

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of

SANI MAHAMA MAUROU d/b/a
SEATAC AIRPORT 24

For reinstatement of authority to operate as
an auto transportation company and charter
and excursion carrier

DOCKET TC-160324

NOTICE OF INTENT TO DENY
APPLICATION FOR
REINSTATEMENT

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME FOR
ORAL STATEMENTS
(Set for July 11, 2016, at 1:30 p.m.)

BACKGROUND

- 1 On March 7, 2016, the Commission conducted a brief adjudicative proceeding in Docket TC-152296 to address possible violations of WAC 480-30-221 by Sani Mahama Marou d/b/a SeaTac Airport 24 (SeaTac Airport 24 or Company) and the penalty assessment assessed against the Company in Docket TC-160187 for 292 violations of WAC 480-30-221, which adopts by reference 49 C.F.R. § 391 related to driver qualifications and 49 C.F.R. § 396 related to vehicle inspection, repair, and maintenance. Following the parties' presentations, the Administrative Law Judge issued a ruling from the bench cancelling the Company's charter, excursion, and auto transportation certificate effective March 8, 2016.
- 2 On March 15, 2016, the Commission entered Order 01, Order of Consolidation; Initial Order Cancelling Certificate; Order Imposing and Suspending Penalties (Order 01). Order 01 reiterated the cancellation of the Company's certificate C-65615.¹ It also stated that the Company must cease and desist all operations until the Commission reinstates its certificate or grants it a new certificate.² Order 01 reduced the penalty assessment against the Company from \$29,200 down to \$25,200, with \$20,000 of that suspended for two years subject to certain conditions.³
- 3 On March 22, 2016, SeaTac Airport 24 submitted its Application for Reinstatement.

¹ Order 01, Docket TC-152296, Order of Consolidation; Initial Order Cancelling Certificate; Order Imposing and Suspending Penalties ¶ 43 (March 15, 2016) [hereinafter "Order 01"].

² Order 01 ¶ 43.

³ Order 01 ¶ 44.

- 4 On March 23, 2016, SeaTac Airport 24 filed an “Application of Financial Hardship” in Docket TC-160187, which the Commission accepted as a timely filed petition for administrative review.
- 5 On May 12, 2016, the Commission entered Order 02, Final Order in the Consolidated Dockets TC-152296 and TC-160187 (Order 02). In Order 02, the Commission upheld the findings and conclusions in Order 01, as modified by the payment plan (permitting the Company to pay its unsuspended \$5,200 penalty via monthly payments ending in June 2018) and additional conditions.⁴ Order 02 also reaffirmed Order 01’s cancellation of the Company’s certificate and its order to cease and desist all operations until the Company’s certificate is reinstated or the Company is granted a new certificate.⁵
- 6 As additional requirements for reinstatement, Order 02 also ordered the Company to file its 2015 annual report, pay any required regulatory fee for 2016, and to file documentation of its payment agreement with AllianceOne Receivables Management, Inc. (for its \$1,000 penalty for failing to timely file its 2014 annual report) before its certificate could be reinstated.⁶ Order 02 also ordered Staff to conduct an investigation of the Company before June 2018 and thereafter make a recommendation of whether to waive or impose the \$20,000 suspended portion of the penalty.⁷
- 7 The Company made a \$200 payment to the Commission on May 28, 2016, in compliance with the Company’s payment plan that requires a \$200 payment by the 28th of every month until June 28, 2018.
- 8 Staff has reviewed the Company’s Application for Reinstatement, and recommends that the Commission deny the Application for the reasons set out below.

FACTUAL ALLEGATIONS

- 9 On May 24, 2016, SeaTac Ground Transportation Enforcement (SeaTac Enforcement) contacted Staff to determine whether the Commission had reinstated the Company’s authority to operate. SeaTac Enforcement informed Staff that all commercial passenger transportation vehicles serving SeaTac Airport carry a transponder-type device that records when the vehicle enters the passenger drop-off or pick-up areas. The airport’s records show that SeaTac Airport 24 vehicles entered the airport on 24 occasions between April 9, 2016, and May 24, 2016: on 23 occasions, a SeaTac Airport 24 vehicle entered the passenger drop-off area, and on April 28, 2016, a SeaTac Airport 24 vehicle entered, or attempted to enter,

⁴ Order 02, Consolidated Dockets TC-152296 and TC-160187, Final Order ¶ 13, ¶ 27 (May 12, 2016) [hereinafter “Order 02”].

⁵ See Order 02 ¶¶ 13, 20, 22, 24-25, 28-29; see also Order 01 ¶ 43.

⁶ Order 02 ¶¶ 28-29.

