

# WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT NO: TV-051337

PENALTY AMOUNT: \$500.00

### HOUSEHOLD GOODS CARRIER

T & T Milk Transport, Inc.  
d/b/a Thomas Transport  
West 3404 Cora Street  
Spokane, WA 99205

The Commission believes that T & T Milk Transport, Inc. (T & T) committed one or more violations of Washington State Laws or Commission rule; specifically RCW 81.04.530, which adopts the rules and regulations prescribed by Title 49, Code of Federal Regulations (CFR), Part 382.301(a), prohibiting a motor carrier company from using a driver before it has obtained a negative pre-employment controlled substance test. As a result, the Commission hereby notifies you that it has assessed penalties against T & T in the amount of \$500.00. The basis for this penalty assessment is as follows:

On July 27, 2005, Motor Carrier Safety Investigator Leon Macomber performed a compliance review and found T & T in violation of RCW 81.04.530, for failing to receive a negative test result prior to using a driver. The Code of Federal Regulations (CFR) 49, Part 382.301(a), prohibits using a driver before the company has received a negative drug and alcohol test result on the driver.

Penalties are due and payable upon receipt of this penalty notice. If for any reason you believe the violations described did not occur, you may request a hearing to contest the occurrence of the violations. If you have an explanation as to why the violations occurred, or have other facts you believe the Commission should have considered, RCW 81.04.405 provides that you may make application for mitigation of this penalty. To do so, complete the enclosed mitigation form and return it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, within FIFTEEN (15) days of your receipt of this penalty notice. You may,

although you are not required to, present your request for mitigation at a hearing. The Commission will consider your plea and notify you of its determination.

If you would like a hearing to contest either the occurrence of the violations or the amount of the penalty, you may request one in your request for hearing or mitigation. If you request a hearing for either reason, please state why you believe a hearing is called for in your circumstances.

Failure to request a hearing to contest the occurrence of the violations or the amount of the penalty, return the mitigation plea, or pay the amount due within 15 days will cause the Commission to refer this matter to the Office of the Attorney General for collection. Suit may then be brought against you and after trial, judgment may be entered against you.

DATED at Olympia, Washington and effective this            day of September, 2005.

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

# WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

## APPLICATION FOR MITIGATION OF PENALTIES

I have read and understand RCW 9.72.030, which prescribes penalties for making false affidavits (printed below), and hereby make, under oath, application for mitigation of the penalties (as described on the attached form), for the following reasons:

**NOTE:** This form must be completed, signed and notarized, and received by the Commission within 15 days of your receipt of this form.

I swear that the foregoing is a true and complete statement of the facts in this case.

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Signature of Applicant

Sworn to and subscribed before me  
this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_

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NOTARY PUBLIC in and for the  
State of Washington, residing in

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RCW 9.72.030:

"Perjury-Second Degree: Every person who, whether orally or in writing, and whether as a volunteer or in a proceeding or investigation authorized by law, shall knowingly swear falsely concerning any matter whatsoever shall be guilty of perjury in the second degree and shall be punished by imprisonment in the state penitentiary for not more than five years or by imprisonment in the county jail for not more than one year."