

<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">1</p> <p style="text-align: center;">BEFORE THE WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION</p> <hr/> <p style="text-align: center;">) In the Matter of the Investigation of:)) Docket Nos.) AAA PARTY BUS, LLC, d/b/a SEATTLE) TE-160910 PARTY BUS RENTALS,) TE-160824)) For Compliance with WAC 480-30-221)</p> <hr/> <p style="text-align: center;">BRIEF ADJUDICATIVE PROCEEDING, VOLUME I</p> <p style="text-align: center;">PAGES 1 - 27</p> <p style="text-align: center;">ADMINISTRATIVE LAW JUDGE RAYNE PEARSON</p> <hr/> <p style="text-align: center;">1:31 P.M.</p> <p style="text-align: center;">AUGUST 24, 2016</p> <p style="text-align: center;">Washington Utilities and Transportation Commission 1300 South Evergreen Park Drive Southwest, Room 206 Olympia, Washington 98504-7250</p> <p>REPORTED BY: RYAN ZIEGLER, RPR, CCR #3348</p> <p>Buell Realtime Reporting, LLC 1325 Fourth Avenue Suite 1840 Seattle, Washington 98101 206.287.9066 Seattle 360.534.9066 Olympia 800.846.6989 National www.buellrealtime.com</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">BRIEF ADJUDICATIVE PROCEEDINGS</p> <p style="text-align: center;">VOLUME I: INDEX</p> <p>WITNESSES: PAGE</p> <p>DAVID PRATT 10</p> <p>Examination by Mr. Roberson 10</p> <p>PAMELA A. GREEN and TRAVIS EDWARDS 14</p> <p>Direct Testimony 14</p> <p>Examination by Mr. Roberson 22</p> <p style="text-align: center;">* * * * *</p>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">A P P E A R A N C E S ²</p> <p>ADMINISTRATIVE LAW JUDGE:</p> <p>RAYNE PEARSON Utilities and Transportation Commission P.O. Box 47250 1300 South Evergreen Park Drive Southwest Olympia, Washington 98504 360.664.1136</p> <p>FOR COMMISSION STAFF:</p> <p>JEFFREY ROBERSON Assistant Attorney General 1400 South Evergreen Park Drive Southwest P.O. Box 40128 Olympia, Washington 98504 360.664.1188 jroberso@utc.wa.gov</p> <p>FOR AAA PARTY BUS, LLC:</p> <p>PAMELA A. GREEN TRAVIS EDWARDS AAA Party Bus, LLC 4752 Delridge Way Southwest Seattle, Washington 98106 425.890.2066 pamsatwork@gmail.com</p> <p style="text-align: center;">* * * * *</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">4</p> <p style="text-align: center;">OLYMPIA, WASHINGTON; AUGUST 24, 2016</p> <p style="text-align: center;">1:31 P.M.</p> <p style="text-align: center;">--o0o--</p> <p>JUDGE PEARSON: Well, then, we will be on the record.</p> <p>Good afternoon. This is Docket TE-160910, which is captioned in the matter of the investigation of AAA Party Bus, LLC, d/b/a Seattle Party Bus Rentals, for compliance with WAC 480-30-221.</p> <p>My name is Rayne Pearson. I'm the administrative law judge presiding over today's brief adjudicative proceeding; and today is Wednesday, August 24th, 2016, at approximately 1:30 p.m.</p> <p>On August 2nd, 2016, the Commission issued a notice of intent to cancel certificate as an auto transportation carrier, notice of brief adjudicative proceeding, setting time for oral statements. The Commission issued the notice of intent to cancel following a compliance review conducted by Commission Staff in June 2016 which resulted in a proposed unsatisfactory safety rating for Seattle Party Bus Rentals.</p> <p>The Company had until August 17th, 2016, to file a proposed safety management plan, which I understand the Company has done; correct?</p>

<p>1 MS. GREEN: Yes. Mm-hmm.⁵ 2 JUDGE PEARSON: Okay. And we will be 3 addressing how that affects the Company's safety rating 4 today. 5 And as we talked about before we went on the 6 record, I wanted to also address the penalty assessment in 7 Docket TE-160824 in the amount of \$2,300. Ms. Green filed 8 an application for mitigation in that docket on 9 August 17th, 2016, and as we discussed off the record, the 10 parties have agreed to address those violations today -- 11 MS. GREEN: Mm-hmm. 12 JUDGE PEARSON: -- while we address the other 13 safety violations that led to the unsatisfactory safety 14 rating as opposed to just addressing mitigation on the 15 written record. 