



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • www.utc.wa.gov

July 28, 2014

Steven V. King, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Apex Limo Service LLC*

Commission Staff's Response to Application for Mitigation of Penalties TE-141051

Dear Mr. King:

On May 23, 2014, the Utilities and Transportation Commission issued a \$1,000 Penalty Assessment in Docket TE-141051 against Apex Limo Service LLC for 10 violations of Washington Administrative Code (WAC) 480-30-071, which requires charter and excursion carriers to furnish annual reports to the commission no later than May 1 each year.¹

On June 5, 2014 Apex Limo Service LLC submitted a request for a hearing but failed to provide a written statement.² On July 9, 2014 the commission issued a notice denying the request for hearing, but allowed for opportunity to submit reason(s) in support for application for mitigation within one week of the service date.³ In its Mitigation Request⁴ which was received by the commission on July 15, 2014, Apex Limo Service LLC does not dispute that the violation occurred. The company provided a statement regarding the owner's confusion regarding the UTC requirements and only became aware of the annual report requirement when he asked another company to purchase his vehicle.

It is the company's responsibility to ensure that the regulatory fee is paid and the annual report is filed by the May 1 deadline. On February 28, 2014, Annual Report packets were mailed to all regulated charter and excursion companies. The instructions for annual report completion page of the annual report informed the regulated company that it must complete the annual report form, pay the regulatory fees, and return the materials by May 1, 2014, to avoid enforcement action.

¹See attachment A for a copy of the penalty assessment sent on May 23, 2014

²See attachment B for a copy of Apex Limo's Hearing Request received on June 5, 2014

³See attachment C for a copy of the Notice Denying Request for Hearing sent on July 9, 2014

⁴See attachment D for a copy of Apex Limo's Mitigation Request received on July 15, 2014

UTC Annual Reports

July 28, 2014

Page 2

On June 5, 2014, Apex Limo LLC filed the 2013 annual report and paid the required regulatory and late payment fees. The company initial application was submitted on May 3, 2013. No previous violations of WAC 480-30-071 are on commission record. The UTC also recently adopted new rules requiring the annual report to be filed by May 1 while the regulatory fees remained due on December 31. Despite the commission communication regarding these filing changes to all regulated charter and excursion companies, commission staff supports the company's request for mitigation. Staff recommends a reduced penalty assessment of \$200.

If you have any questions regarding this recommendation, please contact Amy Andrews, Regulatory Analyst, at (360) 664-1157, or aandrews@utc.wa.gov.

Sincerely,

Sondra Walsh, Director
Administrative Services

¹See attachment A for a copy of the penalty assessment sent on May 23, 2014

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ATTACHMENT A

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS OF LAWS AND RULES

PENALTY ASSESSMENT: TE-141051
PENALTY AMOUNT: \$1,000

Apex Limo Service LLC
4752 S. 172nd Street
Seatac, WA 98188

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-30-071, which requires charter and excursion carriers to file their annual reports. You did not file an annual report by May 1, 2014.

Revised Code of Washington (RCW) 81.04.080 authorizes the Commission to assess penalties of \$100 for violations of Commission rules. Each violation is a separate and distinct offense and, in the case of a continuing violation, every day's continuance is a separate and distinct violation. The Commission interprets noncompliance with WAC 480-30-071 beyond May 1 as a continuing violation, and assesses penalties of \$100 for each day a company fails to file its report after that date.

As a result, the Commission has assessed penalties against you in the amount of \$1,000 on the following basis:

On February 28, 2014, the Commission mailed the 2013 annual report forms and the 2014 regulatory fee packets to all charter and excursion carriers registered in Washington. The instructions page for the annual report form instructed these companies to file annual reports by May 1, 2014. The instructions page also stated that failure to file the annual report by May 1 would result in penalties. The deadline for requesting an extension to file your annual report was April 17. You did not request an extension.

As of May 15, 2014, Apex Limo Service LLC has not filed its 2013 annual report or paid its 2014 regulatory fee. May 15 is 10 business days from May 1, resulting in a total penalty of \$1,000.

Your penalty is due and payable now. If you believe the violation did not occur, you may request a hearing to contest the penalty assessment. The Commission will grant that request only if material issues of law or fact require consideration of evidence and resolution in a hearing. A request for a hearing must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. If there is a reason for the

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violation that you think should excuse or reduce the penalty, you may ask for mitigation (reduction) of this penalty through evidence presented at a hearing or in writing. A request for mitigation must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. See RCW 81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider the evidence and will notify you of his or her decision.

You must act within 15 days after receiving this notice to do one of the following:

- Pay the amount due.
- Request a hearing to contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

If you do not act within 15 days, the Commission may refer this matter to the Office of the Attorney General for collection, which may file suit in state court to collect the penalty. The Commission may also initiate proceedings under WAC 480-30-171 to cancel your certificate to operate as a charter and excursion carrier in Washington.

