

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TS-150963

STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
RECEIVED
RECORDS MANAGEMENT
2015 JUN - 1 AM 8:09

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:

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 b) I ask for a Commission decision based solely on the information I provide above. *See attached*

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: 05/28/15 [month/day/year], at Everett, WA [city, state]

Hot Island Community Assoc.
Name of Respondent (company) - please print

Chris Cote
Signature of Applicant
CHRIS COTE

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.”

May 28, 2015

Hat Island Community Association
3616 Colby Ave PMB 335
Everett, WA 98201

Washington Utilities and Transportation Commission
P O Box 47250
Olympia, WA 98504-7250

Subject: Commercial Ferry Companies 2014 Annual Report
Penalty Assessment: TS-150963

To Whom It May Concern:

As noted on the attached form, a reporting violation has occurred and Hat Island Community Association is requesting relief from the assessed penalty due to circumstances outlined below.

The report in prior years was completed by the bookkeeper. On March 1 a new bookkeeper was hired (the only other office position is Island Manager, also a new hire as of October 1, 2014). The bookkeeper was tasked to learn the accounting system using "old" accounting software, preparing for and completing the transition to "new" accounting software while keeping day to day operations up-to-date. In addition, the bookkeeper accepted the position with the provision that she would be unavailable from April 15 to May 15. Several attempts were made to complete the report, but because of its complexity and the time restraints on the bookkeeper it was set aside.

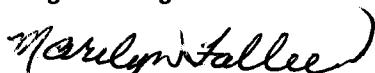
We request relief from the assessed penalty based upon the hardship created by the turnover in staff and the resulting time constraints. Thank you for your consideration.

The report is in the process of being completed and will follow this letter within two days.

Sincerely,


Chris Cote

Island Manager
Registered Agent



Marilyn Falleen
Bookkeeper

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

NOTICE OF PENALTIES INCURRED AND DUES SERVICE DATE
FOR VIOLATIONS OF LAWS AND RULES

MAY 21 2015

PENALTY ASSESSMENT: TS-150963

PENALTY AMOUNT: \$1,000

HAT ISLAND COMMUNITY ASSOCIATION
3616 COLBY AVE PMB 335
EVERETT, WA 98201

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-51-100, which requires commercial ferry 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 480-51-100 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 \$1,000 on the following basis:

On February 27, 2015, the Commission mailed the 2014 annual report forms and the 2015 regulatory fee packets to all commercial ferry 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.

As of May 15, 2015, Hat Island Community Association has not filed its 2014 annual report or paid its 2015 regulatory fee. May 15 is 10 business days from May 1, resulting in a total penalty of \$1,000.

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.