



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

November 5, 2009

Ethan Margalith, Chairman
Starving Students, Inc.
1850 Sawtelle Boulevard #300
Los Angeles, California 90025-7028

RE: Penalty Assessment TV-091592

Dear Mr. Margalith:

A review of Washington Utilities and Transportation Commission (commission) records indicates that you have not responded to the enclosed Notice of Penalties dated October 9, 2009. A response was due within 15 days of your receipt of the penalty notice. According to our records, Starving Students, Inc. received the penalty assessment on October 13, 2009.

The penalty amount is due and payable now. If we do not receive your \$1,600 payment by November 13, 2009, we will refer the matter to the Office of the Attorney General for collection. In addition, the commission will consider further sanctions at that time.

If you have any questions, please contact Betty Young, Compliance Specialist, Transportation Safety. Ms. Young can be reached at 360-664-1202, or by e-mail at byoung@utc.wa.gov.

Sincerely,

David W. Danner
Executive Director and Secretary

Enclosure

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

**PENALTY ASSESSMENT: TV-091592
PENALTY AMOUNT: \$1,600**

**STARVING STUDENTS, INC.
1850 SAWTELLE BLVD #300
LOS ANGELES, CA 90025-7028**

The Washington Utilities and Transportation Commission (Commission) believes that you have committed one or more violations of Washington Administrative Code (WAC) 480-15-570, Driver safety requirements, which requires household goods carriers to comply with CFR Part 391 governing qualification of drivers. Revised Code of Washington (RCW) 81.04.405 allows penalties of up to one hundred dollars for every such violation and, in the case of a continuing violation, states that every day's continuance shall be deemed a separate and distinct violation.

The Commission hereby notifies you that it has assessed penalties against you in the amount of \$1,600, as follows:

On September 23, 2009, Motor Carrier Safety staff John Foster conducted a compliance review of Starving Students. During the review, Mr. Foster found that the company had been using a driver whose license was suspended. This violates WAC 480-15-570, which adopts by reference CFR Part 391.11(b)(5), Using a driver without a currently valid motor vehicle operator's license or permit. According to the company's records, this driver drove for a total of 16 days during September 2009. This constitutes 16 violations as to which a penalty of \$100 per violation is assessed.

This information, if proved at a hearing and not rebutted or explained, is sufficient to support the penalty assessment.

Your penalty is due and payable now. If you believe the violations did not occur, you may request a hearing to contest the penalty assessment. If there is a reason for the violations that you think should excuse you from all or part of the penalty, you may ask for mitigation (reduction) of this penalty. See RCW 81.04.405.

You have the right to present your request for review or mitigation at a hearing, but you are not required to do so. If you do, the Commission will review the evidence supporting your request in an informal hearing, called a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider your plea and notify you of his or her decision.

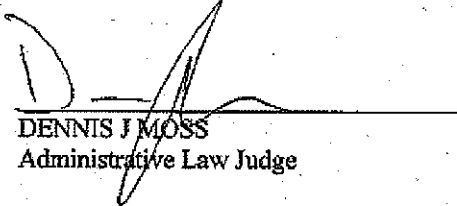
You must act within 15 days after receiving this notice to do one of the following:

- 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. The Commission may then sue you to collect the penalty.

DATED at Olympia, Washington, and effective October 9, 2009.


DENNIS J MOSS
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TV-091592

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 and enclose \$1,600 in payment of the penalty.
- 2. **Request for a hearing.** I believe that the alleged violations did not occur, based on the following information, and request a hearing for a decision by an administrative law judge:

- 3. **Application for mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reason(s) set out below.
 - a) I ask for a hearing for a decision by an administrative law judge
 - b) I waive a hearing and ask for an administrative decision on the information I present here:

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: _____ [month/day/year], at _____ [city, state].

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."