

July 8, 2016

Washington Utilities and Transportation Commission

Dear UTC Representatives,

Apparently I have made a significant goof. I am a one-man business operation specializing in wine tours of the Yakima Valley. I do have a very part time second guide/driver now, who has only done two tours so far. It is a small, small business for now, though it has grown slowly over the last few years. It is not a living yet. I have to work another job to make ends meet, and pay old expenses. I have taken precious little financial gain out of the business. Most of the cash flow still goes for equipment, insurance, fuel, repairs, maintenance, and promotion.

Since I am a very small business I have a tendency to do books sporadically. There is no full time person to process reports for the UTC, DOR, LnI... I do them, usually in a timely enough manner as I can, while also doing the actual tours, promotion, maintenance, public relations, meetings, my job, and a busy and involved life in general. I am no slacker. I work. A lot.

In the case of the UTC annual report I did indeed receive your paperwork in February for the May 1st due date. I had 'a million' things going on, and instead of simply doing it on the spot as I should have, I put it aside for later. A move I now seriously regret. I have in my life had to pay some penalties, in multiple forms. But I never dreamed that the penalty for my late report could be twenty times the original fee!

I don't know how these things are derived, and I get that there is some need for them. I get that regulation is important and needed to be sure. Without it the greedy take advantage and the renegades cause huge problems. I am neither. I am simply trying to develop my business to give a good, safe, service at good value, and make a living. Perhaps for some big trucking outfits that should have staff and cash flow to handle all things as they come up, and simply choose to ignore requested filing deadlines, a penalty of this sort makes sense. But for me, it is more money than I've paid myself so far this year out of the business. And I still sent my report voluntarily once I realized the tardy status. This penalty amount to me is extreme and absurd. It is also difficult to see how I actually 'hurt' anything? God knows my customers are slow to respond and pay, but I don't have the option of penalizing them like this, or they find someone else to provide the service I do.

Why do I do this and earn so little? It is true that I enjoy doing the tours, but when starting a business one has to think long term. This is my fourth season. Much of what I have 'earned' has gone to upgrade equipment to more reliable, safe, comfort factor for customers, and flexibility for multiple uses. I believe I can build this business to supply me and perhaps a few other people a nice living, while filling a needed niche for safety and convenience in the tourism and transportation business.

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PROPERTY MANAGEMENT

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COMMISSION

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I started this business, ironically, out of self-preservation. Though experiences like this make me wonder whether I should have just filed for whatever public assistance I could get. I spent many years in the home building industry only to be spit out broken and without job opportunities as a result of a lack of appropriate regulation and oversight in the banking (and speculation) industry in 2009.

I found myself a 'displaced worker' for the first time in my life, at age 53. I went back to college and earned a Bachelor of Science in 'Global Wine Studies' and a Bachelor of Arts in Communications, Film and Video Production by December of 2012. I was certain that having experience in sales and marketing, design, project management, along with my two new degrees that I would be quickly employed at a fairly high level by some large wine production or marketing company, or a TV station or commercial video company, or some government agency. I applied to a hundred positions, all of which I was well qualified for. I persisted with follow-ups as possible with all of them and never got an interview. Apparently no matter how enthusiastic, capable, experienced, and willing one is, at age 57 you are invisible. So I started this business and work lower level jobs than I am qualified for that I could actually get.

I now work for a farm, building hop harvest equipment. They are gracious enough to accommodate my entrepreneurial efforts and let me off when I have a tour or special delivery to do. It has been rough on my primary relationship, though thank God she has stuck it out with me, even tougher for my daughter who has not had the support for college she should have, and frustrating beyond words to be now 60 and still struggling financially. I have talents and tenacity and grit. I will overcome, but I am working much harder at this age than I thought I would have to, and will continue to as long as it takes.

With all of these things considered I hope you will be willing to accept the enclosed \$100 payment, twice the original fee amount, as total payment for this penalty on a simple oversight. I know agencies have their 'rules' but I hope this one recognizes some humanity and effort by an ordinary citizen to make it on his own and that for these kinds of situations those rules should be different and less severe.

Thank you,
Eric G. Miller
Owner/Operator

Wineries Express, LLC
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Selah, WA 98942
509 895-9733
eric@wineriesexpress.com

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TE-160734

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.

[X] 1. Payment of penalty. I admit that the violations occurred. I have:

[] Enclosed \$100 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. enclosed letter

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: July 8, 2016 [month/day/year], at Selah, WA [city, state]

Eric G. Miller
Name of Respondent (company) - please print

Eric G. Miller
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."

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