

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 18G-0559TO

Civil Penalty Assessment Notice: 122005

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

Complainant,

v.

WIEBOLD COMPANY, LLC, formerly doing business as, PARKING AUTHORITY,
LLC

Respondent.

JOINT STIPULATION AND SETTLEMENT AGREEMENT

Staff of the Public Utilities Commission (Staff) and Respondent Parking Authority, LLC (Respondent) (collectively, the Parties and singularly, Party) enter into this Stipulation Agreement (Agreement) in the above-referenced proceeding as a complete and final resolution of all issues that were or could have been raised in this proceeding. Jeff Laroy Wiebold has authority to enter into this Agreement on behalf as the Respondent.

BACKGROUND AND RECITALS

1. On August 6, 2018, Staff issued and filed Civil Penalty Assessment or Notice of Complaint to Appear Number 122005 (CPAN). Staff served the CPAN on the Respondent through certified mail via the U.S. Postal Service, and the CPAN was delivered to the Respondent's business on August 8, 2018.

2. The CPAN alleges one violation, dated July 16, 2018, of 4 CCR 723-6-6508(b)(I) for failure to have proper authorization prior to the performance of a nonconsensual tow. The CPAN states that the civil penalty for the violation amounts to \$1,100.00, plus an additional 15 percent surcharge of \$165.00, for a total amount of \$1,265.00. The CPAN further states that if the Respondent pays the CPAN within 10 calendar days of receipt of the CPAN, the penalty violation will be reduced to \$632.50.

3. Respondent business purchased the company doing business as Parking Authority, LLC, which was originally named as the Respondent in the CPAN in the instant proceeding, in June, 2018. The Respondent, formerly known as Parking Authority, LLC, now does business under the name Wiebold Company, LLC.

4. This proceeding is set for a one-day hearing on November 14, 2018.

SETTLEMENT AND AGREEMENT

5. The Parties have reached a settlement in this matter. The settlement amount is a penalty amount equals 70 percent of the total amount owed for the CPAN or \$885.50. The payment shall be made in one payment of \$885.50.

6. In consideration of the following promises and agreements set out below in the Settlement Agreement and for other good and valuable consideration, the sufficiency and adequacy of which are acknowledged herein, the Parties have agreed to the following terms and conditions:

A. Performance by Staff:

- i. Staff will agree to reduce the total amount of the penalty from \$1,265.00 to \$885.50.
- ii. Staff will agree to consider the following mitigating factors, pursuant to Commission Rule 1302(b), in reducing the penalty amount: The Respondent understands the nature of the violation cited in the CPAN and is taking the necessary steps to prevent future violations.

B. Performance by the Respondent

- i. The Respondent shall pay the settlement amount of \$885.50. The payment shall be made in one payment of \$885.50.
- ii. The Respondent shall pay the settlement amount within 10 days of the Public Utilities Commission's final decision.
- iii. The Respondent will agree to comply with the requirements of 4 CCR 723-6-6508(b)(I).

7. This Settlement Agreement has been reached in the spirit of compromise and to avoid the uncertainties of trial and the costly expense of litigation.

8. This Settlement Agreement promotes administrative efficiency because it avoids the time and expense that necessarily would be devoted to preparing for and attending the hearing for this proceeding.

9. This Settlement Agreement serves the public interest because it requires the Respondent to pay a civil penalty of \$885.50 according to the terms of Paragraph 6(B)(i) and 6(B)(ii).

10. The parties agree that all matters that have been raised, or that could have been raised, in this proceeding have been resolved by this Settlement Agreement.

11. This Settlement Agreement may be signed in counterparts, each of which, taken together, shall constitute the entire Agreement of the Parties.

12. This Settlement Agreement may not be modified by the Parties, except in writing, with express agreement of each party, and with approval of the Commission.

13. The Respondent's failure to comply with the payment schedule and to complete the payment obligations described in Paragraph 6(B)(i) of the Settlement Agreement shall be deemed as a waiver by the Respondent of any rights and all rights to file exceptions, as well as a request for rehearing, re-argument, and reconsideration, or to file any other form of appeal.

14. Should this Settlement Agreement be modified or not approved in its entirety by Administrative Law Judge or the Commission, either Party, at that Party's option, may withdraw from this Settlement Agreement by filing a notice with the Commission in this proceeding within seven days of entry of such order. In this event, this Settlement Agreement shall be void and this matter be reset for hearing.

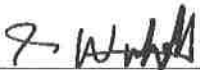
Dated this ~~4th~~ day of November, 2018.

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COMPLAINANT STAFF OF THE COLORADO PUBLIC UTILITIES COMMISSION

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Denver, CO 80202

RESPONDENT WIEBOLD COMPANY, LLC, formerly doing business as PARKING
AUTHORITY, LLC

By:  _____
Jeff Laroy Wiebold, Partner
WIEBOLD COMPANY, LLC
705 S. Grand Avenue
Fort Lupton, CO 80621

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Approved as to form:

CYNTHIA H. COFFMAN
Attorney General

By: _____
Heather W. Whitman, #31909
Assistant Attorney General
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