

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment  
Against,  
  
ETA CHARTERS, LLC,  
  
In the amount of \$2,000.

DOCKET TE-260118  
  
ORDER 01  
  
DENYING REQUEST FOR  
MITIGATION

**BACKGROUND**

1 On March 24, 2026, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against ETA Charters, LLC (ETA Charters or Company) in the amount of \$2,000 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 390 – General Safety Regulations, and 49 C.F.R. Part 393 – Parts and Accessories Necessary for Safe Operation, as follows:

- **Three violations of WAC 480-30-191 - Operating a passenger carrying vehicle without having in effect the required minimum levels of financial responsibility.** ETA Charters allowed drivers Joseph Clark and Alexander Saltzman to operate a motor vehicle on three occasions between July 4, 2025, and July 7, 2025, without having the required minimum levels of insurance.
- **Three violations of 49 C.F.R. § 382.301(a) – Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.** The Company allowed drivers Scott Bridges, James Dubose and Laurie Eriks Gowin to operate a commercial motor vehicle (CMV) prior to receiving a negative controlled substance test result.
- **One violation of 49 C.F.R. § 390.35 – Making fraudulent or intentionally false entries on a vehicle maintenance record.** ETA Charters provided false, misleading or inaccurate information following review of the 90-day emergency exit inspection form, noting the carrier knew about an emergency window being defective and taped shut in August 2025. The company

neglected to follow-up with repair and knowingly filled out the bus emergency exit inspection form indicating the emergency exits were in working condition for months of August, October, and December 2025.

- **One violation of 49 C.F.R. § 393.62 - Buses – Required emergency exit inoperative.** The Company used a commercial motor vehicle with an emergency exit that was inoperative.

2 On April 6, 2026, ETA Charters filed with the Commission its application for mitigation of penalties. In the request for mitigation, Joseph Clark, president of ETA Charters, admits the violations and asks that the penalties be reduced.

3 On April 15, 2026, Commission staff (Staff) filed a response addressing the request for mitigation and recommending no mitigation of the penalty.

### DISCUSSION AND DECISION

4 Washington law requires charter and excursion carriers to comply with federal safety requirements and undergo routine safety inspections. In some cases, Commission requirements are so fundamental to safe operations that the Commission will issue penalties for first-time violations.<sup>1</sup> Violations defined by federal law as “acute” or “critical” meet this standard.<sup>2</sup>

5 Violations are considered “acute” when non-compliance is so severe that immediate corrective action is required regardless of the overall safety posture of the company. Violations classified as “critical” are indicative of a breakdown in a carrier’s management controls. Acute violations discovered during safety inspections are subject to penalties of \$1,500 per violation,<sup>3</sup> and critical violations are subject to penalties of \$100 per violation.<sup>4</sup>

6 The Commission considers several factors when entertaining a request for mitigation, including whether a company introduces new information that may not have been considered in setting the assessed penalty amount or explains other circumstances that

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<sup>1</sup> Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission ¶12 (Jan. 7, 2013) (Enforcement Policy).

<sup>2</sup> 49 C.F.R. § 385, Appendix B.

<sup>3</sup> See RCW 81.04.530.

<sup>4</sup> See RCW 81.04.405.

convince the Commission that a lesser penalty will be equally or more effective in ensuring a company's compliance.<sup>5</sup> We address each violation category below.

- 7 **WAC 480-30-191.** The Penalty Assessment includes a \$300 penalty for three violations of WAC 480-30-191 for operating a passenger carrying vehicle without having in effect the required minimum levels of financial responsibility. ETA Charters states it used a vehicle that had previously been removed from its insurance policy, and out of desperation following a catastrophic engine failure of the Company's primary vehicle, put the vehicle in service prior to a holiday weekend. ETA Charters states the violation occurred because they were unable to reach their insurance broker during the holiday weekend and needed to transport passengers during a busy holiday. The Company states they have updated internal procedures to require a compliant Certificate of Insurance check before any equipment is operated.
- 8 Staff recommends no mitigation of this penalty. According to Staff, ETA Charters is responsible for making sure all vehicles operated under its charter certificate are appropriately insured. The Company made a business decision to provide passenger transportation following a mechanical failure of another bus.
- 9 We agree with Staff. ETA Charters made a business decision to provide passenger transportation using a vehicle that was removed from the Company's insurance policy to provide passenger transportation following a mechanical failure of another bus. Accordingly, we decline to mitigate this portion of the penalty.
- 10 **49 C.F.R. § 382.301(a).** The Penalty Assessment includes a \$1,500 penalty for one violation of using a driver before the motor carrier has received a negative pre-employment controlled substance test result. ETA Charters states that it failed to have appropriate onboarding oversight, which allowed drivers to drive a CMV prior to receiving negative pre-employment test results. The Company claims it has overhauled its hiring procedures and is using a checklist to ensure the Company receives a negative pre-employment test prior to allowing any driver to perform a safety sensitive function.
- 11 Staff recommends no mitigation of this penalty. According to Staff, the mitigation request did not state who is responsible for verifying negative testing or include any supporting materials in the mitigation request. As a result, Staff was unable to verify if the Company's corrective actions will prevent future violations.

