



Ilona A. Kerby
Executive Director

July 1, 2016

PROGRAMS:

- Basic Food Card (Food Stamps)
- Captured Treasures Boutique Clothing & Retail Training
- Community Jobs
- Emergency Services
- Employment Assistance
- Energy Assistance
- Family Asset Building
- GFO - Grounds for Opportunity Cafe & Training Kitchen
- Help Warehouse
- Hidden Gems Thrift Store
- Home Care Equipment Bank
- Homeless Housing
- Housing Rehabilitation
- Job Training
- Meals on Wheels
- Medicaid Rides
- Rental Housing
- RSVP/Volunteer Services
- RUOK? — Daily check-in service
- Rural Public Transit — Daily I-5 Van Service
- Self-Help Housing
- Senior Community Lunches
- Senior Rides
- Statewide Health Insurance Benefit Advisors (SHIBA)
- USDA Surplus Commodities
- Weatherization

Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
PO Box 47250
Olympia, WA 98504-7250

RE: Penalty Assessment: TN-160663
Application for Mitigation

We are requesting a reduction of the \$900 penalty, we acknowledge the 2015 Annual Report and 2016 regulatory fees were filed late due to an oversight by our Transportation Department Manager.

The Department Manager has been dealing with some significant health problems that have taken him away from the office for periods of time, and unfortunately the request forms were set aside and not picked up to complete until they were already past due.

Lower Columbia CAP has never been late on past reports and request that our past compliance be taken into consideration in reducing the \$900 penalty. It was certainly not our intent to be late, and we do apologize for any inconvenience this may have caused in the process.

Thank You for your consideration on this matter.

Kathy Bates
Human Relations/Operations Director
(360) 425-3430 x205
kathyb@lowercolumbiacap.org

STATE OF WASH
UTILITY AND TRANSPORTATION
COMMISSION
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REGISTRY MANAGEMENT

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-160663
PENALTY AMOUNT: \$900

Lower Columbia Community Action
1526 Commerce Ave.
Longview, WA 98632-2129

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 \$900 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.

On Friday, May 13, 2016, Lower Columbia Community Action filed its 2015 annual report and paid its 2016 regulatory fee. Friday, May 13, 2016 is nine business days from May 2, resulting in a total penalty of \$900.

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 TN-160663

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: July 6, 2016 [month/day/year], at Longview WA [city, state]

Lower Columbia Community Action
Name of Respondent (company) - please print

Kathy Bates
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.”

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STATE OF WASHINGTON
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COMMISSION