16 So I will consolidate Dockets TE-160910 and 17 TE-160824. So when I call on the parties to testify, I'll 18 have you stand up and raise your right hand and -- 19 MS. GREEN: Okay. 20 JUDGE PEARSON: -- I'll swear you in with the 21 oath of witness, which means that everything that you say 22 will be considered sworn testimony under oath. 23 MS. GREEN: And the truth. 24 JUDGE PEARSON: Yes, of course. 25 So for the court reporter's benefit, please</p>		<p>1 testimony and call Mr. Edwards if you want to. You didn't 2 file any exhibits in advance, so I assume you don't have 3 any. 4 MS. GREEN: I submitted three copies. 5 JUDGE PEARSON: Was that of your proposed 6 safety management plan? 7 MS. GREEN: Yes. 8 JUDGE PEARSON: Okay. 9 MS. GREEN: Yes. 10 JUDGE PEARSON: So that -- 11 MS. GREEN: That's what -- 12 JUDGE PEARSON: That's different. 13 MS. GREEN: -- I assumed that -- oh. That's 14 different? 15 JUDGE PEARSON: Yeah. Yeah. 16 MS. GREEN: Okay. 17 JUDGE PEARSON: Staff will -- Staff is 18 responsible for reviewing that and making -- 19 MS. GREEN: Oh, I -- 20 JUDGE PEARSON: -- a recommendation. 21 MS. GREEN: Okay. I assumed that went to 22 you, but... 23 JUDGE PEARSON: I didn't get a copy. I think 24 one can be made available to me if I need it, but -- 25 MS. GREEN: Okay.</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>1 speak slowly and clearly and make --⁶ 2 MS. GREEN: Okay. 3 JUDGE PEARSON: -- sure to use the microphone 4 in front of you. 5 MS. GREEN: Oh, okay. 6 JUDGE PEARSON: And when you push the button, 7 a red light will come on, and that indicates that the 8 microphone is on. 9 MS. GREEN: Do I want to push it now? 10 JUDGE PEARSON: Go ahead. Why don't you go 11 ahead and try it? And if you could pull it closer to 12 you -- 13 MS. GREEN: Oh, okay. I thought it was 14 nailed to the table. Okay. 15 JUDGE PEARSON: No. Is it -- 16 MS. GREEN: Okay. 17 JUDGE PEARSON: -- turned on? Is the red 18 light on? 19 MS. GREEN: Yes, it is. Red -- 20 JUDGE PEARSON: Okay. 21 MS. GREEN: -- light's on. That means on? 22 JUDGE PEARSON: Yes. 23 MS. GREEN: Okay. 24 JUDGE PEARSON: Okay. Perfect. 25 So once you're sworn in, you can present</p>		<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 JUDGE PEARSON: So what I want to do is first⁸ 2 have Staff address the proposed safety management plan and 3 the safety rating, and then following Staff's presentation, 4 you can ask questions if you want to of the witnesses. And 5 then after that, I'll have you present testimony related to 6 the violations and the penalty assessment. And since -- 7 MS. GREEN: Okay. 8 JUDGE PEARSON: -- you already have admitted 9 to the violations, we'll just be discussing factors that 10 could go to mitigation. 11 MS. GREEN: Okay. 12 JUDGE PEARSON: And once you're done 13 testifying, Staff's attorney may have some questions for 14 you, and then I'll ask Staff to make a final recommendation 15 on the penalty at that time. 16 Sound good to everyone? 17 MR. ROBERSON: It does. 18 JUDGE PEARSON: Okay. Do you have any 19 questions before we get started? 20 MS. GREEN: No. I'll ask as I go. 21 JUDGE PEARSON: Okay. That sounds good. 22 MS. GREEN: We'll be on the ask-as-you-go 23 plan. 24 JUDGE PEARSON: So let's first take a brief 25 appearance from Commission Staff. Mr. Roberson?</p>

<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">9</p> <p>MR. ROBERSON: Good morning -- or good afternoon, Your Honor. I'm Jeff Roberson. It's R-O-B-E-R-S-O-N. I'm an assistant attorney general representing Commission Staff.</p> <p>My address is 1400 South Evergreen Park Drive Southwest, P.O. Box 40128, Olympia, Washington, 98504. My phone number is (360)664-1188, and my e-mail is jroberso@utc.wa.gov.</p> <p>JUDGE PEARSON: Great. Thank you.</p> <p>And, Ms. Green, if you could state your full name and spell your last name for the record and then give us your address, phone number, and e-mail address, and let me know what your position is with the Company as well.