

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment)	DOCKET TE-151046
Against)	
)	ORDER 01
SEATTLE FINEST LIMO & PARTY)	
BUS, LLC)	ORDER DENYING REQUEST FOR
)	HEARING; DENYING
in the amount of \$1,000)	MITIGATION
.....)	

BACKGROUND

- 1 Washington law requires charter and excursion carriers to file annual reports and pay regulatory fees by May 1 of each year. WAC 480-30-071. On February 27, 2015, the Washington Utilities and Transportation Commission (Commission) mailed annual report and regulatory fee packets to all charter and excursion carriers. The forms included a reminder that companies must file their annual reports and pay their regulatory fees by May 1, 2015, or face penalties of \$100 for each violation of Commission rules. In the case of continuing violations, each day’s continuance is a separate violation. RCW 80.04.405.
- 2 Seattle Finest Limo & Party Bus, LLC (Seattle Finest Limo or Company) did not file its annual report on May 1, 2015, and had not made that filing by May 15. On June 10, the Commission assessed a penalty of \$1,000 against Seattle Finest Limo, calculated as \$100 per business day from May 1 to May 15.
- 3 On June 18, 2015, Seattle Finest Limo responded to the Commission’s penalty assessment, contesting the violations and requesting a hearing. The Company provided the following information with its request: “I (Kashif Nazir) recently bought Seattle Finest Limo and Party Bus LLC and took full control over since January 1, 2015. And previous owner (Hassan Rizvi) informed me that he paid all the dues of WUTC and file the report which was due in December 2014. I was not aware of any other reports which supposed to be due on May 1, 2015 neither have I received any documents from WUTC.” The Company also requested a copy of the annual report form.

4 On June 29, 2015, Commission staff (Staff) filed a response recommending the Commission assess a reduced penalty of \$50 per day, or \$500, because the Company failed to notify the Commission of its ownership transfer, and the Company received violations of WAC 480-30-071 in 2013 for failing to timely file its annual report. Staff noted that as of July 6, 2015, Seattle Finest Limo has not yet filed its annual report. The Company timely paid its regulatory fee on December 29, 2014.

DISCUSSION

5 WAC 480-30-071 requires charter and excursion carriers to file annual reports and pay regulatory fees by May 1 of each year. Companies are responsible for complying with their legal obligations; the Company should have notified the Commission about the ownership transfer before it occurred and ensured its annual report was timely filed.

6 As a preliminary matter, we deny the Company's request for a hearing. The Commission's penalty assessment advised the Company that a request for hearing will only be granted if material issues of law or fact require consideration of evidence and resolution in hearing. Here, no issues of law or fact are in dispute. The Company acknowledges that it did not file its annual report, and the Commission has yet to receive it. The facts, therefore, are undisputed, and the law is clear. Accordingly, the Company's request for a hearing is denied.

7 Nor is mitigation of the penalty appropriate under these circumstances. The Commission may consider a number of factors when entertaining mitigation, including a company's history of compliance and the likelihood the violation will recur.¹ Seattle Finest Limo received and paid a \$50 reduced penalty in 2013 for violating WAC 480-30-071. The Company thus has a history of noncompliance, which is indicative of the likelihood that it will violate this rule again in the absence of sufficient incentive to comply.

8 The fact that the Company purportedly has a new owner is not a mitigating factor. To the contrary, that owner has yet to seek Commission approval of the ownership transfer, which is a violation of other Commission rules. The Commission will not mitigate a penalty for violating one rule while the Company is in violation of another. Accordingly, we find the \$1,000 penalty to be an appropriate incentive for the Company to ensure

¹ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013).

timely and complete annual report filings in the future, and to ensure overall compliance with Commission rules.

ORDER

THE COMMISSION ORDERS:

- 9 (1) Seattle Finest Limo & Party Bus, LLC's request for a hearing is DENIED.
- 10 (2) Seattle Finest Limo & Party Bus, LLC's request for mitigation of the \$1,000 penalty is DENIED.
- 11 (3) The \$1,000 penalty is due no later than August 10, 2015.
- 12 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective July 30, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.