



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 8, 2021

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

RE: *Washington Utilities and Transportation Commission v. ABM Associates, Inc., d/b/a  
Salon Monte Carlo*  
Commission Staff's Response to Application for Mitigation of Penalties  
Docket TE-210843

Dear Ms. Maxwell:

On November 23, 2021, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against ABM Associates, Inc., d/b/a Salon Monte Carlo (ABM Associates or Company) in the amount of \$7,300 for violations of Washington Administrative Code (WAC) 480-30-191, Bodily Injury and Property Damage Liability Insurance, and WAC 480-30-221, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 382 – Controlled Substance and Alcohol Use and Testing, 49 C.F.R. Part 383 – Commercial Driver's License Standards, and 49 C.F.R. Part 391 – Qualification of Drivers, as follows:

- **Thirty-eight violations of WAC 480-30-191 – Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage.** ABM Associates operated a commercial motor vehicle (CMV) on 38 occasions without having the required minimum levels of insurance. The Company maintained \$2,000,000 in auto liability coverage instead of the required \$5,000,000 in auto liability coverage.
- **One violation of 49 C.F.R. § 382.115(a) – Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins CMV operations.** ABM Associates failed to implement an alcohol and controlled substances testing program for all its commercial drivers.
- **Eighteen violations of 49 C.F.R. § 383.37(a) – Knowingly allowing, requiring, permitting, or authorizing an employee to operate a CMV during any period in**

**which the driver does not have a current commercial learner's permit (CLP) or commercial driver's license (CDL) or does not have a CLP or CDL with the proper class or endorsements. An employer may not use a driver to operate a CMV who violates any restriction on the driver's CLP or CDL.** ABM Associates allowed drivers Andy Ramirez and Jose Zepeda to operate a CMV without the required CDL or passenger endorsement on 18 occasions between April 10 and September 4, 2021.

- **Two violations of 49 C.F.R. § 391.45(a) – Using a driver not medically examined and certified.** The Company allowed driver Andy Ramirez to operate a CMV without a valid medical certificate on two occasions between August 6 and August 20, 2021.

On December 3, 2021, ABM Associates filed with the Commission its application for mitigation of penalties. In the request for mitigation, Andy Ramirez, President of ABM Associates, admits the violations, states the Company has enrolled in an alcohol and controlled substances testing program, describes the corrective actions ABM Associates intends to implement in the future, and asks that the penalties be reduced.

On December 6, 2021, the Company's certificate was canceled for failing to submit acceptable proof of insurance by the deadline.

In response to ABM Associates' application for mitigation of penalties, the Company: (1) failed to provide evidence that it remedied the violations identified during the safety investigation; (2) failed to put safety management controls in place following the extensive technical assistance Commission staff (Staff) provided to the Company on July 23, 2019; (3) did not prioritize availability to Staff during the safety investigation; and (4) did not appear interested in coming into compliance with applicable safety regulations during the safety investigation.

For these reasons, Staff recommends the Commission deny the Company's request for mitigation. Staff further recommends that the entire \$7,300 penalty be suspended for a period of two years, and then waived, on the conditions that:

- (1) ABM Associates is liable for the entire penalty if it operates as a charter party or excursion service carrier within the state of Washington without first obtaining the required certificate from the Commission;
- (2) ABM Associates is liable for the entire penalty if, pursuant to 49 C.F.R. § 385.1005, ABM Associates, Andy Ramirez, or Julieta Ramirez uses common ownership, common management, common control, or a common familial relationship to apply for authority with the Commission to operate as a passenger transportation company for the purpose of evading compliance; and
- (3) ABM Associates is liable for the entire penalty if the Company applies for a certificate to operate as a passenger transportation company. Staff is amenable to a payment arrangement on the \$7,300 penalty should the Company apply for a certificate.

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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](mailto:Jason.Hoxit@utc.wa.gov).

Sincerely,

Jason Sharp  
Motor Carrier Safety Supervisor, Transportation Safety