

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper
Carrier Classification of, and Complaint
for Penalties Against

BHUPINDER SIGNH BRAR D/B/A
BRAR AIRPORT TOWN CAR
SERVICE, HORIZON LIMOUSINE,
AMY'S LIMOUSINE, AMY'S LIMO

DOCKET TE-250077

ORDER 02

APPROVING SETTLEMENT
AGREEMENT SUBJECT TO
CONDITIONS

- 1 **Nature of Proceeding.** The Washington Utilities and Transportation Commission (Commission) initiated this special proceeding to determine if Bhupinder Singh Brar d/b/a Brar Airport Town Car Service, Horizon Limousine, Amys Limousine, Amys Limo (Brar or Company) has engaged, and continues to engage, in business as a common carrier for charter party or excursion carrier service, for compensation within the state of Washington without possessing the permit required for such operations.
- 2 **Procedural History.** On March 5, 2025, the Commission entered Order 01, Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; Notice of Virtual Hearing (Order 01), pursuant to RCW 81.04.510, initiating this docket on its own motion. The Complaint alleges that Brar violated the Revised Code of Washington (RCW) 81.70.260(1) on at least nine occasions by:¹
 - (1) Offering to provide charter party or excursion carrier service to transport passengers at least once, on or about February 8, 2025, after its certificate was cancelled by the Commission; and
 - (2) advertising to provide charter party or excursion carrier service to transport passengers at least eight times between January 6, 2025, and

¹ *In the Matter of Determining the Proper Carrier Classification of, and Compliant for Penalties Against: Brar, Bhupinder Singh D/B/A Brar Airport Town Car Service, Horizon Limousine, Amy's Limousine, Amy's Limo, Docket TE-250077, Order 01 at 5 ¶ 25-27 (February 28, 2025).*

February 6, 2025, after its certificate was cancelled by the Commission effective February 12, 2024.²

- 3 On the same date, the Commission issued a *Subpoena and Subpoena Duces Tecum For Production of Documents* (Subpoena) to the Company commanding Brar Bhupinder Singh, Company owner, to appear before the Commission at a special proceeding scheduled to convene virtually at 9:30 A.M., on April 23, 2025, before Administrative Law Judge (ALJ) Amy Bonfrisco.
- 4 **Hearing Waiver.** On April 12, 2025, Brar filed a signed hearing waiver with the Commission, waiving the Company’s right to a hearing in this matter, admitting to the violations alleged in Order 01, and consenting to the Commission rendering a decision in this matter without a hearing. On April 14, 2025, the Commission issued a Notice cancelling the Brief Adjudicative Proceeding set for April 23, 2025.
- 5 **Settlement Agreement.** On April 14, 2025, Staff parties filed a settlement agreement (Settlement) on behalf of the parties resolving all contested issues in this proceeding.
- 6 **Appearances.** Kathryn McPherson, Passenger Carrier Compliance Investigator, Lacey, Washington, represents Staff. Bhupinder Brar, Owner, represents the Company, *pro se*.

DISCUSSION

- 7 **Applicable Law.** WAC 480-07-750(2) states in part “[t]he commission will approve a settlement if it is lawful, supported by an appropriate record, and consistent with the public interest in light of all the information available to the commission.” Thus, the Commission considers the individual components of the Settlement under a three-part inquiry, asking:
- Whether any aspect of the proposal is contrary to law;
 - Whether any aspect of the proposal offends public policy; and
 - Whether the record evidence supports the proposed elements of the proposal as a reasonable resolution of the issue(s) at hand.

² *In the Matter of the Cancellation of the Charter and Excursion Carrier Certificates Held by Brar, Bhupinder Singh; Puget Sound Tours, LLC; and Traxx America, Inc.*, Docket TC-230836, Order 01, Cancelling Certificates (February 12, 2024).

8 In considering a settlement, the Commission must determine one of three possible results:

- Approve the proposed settlement without condition;
- Approve the proposed settlement subject to conditions; or
- Reject the proposed settlement.

9 **Settlement.** As part of the Settlement, Brar admits operating as a charter party or excursion services carrier in the state of Washington subject to the Commission's jurisdiction and that the Company violated RCW 81.70.260 on nine occasions by (1) offering to provide at least once; and (2) advertising to provide charter party and excursion carrier services at least eight times without having the necessary certificate required by the Commission to conduct these operations. This admission encompasses the nine violations of RCW 81.70.260 alleged in Order 01.³

10 Under the Settlement terms, the parties further agree that Brar shall be assessed a \$45,000 penalty, \$40,500 of which will be suspended for a period of two years and waived, provided that the Company does not operate as a charter party or excursion service carrier without authority from the Commission. The remaining \$4,500 penalty will be due and payable by Brar under a six-month payment plan upon the Commission's approval, with each \$750 installment due and payable by the 1st of each month from May 1, 2025, to October 1, 2025, as identified in the Settlement.⁴

11 Additionally, the parties agree that if Brar misses a payment, the entire penalty, including the \$40,500 suspended portion of the penalty, will become due and payable the day after the missed penalty was due. The parties further agree that any prepayment of the penalty amount will be credited to the last date an installment is due and will not relieve the Company of its obligation to make its next scheduled payment.

