

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TE-170649

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):

[] 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):

I admittedly did not file our annual report - I am currently working full time for the School district trying to keep ~~up~~ my business Leppells Flowers & Gifts just cannot keep up with all the Paperwork for Team Fork Tours.
~~[] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision~~
I am now supporting myself & providing my own Medical OR can't do it all

b) I ask for a Commission decision based solely on the information I provide above.

Please allow me to complete the Annual Report and forgive the penalty and I will try to sort my mail better & not look past your paperwork. I did not receive the report form & can't seem to download it online. the website is difficult to use. Thank You.

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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.

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: June 26 [month/day/year], at Lyons, WA 98331 [city, state].

Charlene Cross
Name of Respondent (company) – please print

Charlene Cross
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.”

Please send us
the Annual Report
Form for
2016