



Pacific Trucking, Inc.
Since 1946

Penalty Assessment: TG-160658

2016 JUN 24 AM 11:09
STATE OF WASHINGTON
OFFICE OF THE
COMMERCIAL
COURT CLERK
SEATTLE

To Whom it may concern:

I am writing this letter in regards to a Notice of Penalties that I received in the mail on June 20, 2016 regarding late payment of our 2016 annual report.

I have included along with this letter a copy of the confirmation number and receipt showing that Ludtke Pacific Trucking submitted and paid the fees in the amount of \$434.01 on April 27th 2016.

I would like to request a hearing to prove that the alleged violations did not occur and that the filing and fees were paid 5 days prior to the date due. I would like to request that all penalties be withdrawn and removed.

Please feel free to contact me with any questions that you may have regarding this matter.

X 

Jason E. McFadden
Safety Director CDS
Ludtke Pacific Trucking Inc.
360-733-6670 EXT 121

Chris Castle

From: WA UTC Payments <DoNotReply@utc.wa.gov>
Sent: Wednesday, April 27, 2016 2:34 PM
To: ccastle@ludtke.com
Subject: UTC Payment Confirmation



Thank You for Submitting Your Payment

Your payment of \$434.01 has been processed on 4-27-2016 2:33 PM.
(Please allow up to three business days for this charge to post to your account.)

Confirmation Number: 2683
Company: LUDTKE - PACIFIC TRUCKING

Any questions can be directed to Accounts Receivable, 360-664-1349.

Chris Castle

From: Records Service Center <Sharepointadmins@utc.wa.gov>
Sent: Wednesday, April 27, 2016 2:24 PM
To: ccastle@ludtke.com
Subject: UTC E-Filing submission received, confirmation ID 3955

Your e-file submission has been received by the Washington Utilities and Transportation Commission. Please save this e-mail, and use the confirmation ID when contacting the Commission.

* Please do not reply to this message. This is an automated message, and the originating account cannot receive e-mails.

E-File submission details:

E-File ID: 3955

Docket No:

Company: Ludtke Pacific Trucking, Inc.

Filing description:

Documents filed:

Filename: 2015 UTC Class A_B Annual Report.pdf

Description:

Confidentiality:

SERVICE DATE

JUN 17 2016

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: TG-160658
PENALTY AMOUNT: \$200

Ludtke - Pacific Trucking, Inc.
4059 Bakerview Valley Rd.
Bellingham, WA 98226

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-70-071, which requires solid waste companies to file their annual report and pay regulatory fees each year by May 1. May 1 was a Sunday, therefore you were required to file your annual report or pay regulatory fees by May 2, 2016. You did not file an annual report by May 2, 2016.

Revised Code of Washington (RCW) 81.04.405 authorizes the Commission to assess a penalty of \$100 for each violation of a Commission rule. In the case of a continuing violation, every day's continuance is a separate and distinct violation. The Commission interprets noncompliance with WAC 480-70-071 beyond May 2 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 29, 2016, the Commission mailed the 2015 annual report forms and the 2016 regulatory fee packets to all solid waste 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 2, 2016. The instructions page also stated that failure to file the annual report by May 2 would result in penalties. The deadline for requesting an extension to file your annual report was April 15. You did not request an extension.

On Wednesday, May 4, 2016, Ludtke - Pacific Trucking, Inc. filed its 2015 annual report and paid its 2016 regulatory fee. Wednesday, May 4, 2016 is two business days from May 2, 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.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TG-160658

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:

[] 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: 06/21/2016 [month/day/year], at Bellingham, Washington [city, state]

Ludtke Pacific Trucking
Name of Respondent (company) – please print

Jesse McFadden
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.”