

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In re the 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 <i>(Consolidated)</i>  ORDER 01
In the Matter of the Investigation of  SANI MAHAMA MAUROU d/b/a SEATAC AIRPORT 24  For Compliance with WAC 480-30-221 .....	DOCKET TC-152296 <i>(Consolidated)</i>  ORDER 03
In the Matter of a Penalty Assessment Against  SANI MAHAMA MAUROU d/b/a SEATAC AIRPORT 24  in the amount of \$29,200	DOCKET TC-160187 <i>(Consolidated)</i>  ORDER 03  ORDER OF CONSOLIDATION; INITIAL ORDER DENYING APPLICATION FOR REINSTATEMENT; SUSPENDING PENALTIES

**BACKGROUND**

1 On March 7, 2016, the Washington Utilities and Transportation Commission (Commission) conducted a brief adjudicative proceeding (BAP) in Docket TC-152296 to address Commission staff's (Staff) unsatisfactory safety rating of Sani Mahama Maurou d/b/a SeaTac Airport 24 (SeaTac Airport 24 or Company) and to consider SeaTac Airport 24's request for mitigation of the penalty assessed against the Company in Docket TC-160187 for 292 violations of WAC 480-30-221. Following the parties' presentations, Administrative

Law Judge Rayne Pearson 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 and required the Company to cease and desist all operations until the Commission reinstates its certificate or grants it a new certificate. Order 01 assessed penalties of \$25,200, a \$20,000 portion of which was suspended for two years subject to certain conditions.
- 3 On March 22, 2016, SeaTac Airport 24 submitted its Application for Reinstatement, which was assigned Docket TC-160324.
- 4 On March 23, 2016, SeaTac Airport 24 filed a Petition for Review of Order 01.
- 5 On May 12, 2016, the Commission entered Order 02, Final Order, in Consolidated Dockets TC-152296 and TC-160187 (Order 02). Order 02 upheld the findings and conclusions of Order 01, but modified it to include a payment plan for the \$5,200 portion of the penalty that was not suspended.<sup>1</sup> Prior to reinstating the Company's certificate, Order 02 required the Company to file its 2015 annual report, pay any required regulatory fee for 2016, and file documentation of its agreement with AllianceOne Receivables Management, Inc. (AllianceOne) to pay its \$1,000 penalty for failing to timely file its 2014 annual report.
- 6 On June 20, 2016, the Commission issued a Notice of Intent to Deny Application for Reinstatement; Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements on July 11, 2016, at 1:30 p.m. (Notice). The Notice alleges that in April, May, and June 2016, SeaTac Airport operated, offered, and advertised its transportation services in violation of Order 02, and that the Company's application for reinstatement should be denied on that basis.
- 7 Also on June 20, 2016, Staff filed a Motion to Impose Suspended Penalty and Motion to Consolidate Proceedings in Consolidated Dockets TC-152296 and TC-160187 (Motion). In its Motion, Staff requested the Commission: (1) schedule a BAP in Consolidated Dockets TC-152296 and TC-160187 concurrent with the BAP scheduled in Docket TC-160324 to allow receipt of evidence necessary to determine whether to impose the \$20,000 suspended penalty for violations of Order 01 and Order 02, and (2) consolidate Dockets TC-152296 and TC-160187 with Docket TC-160324 because the proceedings present questions of fact and law arising from the same violations and evidence.

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<sup>1</sup> The Company made a \$200 payment to the Commission on May 28, 2016, consistent with the payment plan, which requires a \$200 payment by the 28th of every month until June 28, 2018.

- 8 That same day, the Commission issued a Notice of Brief Adjudicative Proceeding in consolidated dockets TC-152296 and TC-160187, set for July 11, 2016, at 1:30 p.m.
- 9 The Commission conducted a BAP on July 11, 2016, before Administrative Law Judge Rayne Pearson. Staff moved to consolidate Docket TC-160324 with consolidated Dockets TC-152296 and TC-160187. The Company objected to Staff's motion. Because the violations alleged in both proceedings arise from the same set of facts, the Company's objection to Staff's motion was overruled. The dockets were consolidated to conserve Commission time and resources.<sup>2</sup>
- 10 Staff presented testimony from Michael Turcott, compliance investigator, and David Pratt, assistant director, Transportation Safety. Sani Maurou, owner of SeaTac Airport 24, testified for the Company.
- 11 Mr. Turcott testified that that on May 24, 2016, SeaTac Ground Transportation Enforcement (SeaTac Enforcement) contacted Staff to inquire about the status of the Company's certificate. SeaTac Enforcement informed Staff that all commercial passenger transportation vehicles serving SeaTac Airport carry a transponder device that records when the vehicle enters the passenger drop-off or pick-up areas. The airport's records show that SeaTac Airport 24's vehicles entered the airport on 24 occasions between April 9, 2016, and May 24, 2016. On 23 of those occasions, a SeaTac Airport 24 vehicle entered the passenger drop-off area, and on one occasion, a SeaTac Airport 24 vehicle entered, or attempted to enter, a lot designated for commercial vehicles. SeaTac Enforcement also informed Staff that an agent witnessed a verbal dispute between a passenger and a driver for the Company on May 24, 2016.
- 12 Mr. Turcott testified that following the Commission's entry of Order 02, he discovered that SeaTac Airport 24 continues to advertise as a charter or excursion carrier on its website. On June 8, 2016, Mr. Turcott contacted SeaTac Airport 24 at the phone number listed on the Company's website, posing as a consumer, to inquire about arranging transportation for four passengers from the Westin Hotel in downtown Seattle to SeaTac Airport. Mr. Turcott was provided a quote of \$60 and a confirmation number. Mr. Turcott further testified that shortly after receiving the quote, he received a return phone call from the Company inquiring about his room number at the Westin Hotel and confirming information about his departing flight from SeaTac Airport.

