BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties Against: DOCKET TE-220293

MARTIN'S GORGE TOURS, LLC

DECLARATION OF JASON HOXIT

I, Jason Hoxit, under penalty of perjury under the laws of the state of Washington, declare as follows:

- 1. I am over 18 years of age and competent to testify to the facts contained herein.
- 2. I am employed by the Washington Utilities and Transportation Commission (Commission) as a compliance investigator in the Transportation Safety Division. As a compliance investigator, my responsibilities include conducting investigations into the operations of regulated and unregulated transportation companies. As part of those duties, I investigate charter party or excursion service carriers that may be operating without the required Commission-issued certificate.
- 3. On February 3, 2022, I searched Washington Department of Revenue's Business Licensing Service (DOR), which produced records showing Martin's Gorge Tours, LLC, (Martin's Gorge Tours or Company) in active status in the state of Washington.¹ DOR's records provided UBI: 604-583-723; listed 730 NE Bone Road, Stevenson, Washington, 98648, as both the location and mailing address; and identified Martin Hecht as the governing person.²
- 4. On February 3, 2022, I searched Washington Secretary of State's (SOS) database, which produced records showing that Martin's Gorge Tours had an active account.³ SOS's records provided UBI: 604-583-723; listed 730 NE Bone Road, Stevenson, Washington, 98648, as both the street and mailing address; and identified Martin Hecht as the governing person.⁴
- 5. On February 18, 2022, I mailed a compliance letter to Martin's Gorge Tours, which explains that Commission staff (Staff) believes Martin's Gorge Tours is operating as a charter party

 4 Id.

¹ See Attachment A for a copy of DOR records, captured on February 3, 2022.

 $^{^{2}}$ Id.

³ See Attachment B for a copy of SOS records, captured on July 20, 2021.

or excursion service carrier in the state of Washington without the required certificate. The compliance letter required a written response from the Company by March 4, 2022.⁵

- 6. On February 25, 2022, Martin's Gorge Tours received the compliance letter at 730 NE Bone Road, Stevenson, Washington, 98648.⁶ The Company never submitted a written response to Staff.
- 7. On April 26, 2022, I searched Commission records, which showed that Martin's Gorge Tours did not have the required authority to provide charter party or excursion carrier service in the state of Washington.⁷
- 8. On April 26, 2022, I visited the Company's website, <u>www.martinsgorgetours.com</u>. Under the website's "Book Tour" page, I submitted a reservation request seeking transportation for 10 passengers from the Skamania Lodge in Stevenson, Washington, to various local wineries on June 3, 2022.⁸ After submitting the request, I received a confirmation email from Martin Hecht at <u>reservations@martinsgorgetours.com</u>.⁹
- 9. On April 26, 2022, I received emails from Martin Hecht at <u>martin@martinsgorgetours.com</u>, in which the Company states it is available to provide transportation for a wine tour on June 3, 2022, provides individual passenger rates of \$130 for the "Standard wine tour" and \$180 for the "Premium tour," and states "[o]ur 14 passenger coach will provide more than adequate safety and comfort for your group of 10+/- guests."¹⁰ Martin's Gorge Tours lists phone numbers (503) 349-1323 and (541) 400-8023 in the email.¹¹
- 10. On May 5, 2022, I received a text message from phone number (503) 349-1323. In the message, Martin's Gorge Tours inquires if I would like "to further tour arrangements for Friday, 6/3," and informs me that the Company has "had other interest in scheduling this date."¹²
- 11. On May 20, 2022, I visited the Company's website, <u>www.martinsgorgetours.com</u>. On the homepage, Martin's Gorge Tours advertises "Wine Tours in Oregon & Washington" in addition to tours in the Columbia River Gorge National Scenic Area for "Waterfall & Wildflower, Winery, Brewery & Cider, Guided Hikes, Scenic Drives, [and] Combination

⁵ See Attachment C for a copy of the compliance letter, dated February 18, 2022.

⁶ See Attachment D for a copy of the certified mail receipt, signed on February 25, 2022.

⁷ See Attachment E for a copy of Commission records documenting the Company's unregulated status, captured on April 26, 2022.

