

## MEMORANDUM

February 2, 2016

TO: Greg Kopta, Chief Administrative Law Judge

FROM: David Pratt, Assistant Director, Transportation Safety  
Mike Turcott, Compliance Investigator

SUBJECT: Recommended Penalty Assessment No. TC - 152296  
SeaTac Airport 24

Attached is a Notice of Penalties accompanied by a compliance review report for Sani Mahama Maurou, dba SeaTac Airport 24 (SeaTac 24). In the Notice, we recommend you issue a penalty assessment in the amount of \$29,200 against SeaTac 24 for two hundred ninety-two violations (individual occurrences) of WAC 480-30-221, Vehicle and Driver safety requirements, which requires passenger transportation companies to comply with Title 49 CFR, Part 391 – Qualifications of Drivers and Part 396 - Inspection, Repair and Maintenance.

### **Compliance Review Results – Penalty Recommendation**

In December 2015, Commission Motor Carrier Investigator Mathew Perkinson completed a compliance review of Sani Mahama Maurou dba SeaTac Airport 24 (SeaTac 24) and documented the following violations of critical regulations:

- **Two violations (247 occurrences) of CFR Part 391.45(b)(1) – Using a driver not medically examined and certified during the preceding 24 months.** It was found that SeaTac 24 used two drivers not medically certified on 247 occasions. Driver Ndow Yankuba was not medically certified and drove on 114 occasions during the past six months. Driver Sani Maurou was not medically certified and drove on 133 occasions during the past six months.
- **Two violations of CFR Part 391.51(a) – Failure to maintain a driver qualification file for each driver.** SeaTac 24 failed to maintain driver qualification files for two drivers, Ndow Yankuba and Sani Maurou.
- **Two violations of CFR Part 396.3(b) – Failure to keep minimum records of inspection and vehicle maintenance.** SeaTac 24 failed to keep records of inspection and maintenance for two vehicles.
- **41 violations of CFR Part 396.11(a) – Failure to require driver to prepare daily driver vehicle inspection reports (DVIR)** SeaTac 24 failed to require its drivers to complete daily DVIRs on 41 occasions. During the month of October, Driver Ndow Yankuba failed to complete a DVIR for at least 19 trips. During October driver Sani

Maurou failed to complete a DVIR for at least 22 trips.

On October 9, 2014 Motor Carrier Safety Investigator John Foster provided technical assistance to Sani Mahama Maurou, dba SeaTac Airport 24 (SeaTac 24), on the regulated aspects of the company's business, including hours of service, driver qualification, vehicle maintenance, annual vehicle inspections, insurance requirements and vehicle inspection reports.

Although staff provided Mr. Maurou with advance notice of the compliance review and a list of the required records, he was unprepared, had very few of the required records available, and requested to reschedule. Mr. Maurou was able to provide some data he had on his phone, a few written records and some information verbally. He stated the hours of service records were illegible and promised to clean them up and submit the next day. Staff eventually did receive the hours of service records on November 13 after several repeated requests and missed deadlines.

The Commission's enforcement policy provides that some Commission requirements are so fundamental to safe operations that the Commission will issue penalties for a first-time violation.<sup>1</sup> The violations noted here are such violations.

Violations of CFR Part 391.45(b)(1) pertaining to driver medical examination and certification, and CFR Part 396.11(a) pertaining to daily vehicle inspection reports present serious public safety concerns, and we recommend the commission impose penalties of \$100 for each occurrence (288). For the remaining violations (4), we recommend penalties of \$100 each.

Please let either of us know if you have any questions or would like to discuss this penalty recommendation.

Attachments

---

<sup>1</sup> Docket A-120061 – Enforcement Policy of the Washington Utilities & Transportation Commission – Section V.