

SERVICE DATE

JUN 20 2016

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

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

PENALTY ASSESSMENT: TE-160682  
PENALTY AMOUNT: \$1000

Bad Magick, LLC  
412 Orcas St.  
Seattle, WA 98108

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-30-071 and 480-30-076, which requires charter & excursion carriers 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 480-30-071 and 480-30-076 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 charter & excursion carriers 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, Bad Magick, LLC 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

reasons supporting that request. Failure to provide such a statement will result in denial of the request.

If there is a reason for the violation that you think should excuse or reduce the penalty, you may ask for mitigation (reduction) of this penalty through evidence presented at a hearing or in writing. The Commission will grant a request for a hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request for mitigation must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. See RCW 81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider the evidence and will notify you of his or her decision.


**You must act within 15 days after receiving this notice** to do one of the following:

- Pay the amount due.
- Request a hearing to contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

**If you do not act within 15 days**, the Commission may refer this matter to the Office of the Attorney General for collection, which may file suit in state court to collect the penalty. The Commission may also initiate proceedings under WAC 480-30-171 to revoke your authority to provide charter & excursion services in Washington.

DATED at Olympia, Washington, and effective June 20, 2016.

  
\_\_\_\_\_  
GREGORY J. KOPTA  
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TE-160682

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: 7/1/16 [month/day/year], at Seattle WA [city, state]

Diana Lane
Name of Respondent (company) - please print

Diana Lane
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."

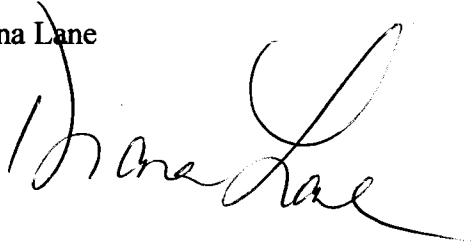
2016 JUL -5 PM 2:09
COMMUNICATIONS MANAGEMENT

To Whom it may concern at the Utilities Transportation Commission,

I am writing in regards to the penalty incurred by Bad Magick LLC DBA Twilight Tours for failure to file our annual report. I am asking for a reduction in penalty please. Throughout our UTC inspection, I was made aware of many details I that needed to be addressed and thought I had covered everything. Within those details I was told we needed to file an annual report, which I thought I had done. After receiving the penalty letter regarding the annual report, I then went through all filed paper work and realized what I filed was the Motor Carrier Identification Report, not the annual report. I then found the annual report packet that should have been filled out and sent back by May 2<sup>nd</sup>, 2016. I certainly did not mean to be negligent; it was honestly a confused overlook on my part. I'm asking for a bit of leeway and reduction on the penalty. This past year has been challenging to say the least. My son was born within the past year, I own another business as well, and then learning of everything that goes into operating our bus company has been a bit difficult. With that being said, I am doing my best and understand this was my responsibility. I certainly do not want to waste anyone's time, so I greatly appreciate the time that was taken to look over this letter.

Sincerely,

Diana Lane

A handwritten signature in cursive script that reads "Diana Lane". The signature is written in black ink and is positioned to the right of the typed name "Diana Lane".

# CHARTER & EXCURSION CARRIERS

2015

## ANNUAL REPORT

FOR

BAD MAGICK LLL DBA TWILIGHT TIMES

(NAME UNDER WHICH CORPORATION, PARTNERSHIP, OR INDIVIDUAL IS DOING BUSINESS)

412 S. Orcas St.

(OFFICIAL MAILING ADDRESS)

Seattle

(CITY)

WA

(STATE)

98108

(ZIP)

Please check if address listed above is an updated address

**Report Year Ended: December 31, 2015**

Inquiries concerning this Annual Report should be addressed to:

Name/Title: Diana Lane / Manager  
Address: 10402 Occidental Ave. S  
City: Seattle  
State/Zip: WA 98148  
Telephone: 206.795.1468  
Email: pinky8384@yahoo.com

SUBMIT TO:

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PO Box 47250

Olympia, WA 98504-7250

File online: [www.utc.wa.gov](http://www.utc.wa.gov)

WASHINGTON

**UTC**

UTILITIES AND TRANSPORTATION  
COMMISSION

**REPORT MUST BE RECEIVED NO LATER THAN MAY 2, 2016**

\*\*\*Please refer to the Instructions for Completing the Annual Report on Page 2\*\*\*

## **INSTRUCTIONS FOR ANNUAL REPORT COMPLETION**

### ***Commission Authority***

The purpose of this form is to collect financial and operational information from auto transportation and charter companies regulated by the Washington Utilities and Transportation Commission (UTC). The commission's authority for requiring this report is found in RCW 81.04.080. This report is a non-confidential public use form.

