

# SERVICE DATE

JUN 17 2016

## WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: TN-160661

PENALTY AMOUNT: \$1000

Buckley Senior Citizens, Inc.  
PO Box 147  
Buckley, WA 98321

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. 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 480-30-080 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 \$1000 on the following basis:

On February 29, 2016, the Commission mailed the 2015 annual report forms and the 2016 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 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.

As of May 16, 2016, Buckley Senior Citizens, Inc. had not filed its 2015 annual report or paid its 2016 regulatory fee. May 16 is ten business days from May 2, resulting in a total penalty of \$1,000. The Commission has yet to receive a complete and accurate annual report and additional penalties may accrue until you submit one.

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TN-160661

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

[X] Submitted my payment of \$ 10.00 online at www.utc.wa.gov. My confirmation number is 29116.

[ ] 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. (Written statement attached)

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: 6/21/16 [month/day/year], at Buckley, WA [city, state]

Buckley Senior Citizens  
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.”

06.21.2016

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**To**

Washington Utilities and  
Transportation  
Commission  
P.O. Box 47250  
Olympia, WA 98504

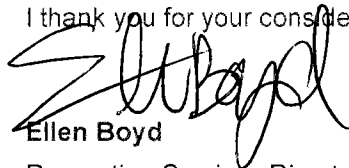
To Whom It May Concern,

My name is Ellen Boyd, I am the Recreation Services Director for the City of Buckley. I'm writing to request a reduction in the penalties incurred against the Buckley Senior Citizens non-profit for having not filed their Annual Report. While I am generally tasked with filing this report, my department (which encompasses the Senior Center, Youth Center, and Parks) has been in the midst of a fairly dramatic organizational change since the beginning of April, 2016.

At the beginning of April my hours were cut to part-time. In rearranging my office space to better accommodate our Activities Coordinator (who remains full-time), I misplaced this report. In reorganizing files at the beginning of this month (June 2016), I came across the report (which I'd completed at the beginning of March, so was thinking I'd submitted electronically), but noticed there was no receipt attached to it. With this, I submitted a \$10.00 payment electronically to cover regulatory fees, fearing that I'd submitted solely the report and not the payment.

I sincerely apologize that neither of these were submitted on time. Our space has been a bit chaotic over the course of the past few months in reassigning spaces and responsibilities. Please consider waiving this penalty.

I thank you for your consideration.



Ellen Boyd  
Recreation Services Director  
City of Buckley

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## Buckley Senior Citizens

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