DATED at Olympia, Washington, and effective May 23, 2014.

GREGORY J. KOPTA
Administrative Law Judge

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WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TE-141051

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

[] 1. Payment of penalty. I admit that the violations occurred. I have:

[] Enclosed \$ _____ in payment of the penalty

[] Submitted my payment of \$ _____ online at www.utc.wa.gov. My confirmation number is _____.

[] 2. Request for a hearing. I believe that one or more of the alleged violations did not occur, for the reasons I describe below, and I request a hearing based on those reasons, for a decision by an administrative law judge:

[] 3. Application for mitigation. I admit the violations, but I believe that the penalty should be reduced for the reasons set out below:

[] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR [] b) I ask for a Commission decision based solely on the information I provide above:

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: _____ [month/day/year], at _____ [city, state]

Name of Respondent (company) – please print

Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”

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ATTACHMENT B

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

2014 JUN -5 AM 8:28

[] 1. Payment of penalty. I admit that the violations occurred. I have:

[] Enclosed \$ _____ in payment of the penalty

[] Submitted my payment of \$ _____ online at www.utc.wa.gov. My confirmation number is _____.

X 2. Request for a hearing. I believe that one or more of the alleged violations did not occur, for the reasons I describe below, and I request a hearing based on those reasons, for a decision by an administrative law judge:

[] 3. Application for mitigation. I admit the violations, but I believe that the penalty should be reduced for the reasons set out below:

X a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR [] b) I ask for a Commission decision based solely on the information I provide above:

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: 6/1/14 [month/day/year], at Seatac [city, state]

Ahmad Aleasawi
Name of Respondent (company) - please print


Signature of Applicant

Alex Limousine

RCW 9A.72.020:

"Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor's mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony."

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ATTACHMENT C

[Service Date July 9, 2014]



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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July 9, 2014

**NOTICE DENYING REQUEST FOR HEARING
AND
NOTICE OF OPPORTUNITY TO SUBMIT REASON(S) IN SUPPORT OF
APPLICATION FOR MITIGATION
(By Wednesday, July 16, 2014)**

RE: Apex Limo Service LLC, Request for Mitigation of Penalty Assessment
Docket TE-141051

TO ALL PARTIES:

On May 23, 2014, the Washington Utilities and Transportation Commission (Commission) issued and served Penalty Assessment TE-141051 against Apex Limo Service LLC (Apex Limo or Company) in the amount of \$1,000, alleging a violation of WAC 480-30-071, which requires charter and excursion carriers to file annual reports with the Commission by May 1 each year and pay regulatory fees annually on that date.

On June 5, 2014, Apex Limo filed with the Commission a request for hearing on the form provided by the Commission. Apex Limo checked the box on that form indicating that the Company believes that one or more of the violations did not occur for which penalties were assessed. The form, however, conditions the opportunity for hearing on Apex Limo providing a written statement of the reasons the Company believes the alleged violation did not occur. Because Apex Limo failed to provide a basis for its request for a hearing, the Commission denies that request. The Commission nevertheless will consider the Company's request for mitigation of the assessed penalty on the basis of a written submission of the reasons supporting such mitigation if the Commission receives that submission no later than one week from the date of this Notice.

THE COMMISSION GIVES NOTICE That Apex Limo's request for hearing is denied.

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APPENDIX D

Apex limo llc
Docket TE-141051

Hi, this Ahmad Aleasawi , I am the owner of Apex limo LLC . After I finish my college and I get my degree I thought I find a better job, and fortunately I kept looking and looking to find a job match my degree and my education, but I have no luck, then a friend of mine talk to me about if we can open a business which is the limousine service which is not in my profession, I thought any given a shot, so I bought this charter bus from California it's made by Krista limousine which is the best company in the world making a limousine, because as I like to start rights and legal, so I insured the bus and i call the UTC to find about the requirements so first we did the inspection, and the inspector he was shocked to see that nice bus like this as I said I like to start rights, and we put the bus in the business, I find out there's a lot of competition in that business specially people bring in school buses and they call them party bus, I was shocked, so in the first six months I never made any money, I was being \$600 every month insurance, and in the middle of August last year the bus was Staling and I have the police report, it's cost me 13,006 to fix it, so basically I didn't use this bus for bubbly 4-5 trip, and having it for sale now, so I contact bay view limo , if they can buy it from me, so they mention about the report, if I done it?, Then I close UTC, someone answer the phone and told me if I don't to drive this bus out of the state id. need to do the report , so for that reason I didn't do it and I have to experience about it just because of first year in this business, so here I'm asking you, if you can forgive me because I really didn't make any money from this bus for this job, I can provide you with my driver record, or anything you want about me, since I arrived to the United States I always do things legally because I love this country and I love the rules, so please I ask you to forgive me because I still need to pay this money for my student loan,

Thank you so much for reading my letter and accept my apology,

Ahmad Aleasawi

2014 JUL 15 PM 1:54

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