

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TE-160671

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.

*Please see attached explanation*

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: 23 June June/23/2016 [month/day/year], at Seattle WA [city, state]

2c Captains, Inc.  
Name of Respondent (company) - please print

Charles E. Russey  
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.”

2016 JUN 27 AM 9:22  
STATE OF WASHINGTON  
UTILITY AND TRANSPORTATION COMMISSION  
RECEIVED

23 June 2016

Washington Utilities & Transportation Commission  
P.O. Box 47250  
Olympia WA 98504-7250

This is a request for mitigation of penalty of \$1,000 (TE-160671) stated in your letter of 20 June 2016.

Your letter states that "As of May 16, 2016, 2C Captains, Inc. had not filed its 2015 annual report or paid its 2016 regulatory fee". There is a foot note "On Thursday, May 19, 2016, 2C Captains, Inc., filed its 2015 annual report and paid its 2016 regulatory fee".

In fact, 2C Captains had filed its report but made a couple of errors due to my hast and incompetence.

Enclosed is a copy of an email from the UTC sent "Tue, May 10, 2016 at 1:12 PM". This email lists 3 errors I made in "... your annual report submitted May 2, 2016...".

3. **Application for mitigation.**

3. b) In explanation, 2C Captains is a small seasonal tour company doing tours dependent on tourist to and from the Cruise Ships. These ships frequent Seattle from April to October so we are frequently not here in the winter months, especially February & March. I filled out the annual report in haste with the errors mentioned in the UTC email of 10 May. I received a phone call in early May, perhaps that same day, from your office reporting my errors and that person sent a copy of my report back to me. I then corrected that report and mailed it back to the UTC immediately, as your letter of 20 May states it was filed & fees paid on May 19, 2016.

I have completed and signed your document as part of an **application for mitigation** and I am requesting the penalty be reduced for the reasons stated above as 3. b) i.e., the report was in process.

Sincerely,

Charles E Russell, President of 2C Captains, Inc.

## **Incomplete Status Notification - 2015 Annual Report for 2C Captains Inc.**

**George, Amber (UTC)** <ageorge@utc.wa.gov>

Tue, May 10, 2016 at 1:12 PM

To: "crussell3r@gmail.com" <crussell3r@gmail.com>

Cc: "Hamilton, Melissa (UTC)" <mhamilto@utc.wa.gov>, "George, Amber (UTC)" <ageorge@utc.wa.gov>

Dear Regulated Company-

On February 29, 2016 the Utilities and Transportation Commission (commission) mailed you an Annual Report.

A review of your annual report submitted on May 2, 2016 indicates it is incomplete.

- **General Information – Business Structure missing**
- **Schedule 1 – Interstate mileage not provided (if zero please note as such)**
- **Regulatory Fee Calculation Schedule not completed (\$25.00 is owed per vehicle operated in 2015)**

Commission staff may recommend enforcement action, which includes penalties of up to \$100 per day, against any company that does not file a completed annual report. In order to avoid enforcement action, the commission must receive your completed report no later than May 2, 2016.

If you have any questions about your annual report please call me at  
or email at

Sincerely,

Washington Utilities and Transportation Commission

1300 South Evergreen Park Drive SW

Olympia, WA 98502

Tel

Fax

2C Captains Inc.pdf  
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