

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT TE-171115

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 violation occurred and enclose \$ _____ in payment of the penalty.

2. **Contest the violation.** I believe that the alleged violation did not occur for the reasons I describe below (if you do not include reasons supporting your contest here, your request will be denied):

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.

3. **Application for mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reasons set out below (if you do not include reasons supporting your application here, your request will be denied):

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: 12/15/2017 [month/day/year], at Tacoma, WA [city, state]

On behalf of Lifestyle LLC dba
Name of Respondent (company) – please print
Lifestyle Shuttles & Tours

[Signature]
Signature of Applicant

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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.”

Roshaun Yates c/o Lifestyle LLC dba Lifestyle Shuttles & Tours

Po Box 112064

Tacoma, WA 98411

(253)324-1587

roshaun@lifestylevalet.net

December 15, 2017

Utilities and Transportation Commission of Washington State

Attn: Penalty Assessment TE-171115

UTC

Po Box 47250

Olympia, WA, 98504-7250

Dear Utilities and Transportation Commission of Washington State :

We have received the penalty assessment and would like to take a moment to include our respond whilst requesting a waiver of payment in the amount of \$1300.00. This is our first review while in full functional operations and we are ecstatic to maintain a Satisfactory Safety rating from the UTC.

I have thoroughly reviewed the details in full per violation and initiated actions for correction. As follows are action items pertinent to each violation. To note, we are now implementing all Requirements and Recommendations listed in Part B to ensure we are in line with all Motor Carrier Safety Regulations and expectations for a successful corrective action plan.

In identifying each violation and why the violations may have occurred, we found more understanding of what is required to achieving a Satisfactory Safety Rating. Please see the addressed items below and the actions taken to correct the deficiencies that allowed our violations to occur.

1. Primary: 391.45(b)(1) Secondary: 391.11(a): Violation occurred because no automatic scheduler was in place. We have now added our drivers to a calendar to notify and update when a driver is approaching renewal. This will result in ongoing compliance. All drivers are now current and in compliance.
2. Primary: 390.19(b)(2): Violation occurred from lack of knowledge. Addressed in our review with Jason Sharp. We have now filed appropriate forms and implemented a calendar scheduler for this update on a biannual basis.
3. Primary: 391.21(a): Violation occurred from lack of knowledge. We do have an application that is not compliant. As a result of the review, we are aware of the critical information necessary and will now use the recommended application form offered by the UTC.
4. Primary: 391.23(c): Violation occurred in human error. Compliance manager overlooked procedure within the required grace period. Our new entrant policy will now reflect a drivers background investigation on file prior to hire date. This will resolve any further 30-day period violations.
5. Primary: 391.25(c)(1): Violation occurred from rule misunderstanding. We were oblivious to annual DQ file reviews such as this. We are aware and have added this to our calendar scheduler. No future violations will occur.

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2017 DEC 19 AM 8:20
STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION
COMMISSION

December 15, 2017

Page 2

6. Primary: 391.51(a): Violation occurred from lack of knowledge. As owner operator I overlooked the notation to have a personal file. I am fully aware of what is necessary and applicable. I have begun creating my file to completion. A DQ file for all drivers is being maintained. No future violations will occur.
7. Primary: 391.51(b)(5): Violation occurred from lack of knowledge. Addressed this in our review with Jason Sharp. We have now implemented this in procedures and added to calendar scheduler for update on an annual basis. No future violations will occur.
8. Primary: 391.51(b)(6): Violation occurred from lack of knowledge. Addressed in our review with Jason Sharp. We have now implemented this in procedures and added to calendar scheduler for update on an annual basis. No future violations will occur.
9. Primary: 391.51(b)(9): Violation occurred from lack of knowledge. Addressed in our review with Jason Sharp. We are aware and The National Registry entries are pending completion scheduled for Dec 31, 2017. No future violations will occur.
10. Primary: 395.8(a): Violation occurred in human error. I personally overlooked the log this day regarding day to day operations for myself. I am seeking a small staff to help delegate tasks and teach the requirements for operating our business in the industry. I have initiated a hiring campaign which began interviews Dec. 7, 2017. No future violations will occur for myself. We will be effectively organized in 2018.
11. Primary: 396.3(b)(1): Violation occurred from lack of knowledge. Addressed in our review with Jason Sharp. We are aware of the specifics of the vehicle maintenance file and will continue to maintain this. No future violations will occur.
12. Primary: 396.3(b)(2): Violation occurred from lack of knowledge Addressed in our review with Jason Sharp. We are aware of the specifics of the vehicle maintenance file and will continue to maintain this. No future violations will occur.
13. Primary: 396.3(b)(3): Violation occurred from lack of knowledge. Addressed in our review with Jason Sharp. We are aware of the specifics of the vehicle maintenance file and will continue to maintain this. No future violations will occur.

Addressing the penalty for thirteen violations in the amount of \$1,300.00 for the most severe violation above of WAC 480-30-211 Vehicle Driver Safety Requirements, Lifestyle LLC dba Lifestyle Shuttles & Tours does agree that the violations did occur, we also understand the severity of our missed actions and do not take this lightly whatsoever. However, we are kindly requesting a waiver of penalty and payment. We are a small company working to maintain the highest safety standards in the industry. We also realize we are not perfect and do make mistakes. In this case, I as owner operator failed to have proper systems in place as back up reminders for such important ongoing maintenance related to compliance specific to this violation. Furthermore, when discovered, we took action immediately which I hope will indicate our willingness to effectively comply, problem solve and maintain standard. Please take my review and resolution request as a promise to maintain the utmost compliance in ongoing operations. We appreciate your time in reviewing this mitigation request and hope you will sympathize with our first-time request for this waiver of penalty.

Sincerely,



Roshawn Yates c/o Lifestyle LLC dba Lifestyle Shuttles & Tours