



Butler Transportation LLC
PO Box 77793
Seattle, WA 98177

June 10, 2015

The Honorable Gregory J. Kopta
Administrative Law Judge
Washington Utilities & Transportation Commission
PO Box 47250
Olympia, WA 98504-7250

RE: Butler Seattle LLC
Penalty Assessment: TE-151011

RECEIVED
RECORDS MANAGEMENT
2015 JUN 11 AM 8:06
STATE OF WASH
UTIL. AND TRAFFIC
COMMISSION

Dr. Judge Kopta,

I would to request consideration to waive or reduce the penalty on my company for the delayed filing of our 2014 annual report.

We did receive the 2014 annual report forms on 3/6/15 and my bookkeeper and I worked on completing the report. Due to complex requirements of the form, it took several days to acquire all the needed information. I was under the impression that our bookkeeper was handling the filing of the report, in turn she thought I was filing it. We in no way intended not to file our annual report on time but because the mix-up we were late in submitting it. As soon as I received notice that the report was not filed, I had our bookkeeper complete the reports online that same day at 9:30pm on 6/8/15.

I would like to ask if you would please consider waiving or reduce the penalty this time since it is our first offence. I thank you for your consideration in this matter and hope your decision is favorable.

Sincerely,

Jeremy Butler, Vice President

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TE-151011

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.

STATE OF WASHINGTON
UTIL. AND TRANSPORTATION
COMMISSION

2015 JUN 11 AM 8:09

PROGRAMS MANAGEMENT

[] 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:

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

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: 6-10-15 [month/day/year], at Seattle WA [city, state]

Jeremy Butler
Name of Respondent (company) – please print

Jeremy Butler
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.”

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: TE-151011
PENALTY AMOUNT: \$1,000

BUTLER SEATTLE, LLC
PO BOX 77793
SEATTLE, WA 98177

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 your annual report. You did not file an annual by May 1, 2015.

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 27, 2015, the Commission mailed the 2014 annual report forms and the 2015 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, 2015. 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 15. You did not request an extension.

As of May 15, 2015, Butler Seattle, LLC has not filed its 2014 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 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. The Commission will grant a request for a hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any 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 RCW 81.04.405.

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 480-30-171 to revoke your authority to provide charter & excursion services in Washington.

DATED at Olympia, Washington, and effective June 8, 2015.

GREGORY J. KOPTA
Administrative Law Judge