

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TV-140967

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: June 16th., 2014 [month/day/year], at Goldendale, Washington [city, state]

Kimberley Doubravsky

Name of Respondent (company) - please print Mark Doubravsky Trucking, Inc.

Signature of Applicant Kimberley Doubravsky

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.”

2014 JUN 19 6:12:05

Mark Doubravsky Trucking, Inc.
P. O. Box 361
Goldendale, Washington 98620

RECEIVED
JUN 18 2014
WASH. UT. & TP. COMM

June 16th, 2014

State of Washington
Washington Utilities and Transportation Commission
1300 S. Evergreen Park DR-S.W., 7250
P. O. Box 47250
Olympia, Washington 98504 -7250

RE: Penalty Assessment: TV-140967

Dear Honorable Marguerite E. Friedlander, Administrative Law Judge:

Enclosed please find our check number 6593 for \$ 200.00. This is for the penalty assessment on our annual report. There is no way that I would jeopardize our permit, as it is one of the oldest still active permits in the State of Washington. And we would like to hand it down and continue its life through our grandchildren.

When the annual report forms arrived, I put them aside unopened as I figured I had a of couple months to get them done. We did not have any regulatory fees due, so I put off doing this report.

Our family has had a couple of major medical issues in the first three months of this new year. First our uncle had brain surgery twice for melanoma cancer and then I had a third surgery for melanoma cancer on my hip.

I do bookkeeping for several clients and this extra away from the office time put me behind in my schedule of getting all of their quarterly and yearly reports filed timely. I did seriously think that if my WUTC annual report were postmarked by May 1st, 2014, I was compiling with the rules. I should have read all of the information supplied to me more carefully in the regulatory fees packet.

Most of the county, state and federal reports that I do for my clients are considered timely, if postmarked by the due date. I just had my mind in this mind set and assumed that the annual WUTC report would be the same.

Your consideration in the reduction of this penalty would be greatly appreciated.

Sincerely Yours,



Kimberley Doubravsky
Secretary / Treasurer

Cc: file
enclosures

JUN 05 2014

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

**PENALTY ASSESSMENT: TV-140967
PENALTY AMOUNT: \$200**

Mark Doubravsky Trucking, Inc.
PO Box 361
Goldendale, WA 98620

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-15-480, which requires household goods carrier companies to file their annual reports and pay regulatory fees each year by May 1. You did not file an annual report or pay regulatory fees by May 1, 2014.

Revised Code of Washington (RCW) 81.04.080 authorizes the Commission to assess penalties of \$100 for violations of Commission rules. Each violation is a separate and distinct offense and, 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 \$200 on the following basis:

On February 28, 2014, the Commission mailed the 2013 annual report forms and the 2014 regulatory fee packets to all household goods carrier 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, 2014. 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 17. You did not request an extension.

On May 5, 2014, Mark Doubravsky Trucking, Inc. filed its 2013 annual report and paid its 2014 regulatory fee. May 5 is 2 business days from May 1, resulting in a total penalty of \$200.

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. 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. A 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 RCW81.04.405.

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.

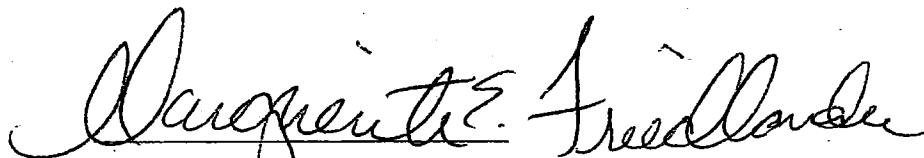
You must act within 15 days after receiving this notice to do one of the following:

- 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 June 5, 2014.



MARGUERITE E. FRIEDLANDER
Administrative Law Judge