</p> <p>MS. GREEN: My full name is Pamela Anne Green, G-R-E-E-N. My address is 4752 Delridge Way Southwest, Seattle, 98106. My e-mail address is pamsatwork@gmail.com, which is P-A-M-S-A-T-W-O-R-K at gmail.com. And what was the last one?</p> <p>JUDGE PEARSON: Phone number.</p> <p>MS. GREEN: (425)890-2066.</p> <p>JUDGE PEARSON: And what's your position with the Company?</p> <p>MS. GREEN: Member.</p> <p>JUDGE PEARSON: Member?</p> <p>MS. GREEN: Yeah.</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">EXAMINATION BY ROBERSON / PRATT 11</p> <p>Q. And what is your occupation?</p> <p>A. I am the assistant director for transportation safety.</p> <p>Q. And how long have you held that position?</p> <p>A. 11 years.</p> <p>Q. Are you generally familiar with state and federal regulations governing motor carrier operations?</p> <p>A. Yes, I am.</p> <p>Q. Okay. Turning to the matter at hand, are you familiar with the compliance investigation of AAA Party Bus?</p> <p>A. Yes. I reviewed that investigation when Mr. Gilbert submitted it and approved his report, and I'm very familiar with it.</p> <p>Q. Are you aware of the proposed safety rating resulting from that compliance investigation?</p> <p>A. Yes.</p> <p>Q. And what was that safety rating -- proposed safety rating?</p> <p>A. Unsatisfactory safety rating based on the -- the type of violations that were discovered.</p> <p>Q. And does or did AAA Party Bus have an opportunity to elevate its safety rating? Increase it?</p> <p>A. Yes. I -- I believe at the closing conference that was conducted by Mr. Gilbert that he explained to them</p>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">10</p> <p>JUDGE PEARSON: Okay.</p> <p>MS. GREEN: It's just him and I, so.</p> <p>JUDGE PEARSON: Okay. So you two are the owners of --</p> <p>MS. GREEN: Correct. Mm-hmm.</p> <p>JUDGE PEARSON: -- the entity? Okay.</p> <p>Okay. Great. So, Mr. Roberson, you can go ahead and proceed with the issue of the Company's proposed safety management plan when you're ready.</p> <p>MR. ROBERSON: Staff would like to call Dave Pratt, please.</p> <p>JUDGE PEARSON: Okay. Mr. Pratt, if you could please stand and raise your right hand.</p> <p>DAVID PRATT, witness herein, having been first duly sworn on oath, was examined and testified as follows:</p> <p>JUDGE PEARSON: Okay. You may be seated.</p> <p style="text-align: center;">E X A M I N A T I O N</p> <p>BY MR. ROBERSON:</p> <p>Q. Could you state your name and spell it for the record, please?</p> <p>A. Sure. My name is David Pratt, P-R-A-T-T.</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">EXAMINATION BY ROBERSON / PRATT 12</p> <p>the process, that they had 45 days to submit a safety management plan that addressed the violations, how they occurred, how they were going to be prevented from occurring again in the future, and how the Company was going to be in compliance.</p> <p>And the Company did submit that to Mr. Gilbert. I believe they exchanged a couple of drafts to get that into the condition that we believe was acceptable, and then Mr. Gilbert reviewed it as part of his duties and then provided it to me with his recommendations.</p> <p>Q. And did you also review the safety management plan?</p> <p>A. Yes.</p> <p>Q. And did you find that it addressed the violations found in the compliance review?</p> <p>A. Yes, we did. We believe that it addressed each of the violations appropriately about how they were allowed to occur and then put together a plan for how they would be prevented from reoccurring again in the future. And based on that, I thought it was acceptable and would accept it for recommending to the Commission that we upgrade the safety rating to conditional.</p> <p>MS. GREEN: I'm just anxious to give my side of it, but I'll wait.</p> <p>JUDGE PEARSON: Yes. You do need to wait.</p>

