

Experience Oregon, Inc.

motor coach charter and tours

June 30, 2016

Washington Utilities and Transportation Commission
Post Office Box 47250
Olympia, WA 98504-7250

Re: Penalty Assessment TE-160696

Experience Oregon, Inc. requests cancellation or full abatement of the penalty assessment with no admission of a violation.

Experience Oregon, Inc. is an Oregon based operation with no intra-state business in the State of Washington. Our tours and charters originate and terminate in Oregon. In 2015 we were informed that we needed to apply for a Washington account to complete a specific charter. After it was discovered that this was incorrect information we attempted several times to cancel the account.

In a telephone conversation with a department representative last fall we were told that the account would be closed and no further reporting would be required. We received a letter in February 2016 from the Department of Revenue confirming the closure of the account as of June 30, 2015. A copy of that letter is attached. When we did not receive further telephone calls we believed the issue had been resolved and no other action was required on our part.

Due to the above circumstances, Experience Oregon, Inc. should not have been assessed any penalty as outlined in your notice.



Marian Kloster, President
Experience Oregon, Inc.
Ph. 541-600-8644
marian@experienceoregon.com

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RECEIVED
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



STATE OF WASHINGTON
DEPARTMENT OF REVENUE

February 1, 2016

EXPERIENCE OREGON INC
PO BOX 338
JUNCTION CITY, OR 97448 0338

Tax Registration Number: 603 517 520

Your Account Has Been Closed

Dear Business Owner:

Your tax registration account was closed as of June 30, 2015 per Liz Greenwood; Department of Revenue. A record of your account will be retained for five calendar years from the date of closing.

If you need to reopen your account

Complete a Business License Application to reopen your account under the same ownership. You can find the application online at bls.dor.wa.gov.

If you have any questions regarding this transaction or did not initiate this change, please contact the Department of Revenue at 360-902-7180.

SERVICE DATE

JUN 21 2016

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: TE-160696

PENALTY AMOUNT: \$1000

Experience Oregon, Inc.
PO Box 338
Junction City, OR 97448

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, Experience Oregon, 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

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 21, 2016.



GREGORY J. KOPTA
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TE-160696

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.

Please refer to attached letters!

- 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: 6-30-16 [month/day/year], at 2016 [city, state]

Experience Oregon
Name of Respondent (company) - please print

Marian Koster
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.”