

Gigantic Moving & Storage
2859 S 244th St
Kent WA, 98031

March 20, 2017

Penalty Assessment: TV-170124

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STATE OF WASH
UTIL. AND TRAN
COMMISSION

Dear Washington Utilities And Transportation Commission,

Gigantic Moving & Storage politely requests a reduction of the penalties imposed on us for violations committed by us.

While Gigantic Moving & Storage admits complete responsibility for the violations, we would like to address the penalties for the 78 violations of CFR 391.45(a). These violations were not committed intentionally and while it should have been known that these intrastate drivers required medical examinations, we were ignorant. Upon receiving that information we had all drivers immediately medically examined and a system put in place to ensure that every future driver is examined before hire. While penalty may be necessary, to enforce such penalties based on every occurrence vs every offense as in our other violations feels excessive and would drastically affect the financial well being of our company. We are a young entity who has invested much in increasing sales at the expense of profitability in order to create a thriving business. Thus despite our successful gross sales and despite no officer/director income, Gigantic Moving & Storage has yet to turn a profit. The impact of such a large request will send us spinning. Again we kindly request, that violations of CFR 391.45(a) be reduced to a per-type violation with a penalty of \$100 instead of a per occurrence penalty, with the condition that if such a violation reoccurs, the penalties may be reinstated against our company. Thanks for your time and we appreciate your support.

Best Regards,



Timothy Roberts
Director
Gigantic Moving & Storage

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT TV-170124

~~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 violation occurred and enclose \$ _____ in payment of the penalty.
- 2. **Contest the violation.** I believe that the alleged violation did not occur for the reasons I describe 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.

- 3. **Application for mitigation.** I admit the violation, 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: 03/20/17 [month/day/year], at Portland, OR [city, state]

Tim Roberts
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.”

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.

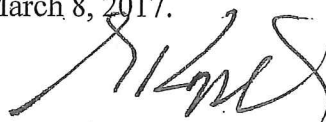
You must act within 15 days after receiving this notice to do one of the following:

- Pay the amount due.
- 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 take additional enforcement action, including but not necessarily limited to suspending or revoking your certificate to provide regulated service, assessing additional penalties, or referring this matter to the Office of the Attorney General for collection.

DATED at Olympia, Washington, and effective March 8, 2017.



GREGORY J. KOPTA
Administrative Law Judge