12 Finally, as part of the Settlement, Staff will conduct compliance reviews of the Company every six months to ensure Brar has no ongoing violations, and Brar agrees to:

- File and pay all regulatory fees associated with the Company's annual report;
- Maintain the insurance required by the Commission for permitting;
- Notify the Commission if Brar chooses to cancel insurance if, only if, the Company stops its business operations; and

³ Docket TE-250077, Order 01 at 3 ¶ 15, 4 ¶ 16

⁴ Docket TE-250077, Settlement Agreement, at 3-4 ¶ 4 (April 14, 2025).

- Not have any non-voluntary cancellations of their permit by the Commission.⁵

- 13 **Decision.** The Commission approves the Settlement subject to two conditions. First, the Settlement indicates that Staff may seek to impose the suspended portion of the penalty if the Company operates as a charter party or excursion carrier without obtaining the required authority to do so from the Commission but does not expressly impose a similar condition with respect to the Company's other obligations under the Settlement. In the interest of having appropriate incentives for compliance with the terms of the Settlement, the Commission modifies the terms of the penalty, such that Staff may seek to impose the suspended portion of the penalty in the event that the Company fails to comply with its obligations under the Settlement.
- 14 Second, the Commission notes that the Settlement does not indicate the period of time over which Staff will conduct six-month compliance reviews of the Company. The Commission determines that it is reasonable to limit the compliance reviews to a period of two years following the effective date of this Order, to occur at 6, 12, 18, and 24 month intervals. This period is consistent with the two-year term of the suspended penalty provided for in the Settlement. To clarify, this condition should not be interpreted as otherwise limiting Staff's authority to investigate the Company in the event that other violations are reported or discovered.
- 15 The Commission finds that the parties made concessions relative to their respective litigation positions to arrive at end results that are supported by the evidence in the record. The Settlement further supports the Commission's goal of compliance by allowing Brar to pay a reduced penalty of \$4,500 and suspending, then waiving after the two-year compliance period the \$40,500 suspended portion of the penalty conditioned on Brar complying with the terms of this Order and timely paying the \$4,500 portion of the penalty.
- 16 The terms of the Settlement are lawful, supported by the record, and consistent with the public interest in light of all of the information available to the Commission. Accordingly, the Commission should approve the Settlement as filed, subject to the conditions described above.

⁵ Id at 3 ¶ 4.

FINDINGS AND CONCLUSIONS

- 2 (1) The Commission is an agency of the state of Washington vested by statute with authority to regulate persons engaged in the business of providing charter party and excursion carrier service for compensation over public roads in Washington.
- 3 (2) The Commission has jurisdiction over the subject matter of this proceeding and over Brar.
- 4 (3) The Settlement proposed by the parties is not complex and is unopposed.
- 5 (4) The Settlement is not contrary to law or public policy, is supported by the record developed in this proceeding, is consistent with the public interest, and reasonably resolves all issues in this proceeding.
- 6 (5) The Commission should approve the Settlement, subject to the two additional conditions set out in paragraphs 13 to 14 above, and order the penalty amount, conditions, and other terms as proposed by the parties in the Settlement.

ORDER

THE COMMISSION ORDERS:

- 7 (1) The settlement agreement, attached as Exhibit A to, and incorporated into, this Order, is approved and is adopted as the final resolution of all issues in this proceeding subject to the conditions set out in paragraphs 13 to 14 above.
- 8 (2) Brar is classified as a charter party and excursion carrier.
- 9 (3) The Commission assesses a penalty of \$45,000 against Brar for nine violations of RCW 81.70.260. A \$40,500 portion of the penalty is suspended for a period of two years from the effective date of this Order, and waived thereafter, provided that the Company complies with the terms of this Order, including the terms and obligations of the settlement agreement incorporated into this Order.
- 10 (4) Brar must pay the \$4,500 portion of the penalty that is not suspended in six equal monthly installments of \$750 as set forth in the payment schedule included in the Settlement and incorporated into this Order in paragraph 10. Failure to make a

payment pursuant to this schedule will result in the entire penalty amount, including the suspended portion, being immediately due and payable.

- 11 (5) Within 10 days of the effective date of this Order, Brar and Staff must notify the Commission of whether they accept the conditions imposed by this Order
- 12 (6) The Commission retains jurisdiction over the subject matter and the parties to this proceeding to effectuate the terms of this Order.

DATED at Lacey, Washington, and effective April 30, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Amy Bonfrisco
AMY BONRISCO
Administrative Law Judge