⁸ See Attachment F for a copy of the reservation request submitted through the Company's website on April 26, 2022.

⁹ See Attachment G for a copy of the confirmation email received on April 26, 2022.

¹⁰ See Attachment H for a copy of emails from Martin's Gorge Tours on April 26, 2022.

¹¹ Id.

¹² See Attachment I for a copy of the text message from the Company on May 5, 2022.

Tours."¹³ Under the website's "Shuttle and Charter Services" page, Martin's Gorge Tours advertises "20 Passenger, 14 Passenger or 6 Passenger Vehicles and Drivers for Shuttle Service and Tours."¹⁴ On the website's "Contact Martin's Gorge Tours" page, the Company provides a picture of a Ford Econoline shuttle bus with license plate number 468-XNY,¹⁵ lists phone number (503) 349-1323, and provides the address of 730 NE Bone Road, Stevenson, Washington, 98648.¹⁶

- 12. On May 20, 2022, I visited the Company's Facebook page, <u>www.facebook.com/Martins-Gorge-Tours-104339642952232</u>, which provides the Company's website of <u>www.martinsgorgetours.com</u>, lists phone number (503) 349-1323, and provides email <u>martin@martinsgorgetours.com</u>.¹⁷ On April 30, 2022, Martin's Gorge Tours posted the caption "We shuttled this group from Skamania Lodge [in Stevenson, Washington] for their golf retreat at Elk Ridge [in Carson, Washington]" and provided a picture of 20 people.¹⁸
- 13. On May 20, 2022, I searched Commission records, which showed that Martin's Gorge Tours does not have the required authority to provide charter party or excursion carrier service in the state of Washington.¹⁹
- 14. Based on paragraphs 3 through 13 above, Staff finds that Martin's Gorge Tours is operating as a charter party or excursion service carrier in the state of Washington without first obtaining the required certificate from the Commission.

DATED this 19th day of October 2022, at Lacey, Washington.

<u>/s/ Jason Hoxit</u> JASON HOXIT

¹⁷ See Attachment N for a copy of the Company's Facebook page, captured on May 20, 2022.

¹³ See Attachment J for a copy of the Company's homepage, captured on May 20, 2022.

¹⁴ See Attachment K for a copy of the "Shuttle and Charter Services" page on the Company's website, captured on May 20, 2022.

¹⁵ See Attachment L for vehicle information on the 1996 Ford Econoline shuttle bus with license plate number 468-XNY, registered to Martins Hike and Bike LLC at 730 NE Bone Road, Stevenson, Washington, 98648, captured on April 26, 2022.

¹⁶ See Attachment M for a copy of the "Contact Martin's Gorge Tours" page on the Company's website, captured on May 20, 2022.

¹⁸ See Attachment O for a copy of the Company's Facebook post on April 30, 2022, captured on May 20, 2022.

¹⁹ See Attachment P for a copy of Commission records documenting the Company's unregulated status, captured on May 20, 2022.

Attachment A

2/3/22, 12:50 PM

Washington State Department of Revenue





Washington State Department of Revenue

< Business Lookup

License In	formation:	New search	Back to results
Entity name:	MARTIN'S GORGE TOURS, LLC		
Business name:	MARTIN'S GORGE TOURS, LLC		
Entity type:	Limited Liability Company		
UBI #:	604-583-723		
Business ID:	001		
Location ID:	0001		
Location:	Active		
Location addres	55: 730 NE BONE RD STEVENSON WA 9864	8-4207	
Mailing address	: 730 NE BONE RD STEVENSON WA 9864	8-4207	
Excise tax and r	eseller permit status: Click	here	
Secretary of Sta	te status: Click	here	
Endorseme	ents		
Endorsements h	eld a License # Count Details	s Status Exp	piratior First issua

, 12:50 PM	Washington State Department of	Revenue
Endorsements held & License # Co	ount Details Statu	s Expiratior First issu
Stevenson General 1 Business	Activ	e Feb-28-2(Dec-16-
Governing People May incl Governing people	lude governing people not registered with Title	Secretary of State
<u> </u>		Secretary of State

Contact us

How are we doing? Take our survey!

