

# WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT NO: TV-060415  
PENALTY AMOUNT: \$ 100.00

HOUSEHOLD GOODS CARRIER:  
Bill's Transfer, Inc.  
2912 69<sup>th</sup> Avenue West, Unit D-11  
Tacoma, Washington 98466

The commission believes that you have committed one or more violations of Washington Utilities and Transportation Commission rules; specifically WAC 480-15-390, which requires motor carriers to conduct operations under the name shown on their household goods permit. As a result, the commission hereby notifies you that it has assessed penalties against you in the amount of \$100.00. The basis for this penalty assessment is as follows:

On June 13, 2005, the commission received an application for mitigation of penalties (application) from Bill's Transfer, Inc. The envelope the application was received in had a return address of "Universal Moving Systems, Inc. D/B/A Bill's Transfer, Inc." On June 15, 2005, staff sent you a letter advising you to register the trade name with Department of Licensing (DOL). The letter also contained the proper paperwork to register the trade name with the commission. At the same time, on June 16, 2005, Investigator Leon Macomber, during a safety audit of your company, also informed you that you must properly register your trade name with the Commission and provided you the proper paperwork to do so.

On July 27, 2005, staff received the completed name change application, however, a review of DOL's website revealed the trade name was not yet registered with it. Staff has sent numerous follow-up letters requesting you complete the registration of your company trade name. On November 1, 2005, staff sent a "Final Notice" informing you the application would be dismissed if the application was not satisfied within 30 days. You have not responded and the application was dismissed on March 29, 2006, in Docket Number TV-051153.

The penalties contained in this notice of penalties incurred are assessed pursuant to RCW 81.04.405. Under RCW 81.04.405, every public service company subject to Title 81 RCW who violates or who procures, aids or abets in the violation of any provision of Title 81 RCW or any order, rule, regulation or decision of the Commission is subject to a penalty of \$100 per violation. Each and every violation shall be a separate and distinct offense. Each day of a continuing violation is a separate and distinct offense. Every act of commission or omission which procures, aids or abets in the violation is considered to be a violation.


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 may make application for mitigation of this penalty. To do so, complete the enclosed mitigation form and

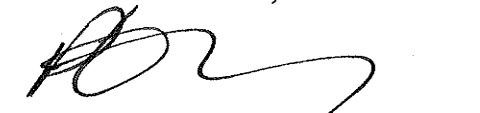
return it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, within FIFTEEN (15) days of your receipt of this penalty notice. You may, although you are not required to, present your request for mitigation at a hearing. The Commission will 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, you may request one in your request for hearing or mitigation. If you request a hearing for either reason, 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 31 day of May 2006.

  
MARK H. SIDRAN, Chairman

  
PATRICK J. OSHIE, Commissioner

  
PHILIP B. JONES, Commissioner

# WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

## APPLICATION FOR MITIGATION OF PENALTIES

**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.”