

JAN 19 2011

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**NOTICE OF PENALTIES INCURRED AND DUE
FOR VIOLATIONS OF LAWS AND RULES**PENALTY ASSESSMENT: TN-110087
PENALTY AMOUNT: \$100YELM ADULT COMMUNITY CENTER
16530 103RD AVENUE SE
YELM, WA 98597

The Washington Utilities and Transportation Commission (Commission) believes that you have committed one or more violations of Washington Administrative Code (WAC) 480-31-130, Operation of motor vehicles, which requires private, non-profit transportation providers to comply with Title 49, Code of Federal Regulations (CFR), including Part 391, which governs qualification of drivers. Revised Code of Washington (RCW) 81.04.405 allows penalties of up to one hundred dollars for every such violation.

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

On January 6, 2011, Motor Carrier Safety inspector Rick Smith completed a compliance review of Yelm Adult Community Center. During the course of the compliance review, Mr. Smith found the following:

- One violation of WAC 480-31-130, which adopts by reference Title 49, CFR Part 391.45(b)(1), Using a driver not medically examined and certified during the preceding 24 months. Driver Robert Mann drove with an expired medical card on 9/10/10.

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 violations did not occur, you may request a hearing to contest the penalty assessment. If there is a reason for the violations 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.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TN-110087

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 and enclose \$100 in payment of the penalty.
2. **Request for a hearing.** I believe that the alleged violations 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.

For these reasons:

- OR a) I ask for a hearing for a decision by an administrative law judge
- b) I waive a hearing and ask for an administrative decision on the information I present here: *See attached letter*

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: July 31 2011 [month/day/year], at Yelm, WA [city, state]

Yelm Adult Community Center
Name of Respondent (company) – please print

Wendy G. ...
Signature of Applicant *Director*

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.”



January 31, 2010

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

2011 FEB -1 AM 9:08

To Whom It May Concern:

This letter is addressing the violation which we were cited for by Rick Smith, on January 6, 2011. One violation of WAC 480-31-130, which adopts by reference Title 49, CFR Part 291.45(b)(1), Using a driver not medically examined and certified during the preceding 24 months. Driver Robert Mann drove with an expired medical card on 9/10/2010.

I, Warren Williams, oversee all the drivers file's at the Yelm Adult Community Center and admit the violation did occur, but I believe that the penalty should be reduced for the reason set out below:

1. We are a non-profit organization which has a staff of dedicated volunteers, including our drivers running the center on a daily basis. The violation was not committed as an act of negligence, but an oversight on my part. Rick Smith, put in his report that a warning be given as the penalty for the first offense. We have been operating for over 10 years and this is the only violation we have to date. On, January 7, Robert Mann went for his medical examination and passed, so his medical examination card is up to date. I took immediate action to correct the problem.

In order to prevent this for happening in the future I have in each driver's folders a cover sheet with the expiration dates of all required documentation. One month before documentation is due a reminder letter will be given to each driver with a specific due date to be turned in by. If the required documentation is not submitted by that date, then the driver will not be allowed drive until the documentation is submitted. I will be reviewing folders at the first of each month.

Thank you for your time to consider my request.

Sincerely,

Warren Williams
Director, YACC