<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>EXAMINATION BY ROBERSON / PRATT ¹³ MS. GREEN: Okay. BY MR. ROBERSON: Q. So your recommendation to the Commission, then, is that it do what with the safety rating of AAA Party Bus? A. Yes, that we upgrade it from the -- the procedure is you upgrade it from unsatisfactory to conditional, and it -- it is required to stay in that status for a minimum of two years per -- per law. MR. ROBERSON: Thank you very much. JUDGE PEARSON: Okay. Can you tell me the CFR that talks about the two-year -- why it has to be conditional for two years? Do you have that citation? MR. PRATT: Yes. Under the -- you know, we adopt the federal -- JUDGE PEARSON: Right. MR. PRATT: -- code of federal regulations under Title 49, and as part of that, the criteria for evaluating safety ratings has a two-year window. We generally, unless there's real -- unique circumstances, do not upgrade a safety rating until at least a minimum of two years has gone by. JUDGE PEARSON: Okay. But do you have a citation for that? Which CFR it is? MR. PRATT: No, I don't. JUDGE PEARSON: Okay.</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>DIRECT TESTIMONY / GREEN AND EDWARDS ¹⁵ JUDGE PEARSON: Okay. Great. So do you want to just briefly give an opening statement, and then maybe we can walk through each of the violations in the penalty assessment and talk about what the Company's doing to address those, and -- MS. GREEN: Yes. JUDGE PEARSON: Okay. MS. GREEN: The reason -- and as I had stated in my initial request to have our status changed, is the reason for the violations is, when he initially went to have the buses inspected and had the meeting and got the book and what, I was not there. JUDGE PEARSON: You're talking about Mr. Edwards? MS. GREEN: Yes. JUDGE PEARSON: Okay. MS. GREEN: And so I recall him bringing home this book -- this was multiple years ago -- and saying, "Okay. So the regulations are in here." And I vaguely recall looking through it and going, "Oh, okay. This is for 16-wheel -- the big vehicles." And so I, not having gone into great length, just -- and my focus, I was mainly concerned about the IRS and making sure that our books were accurate and there was -- and the state for the -- for the funds to show that</p>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>MR. PRATT: It's just -- it's really -- CFR, we've adopted that as policy. JUDGE PEARSON: Okay. MR. ROBERSON: If you would like, we could -- we could research that and make a filing. JUDGE PEARSON: That would be great. MR. PRATT: But I could give you general; it'd be under Part 385. JUDGE PEARSON: Okay. I can find it, then. MR. PRATT: I just don't know the sub-step. JUDGE PEARSON: Okay. I can definitely find that. Okay. Did you have any questions for Mr. Pratt? MS. GREEN: No. JUDGE PEARSON: Okay. And do you have any further witnesses at this time? MR. ROBERSON: That'll do it for us. JUDGE PEARSON: Okay. So now, Ms. Green, it is your turn, and if you could please stand and raise your right hand, I will swear you in. PAMELA A. GREEN, witness herein, having been first duly sworn on oath, was examined and testified as follows:</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>DIRECT TESTIMONY / GREEN AND EDWARDS ¹⁶ our money was accurately deposited and all of that. And so, basically, I just did not realize that, with just he and I, this -- that some of the regulations actually complied to the smaller vehicles, and it -- it wasn't anything intentional. It was just an oversight on my part. Nothing -- nothing more than that, other than I did not take the -- honestly didn't take the time to read this page by page. And I think if I had been at the meeting, the initial meeting, I would have known the appropriate questions to ask, but I just didn't recognize that the nec- -- the necessity of that. I would have -- I certainly would have been there, so that's the gist of it. JUDGE PEARSON: Okay. So if -- why don't we just go through -- MS. GREEN: Mm-hmm. JUDGE PEARSON: -- each one, if you want to explain it and then talk about what the Company has done? Since I haven't seen the proposed safety management plan, if you could just tell me what the -- MS. GREEN: Oh, okay. JUDGE PEARSON: -- Company has done to -- MS. GREEN: Okay. JUDGE PEARSON: -- address the -- MS. GREEN: Sure.</p>

