

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TN-141040

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.

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[] 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:

[X] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision. *Please see attached letter*

OR [] 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: 06/14/14 [month/day/year], at Ephrata WA [city, state]

Ephrata Senior Ctr
Name of Respondent (company) - please print

Kaley J. Wyatt
Signature of Applicant

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."

**Ephrata Senior Center
124 C Street NW
Ephrata, WA 98823
509-754-2382**

June 2, 2014

Washington Utilities and Transportation
PO Box 47250
Olympia, WA 98504-7250

Dear Judges:

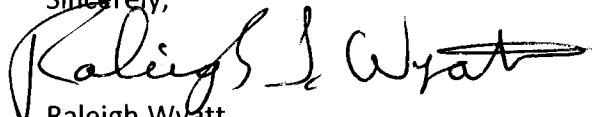
Attached please find the 2013 Annual Report for Private Nonprofit Special Needs Transportation Providers. We have included our credit card information specifying payment for 2013 along with both fines for missing the May 1 and May 31 deadlines. Also enclosed is the documentation showing that we paid our penalty for a late filing of our 2012 report.

Last week we received a notice of a \$1000 penalty for delinquent filing of both our 2012 and 2013 reports. This penalty will significantly hamper our financial ability to serve our seniors. We are a very small organization in rural Washington, largely staffed by volunteers. Our bookkeeper works for us fewer than 12 hours per month, and she has been remiss in filing reports like this because she runs out of time.

Fortunately, our filing delinquency is not as bad as suggested by the penalty letter. We did file a 2012 report—albeit late—but we did pay the penalty.

Please find it in your hearts to waive the significant penalty that we have been assessed. We are addressing our bookkeeping challenges and feel certain that next year we will file our report with you on time. The senior citizens of Ephrata will be very grateful if you allow us to spend our limited monies on services for them, rather than in a penalty to the state.

Thank you for your kind attention.

Sincerely,

Raleigh Wyatt
Chair, Board of Trustees, Ephrata Senior Center

Enclosures

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SERVICE DATE

MAY 23 2014

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: TN-141040

PENALTY AMOUNT: \$1,000

Ephrata Senior Center, Inc.
124 C St. NW
Ephrata, WA 98823

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-30-080, which requires nonprofit special needs transportation provider companies to file their 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, 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 480-30-080 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 28, 2014, the Commission mailed the 2013 annual report forms and the 2014 regulatory fee packets to all nonprofit special needs transportation provider 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.

As of May 15, 2014, Ephrata Senior Center, Inc. has not filed its 2013 annual report or paid its 2014 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