



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

December 13, 2024

Jeff Killip, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Lemyn's Legacy Inc. d/b/a Spokane Party Bus*
Commission Staff's Response to Application for Mitigation of Penalties
Docket TE-240799

Dear Mr. Killip:

On November 14, 2024, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Lemyn's Legacy Inc. d/b/a Spokane Party Bus (Spokane Party Bus or Company) in the amount of \$6,700 for violations of Washington Administrative Code (WAC) 480-30-221, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 391 -Qualifications of Drivers and 49 C.F.R. Part 395 – Hours of Service of Drivers, as follows:

- **Sixty violations of 49 C.F.R. § 391.45(a) - Using a driver not medically examined and certified.** Spokane Party Bus allowed driver Chauncy Welliver to operate a motor vehicle without a valid medical certificate on 60 occasions between February 17, 2024, and October 22, 2024.
- **Seven violations of 49 C.F.R. § 395.8(a)(1) – Failing to require driver to make a record of duty status.** The Company failed to require driver Chauncy Welliver to prepare a record of duty status on seven occasions between September 1, 2024, and September 30, 2024.

On December 3, 2024, Spokane Party Bus filed with the Commission its application for mitigation of penalties. In the request for mitigation, Sarah Welliver, owner, admits the violations occurred and states that the Company has corrected the violations. The Company supplied staff with evidence of a new medical certificate and current timesheet for its driver. Further, Welliver stated that the Company has implemented a tracking procedure for reviewing driver's records of duty status and medical certification expiration.

In response to the Company's application for mitigation of penalties, Spokane Party Bus corrected the violations, provided Staff with a copy of its driver's medical certificate, and current timesheets

Respect. Professionalism. Integrity. Accountability.

that are compliant with the short-haul exemption of 49 C.F.R. § 395.1(e). However, Staff notes that the violations were repeated from the Company's previous safety investigation in September 2019. The Commission issued a penalty assessment for those violations and mitigated them in Docket TE-190790. Because the Company incurred repeat violations despite previous technical assistance and penalties, Staff recommends the Commission deny the request for mitigation.

Further, Staff acknowledge that Spokane Party Bus was cooperative throughout the investigation, took corrective action, and did express a desire to operate within the regulations. If the Company follows its proposed compliance plan, it should prevent future occurrences of these violations. Staff recommend that the Commission suspend \$3,500 of the penalty on conditions:

1. Staff perform a follow-up investigation in two years or as soon thereafter as practicable;
2. Spokane Party Bus does not incur repeat violations of critical regulations upon reinspection;
and
3. The Company pays the \$3,200 portion of the penalty that is not suspended.

If you have any questions, please contact Jason Sharp, Motor Carrier Safety Supervisor, Transportation Safety, at (360) 701-1603, or by email at jason.sharp@utc.wa.gov.

Sincerely,

Jason Sharp
Motor Carrier Safety Supervisor, Transportation Safety