<p>1 DIRECT TESTIMONY / GREEN AND EDWARDS 17 JUDGE PEARSON: -- violation.</p> <p>2 So the first is 49 CFR Part 390.35, "Making</p> <p>3 or causing to make fraudulent or intentionally false entry</p> <p>4 on a required medical examiner's certificate," and this</p> <p>5 relates to Mr. Edwards' medical exam was not conducted at</p> <p>6 the facility listed on the certificate.</p> <p>7 MS. GREEN: Go ahead.</p> <p>8 JUDGE PEARSON: If he wants to testify, I'll</p> <p>9 need to swear him in.</p> <p>10 MS. GREEN: Okay. Do you --</p> <p>11 JUDGE PEARSON: So could you stand and raise</p> <p>12 your right hand?</p> <p>13</p> <p>14 TRAVIS EDWARDS, witness herein, having been</p> <p>15 first duly sworn on oath,</p> <p>16 was examined and testified</p> <p>17 as follows:</p> <p>18</p> <p>19 JUDGE PEARSON: Okay. Is your microphone on?</p> <p>20 MR. EDWARDS: Yes, it is.</p> <p>21 JUDGE PEARSON: Okay. So if you could state</p> <p>22 your whole name for the record and spell your last name for</p> <p>23 the court reporter.</p> <p>24 MR. EDWARDS: My name's Travis Edwards, and</p> <p>25 last name, E-D-W-A-R-D-S. My add- -- address is --</p>	<p>1 DIRECT TESTIMONY / GREEN AND EDWARDS 19 JUDGE PEARSON: Okay. But what you had was a</p> <p>2 mock-up? Is that what you're saying, that it was --</p> <p>3 MR. EDWARDS: Yes.</p> <p>4 JUDGE PEARSON: -- like, a fake one that you</p> <p>5 made for the purpose of having an example?</p> <p>6 MR. EDWARDS: Yes.</p> <p>7 JUDGE PEARSON: Okay.</p> <p>8 MR. EDWARDS: It wasn't meant to -- it was</p> <p>9 blown up and larger, and it was going to end up being about</p> <p>10 the size of a sheet of paper, and it was meant for -- you</p> <p>11 know, for examples of the documents needed to drive with</p> <p>12 us.</p> <p>13 JUDGE PEARSON: Okay. And how did it get</p> <p>14 into Staff's hands?</p> <p>15 MR. EDWARDS: I had e-mailed it to her, and</p> <p>16 she didn't know...</p> <p>17 MS. GREEN: I just printed it and put it in a</p> <p>18 file and forgot about it.</p> <p>19 JUDGE PEARSON: Okay. So you thought it was</p> <p>20 real, Ms. Green?</p> <p>21 MS. GREEN: I just -- I didn't think anything</p> <p>22 of it one way or another.</p> <p>23 JUDGE PEARSON: Okay.</p> <p>24 MS. GREEN: I just assumed he wanted me to</p> <p>25 have it. I threw it in the file.</p>
<p>1 DIRECT TESTIMONY / GREEN AND EDWARDS 18 JUDGE PEARSON: I don't need all that.</p> <p>2 MR. EDWARDS: Okay.</p> <p>3 JUDGE PEARSON: That's okay. You can go</p> <p>4 ahead and -- and speak to that violation.</p> <p>5 MR. EDWARDS: So I had -- I had wanted to</p> <p>6 make a large poster-type -- something we could put at our</p> <p>7 place for anybody who was going to work for us, they could</p> <p>8 look at it and see, and I was going to have different</p> <p>9 examples of the documents needed, and so that -- that card</p> <p>10 wasn't meant actually to -- for you guys to see.</p> <p>11 It was meant for -- because I was making a</p> <p>12 poster, and I had e-mailed it to her so she could see it,</p> <p>13 but -- and it was going to be blown up and put with, like,</p> <p>14 the driver's license, social security card, and medical</p> <p>15 card just as examples of what we needed. It wasn't meant</p> <p>16 for the public to see, and it was -- it wasn't meant to be</p> <p>17 given to Wayne.</p> <p>18 JUDGE PEARSON: Okay. So did you have a</p> <p>19 valid medical certificate at the time?</p> <p>20 MR. EDWARDS: I -- no. No.</p> <p>21 JUDGE PEARSON: Okay. So what --</p> <p>22 MR. EDWARDS: I have what --</p> <p>23 JUDGE PEARSON: -- you had was a mock-up?</p> <p>24 MR. EDWARDS: I have a current one with me.</p> <p>25 Excuse me?</p>	<p>1 DIRECT TESTIMONY / GREEN AND EDWARDS 20 JUDGE PEARSON: Okay. Okay.</p> <p>2 MR. EDWARDS: I mean, it was -- it's larger.</p> <p>3 It's not -- it wouldn't fit in a wallet, and -- yeah.</p> <p>4 Just...</p> <p>5 JUDGE PEARSON: Okay.</p> <p>6 MR. EDWARDS: That's what it was for.