

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TR-160652

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: 6/23/2016 [month/day/year], at Mineral, WA [city, state]

Mt. Rainier Scenic Railroad
Name of Respondent (company) - please print

[Signature]
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."

RECEIVED
28 JUN 28 AM 9:56

June 23, 2016

Mr. Sean Bennett  
Regulatory Analyst  
Utilities & Transportation Commission  
PO Box 47250  
Olympia, WA 98504

VIA EMAIL: sbennett@utc.wa.gov

Re: 2015 Annual Report for Mt. Rainier Scenic Railroad

Dear Mr. Bennett:

Thank you for speaking on the phone with me today regarding Mt. Rainier Scenic Railroad's delinquent 2015 annual report. I have attached a completed copy of the 2015 annual report to this email for your records.

I would like to request a one-time waiver of the recently assessed penalty due to two mitigating circumstances. First, the Mt. Rainier Scenic Railroad ("MRSR") assets were sold to an outside entity on February 1, 2016, and it appears that the annual report paperwork was lost during the transition of personnel and operating entities. As a result, a new entity called the Mt. Rainier Railroad & Logging Museum, LLC ("MRRALM") was formed to begin operations of the existing railroad in February 2016. Further compounding the extenuating circumstances is the fact that the new management filed a timely annual report for MRSR with the Secretary of State in May 2016 (receipt of which has been sent to you) and believed they had met the timely filing requirement for annual reports. It was only after I spoke with you on the phone, did the management of the new MRRALM entity realize that the two annual reports were separate and different. The annual report filed with the Secretary of State is different and separate from the annual report that must be filed with the Utilities Commission.

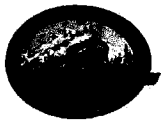
As a result of these mitigating circumstances (new ownership, management changes, and confusion with the annual report filed with Secretary of State), the MRRALM management would like to request a one-time waiver of the penalty assessed for the delinquent filing of Mt. Rainier Scenic Railroad's 2015 annual report.

If you have any questions, please don't hesitate to contact me (970.317.2707) or the President of MRRALM (Wayne Rankin - 253.495.8875). Thank you for your consideration.

Sincerely,



Gregg Donaldson



Pat Highline &lt;pat@mtrainierrailroad.com&gt;

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**Re: Successful Online Filing - Mount Rainier Scenic Railroad**

2 messages

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**Gregg Donaldson** <gregg.c.donaldson@gmail.com>

Fri, Jun 24, 2016 at 11:06 AM

Reply-To: gregg.c.donaldson@gmail.com

To: "Bennett, Sean (UTC)" &lt;sbennett@utc.wa.gov&gt;

Cc: Wayne Rankin &lt;wayne@mtrainierrailroad.com&gt;, Pat Highline &lt;pat@mtrainierrailroad.com&gt;

Hi Sean,

Please find attached the completed 2015 annual report for Mt. Rainier Scenic Railroad. I have also attached a response to the penalty assessment letter that was received as well as a request to waive the assessed penalty. Please let me know if you need anything else from us.

Best,

Gregg Donaldson

o: +1.719.502.6567

m: +1.970.317.2707

On Thu, Jun 23, 2016 at 12:19 PM, Bennett, Sean (UTC) &lt;sbennett@utc.wa.gov&gt; wrote:

Hi Gregg – As we discussed, it appears this is for the SOS. Attached two copies of our annual report form. I am unsure if you wanted the excel or a pdf version so I attached both. Please let me know if you have any questions.

Thanks,

Sean

**Sean Bennett**

Regulatory Analyst

Utilities &amp; Transportation Commission

PO Box 47250

Olympia, WA 98504

360-664-1157

sbennett@utc.wa.gov

Respect, Professionalism, Integrity, Accountability

**From:** Gregg Donaldson [mailto:gregg.c.donaldson@gmail.com]**Sent:** Thursday, June 23, 2016 11:09 AM**To:** Bennett, Sean (UTC) <sbennett@utc.wa.gov>**Subject:** Fwd: Successful Online Filing

See receipt for annual report.

Best,

Gregg Donaldson

o: +1.719.502.6567

m: +1.970.317.2707

----- Forwarded message -----  
From: <OnlineRenewals@sos.wa.gov>  
Date: Wed, May 11, 2016 at 2:39 PM  
Subject: Successful Online Filing  
To: gregg.c.donaldson@gmail.com

Thank You for using the online filing process. You have submitted the following forms into our system.

FSID	Organization	Legal Name	Filing	Validation ID	Amount
342314	WESTERN FOREST INDUSTRIES MUSEUM	Nonprofit Annual Report	3175143-001	\$10.00	

**Important:**

- Total Amount (if any) charged: \$10.00
- Tracking ID for this transaction: 3242975
- Filings are not complete until the documents have been reviewed and filed by our office.
- Every effort will be made to complete this filing within the next few business days.

For information about Nonprofit Corporations or Charities filings, call 360-725-0377 to speak with a customer service representative, or send an email to [corpsonlinefiling@sos.wa.gov](mailto:corpsonlinefiling@sos.wa.gov).

Please let us know how you liked our online system by participating in the survey here.

**Helpful Tips:**


- **For Nonprofit Corporations :**
  - If your nonprofit corporation has plans to fundraise from the public, you may also be required to register with the Charities Program of the Secretary of State. Please visit the Charities Program website to review the registration requirements and forms.
- **For Charities :**
  - If you are planning to incorporate as a nonprofit corporation and want to apply for Federal tax exempt status with the Internal Revenue Service, your Articles of Incorporation must contain a required purpose clause and dissolution of assets provision. Valuable information on 501(c)3 qualification, including sample Articles of Incorporation, is available on the IRS website at [www.irs.gov](http://www.irs.gov).
  - If the organization has claimed exemption from the registration requirements because it's a volunteer run organization and raising less than \$50,000, the organization will be required to register at the point it

receives more than \$50,000 from the public, has paid staff, or utilizes a paid fundraiser.

- o If the organization is granted federal tax-exempt status - or its status changes - after this filing, be sure to submit a copy of the IRS Determination Letter documenting the change to the Charities Program.
- o If any information provided in the organization's new Optional Registration should change, please access the Charities online "Update" to amend the information on file with the Charities Program.

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### 3 attachments

 **mrsr\_6-23-2015\_letter.pdf**  
105K

 **RR Annual Report.pdf**  
2680K

 **WA Utilities.pdf**  
408K

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**Bennett, Sean (UTC)** <sbennett@utc.wa.gov>

Fri, Jun 24, 2016 at 11:31 AM

To: "gregg.c.donaldson@gmail.com" <gregg.c.donaldson@gmail.com>

Cc: Wayne Rankin <wayne@mtrainierrailroad.com>, Pat Highline <pat@mtrainierrailroad.com>, "Bennett, Sean (UTC)" <sbennett@utc.wa.gov>

Gregg – Thank you for providing the 2015 annual report, it is now complete.

Both your response to the penalty assessment and the written statement need to be provided to the record center directly. You can provide those documents by either mailing them to the address listed on the penalty assessment or you can e-file them at the link below. Please let me know if you have any questions.

<https://fortress.wa.gov/wutc/utcweb/docs/Pages/ElectronicFiling.aspx>

Thanks,

Sean

**Sean Bennett**

Regulatory Analyst

Utilities & Transportation Commission

PO Box 47250

Olympia, WA 98504

360-664-1157

sbennett@utc.wa.gov

Respect, Professionalism, Integrity, Accountability