

July 11, 2017

Washington Utilities and Transportation Commission

PO Box 47250

Olympia, WA 98504

Dear Administrative Law Judge;

The Ephrata Senior Center just received a letter stating that we have not filed our 2016 Annual Report for Nonprofit Special Needs Transportation Providers. It also states that we are fined \$1000 penalty for delinquent filing. We are asking for abatement on the fine as we have had volunteer turnover at the Center this year and the notice was not passed on to the appropriate person to file the report on time.

Our 2016 Annual Report has been filed online as of today along with the payment including late fee and interest.

We are asking the Commission decision to be based solely on the information we are providing in this letter as a request for a hearing in Olympia would be a hardship for us to attend.

Thank you for your attention to this matter.

Sincerely,

Mike Donovan

Chairman, Board of Trustees

Ephrata Senior Center

Service Date: July 7, 2017

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: TN-170582
PENALTY AMOUNT: \$1000

Ephrata Senior Center, Inc.
124 C St. NW
Ephrata, WA 98823

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-30-080, which requires nonprofit special needs transportation provider companies to file their annual report and pay regulatory fees each year by May 1. You did not file a complete annual report by May 1, 2017.

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 480-30-080 beyond May 1 as a continuing violation, and assesses penalties of \$100 for each day a company fails to file its complete 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 28, 2017, the Commission sent the 2016 annual report forms and the 2017 regulatory fee packets to all nonprofit special needs transportation provider companies registered in Washington. The instructions page for the annual report form instructed these companies to file complete annual reports and pay regulatory fees by May 1, 2017. The instructions page also stated that failure to file the complete annual report by May 1 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 15, 2017, Ephrata Senior Center, Inc. had not filed its complete 2016 annual report or paid its 2017 regulatory fee. May 15 is 10 business days from May 1, resulting in a total penalty of \$1,000. A complete and accurate annual report is still not on file and additional penalties may accrue until the Commission receives the report and any required regulatory fee.

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.

The Commission will only grant requests for mitigation if the violations occurred due to circumstances beyond your control. Such circumstances include, but are not limited to: death or serious illness of the person responsible for filing the report, or a member of that person's immediate family; destruction by fire or other casualty of your place of business or business records; or an act of fraud, embezzlement, theft, or conversion on the part of your employee.

The following are examples of circumstances that are **not** considered to be beyond your control, and thus are not acceptable bases for requesting mitigation: financial hardship; a misunderstanding or lack of knowledge of Commission rules; failure to receive an annual report form from the Commission; mistakes or misconduct on the part of your employees; employee termination or turnover; personal events such as weddings or graduation ceremonies; and vacations or business trips.

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 \$1000 due.
- Request a hearing to contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

In addition to your selection, a complete annual report and payment of the regulatory fee is required. Payment of the penalty does not satisfy the requirement that you file an annual report and pay any applicable regulatory fee.

Please indicate your selection on the enclosed form and file it with the Washington Utilities and Transportation Commission at: <https://www.utc.wa.gov/docs/Pages/ElectronicFiling.aspx>, **within FIFTEEN (15) days** of receiving this electronic 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 480-31-052 to revoke your authority to provide nonprofit transportation services in Washington.

DATED at Olympia, Washington, and effective July 5, 2017.

/s/ Gregory J. Kopta
GREGORY J. KOPTA
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TN-170582

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. **Contest the violation.** I believe that one or more of the alleged violations did not occur, for the reasons I describe below (if you do not include reasons supporting your contest of the violations here, your request will be denied):

See attached files

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.

3. **Application for mitigation.** I admit the violations, but I believe that the penalty should be reduced because the violations occurred due to circumstances beyond my control, as explained below (if you do not include reasons that support your application for mitigation here, your request will be denied):

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: 7-11-17 [month/day/year], at Ephrata, WA [city, state]

Brenda Rothrock, Bookkeeper Brenda Rothrock
Name of Respondent (company) – please print 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.”

**PRIVATE NONPROFIT SPECIAL NEEDS
TRANSPORTATION PROVIDERS
2016
ANNUAL REPORT**

FOR

Ephrata Senior Center dba:
(REGISTERED NAME OF BUSINESS)

124 C St. NW
(OFFICIAL MAILING ADDRESS)

Ephrata (CITY) WA (STATE) 98823 (ZIP)

Please check if address listed above is an updated address

Report Year Ended: December 31, 2016

Inquiries concerning this Annual Report should be addressed to:

Name/Title: Brenda Rothrock, Bookkeeper
Address: 124 C St. NW
City: Ephrata
State/Zip: WA 98823
Telephone: 509-770-5003
Email: Michie CPA @ gmail.com

SUBMIT TO:
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PO Box 47250
Olympia, WA 98504-7250

File online: www.utc.wa.gov



REPORT MUST BE RECEIVED NO LATER THAN MAY 1, 2017

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 nonprofit transportation providers 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.