Don't see what you expected? Check if your browser is supported

https://secure.dor.wa.gov/gteunauth/_/#4





Washington State Department of Revenue

< Business Lookup

Tax Information	New search	Back to results	
Entity name: MART	ntity name: MARTIN'S GORGE TOURS, LLC		
Entity type: Limite	d Liability Company		
Excise tax account ID #:	604-583-723		
UBI #:	604-583-723		
Opened:	February 3, 2020		
Closed:			
Mailing address:	730 NE BONE RD STEVENSON WA 98648-4207		
NAICS:	561510 - Travel Agencies		
Reseller permit:	None		
Business License	e Locations		Ŧ
Business name	License account ID #	Location address	
MARTIN'S GORGE TOUI	R 604583723-001-0001	730 NE BONE RD	STEVENSON W
		okup information is ate and time: 2/3/2	

https://secure.dor.wa.gov/gteunauth/_/#5

2/3/22, 12:51 PM

Washington State Department of Revenue

ΡM

Contact us

How are we doing? Take our survey!

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https://secure.dor.wa.gov/gteunauth/_/#5

Attachment B

2/3/22, 12:51 PM

Corporations and Charities System

BUSINESS INFORMATION

Business Name: MARTIN'S GORGE TOURS, LLC

UBI Number: 604 583 723

Business Type: WA LIMITED LIABILITY COMPANY

Business Status: ACTIVE

Principal Office Street Address: 730 NE BONE RD, STEVENSON, WA, 98648-4207, UNITED STATES

Principal Office Mailing Address: 730 NE BONE RD, STEVENSON, WA, 98648-4207, UNITED STATES

Expiration Date: 02/28/2022

Jurisdiction: UNITED STATES, WASHINGTON

Formation/ Registration Date: 02/11/2020

Period of Duration: **PERPETUAL**

Inactive Date:

Nature of Business: OTHER SERVICES, GUIDED TOURS

REGISTERED AGENT INFORMATION

Registered Agent Name: **ROBERT MUTH**

Street Address: 76 NW FREEDOM CT, STEVENSON, WA, 98648-4039, UNITED STATES

Mailing Address: 76 NW FREEDOM CT, STEVENSON, WA, 98648-4039, UNITED STATES

GOVERNORS

Title	Governors Type	Entity Name	First Name	Last Name
GOVERNOR	INDIVIDUAL		MARTIN	HECHT

Attachment C



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503 P.O. Box 47250 • Olympia, Washington 98504-7250 (360) 664-1160 • TTY 1-800-833-6384 or 711

February 18, 2022

Martin Hecht Martin's Gorge Tours, LLC 730 NE Bone Rd. Stevenson, WA 98648

RE: Charter or Excursion Service Carrier

Dear Martin Hecht:

The Washington Utilities and Transportation Commission (Commission) believes that you are providing passenger transportation services that require charter and excursion authority from the Commission. To advertise, solicit, offer, or enter into an agreement to provide charter or excursion services without a certificate is illegal and subject to a penalty of up to \$5,000 per violation.

The purpose of this letter is to learn more about your passenger transportation services, help you understand charter and excursion regulations, and direct your company to respond to avoid any potential penalties.

What you need to do

To avoid enforcement action by the Commission, your company must:

- Immediately remove any advertisement offering charter or excursion services;
- Stop providing charter or excursion services; and
- Either submit a completed application (enclosed), file proof of insurance, and include the application fee; or respond in writing by March 4, 2022, explaining your company's operations and why they do not require operating authority from the Commission.

Charter and excursion regulations

The Commission regulates charter and excursion carriers in the state of Washington in the public interest.¹

¹ See RCW 80.01.040.