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<sup>2</sup> At the outset of the hearing, the parties addressed a series of requests submitted by the Company in advance of the hearing. The Commission denied Mr. Maurou's request to require Mr. Pratt to sign a form consenting to a full investigation of his background and character, and, in its ruling on Staff's motion to consolidate, denied the Company's request that the dockets be heard separately. Each of the Company's other requests, including a request for the assistance of a French interpreter, was either provided directly or addressed through Staff's testimony.

- 13 Finally, Mr. Turcott testified that on June 25, 2016, he was contacted by an employee from the City of Seattle Regulatory Compliance and Consumer Protection Department inquiring about the status of the Company's permit. That person informed him that the Company was soliciting passengers near the Victoria Clipper on the waterfront in Seattle for a trip to the airport and that two of the City's undercover inspectors obtained a ride to the airport and took photos of the Company's vehicles.
- 14 Mr. Pratt testified that the Company's application for reinstatement was not complete until June 2, 2016, when Mr. Maurou submitted documentation of his arrangement with AllianceOne to pay the \$1,000 penalty owed to the Commission, a condition the Company was required to meet before the Commission would consider reinstating its certificate. Because Staff received information from SeaTac Enforcement that SeaTac Airport 24 was operating without authority from the Commission, Staff determined it would not be in the public interest to reinstate the Company's certificate. Staff recommends the Commission deny the Company's application for reinstatement in Docket TC-160324 and impose the \$20,000 suspended penalty in consolidated Dockets TC-160187 and TC-152296 because the Company operated as an auto transportation carrier without a certificate in violation of state law, Commission rules, and Order 02.
- 15 Mr. Maurou testified that he believes Staff is unfairly targeting his Company, and that his application for reinstatement is being unnecessarily delayed. Although Mr. Maurou admitted that he operated without a certificate in June, he denies Staff's allegations that he operated in the Months of April or May. Mr. Maurou explained that the multiple trips made to SeaTac Airport recorded by airport transponders were an attempt to relocate his vehicles to evade repossession by their respective lien-holders, not trips made to transport passengers.
- 16 Mr. Maurou also testified that he believes Staff photo-shopped the photographic evidence of his vehicles at SeaTac Airport and the waterfront in Seattle and that the photographs should therefore be excluded from evidence. On cross-examination, Mr. Maurou admitted that he regularly provides transportation service outside of his certificated area and along routes other than those he is permitted to travel. In addition, Mr. Maurou admitted that he recently hired two new drivers who are unknown to Staff.
- 17 Andrew J. O'Connell, Assistant Attorney General, Olympia, represents Staff. Sani Maurou, Owner, Seattle, represents SeaTac Airport 24.

## DISCUSSION AND DECISION

### 1. Docket TC-160324 - Application for Reinstatement

- 18 When the Commission cancels a company's auto transportation certificate, that company may no longer operate until its certificate is reinstated or until it applies for and obtains a new certificate.<sup>3</sup> The Commission has the discretion to grant or deny an application for reinstatement of a certificate that was cancelled for cause.<sup>4</sup>
- 19 Order 01, which the Commission upheld in Order 02, cancelled SeaTac Airport 24's auto transportation certificate and ordered the Company to cease and desist all operations unless and until the Commission reinstates the Company's certificate or SeaTac Airport 24 applies for and obtains a new certificate.
- 20 The evidence at hearing demonstrated that, despite Mr. Maurou's representations, the Company's application for reinstatement was not complete until June 2, 2016. The evidence also showed that the Company continued to operate without authority in violation of Order 2 as early as April 9, 2016, and as recently as June 28, 2016. As of the date of this Order, the Company's website remains active. Finally, SeaTac Airport 24 admitted that it operated without a certificate in June, and failed to produce sufficient evidence to refute Staff's allegations that it also operated in April and May.
- 21 The Company's continued operations without a certificate demonstrate a blatant disregard for Commission rules and the conditions set forth in Order 02. Like Staff, we are troubled by the Company's recent employment of two new drivers, as well as the Company's admission that it has consistently disregarded the territorial boundaries of its certificate. These factors further evince the Company's inability or unwillingness to comply with Commission rules.
- 22 Moreover, the Company has repeatedly provided testimony and documentation about its unstable financial situation, including Mr. Maurou's claim at hearing that he was moving his vehicles in and out of SeaTac Airport to evade their repossession. The Company's history of non-compliance, coupled with its unsound financial state, demonstrate that SeaTac Airport 24 is not able, willing, or fit to provide regulated auto transportation or charter and excursion service. Accordingly, we find that granting the Company's application for reinstatement would not be in the public interest.

