

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

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

PENALTY ASSESSMENT NO. TC-060201  
PENALTY AMOUNT: \$1,200.00

**PASSENGER CHARTER CARRIER:**

Bellingham-Sumas Stages, Inc.  
d/b/a Hesselgrave International  
P.O. Box 30768  
Bellingham, WA 98228

The commission believes that Bellingham-Sumas Stages, Inc. (Bellingham-Sumas) committed one or more violations of Washington State Laws or Commission rules, specifically RCW 81.04.530. This statute states that an employer operating as a motor carrier shall comply with the requirements of the department of transportation federal motor carrier safety regulations as contained in Title 49, Code of Federal Regulations, Part 382, controlled substances and alcohol use and testing. The commission also believes you have violated WAC 480-30-097, which requires vehicles to be operated in safe condition. As a result, the Commission hereby notifies you that it has assessed penalties again you in the amount of \$1,200.00, as follows:

On January 26, 2006, staff Investigator Leon Macomber conducted a compliance review on your company. In his review, he found 10 violations of RCW 81.04.530, outlining the requirements of the controlled substances testing program. The Commission has adopted the Code of Federal Regulations in RCW 81.04.530. It requires you to conduct random controlled substances testing at an annual rate of not less than 50% of the average number of driver positions.

In your case, the number of required random controlled substances tests is 28, or 50% of the average of 55.7 drivers. Investigator Macomber found that you tested only 18 drivers. This falls short by 10 drug tests. Each violation is \$100.00, for a penalty of \$1,000.00.

In addition, two out of ten motor coaches inspected by Investigator Macomber were placed out-of-service, resulting in two violations of WAC 480-30-097. This rule requires transportation companies to maintain their vehicles in a safe condition. These violations result in two additional penalties of \$100 each, for a total penalty of \$1,200.00.

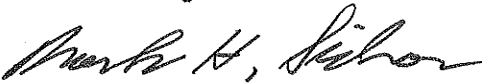
Penalties are due and payable upon receipt of this penalty notice. If for any reason you believe the violations described did not occur, you may request a hearing to contest the occurrence of the violations. If you have an explanation as to why the violations occurred, or have other facts you believe the Commission should have considered, RCW 81.04.405 provides that you make application for mitigation of this penalty. To do so, complete the enclosed mitigation form and return it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, within FIFTEEN (15) days of your receipt of this penalty notice. You may, although you are not required to, present your request for mitigation at a hearing. The Commission will consider your plea and notify you of its determination.

If you would like a hearing to contest either the occurrence of the violations or the amount of the penalty, please state why you believe a hearing is called for in your circumstances.

Failure to request a hearing to contest the occurrence of the violations or the amount of the penalty, return the mitigation plea, or pay the amount due within 15 days will cause the Commission to refer this matter to the Office of the

Attorney General for collection. Suit may then be brought against you and after trial, judgment may be entered against you.

DATED at Olympia, Washington and effective this ~~28~~<sup>29</sup> day of February, 2006.

  
MARK H. SIDRAN, Chairman

  
PATRICK J. OSHIE, Commissioner

  
PHILIP B. JONES, Commissioner

**Mitigation form WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION**

APPLICATION FOR MITIGATION OF PENALTIES – TC-060201

**NOTE:** This form must be completed, signed, and received by the Commission within 15 days of your receipt of this form.

I have read and understand RCW 9A.72.020, which states that making false statements under oath is a class B felony (printed below). 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, application for mitigation of the penalties (as described in the attached Notice of Penalties), for the following reasons:

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: \_\_\_\_\_ [month/day/year], at \_\_\_\_\_ [city, state]

\_\_\_\_\_  
Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree 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.”