Martin's Gorge Tours, LLC February 18, 2022 Page 2

A charter carrier means every person engaged in the transportation of persons for compensation over any public highway in this state who, pursuant to a common purpose and under a single contract, acquire the use of a motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after leaving the place of origin.²

An excursion carrier means every person engaged in the transportation of persons for compensation over any public highway in this state from points of origin within any city, town, or area, to any other location within the state of Washington and returning to that origin. The service must not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may be regularly scheduled and compensation for the transportation offered or afforded must be computed, charged, or assessed on an individual fare basis.³

In relation to both charter and excursion carriers, a motor vehicle means every self-propelled vehicle with a manufacturer's seating capacity for eight or more passengers, including the driver, used on the public highways for the transportation of persons for compensation.⁴

Application for charter and excursion authority

To provide charter or excursion service, your company must first apply for charter and excursion authority. Your company cannot operate as a charter or excursion carrier in the state of Washington until the Commission grants you a certificate.

Direct your written response to compliance investigator Jason Hoxit by email to <u>Jason.Hoxit@utc.wa.gov</u> or by mail to P.O. Box 47250, Olympia, WA 98504. If you have any questions, Jason Hoxit can be reached by phone at (360) 867-8305.

Sincerely,

Digitally signed by Sharp, Jason (UTC) Date: 2022.02.18 14:23:11 -08'00'

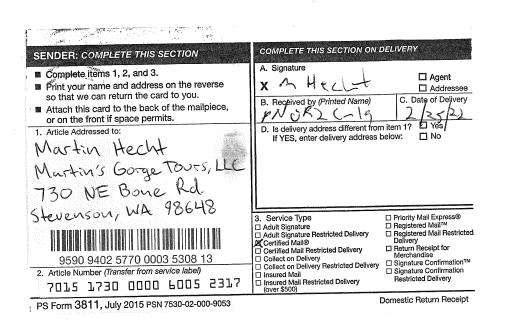
JASON SHARP Motor Carrier Safety Supervisor, Transportation Safety

Enclosure

² See RCW 81.70.020 and WAC 480-30-036.

³ Id. ⁴ Id.

Attachment D



DECLARATION OF JASON HOXIT - 11



Attachment E

SharePoint		Newsfeed	OneDrive	Sites	Hoxit, Jason (UTC) -	ø	?
S	Companies	Cases	[Search Com	ipany Name	•	Q
History Cancel View Version History Title*	Industries Cases Insurance Martin's Gorge Tours, LLC						
DBA Names	Martin's Gorge Tours, LLC						
Company Legacy ID							
Unified Business Identifier	604583723						
Regulatory Status	Unregulated						
Contact Name	Martin Hecht						
Contact Title							
Contact Phone	503-349-1323						
Contact E-Mail Address							
Contact Fax							
Address Change Date							
Physical Address Street	730 NE Bone Rd						
Physical Address City	Stevenson						
Physical Address State	WA						
Physical Address Zip	98648						
Mailing Address Street	730 NE Bone Rd						
Mailing Address City	Stevenson						
Mailing Address State	WA						
Mailing Address Zip	98648						
Website	www.martinsgorgetours.co	m					
Comments							
Company ID	22,190						
Version: 2.0 Created at 2/8/2022 7:37 AN Last modified at 2/8/2022 7:	Λ by □ Chiles, Pam (UTC) 38 AM by □ Chiles, Pam (UTC)	Cancel					

Attachment F



Attachment G

4/26/22, 9:43 AM

Gmail - Martins Gorge Tours Contact Confirmation



Jake Swanson <swannyjacob@gmail.com>

Martins Gorge Tours Contact Confirmation

1 message

Martin Hecht <Reservations@martinsgorgetours.com> To: swannyjacob@gmail.com Tue, Apr 26, 2022 at 9:40 AM

Name:	Jacob Swanson
E-mail:	swannyjacob@gmail.com
Phone:	253 3431491
Tours you are interested in:	Local wineries
Date you want the tour:	06/03/2022
Number in group:	10
Where would you like to be picked up?	Skamania Lodge
Where did you hear about us?	Skamania Lodge
Comments Questions	Please email me as I typically don't answer calls from unknown phone numbers. Thank you!

Thank you for contacting us. We will get back to you soon.