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<sup>3</sup> WAC 480-30-171; WAC 480-30-086(1); WAC 480-30-181; WAC 480-30-096; WAC 480-30-121.

<sup>4</sup> WAC 480-30-181.

**2. Consolidated Dockets TC-160187 and TC-152296 – Suspended Penalties**

23 Order 02 assessed a \$25,200 penalty for violations of WAC 480-30-221, a \$20,000 portion of which was suspended until June 28, 2018, subject to the following conditions:

- SeaTac Airport 24 must pay the \$5,200 unsuspended portion of the penalty by making \$200 monthly payments to the Commission beginning on May 28, 2016, and ending on June 28, 2018.
- SeaTac Airport 24 must either maintain a satisfactory safety rating or cease and desist all auto transportation operations.
- SeaTac Airport 24 may not incur any repeat violations of WAC 480-30-221.

24 As discussed above, the evidence at hearing demonstrated that SeaTac Airport 24 failed to cease and desist all auto transportation operations as required by Order 02. We find that the Company violated the terms of Order 02, and accordingly should be subject to pay the suspended portion of the penalty. We nevertheless conclude that imposing the suspended penalty would serve no useful purpose in light of our decision not to reinstate the Company's certificate and to prohibit SeaTac Airport 24 from providing auto transportation services.

25 We therefore will exercise our discretion to continue to suspend the \$20,000 portion of the penalty assessed in Order 02, and also suspend the remaining \$5,000 unpaid portion of the \$5,200 penalty imposed by Order 02.<sup>5</sup> Although we cannot relieve the Company of its obligation to repay the \$1,000 penalty currently in collections with AllianceOne, we will remove the condition that the Company must make that payment to avoid imposition of the suspended penalty. Accordingly, a total of \$25,000 in penalties will be suspended for a period of three years, and then waived, subject to the condition that the Company cease and desist all auto transportation operations.

26 Ultimately, the Commission's goal in any enforcement proceeding is compliance. That goal would be best served in this instance by preserving the suspension of \$25,000 in penalties to provide the Company with sufficient incentive to permanently shut down its auto transportation operations. The Commission's leniency, however, will end should the Company once again violate the law. If SeaTac Airport 24 continues to operate without authority from the Commission in violation of this Order, the \$25,000 suspended penalty will immediately become due and payable.

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<sup>5</sup> This Order relieves the Company from the payment plan set out in Order 02 for the \$5,200 portion of the penalty that was not suspended, which required \$200 monthly payments until June 2018.

### **FINDINGS AND CONCLUSIONS**

- 27 (1) The Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, and practices of public service companies, including auto transportation companies, and has jurisdiction over the parties and subject matter of this proceeding.
- 28 (2) SeaTac Airport 24 is an auto transportation company subject to Commission regulation.
- 29 (3) SeaTac Airport 24 operated as an auto transportation and charter and excursion carrier in violation of Order 02, which required the Company to cease and desist all auto transportation operations until the Company's certificate is reinstated or the Company is granted a new certificate.
- 30 (4) SeaTac Airport 24's application for reinstatement of its auto transportation and charter and excursion certificate should be denied.
- 31 (5) The Commission should suspend the \$20,000 portion of the penalty the Commission previously assessed and suspended and the remaining \$5,000 balance of the \$5,200 penalty the Commission did not suspend for a period of three years on the condition that SeaTac Airport 24 refrains from all auto transportation operations.

### **ORDER**

#### THE COMMISSION ORDERS That

- 32 (1) Sani Mahama Maurou d/b/a SeaTac Airport 24's application for reinstatement of auto transportation certificate C-65615 is DENIED. Sani Mahama Maurou d/b/a SeaTac Airport 24 must cease and desist all regulated auto transportation operations.
- 33 (2) The Commission suspends both the \$20,000 portion of penalty the Commission previously assessed and suspended and the remaining \$5,000 balance of the \$5,200 penalty the Commission did not suspend for a period of three years from the date of this Order on the condition that Sani Mahama Maurou d/b/a SeaTac Airport 24 ceases and desists all auto transportation operations.

- 34 (3) If Sani Mahama Maurou d/b/a SeaTac Airport 24 offers or provides auto transportation services in violation of this Order, the \$25,000 suspended penalty will become immediately due and payable.

DATED at Olympia, Washington, and effective July 14, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON  
Administrative Law Judge



## NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within ten (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An Original and **five (5)** copies of any Petition or Answer must be filed by mail delivery to:

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