</p> <p>7 JUDGE PEARSON: Okay. And the second</p> <p>8 violation is 16 occurrences of using a driver not medically</p> <p>9 examined and certified in the past 24 months; that's 49 CFR</p> <p>10 Part 391.45(b)(1). It says the Company "used two drivers</p> <p>11 who were not medically examined and certified" --</p> <p>12 Mr. Edwards, that was you and another</p> <p>13 employee, last name Valde? Is that how you pronounce that?</p> <p>14 MR. EDWARDS: Valdez.</p> <p>15 JUDGE PEARSON: Valdez. Okay. So there's a</p> <p>16 Z missing off of that -- "for 16 trips on 12 days."</p> <p>17 MR. EDWARDS: I -- I had seen his paperwork.</p> <p>18 I didn't -- we -- we're taking steps to photocopy</p> <p>19 everything from here on out. I just didn't have copies of</p> <p>20 his -- any of -- of his paperwork documents.</p> <p>21 JUDGE PEARSON: Okay. So what is the Company</p> <p>22 doing to address that --</p> <p>23 MR. EDWARDS: Photocopying --</p> <p>24 JUDGE PEARSON: -- issue?</p> <p>25 MR. EDWARDS: -- and saving everything.</p>

<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>DIRECT TESTIMONY / GREEN AND EDWARDS 21 MS. GREEN: I have set up a whole step-by-step form that has to be checked off for everything that's required and that needs to go in the file that was submitted with the compliance report that we submitted. JUDGE PEARSON: Okay. Okay. And so the next one -- the pages are stuck together. Okay. 49 CFR Part 391.51(a), "Failing to maintain a driver qualification file on each driver employed." I assume this is the same situation? MS. GREEN: Yeah. You can -- that, you can -- I -- what I had done is, I was certain that I let the department of employment know that a new employee had started, and then we also used an accounting firm for their hours, and I simply thought that that was sufficient. JUDGE PEARSON: Okay. And so -- and I assume it's the same thing with 49 CFR Part 395.8(a), "Failing to require a driver to make a record of duty status," and 49 CFR Part 396.1, "Failing to require drivers to prepare driver vehicle inspection reports"? It was just that -- MS. GREEN: Correct. JUDGE PEARSON: -- you were unaware of the requirements, but you have now created -- MS. GREEN: Yes. JUDGE PEARSON: -- this checklist that will make sure --</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>EXAMINATION BY ROBERSON / GREEN AND EDWARDS 23 driver qualification files was not a repeat violation from the 2011 -- MS. GREEN: No. We've never -- MR. ROBERSON: -- compliance review? MS. GREEN: -- had -- this is the first time we've ever heard from anybody here that I'm aware of. Are you aware of? MR. EDWARDS: I had -- I had met with Tom when he inspected the vehicles. MR. ROBERSON: In 2011? MS. GREEN: If they were inspected -- COURT REPORTER: I'm sorry. I do need everyone to speak one at a time and into the microphone. Thank you. MR. ROBERSON: So it's your testimony that you didn't have a compliance review in 2011? MR. EDWARDS: No. We -- MS. GREEN: When the -- go ahead. JUDGE PEARSON: Can you direct your question at an individual? MR. ROBERSON: I guess, Mr. Edwards. MR. EDWARDS: I had -- in 2011, I had met with Tom Brad- -- Brady, I believe was his name? MR. PRATT: McVaugh. MR. EDWARDS: McVaugh. That's it. And he</p>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>T TESTIMONY / GREEN AND EDWARDS 22 MS. GREEN: Yes, I do. JUDGE PEARSON: Okay. MS. GREEN: I -- I will also say that -- and I understand ignorance is probably not an answer -- I didn't realize that, as an owner, he has the same requirements as a driver. So 95 percent of the rides, Travis is the driver. I just didn't realize that that -- there -- there was the same expectation of him, including -- including having an employee application. I just assumed, because he was the owner, it wasn't required. JUDGE PEARSON: Okay. Okay. Is there anything else that you want to add to that? MS. GREEN: (Shakes head.) JUDGE PEARSON: Okay. MS. GREEN: Was -- what -- what a learning curve. JUDGE PEARSON: Mr. Roberson, do you have any questions for either of them? MR. ROBERSON: Just