

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TE-141086

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.

2014 JUN -9 PM 2:59

[ ] 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 \_\_\_\_\_.

[X] 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:

[ ] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

[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: 6/3/14 [month/day/year], at OTHELLO WA [city, state]

REYNA MARTINEZ-OCAMPO
Name of Respondent (company) - please print

Reyna Martinez
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."

June 3rd, 2014

**Washington Utilities and  
Transportation Commission**

*Atte: Administrative Law Judge, Gregory J. Kopta*  
PO BOX 47250  
OLYMPIA, WA 98504-7250

RECEIVED

JUN 09 2014

WASH. UT. & TP. COMM

Mr. Gregory J. Kopta:

We have received your letter, regarding Penalty Assessment TE-141086 (copy attached.) As stated in your letter, we are requesting a Hearing to contest the occurrence of the violations stated in the letter; as we don't believe we were guilty of such violations and/or accusations.

Early in March 2013, we received the 2013 Auto Transportation Companies Charter & Excursion Carriers Annual Report form. A few days later I called WUTC to enquire if we needed to complete the report; because of our operations almost followed under the Federal Motor Carrier Safety Administration regulations, rather than the ones from WUTC; which was an issue when I originally filed and opened my business.

During that phone call, I was Informed by the WUTC representative, that indeed, we still needed to process the document; regardless of any changes in operations. Towards the end of March, I met with several investors; which were interested to join my company and work on a possible expansion of operations and business. Due to this reason, and without knowing if an expansion or change in business operations was eminent, I requested an extension as stated on page 2 of the form; under the extension requests tab to give me and my book keeper plenty and adequate time to file the report on time. The request was mailed to WUTC on April the 11<sup>th</sup>; which allowed plenty of time for the document to arrive in Olympia by the deadline of April 17<sup>th</sup> 2014.

My request was asking the WUTC to consider an extension, because the company was going to change and have new members. The new members were bringing several buses with capacities ranging from 35 to 55 passengers; and all of these vehicles were over 26,000 lbs. We also were informing the WUTC that in June, our radius of operation was going to change from Washington and Oregon, to now include California; meaning that the radius of operation was going to increase to be over 500 miles. We also were informing WUTC, that with the expansion, there were going to be additional offices open in Portland Oregon and 2 in the state of California. All these changes will make the company follow the FMCSA and WA-USDOT jurisdictions and regulations, and not longer subject to the WUTC's jurisdiction; as it was stated to us by the WUTC representative when I called in March.

We requested the extension, because we needed time to analyze the impact of all these changes, so that they can properly be addressed to the WUTC and FMCSA accordingly. We also requested the extension, because there were several meetings with the investors at different times and dates, as well as locations in different states; which didn't allow me, Reyna Martinez-Ocampo (current Owner and President of Yellow Arrow Lines LLC,) to sit down with my book keeper Mr. Franco Camarillo; and finalize all the documents required to complete the 2013 Annual Report.

And finally, we requested the extension, because there was going to be an eminent change in management (addition of new members and/or executives;) which I didn't know at the time, whether I was going to remain the administrator or the managing partner AKA President/CEO. So we needed time to figure out who was going to sign the 2013 report.

As stated on page 2, I was aware that there will be late fees (penalties) of the fees due to WUTC if we filed after the May 1<sup>st</sup> 2014 deadline; however, we mailed our extension request on time to CLEARLY AVOID the \$100.00 /day penalties for filing after May 1<sup>st</sup> 2014. To this date, we were never informed by WUTC whether our extension was approved or denied; neither by mail or e-mail. I was under the assumption that because of the information contained in our letter regarding the changes, that the WUTC would've waited for our report to be filed at a later date. I never expected to receive an e-mail a month later; after \$1000 in penalties have accumulated, to tell me that "I did not request an extension;" when I actually did by regular mail. My mistake was not to register or ask for a signature and/or delivery confirmation on my letter, mistake that I will never make again. And being that this is my first report that I file, I was not aware of what documentation and/or correspondence to expect from WUTC in the extension request process.

I consider myself a person of good character and morale, and I don't believe that I did anything wrong; but instead I followed WUTC's protocol to the tee. I don't believe it is fair, that if my letter got lost in the mail, destroyed or delivered to a wrong address, that I have to pay the price and a huge penalty for things that are out of my control; and for which I was not aware that had happened. I know I have been shortly in business (roughly 1 year;) however I have made all my payments (fees, insurance taxes, etc..) during this time frame on time. Therefore I'm kindly requesting the hearing, for a decision to be made by you (judge Gregory J Kopta) or any administrative law judge in this matter; based on the information I'm submitting; as all my statements are truthful and are the true representation of what my intentions were when I requested the hearing. I want to thank you for your time and consideration to my request. And I'll await to hear your decision in this matter.

Sincerely

*Reyna Martinez*

Reyna Martinez-Ocampo  
Owner/President  
Yellow Arrow Lines LLC

P.S. I have filed and mailed my 2013 Annual Report; including my payment for the late fees.

RECEIVED

SERVICE DATE

JUN 09 2014

MAY 28 2014

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: TE-141086

PENALTY AMOUNT: \$1,000

Yellow Arrow Lines LLC  
381 E Main Street  
Othello, WA 99344

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-30-071, which requires charter and excursion carriers to file their annual reports. You did not file an annual report 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 480-30-071 beyond May 1 as a continuing violation, and assesses penalties of \$100 for each day a company fails to file its report 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 charter and excursion carriers registered in Washington. The instructions page for the annual report form instructed these companies to file annual reports 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, Yellow Arrow Lines LLC has not filed its 2013 annual report. 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 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