026**

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-15-480, which requires household goods carriers companies to file your annual report and pay regulatory fees each year by May 1. You did not file an annual report or pay regulatory fees by May 1, 2015.

Revised Code of Washington (RCW) 81.04.080 authorizes the Commission to assess a penalty of \$100 for each violation of a Commission rule. In the case of a continuing violation, every day's continuance is a separate and distinct violation. The Commission interprets noncompliance with WAC 480-15-480 beyond May 1 as a continuing violation, and assesses penalties of \$100 for each day a company fails to file its report or pay its regulatory fees after that date.

As a result, the Commission has assessed penalties against you in the amount of \$100 on the following basis:

On February 27, 2015, the Commission mailed the 2014 annual report forms and the 2015 regulatory fee packets to all household goods carriers companies registered in Washington. The instructions page for the annual report form instructed these companies to file annual reports and pay regulatory fees by May 1, 2015. The instructions page also stated that failure to file the annual report by May 1 would result in penalties. The deadline for requesting an extension to file your annual report was April 15. You did not request an extension.

On May 4, 2015, Brooks, Sean T. filed its 2014 annual report and paid its 2015 regulatory fee. May 4 is 1 business day from May 1, resulting in a total penalty of \$100.

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. The Commission will grant that request only if material issues of law or fact require consideration of evidence and resolution in a hearing. A request for a hearing must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request.

PENALTY ASSESSMENT TV-150884

PAGE 2

If there is a reason for the violation that you think should excuse or reduce the penalty, you may ask for mitigation (reduction) of this penalty through evidence presented at a hearing or in writing. The Commission will grant a request for a hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request for mitigation must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. See RCW 81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider the evidence and will 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, which may file suit in state court to collect the penalty. The Commission may also initiate proceedings under WAC 480-15-450 to cancel your permit to operate as a household goods carrier in Washington.

DATED at Olympia, Washington, and effective May 27, 2015.

GREGORY J. KOPTA
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TV-150884

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. I have:

[] Enclosed \$ _____ in payment of the penalty

[] Submitted my payment of \$ _____ online at www.utc.wa.gov. My confirmation number is _____

[] 2. Request for a hearing. I believe that one or more of the alleged violations did not occur, for the reasons I describe below, and I request a hearing based on those reasons for a decision by an administrative law judge:

[X] 3. Application for mitigation. I admit the violations, but I believe that the penalty should be reduced for the reasons set out below:

[] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR [X] b) I ask for a Commission decision based solely on the information I provide above.

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: 5-28-2015 [month/day/year], at Spokane [city, state]

Sean T. Brooks Moving Inc. 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."

STATE OF WASHINGTON UTIL. AND TRANSPORTATION COMMISSION RECEIVED RECORDS MANAGEMENT 2015 MAY 29 AM 11:34

RECEIVED
RECORDS MANAGEMENT

2015 MAY 29 AM 11:34

Washington Utilities and Transportation Commissioner

STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

As usual for the last 4 or 5 years, I have always waited til the last week of May to send my annual report and my year payment, thus you have received it by May 1st.

This year, on April 27th, I went to my Dr. (Bob Hustrulid) internal medicine (509-924-1950), because I was having shortness of breath, and much discomfort sleep for the last six months. He examined me, and the next thing I knew, I was in an ambulance headed downtown to Deaconess Hospital, where I was turned over to a Cardiologist named Ellen Mueller.

She determined I needed a pace maker immediately. The next thing I knew it was Tuesday morning (April 28), and she had implanted a pace maker in my chest.

They kept me for observation and more tests. I was then released on Friday, May 2015, and told to rest for 2-3 weeks.

that weekend, I realized that my U.T.C. report was due, I finished and mailed it to you (UTC)

I then received a letter from you stating I was one (1) day late and I owe \$100.⁰⁰ penalty.

I am petitioning you to waive the \$100 fee because of my medical emergency,

In the future, I will file my year end report a few weeks ahead, so I do not get in this predicament again.

Thank you for your consideration and I look forward to your decision in this matter

Sincerely,
Sean T. Brook

509-991-6550

7210 W Kendock Ave

Nine Mile Falls wa.

99026