Attachment H

4/26/22, 11:49 AM

Gmail - Re: Request for a wine tour with ten guests on Friday 6/3/22, from Skamania Lodge

Jake Swanson <swannyjacob@gmail.com>

Re: Request for a wine tour with ten guests on Friday 6/3/22, from Skamania Lodge 1 message

Martin Hecht <martin@martinsgorgetours.com> To: Jake Swanson <swannyjacob@gmail.com> Cc: Martins Gorge Tours Group <christine@martinsgorgetours.com> Tue, Apr 26, 2022 at 11:38 AM

Good questions.

Hi Jake-

1 - As active members of the Gorge Wine Association, we are happy to feature any wineries. Feel free to share your requests, or if preferred, you may allow us "creative freedom" to select venues based on your wine preferences.

2 - Our 14 passenger coach will provide more than adequate safety and comfort for your group of 10+/- guests.

3 - Credit card information is needed in order to reserve the date. Charges will not be processed until the completion of service, and adjusted for actual participation. (please see our refund/cancellation policy below).

4 - At the \$130 rate, each participant (or the group host) will be responsible for winery tasting fees which average about \$20/guest/venue.

We welcome your booking, and look forward to serving your group...

Martin & Christine Hecht 503-349-1323 and 541-400-8023

Cancellation and Refund Policy:

Cancellation given 30 calendar days before scheduled event will be refunded at 100%. Cancellation given 14 calendar days before scheduled event will be refunded at 50%. Any cancellations less that 14 days or no-shows will be charged 100% of the deposit amount. We will not be held liable for circumstances beyond my control including weather & road conditions. Any refunds given for any reason such as clerical errors or acts of God will be limited to no more than the total amount of the deposit.

On Tue, Apr 26, 2022 at 11:27 AM Jake Swanson <swannyjacob@gmail.com> wrote:

Thank you for the quick response, much appreciated! Our group would be interested in the \$130 per person pricing, that way each person can make their own wine tasting decisions on the day of.

A few questions before getting you the deposit:

- 1) You mentioned that the pricing includes three venues are you able to provide which wineries are included?
- 2) Will our group all be traveling in the same vehicle?
- 3) What is the deposit amount required for our group of ten?
- 4) Are there any charges or fees not included in the \$130 per person rate (not including gratuities)?

Thank you very much, Jacob

On Tue, Apr 26, 2022 at 9:55 AM Martin Hecht <martin@martinsgorgetours.com> wrote: Hello Jacob,

Thank you for your expressed interest in wine touring from Skamania Lodge on Friday, 6/3. At this time, we do show availability for an exclusive tour on this date, and would love to share our passion for the Columbia Gorge, it's premier local wineries, and more. The rate for our Standard wine tour is only \$130/guest with a 4 guest minimum, or the Premium tour (with tasting fees included) at only \$180/guest. Both tour rates include all costs of transportation, guide fee, arrangements with three venues, bottled water, snacks, and staging from most locations in the Gorge.

If you wish to further arrangements, we can reserve with a credit card deposit by phone.

We welcome the opportunity to help make your tour memorable! Please let us know how you wish to proceed, - Martin & Christine Hecht

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DECLARATION OF JASON HOXIT - 16

4/26/22, 11:49 AM

Gmail - Re: Request for a wine tour with ten guests on Friday 6/3/22, from Skamania Lodge

FYI - All arrangements are based on availability at the time of booking, and most wineries require reservations in advance.

On Tue, Apr 26, 2022 at 9:42 AM Martin <reservations@martinsgorgetours.com> wrote:

Name:	Jacob Swanson
E-mail: swannyjacob@gmail.com	
Phone:	253 3431491
Tours you are interested in:	Local wineries
Date you want the tour:	06/03/2022
Number in group:	10
Where would you like to be picked up?	Skamania Lodge
Where did you hear about us?	Skamania Lodge
Comments Questions	Please email me as I typically don't answer calls from unknown phone numbers. Thank you!