### ***Certification***

The Annual Report Certification must be signed by an authorized officer, partner or owner.

### ***Regulatory Fees***

Regulatory fees are set by commission order A-140166.

### ***Deadlines and Penalties***

All charter & excursion companies regulated by the UTC are required to complete this form, including all schedules. Failure to complete all schedules will result in the report being considered incomplete and subject to penalties. Completed forms and regulatory fee payments must be received by the UTC no later than **May 2, 2016**. Failure to file the annual report by the above deadline will result in a financial penalty of \$100 for each business day after May 2. Failure to pay the regulatory fees by the above deadline will result in a 2 percent penalty on the amount due and a 1 percent monthly interest charge on the unpaid balance.

### ***Extension Requests***

You may file a written request for an extension to file the completed annual report; however, the commission will not extend the deadline for paying regulatory fees. Any extension request must be filed with the commission by **April 15, 2016**, and must state a valid reason for why the extension is needed and identify a specific date which the report will be filed with the commission. The commission will notify you by April 30 whether your request is approved or denied. Even if your request is approved, you will still be liable for penalties and interest payments if you fail to pay your regulatory fees by May 2. To file your extension request online visit:

<http://www.utc.wa.gov/docs/Pages/ElectronicFiling.aspx>

### ***No longer operating in Washington***

You may cancel your registration or permit by using the Voluntary Cancellation Form available at:

<http://www.utc.wa.gov/regulateIndustries/transportation/charterBuses/Pages/default.aspx>

However, if your company operated in Washington at any time during the 2015 calendar year, you must pay regulatory fees and file a closing annual report based on the months of operation during 2015.

### ***Confidential Status***

Charter and excursion companies are not permitted to file annual report documents as confidential. If a company regulated under RCW Title 81 submits its annual report or fee sheet as confidential, the commission will reject that submission and will not consider the report to be filed until the date the company submits the report and all required documents and information without any designation of confidentiality. If that date is after May 2, the company will be subject to the penalties described above. The commission will not disclose credit card information, if included, on the Payment Information Page or via online filing.

### ***Electronic Filing and Payment***

To obtain an electronic format of the report, submit a report online or pay your regulatory fees online visit:

[www.utc.wa.gov/regulateIndustries/pages/annualreports](http://www.utc.wa.gov/regulateIndustries/pages/annualreports)

### ***Staff Contact***

Amber George at (360) 664-1156 or [ageorge@utc.wa.gov](mailto:ageorge@utc.wa.gov)

TTY Toll-Free phone number 1-800-416-5289

# ANNUAL REPORT CERTIFICATION

(PLEASE VERIFY THAT ALL SCHEDULES ARE ACCURATE AND COMPLETE BEFORE SIGNING)

I, the undersigned Diana Lane  
Responsible Account Officer (Please Print)

of BAD MAGICK LLC  
Name of Company

have examined the foregoing report; that, to the best of my knowledge and belief, all statement of fact contained in said report are true and said report is a correct statement of the business and affairs of the above-named respondent in respect to each and every matter set forth therein during the period from January 1, 2015, to December 31, 2015, inclusive.

Owner  
Title  
(please print)

Diana Lane  
Signature  
(please type if filing electronically)

206.795.14168  
Telephone Number

7/1/16  
Date

## GENERAL INFORMATION

Washington Unified Business Identifier (UBI) No.: 603-355-986  
(If you do not know your UBI No. please contact Business Licensing Service at 1-800-451-7985 or BLS@dor.wa.gov)

**Business Structure (please check the appropriate designation):**

Individual / Sole Proprietor    Partnership    Other (LP, LLP, LLC)    Corporation    Nonprofit Corporation

List the name, title, and percentage of partner's share or stock distribution for major stockholders. If LLC, list members and percentage of ownership.

