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STATE OF WASHINGTON
OTM/AS/TRAFFIC
COMMISSION
June 29, 2016

To whom it may concern:

Thank you for the opportunity to respond to the penalty assessed to us. Here is our information regarding the situation.

I, Mike Williams, filled out the form much in advance of the due date. I also requested the check from our accounts payable department in advance to assure meeting the deadline. I waited for the check and once it arrived sent the entire package to Olympia. It arrived early of the deadline, including the check. I was unaware that we had not completed any of the requests.

I received a phone call from DOT asking for some follow up information. I called back and spoke with Amber about it. We had left the VIN #'s and mileage of each of the vehicles off the chart. I did not know that we had failed to list that as it is an easy thing to obtain/provide. I apologized and got to work on providing it.

I did not realize a couple aspects of the process which is my fault:

1. I did not realize to begin with that I mailed it incomplete - especially with such simple information
2. I did not know that there was a \$100 per day fine for missing such simple information. I played phone tag with Amber in order to connect etc. but was not aware of the significance of the fine (or actually that there was a fine at all). Of course I know now, but I did not realize that at the time.

In closing I would ask for understanding based on the fact that it was an innocent mistake (especially given the check was there before the deadline) and the fact that I did not know there was a problem until well after the deadline.

I will pay close attention to these details in the future and apologize for the delay and difficulties I may have caused.

Sincerely,

Mike Williams
Vice President
Four Park Avenue

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: TE-160700
PENALTY AMOUNT: \$900

Four Park Avenue, LLC
11630 Slater Ave NE, Suite 3
Kirkland, WA 98034

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 \$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 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.

On Friday, May 13, 2016, Four Park Avenue, LLC 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 TE-160700

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:

- 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: June 29, 2016 [month/day/year], at Kirkland, WA [city, state]

Michael C Williams
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.”

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