Martin's Gorge Tours

formerly Martin's Hike and Bike, LLC exploring The Gorge for over 20 years 503-349-1323

www.MartinsGorgeTours.com

Martin's Face Book Become a fan on facebook

Martin's Gorge Tours

formerly Martin's Hike and Bike, LLC exploring The Gorge for over 20 years 503-349-1323

www.MartinsGorgeTours.com

Martin's Face Book Become a fan on facebook

Attachment I



Martin's Gorge Tours, (541) 400...

Hi Jake,

Would you care to further tour arrangements for Friday, 6/3?

Please advise us, as we have had other interest in scheduling this date and we will want to allocate our resources accordingly.



<

Message details

From: (503) 349-1323

Received: May 5, 9:17 AM vhat 0?

OK

5:57 AM

DECLARATION OF JASON HOXIT - 19

Attachment J



So much cuteness!! Thank you Angela and Alan for showcasing your adorable alpacas to our guests from CA. #cedarcreekalpacas #martinsgorgetours





Attachment K



Attachment L

	WASHINGTON STATE DEPARTMENT OF	
Gộ-	WASHINGTON STATE DEPARTMENT OF	

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< Search for a driver or vehicle

Vehicle Information	on	
VIN	Scale Weight	GVWR
1FDKE30F7THA26919	11500	Class 3 - 10,001 - 14,000
Model Year	Color 1	Gross Weight
1996	WHITE	0
Make	Color 2	Equipment #
FORD	MAROON / BURGUNDY	
Model	Use Type	Fleet #
ECONOLINE	Passenger Vehicle	
Body Style	Value Year	Value Code
Motorhome	2002	12000.0000
Current Odometer	Previous Odiometer	
0	0	

Last Tran Date	County
27-Sep-2021	
Previous Tran Date	Status
12-Aug-2021	lssued
Months of Reg	
13	
Title Issued	
01 Mar 2000	
	27-Sep-2021 Previous Tran Date 12-Aug-2021 Months of Reg 13

Registered Owner

Registered : Mailing Address 730 NE BONE RD STEVENSON WA 98648-4207 Location Code: 3002

	MARTINS HIKE AND BIKE LLC	
Residential Address		

730 NE BONE RD STEVENSON WA 98648-4207 Location Code: 3002

Гуре	Transaction	From	Expiration	Cancelled	Registration	Plate/Decal Type Plate/Decal Numb	er Tab Type	Tab Number
On-Road	Converted	19-Sep-2016	20-Oct-2017	21-Oct-2017	ZS3661964	Standard Passen <u>c</u> 468XNY	R17	K978372
On-Road	Renewal	06-Dec-2017	20-Oct-2018	13-Sep-2018	RG31081711	Standard Passen <u>c</u> 468XNY	R18	K132178
On-Road	Renewal	13-Sep-2018	20-Oct-2019	03-Oct-2019	RG49191342	Standard Passen <u>c</u> 468XNY	R19	G636253
On-Road	Renewal	03-Oct-2019	20-Oct-2020	07-Oct-2020	RG40050067	Standard Passen <u>c</u> 468XNY	R20	U957778
On-Road	Renewal	07-Oct-2020	20-Oct-2021	27-Sep-2021	RG65317376	Standard Passen <u>c</u> 468XNY	R21	B364403
On-Road	Renewal	27-Sep-2021	20-Oct-2022		2719244	Standard Passeng 468XNY	R22	P516167