Regulatory Fees

Regulatory fees are set by commission order A-140166.

Certification

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

Deadlines and Penalties

All nonprofit transportation providers 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 1, 2017**. Failure to file the annual report by the above deadline will result in a financial penalty of \$100 for each business day after May 1. 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 14, 2017**, 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 28 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 1. 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:

www.utc.wa.gov/regulatedindustries/transportation/nonprofitbuses/pages

However, if your company operated in Washington at any time during the 2016 calendar year, you must file a closing annual report based on the months of operation during 2016.

Confidential Status

Nonprofit special needs providers 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 1, the company will be subject to the penalties described above.

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/regulatedindustries/pages/annualreports

Staff Contact

Sean Bennett at (360) 664-1157 or sbennett@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 Michael Donovan
 Responsible Account Officer (Please Print)

of Ephrata Senior Center
 Name of Company

have examined this report and to the best of my knowledge and belief, all statements of fact are accurate, the financial statements, for the period from January 1, 2016 to December 31, 2016, contained in this report, correctly reflect the business affairs of the respondent.

Chairman Board of Trustee
 Title
 (please print)

Michael Donovan
 (Signature of Responsible Account Officer)
 (Typed if submitting electronically)

509-754-2382
 Telephone Number

7-11-17
 Date

GENERAL INFORMATION

Washington Unified Business Identifier (UBI) No.: 601-141-311
 (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
N/A		

SCHEDULE 1

(complete all information for the year 2016)

Recordable Intrastate and Interstate Accidents

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

Vehicle and Mileage Information

Mileage Information	
Total Operating Miles	
Intrastate	7324
Interstate	

Intrastate: Trips that operate exclusively within WA
Interstate: Trips that operate outside of WA

Vehicles Operated

Indicate vehicles operated during the preceding year under certificate issued by the UTC to provide transportation services (for compensation) for persons with special transportation needs. If more space needed, please attach an additional schedule containing the required information listed below.

Year	Make	Model	Passenger Seating Capacity	Number of Vehicles
2009	Ford	450	14	1
1994	Dodge	Caravan	6	1
1975	Gmc	Pickup	2	1
Total Vehicles Operated				3

Primary Source of Compensation

Check all that apply and provide a brief description

Grants or Contracts

Passenger Fares

We charge our members for transportation on our trips - No fees for meal pickup or meal delivery.

Other

REGULATORY FEE CALCULATION SCHEDULE
Due May 1, 2017

Company Name:

Ephrata Senior Center

Annual Report Year
2016

In accordance with RCW 81.66.030 "Regulatory Fees", the Commission requires Private Nonprofit Special Needs Transportation Providers to file reports the number of vehicles operated by said company at any time during the calendar year and pay the sum of ten dollars annually for each vehicle operated. Every company subject to regulation shall file with the Commission a statement under oath and pay to the Commission a fee as instructed below. There is no minimum fee.

Regulatory Fee Calculations

1 Total Number of vehicles operated at any time during the regulatory year

2 Total Regulatory Fees owed (enter amount from Line 1)

3 x \$10.00 = 30.00

Agency Use Only 001-111-0268-231-01

Penalty & Interest Calculations

3 Penalties on Regulatory Fees being paid after **May 1**

4 Total Penalties on Regulatory Fees owed (enter amount from Line 2 x 2%)

30.00 x 0.02 = .60

5 Interest on Regulatory Fees being paid after **May 31**

6 Amount from Line 2 x Number of month past May 31 x 1%

30.00 x 2 x 0.01 = .60

7 Total Penalties and Interest owed (Line 4 plus Line 6)

1.20

8 Total Regulatory, Penalties and Interest Fees Due (Line 2 plus Line 7)

31.20

Agency Use Only 001-111-0268-231-11

COMMISSION USE ONLY

Reception #:

001-111-0268-231-01

Reference:

AR2016

001-111-0268-231-11

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://www.utc.wa.gov/regulatedIndustries/Pages/online-payments.aspx>

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

NEED MORE ASSISTANCE?

For more information about annual reports please reference the Annual Report FAQ document at the website below or contact Sean Bennett at (360) 664-1157 or sbennett@utc.wa.gov.

<https://www.utc.wa.gov/regulatedIndustries/Pages/annualReports.aspx>

Thank You for Submitting Your Payment

Your payment of \$31.20 has been processed on 7/11/2017.
(Please allow up to three business days for this charge to post to your account.)

Your confirmation number is: **3719**

Any questions can be directed to Accounts Receivable, 360-664-1349