⁷ Order 02 ¶ 30.

the commercial-vehicles only lot (South GT Lot). SeaTac Enforcement further informed Staff that an agent witnessed a verbal dispute between a passenger and a driver for SeaTac Airport 24 over a fare on May 24, 2016.

- 10 After the the Commission entered Order 01 and Order 02 and as late as May 26, 2016, Staff discovered that SeaTac Airport 24 continued to advertise as a Charter or Excursion Carrier on its website, <http://seatacairport24.com>, stating that it offers “Charter Service” and also an “In-city tour or special occasion trip [that] is \$65/hour, 3 hours minimum.” The website includes a phone number: 206-356-7664.
- 11 On June 8, 2016, Staff contacted SeaTac Airport 24 at the phone number on the Company’s website posing as a customer to inquire about arranging transportation from the Westin Hotel in downtown Seattle to SeaTac Airport. Staff requested a quote for transportation of four persons on June 12, 2016, at 11:30 a.m. for a 2:05 p.m. departure flight from SeaTac Airport. Staff was provided a quote of \$60 and a confirmation number of 2424100.
- 12 Shortly after receiving the quote, Staff received a return phone call from SeaTac Airport 24, inquiring about Staff’s room number at the Westin Hotel and confirming information about Staff’s departing flight from SeaTac Airport. The Company also confirmed the quoted price of \$60 for four persons on June 12, 2016, at 11:30 a.m. from the Westin Hotel to SeaTac Airport.

DISCUSSION

- 13 No person may operate as an auto transportation company or a charter and excursion carrier in the state of Washington without having a certificate from the Commission to do so.⁸ The Commission has authority to regulate these companies within the state of Washington.⁹ Passenger transportation companies must abide by Washington law and Commission rules and orders, or will be subject to administrative actions by the Commission to enforce compliance with statutes, rules, and orders.¹⁰
- 14 Once a Company’s certificate is cancelled by the Commission, that Company may no longer operate until its certificate is reinstated or until it applies for and obtains a new certificate.¹¹ The Commission has discretion to grant or deny an Application for Reinstatement of a certificate that was cancelled for cause.¹²
- 15 Order 01 stated that the Company’s “auto transportation certificate C-65615 is cancelled. [The Company] must cease and desist all operations unless and until its certificate is

⁸ WAC 480-30-086(1).

⁹ WAC 480-30-011; WAC 480-30-241.

¹⁰ WAC 480-30-241.

¹¹ WAC 480-30-171; WAC 480-30-086(1); WAC 480-30-181; WAC 480-30-096; WAC 480-30-121.

¹² WAC 480-30-181.

reinstated or it applies for an obtains a new certificate from the Commission.”¹³ Order 02 upheld the findings and conclusions in Order 01, only altering the Order for accommodation of a payment plan for the Company and elaborating upon additional conditions for the reinstatement of the Company’s authority to operate.

16 Staff alleges specific facts that, if proven, demonstrate that the Company continued to operate without authority in violation of Order 01 and Order 2. Based on these allegations, the Commission shares Staff’s concern that the Company may be unable or unwilling to abide by Commission rules and orders. The Commission intends to deny the Company’s Application for Reinstatement unless SeaTac Airport 24 produces sufficient evidence to refute Staff’s allegations.

NOTICE

17 The Commission hereby provides notice of its intent to deny SeaTac Airport 24’s Application for Reinstatement of its auto transportation certificate C-65615 and its authority to operate as a charter and excursion carrier under RCW Title 81 and WAC 480-30.

18 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission determines that a brief adjudicative proceeding is appropriate to determine whether the Commission should deny SeaTac Airport 24’s Application for Reinstatement.

19 **THE COMMISSION GIVES NOTICE That it will hold a brief adjudicative proceeding in this matter at 1:30 p.m., on Monday, July 11, 2016, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

20 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.

21 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The Commission will provide at its offices in Olympias, Washington, copies of documents in the current record for use by the parties or others who may want to review them.

22 Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and describing any such documents **no later than 5:00 p.m. on Tuesday, July 5, 2016**, and bring an original and

¹³ Order 01 ¶ 43.

three (3) copies of those documents to the hearing. Filing shall be in accordance with WAC 480-07-140 and -145.

23 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

24 The names and mailing addresses of all parties and their known representatives are shown as follows:

Commission: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Andrew J. O'Connell
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1192
aoconnel@utc.wa.gov

Respondent: Sani Mahama Maurou
d/b/a SeaTac Airport 24
1800 South Jackson Street, Suite 211
Seattle, WA 98144

25 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law Division, will preside during this proceeding.

DATED at Olympia, Washington, and effective June 20, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: Steven V. King, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired: (Yes) _____ (No) _____

Do you need a certified sign language interpreter?

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (_____) _____