Close

Washington State Department of Licensing

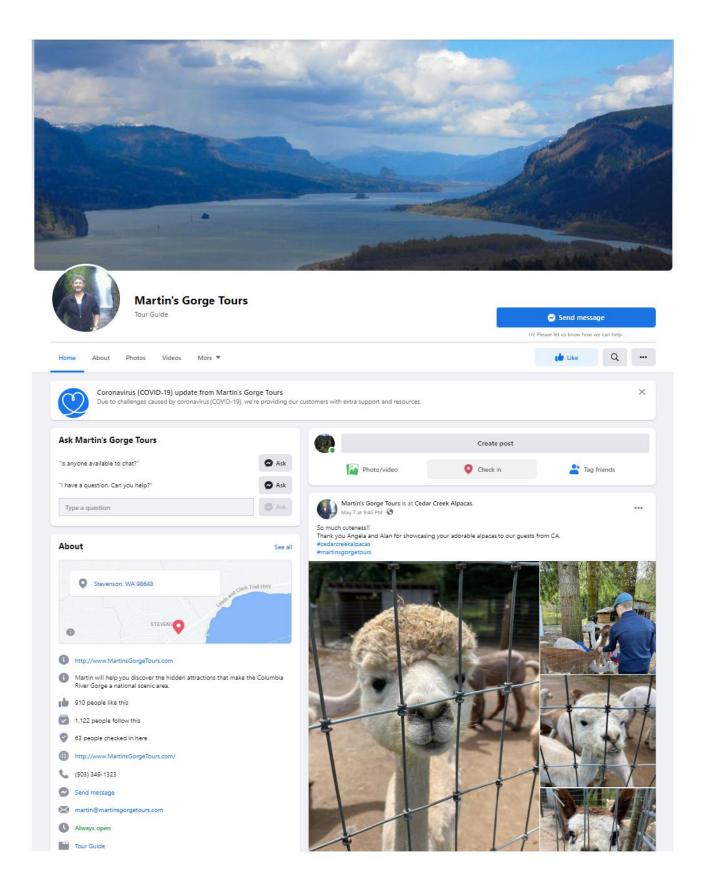
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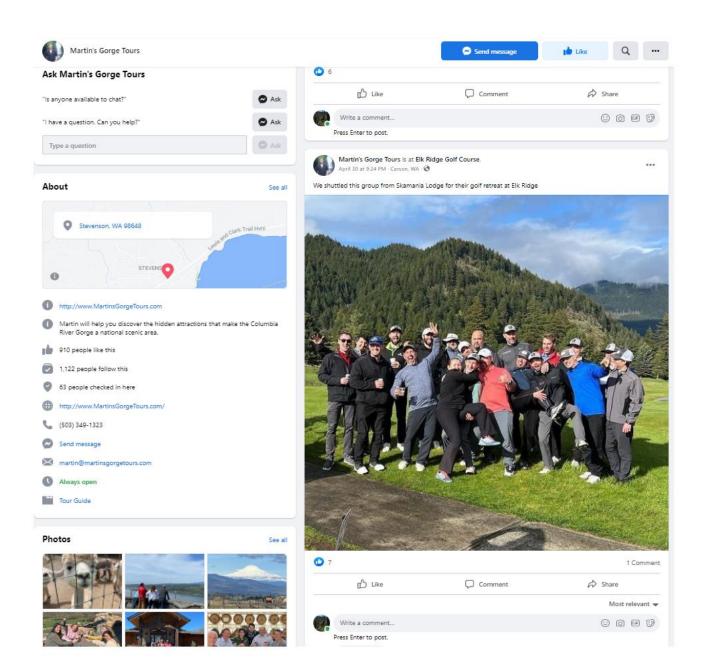
Attachment M



Attachment N



Attachment O



Attachment P

SharePoint		Newsfeed	OneDrive	e Sites	Hoxit, Jason (UTC) -	ø	?
	Companies	Cases		Search Com	ipany Name	•	Q
s 🔉							
History Contacts	Industries Cases						
Cancel Permits 8	k Insurance						
View Version History							
Title*	Martin's Gorge Tours, LLC						
DBA Names							
Company Legacy ID							
Unified Business Identifier	604583723						
Regulatory Status	Unregulated						
Contact Name	Martin Hecht						
Contact Title							
Contact Phone	503-349-1323						
Contact E-Mail Address							
Contact Fax							
Address Change Date							
Physical Address Street	730 NE Bone Rd						
Physical Address City	Stevenson						
Physical Address State	WA						
Physical Address Zip	98648						
Mailing Address Street	730 NE Bone Rd						
Mailing Address City	Stevenson						
Mailing Address State	WA						
Mailing Address Zip	98648						
Website	www.martinsgorgetours.co	m					
Comments							
Company ID	22,190						
Version: 2.0 Created at 2/8/2022 7:37 AM by Chiles, Pam (UTC) Last modified at 2/8/2022 7:38 AM by Chiles, Pam (UTC)							