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<sup>5</sup> Enforcement Policy ¶ 19.

- 12 We agree with Staff. ETA Charters has not provided any supporting materials to corroborate whether is has taken corrective actions that will prevent future violations. Accordingly, we decline to mitigate this portion of the penalty.
- 13 **49 C.F.R. § 390.35.** The Penalty Assessment includes a \$100 penalty for one violation of 49 C.F.R. § 390.35 for making fraudulent or intentionally false entries on a vehicle maintenance record. ETA Charters claims that the inaccurate entries on the 90-day emergency exit inspection form were due to a misunderstanding of compliance logging and not a fraudulent intent to deceive. The Company states that while the emergency exit was physically checked, the repairs were not executed in a timely manner. Following technical assistance from UTC staff, the Company fixed the emergency exit to working condition.
- 14 Staff recommends no mitigation of this penalty. According to Staff, the Company continued to document the emergency exit inspection as well as numerous driver vehicle inspection reports (DVIR) that failed to identify this out-of-service vehicle violation. The DVIR forms repeatedly stated that, “Above defects need not be corrected for safe operation of vehicle.” Staff asserts that is was only after its intervention that the Company took corrective action.
- 15 We agree with Staff. ETA Charters failed to correct this known out-of-service violation until after Staff intervened. Accordingly, we decline to mitigate this portion of the penalty.
- 16 **49 C.F.R. § 393.62.** The Penalty Assessment includes a \$100 penalty for one violation of 49 C.F.R. § 393.62 for using a commercial motor vehicle with an emergency exit that was inoperative. ETA Charters states that the emergency exit was repaired in response to violation of 49 C.F.R. § 390.35.
- 17 Staff recommends no mitigation of this penalty. According to Staff, it is ETA Charters’ responsibility to ensure that its vehicles are free of defects that may potentially put the traveling public at risk. The Company did not correct the violation until after six months of being aware of the violation.
- 18 We agree with Staff. It is ETA Charters’ responsibility to ensure that its vehicles are free of defects that may potentially put the traveling public at risk, and the Company failed to correct the violation for six months. Accordingly, we decline the mitigate this portion of the penalty.

**FINDINGS AND CONCLUSIONS**

- 19 (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 passenger transportation companies, and has jurisdiction over the parties and subject matter of this proceeding.
- 20 (2) ETA Charters, LLC is a passenger transportation company subject to Commission regulation.
- 21 (3) ETA Charters, LLC violated WAC 480-30-191 when it operated a passenger carrying vehicle without having in effect the required minimum levels of financial responsibility on three occasions between July 4, 2025, and July 7, 2025.
- 22 (4) ETA Charters, LLC should be penalized \$300 for one violation of WAC 480-30-191.
- 23 (5) ETA Charters, LLC violated 49 C.F.R. § 382.301(a) when it allowed drivers Scott Bridges, James Dubose and Laurie Eriks Gowin to operate a CMV prior to receiving a negative controlled substance test result.
- 24 (6) ETA Charters, LLC should be penalized \$1,500 for one violation of 49 C.F.R. § 382.301(a).
- 25 (7) ETA Charters, LLC violated 49 C.F.R. § 390.35 when it provided false, misleading or inaccurate information following review of the 90-day emergency exit inspection form, noting the carrier knew about an emergency window being defective and taped shut in August 2025. The company neglected to follow-up with repair and knowingly filled out the bus emergency exit inspection form indicating the emergency exits were in working condition for months of August, October, and December 2025.
- 26 (8) ETA Charters, LLC should be penalized \$100 for one violation of 49 C.F.R. § 390.35.
- 27 (9) ETA Charters, LLC violated 49 C.F.R. § 393.62 when it used a commercial motor vehicle with an emergency exit that was inoperative.
- 28 (10) ETA Charters, LLC should be penalized \$100 for one violation of 49 C.F.R. § 393.62.

- 29 (11) ETA Charters, LLC should pay the \$2,000 penalty amount levied in the March  
24, 2026, Penalty Assessment.

**ORDER**

- 30 (1) ETA Charters, LLC's request for mitigation is DENIED.

- 31 (2) The \$2,000 penalty is immediately due and payable.

- 32 The Secretary has been delegated authority to enter this order on behalf of the  
Commissioners under WAC 480-07-903(2)(e).

DATED at Lacey, Washington, and effective April 21, 2026.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



JEFF KILLIP

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.**