a couple quick questions. EXAMINATION MR. ROBERSON: AAA Party Bus had a compliance review in 2011; right? MS. GREEN: Hmm-mm. MR. ROBERSON: The -- the failure to maintain</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>EXAMINATION BY ROBERSON / GREEN AND EDWARDS 24 had -- I believe it was, we had built another bus at that time, and I called him and I told him we had another vehicle, and he was going to come inspect it. And he -- I don't believe he -- it wasn't as thorough as what he had done, the inspection that Wayne had done. It -- and so you -- I don't know. But I believe we didn't have the same violation. MR. ROBERSON: Okay. JUDGE PEARSON: Anything further? MR. ROBERSON: Not on direct. JUDGE PEARSON: Okay. MR. EDWARDS: In 2011, I believe we had just had the date on the fire extinguisher wasn't current. I believe that was the only violation. JUDGE PEARSON: Okay. So if that's all for the Company, then if Staff wants to make a recommendation with respect to the penalty? MR. ROBERSON: Would you mind if I had a quick moment to confer with my client? JUDGE PEARSON: Not at all. Go ahead. MR. ROBERSON: Thank you, Your Honor. Commission Staff recommends suspending 1300 of the penalty conditional upon the outcome of the -- the safety compliance review that they're requesting you condition the upgrade of the safety rating on, assuming</p>

<p style="text-align: center;">25</p> <p>1 that there are no repeat violations.</p> <p>2 JUDGE PEARSON: When will that --</p> <p>3 MR. ROBERSON: One year.</p> <p>4 JUDGE PEARSON: In one year? Okay.</p> <p>5 MR. ROBERSON: They're asking you to</p> <p>6 condition it on another compliance review in one year.</p> <p>7 JUDGE PEARSON: Okay. All right.</p> <p>8 Is there anything further?</p> <p>9 MS. GREEN: I would just say that, having now</p> <p>10 read this book cover to cover, I actually did not find the</p> <p>11 expectations to be egregious at all. I mean, they're --</p> <p>12 they're doable.</p> <p>13 So it just was a matter of me setting up some</p> <p>14 files, which I did do some extensive -- and Mr. Gilbert can</p> <p>15 attest to, I did set up some extensive forms and whatnot to</p> <p>16 make sure we're in compliance, so I don't think that it's</p> <p>17 going to be something that is burdensome.</p> <p>18 I mean, it's a little bit more work, but it's</p> <p>19 nothing that is unreasonable, I don't think. That's my</p> <p>20 opinion.</p> <p>21 JUDGE PEARSON: Okay. Thank you.</p> <p>22 MS. GREEN: Mm-hmm.</p> <p>23 JUDGE PEARSON: Anything further from Staff?</p> <p>24 MR. ROBERSON: No, Your Honor.</p> <p>25 JUDGE PEARSON: Okay. Well, I guess I didn't</p>	<p style="text-align: center;">27</p> <p style="text-align: center;">C E R T I F I C A T E</p> <p>STATE OF WASHINGTON COUNTY OF KING</p> <p>I, Ryan Ziegler, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the proceedings held August 24, 2016, is true and accurate to the best of my knowledge, skill, and ability.</p> <p>IN WITNESS WHEREOF, I have hereunto set my hand and seal this August 26, 2016.</p> <p style="text-align: right;">RYAN ZIEGLER, RPR, CCR</p>
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<p style="text-align: center;">26</p> <p>1 say this earlier, but I will issue an order within ten days</p> <p>2 reflecting the Company's upgraded safety rating to</p> <p>3 conditional. That's not something I need to take under</p> <p>4 advisement or make a decision on. I can tell you right now</p> <p>5 that I'm going --</p> <p>6 MS. GREEN: That's --</p> <p>7 JUDGE PEARSON: -- to adopt Staff's</p> <p>8 recommendation and upgrade your safety rating. And then I</p> <p>9 will also in that order make a decision with respect to the</p> <p>10 penalty assessment.</p> <p>11 MS. GREEN: Okay. Thank you.</p> <p>12 JUDGE PEARSON: Okay. Thank you very much.</p> <p>13 We are adjourned.</p> <p>14 (Proceedings concluded at 1:54 p.m.)</p> <p>15</p> <p>16</p> <p>17 * * * * *</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	
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