

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT TN-170152

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:

Please see attached.

- 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: March 28th, 2017 [month/day/year], at Buckley, WA [city, state]

Buckley Senior Citizens
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.”



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www.cityofbuckley.com

March 28, 2017

Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

Subject: Request for Mitigation to Contest Penalty Amount – TN-170152

To Whom It May Concern:

The Buckley Senior Citizen would like to request mitigation to contest the \$9,500 penalty incurred by the Utilities and Transportation Commission as a result of their compliance review on January 24th, 2017.

Although the Notice of Penalties Incurred and Due for Violations of Laws and Rules states that UTC staff conducted a compliance review of the Buckley Senior Citizens in February of 2005, current staff at the Buckley Senior Center had no knowledge of this prior to January of 2017. The passenger van that the Buckley Senior Citizens owns and operates was obtained through a grant in 2001 and was placed into operation under the oversight of then Senior Center Director Skogen. In March, 2006 Ms. Skogen retired and was replaced by the new Director Jennifer Bacon. During Ms. Skogen's retirement and transfer of duties the requirement of meeting Federal guidelines was not relayed to the Center Director and without any subsequent inspections by UTC, adherence to these requirements was lost. Ms. Bacon left the position in August, 2011 and was replaced by Ms. Boyd in the same month. Because Ms. Bacon had no knowledge of the Federal requirement this information was not passed down to Ms. Boyd. Had the Senior Center had knowledge and known about the requirement they would have been proactive in ensuring that all requirements under the law were met.

Now that the Buckley Senior Center is aware of these laws they are committed to establishing procedures that comply with Title 49 CFR Part 391 – Qualifications of Drivers, and CRF Part 395 – Hours of Service of Drivers to assure Federal compliance is maintained. In order to do so, the Senior Center has done the following:

1. Had Active Drivers Complete Medical Examinations and Obtain Certification
2. Created Driver Qualification Files that Maintain:
 - a. Driver Intake Checklist for Staff
 - b. Drivers Application for Employment
 - c. Drivers Investigative History File
 - d. Inquiry to State Agencies
 - e. Annual Review of Driving Record
 - f. Annual Driver's Certification of Violations
 - g. Drivers Road Test Certificate
 - h. Medical Examiners Certificate
 - i. Medical Examiner Verification
3. Created a Log for Drivers to Record Duty Status

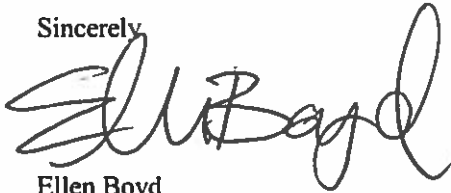
Additionally, the Buckley Senior Citizens have made efforts to increase their safety rating and would like to request an upgrade to their intrastate safety rating based on the following corrective actions:

1. Drafted Safety Management Plan (Final Copy will be Submitted by April 10th, 2017)
2. Created Vehicle Maintenance File That Includes:
 - a. Annual Inspection Report
 - b. Includes Driver Vehicle Inspection Reports
 - c. Vehicle Service History

In order to keep these violations from happening again Senior Center Staff will communicate these regulations to the Buckley Senior Citizens Board of Directors as well as the City of Buckley Administrator to assure cross departmental communication in case of any unforeseen staff turnover. Additionally, Senior Center staff will comply with the safety management plan once established.

Thank you for your time and consideration in this matter.

Sincerely

A handwritten signature in black ink, appearing to read "Ellen Boyd". The signature is written in a cursive, flowing style with a large initial "E".

Ellen Boyd
Recreation Services Director,
City of Buckley