



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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April 16, 2021

Mark L. Johnson, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. JPH International, Inc., d/b/a
A&A Airport Limousine Service; A Bus Service Seattle
Commission Staff's Response to Contest of Violations
Docket TE-210189*

Dear Mr. Johnson:

On April 7, 2021, the Washington Utilities and Transportation Commission (commission) issued a penalty assessment against JPH International, Inc., d/b/a A&A Airport Limousine Service; A Bus Service Seattle, (JPH International or company) in the amount of \$1,200 for violations of Washington Administrative Code (WAC) 480-30-221, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 CFR) Part 382 – Controlled Substance and Alcohol Use and Testing and 49 CFR Part 391 – Qualification of Drivers, as follows:

- **One violation of 49 CFR § 382.105 – Using a Department of Transportation (DOT) custody and control form to perform a non-DOT test.** The Company used a DOT custody form for a pre-employment test for driver Wendi Dworak, who is a non-DOT driver.
- **One violation of 49 CFR § 382.301(a) – Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.** JPH International allowed driver Nathnael Gemechu to drive on February 24, 2020, before receiving a negative controlled substance test result on March 9, 2020.
- **Six violations of 49 CFR § 382.601(b) – Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11.** The Company failed to provide drivers Roger Johnson, Edwin Lyle,

John Newcomer, Mark Ronan Sr., Jasbir Sandhu, and Stewart Thompson with a current written controlled substance and alcohol policy as required.

- **Three violations of 49 CFR § 391.45(a) – Using a driver not medically examined and certified.** JPH International allowed Randall Corcoran to drive with an expired medical certificate on three occasions between December 31, 2020, and January 13, 2021.
- **Two violations of 49 CFR § 391.51(b)(2) – Failing to maintain inquiries into driver’s driving record in driver’s qualification file.** The Company failed to maintain initial driver records in the driver qualification files for Jasbir Sandhu and Stewart Thompson.
- **Eight violations of 49 CFR § 391.51(b)(9) – Failing to place a note related to the verification of the medical examiner’s listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver qualification file.** The Company failed to verify and note that the medical examiner is on the national registry of medical examiners for drivers Randall Corcoran, Wendi Dworak, Roger Johnson, Edwin Lyle, John Newcomer, Mark Ronan Sr., Jasbir Sandhu, and Stewart Thompson.

On April 13, 2021, JPH International filed a response contesting the alleged violations and asks for a commission decision based on the information provided. In the response, the company admits the violations, describes actions taken to remedy the violations, and details safety management controls implemented to prevent recurrence.

Although JPH International identifies that it contests the violations, staff liberally interprets the company’s response as a request for mitigation. The company describes how the violations occurred, details the actions taken to remedy the violations, and implemented safety management controls to promote future compliance. Staff addresses the penalties below:

- The commission assessed a penalty of \$100 for one violation of 49 CFR § 382.105, a penalty of \$500 for one violation of 49 CFR § 382.301(a), a “per category” penalty of \$100 for six violations of 49 CFR § 382.601(b), and a “per category” penalty of \$100 for eight violations of 49 CFR § 391.51(b)(9). Due to these being repeat violations, staff recommends no mitigation.
- The commission assessed a penalty of \$100 for each occurrence of 49 CFR § 391.45(a). The company took corrective action and implemented protocols to ensure future compliance. Staff recommends the \$300 penalty be reduced to \$150.
- The commission assessed a “per category” penalty of \$100 for two violations of 49 CFR § 391.51(b)(2). Because the company was penalized by violation category rather than per occurrence, staff recommends no mitigation of this penalty.

Staff recommends the commission construe the company’s contest as an application for mitigation of penalties. Staff recommends the assessed penalty of \$1,200 be reduced to \$1,050. Staff further recommends that \$500 of the reduced penalty be suspended for a period of two years before being waived, on the conditions that: 1) staff conducts a follow-up safety

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investigation in two years or as soon thereafter as practicable to review the company's safety management practices, 2) the company not incur any repeat violations of critical regulations, and 3) JPH International pays the \$550 portion of the penalty that is not suspended.

If you have any questions, please contact Jason Hoxit, Compliance Investigator, Transportation Safety, at (360) 867-8305, or by email at Jason.Hoxit@utc.wa.gov.

Sincerely,

 Digitally signed by Jason
Sharp
Date: 2021.04.16 07:25:22
-07'00'

Jason Sharp

Motor Carrier Safety Supervisor, Transportation Safety