Name	Title	Percent / Shares / Stock / Ownership
<u>Brau Maples</u>	<u>owner</u>	<u>33.3%</u>
<u>Preston Walker</u>	<u>owner</u>	<u>33.3%</u>

# SCHEDULE 1

(complete all information for the year 2015)

## Staff Contact Information

Safety Director Name:

Diana Lane

Phone:

206.795.1468

Customer Service  
Contact Name:

Diana Lane

Phone:

206.795.1468

## Recordable Intrastate and Interstate Accidents

Recordable Accidents	Intrastate	Interstate
A fatality	0	
An injury to a person requiring immediate treatment away from the scene of the accident	0	
Disabling damage to a vehicle, requiring it to be towed from the accident scene	0	
<b>Total Recordable Accidents</b>	<b>0</b>	

## Mileage Information

Total Operating Miles	Intrastate	Interstate
	447	

Intrastate: Trips that operate exclusive within WA

Interstate: Trips that operate outside of WA





**REGULATORY FEE CALCULATION SCHEDULE**

**Due May 2, 2016**

Company Name:

0

Annual Report Year

2015

In accordance with RCW 81.24.020 and 81.70.350 "Regulatory Fees", the Commission requires auto transportation companies and charter and excursion carriers to file reports of gross intrstate revenue and number of vehicles operated and pay fees on that revenue and sum of vehicles operated respectively. Every company subject to regulation shall file with the Commission a statement under oath and pay to the commission fees as instructed below.

**Regulatory Fee Calculation - Charter Authority**

1 Total number of vehicles used for intrastate charter & excursion operations for operating year			
2 Regulatory Fee for Operated Vehicles	0 x \$25.00		\$0.00

Agency Use Only 001-111-0268-232-01

**Penalty & Interest Calculations**

3 Penalty on regulatory fees paid after December 31			
19 Enter amount from Line 17 x 2%		x 0.02	\$0.00
20 Interest on regulatory fees paid after December 31			
21 Amount from Line 17 x number of months past December x 1%		x 0.01	\$0.00
22 Total penalties and interest due (add lines 19 and 21)			\$0.00

Agency Use Only 001-111-0268-232-11

**COMMISSION USE ONLY**

Reception #:	001-111-0268-232-01
Reference: AR2015	001-111-0268-232-11
Payment ID:	001-111-0268-032-20
	001R-111-0268-032-20 ( )
	Total Paid:

## PAYMENT INFORMATION

The commission accepts the following methods of payment:

- Cash (in-person at commission)
- Check (must be in US Funds)
- Online payments\* (ACH, American Express, Discover/Novus, Mastercard, Visa)
- Pay-by-phone (credit card payments only) at (360) 664-1349

*\*Please note: A convenience fee of 2.5 percent (minimum of \$3.95) is charged by Official Payments for using the credit card processing service.*

To pay online visit:

<https://fortress.wa.gov/wutc/utcweb/regulatedIndustries/Pages/onlinepayments.asp>

## FILING YOUR REPORT

All annual reports and regulatory fees must be received by the commission no later than May 1 each year (or the following business day if May 1 lands on a weekend). Postmark dates are not considered the date received. It is strongly recommended to use a mail delivery service, such as certified mail via USPS, with delivery confirmation or filing online to receive an email notification of receipt.

Reports may be mailed, faxed, delivered in person or submitted online:

- Mail to: *(recommend via certified mail no later than April 15 to ensure timely delivery)*  
Utilities and Transportation Commission  
PO Box 47250  
Olympia, WA 98504
- Physical Address for express delivery services (Fedex, UPS):  
1300 S. Evergreen Park Dr. S.W.  
Olympia, WA 98504
- Fax to: (360) 664-1289 *(Contact commission staff below to verify receipt)*
- File online using the commission e-file system: *(System will generate automatic email receipt)*  
<https://fortress.wa.gov/wutc/utcweb/docs/Pages/ElectronicFiling.asp>

## NEED MORE ASSISTANCE?

For more information about annual reports please reference the Annual Report FAQ document at the website below or contact Amber George at (360) 664-1156 or [ageorge@utc.wa.gov](mailto:ageorge@utc.wa.gov).

<https://fortress.wa.gov/wutc/utcweb/regulatedindustries/Pages/annualReports.aspx>

