

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

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

PENALTY ASSESSMENT: TC-072228  
PENALTY AMOUNT: \$9,500

**AUTO TRANSPORTATION COMPANY:**

Shuttle Express, Inc.  
805 Lenora Street  
Seattle, WA 98121

The Washington Utilities and Transportation Commission (Commission) believes that you have committed one or more violations of Washington Administrative Code (WAC) 480-30-213(2), which requires the driver of a vehicle operated by a passenger transportation company to be the certificate holder or an employee of the certificate holder. Revised Code of Washington (RCW) 81.04.405 allows penalties of up to one hundred dollars for every such violation.

As a result, the Commission hereby notifies you that it has assessed penalties against you in the amount of \$9,500, as follows.

In October 2007, Commission staff received information that Shuttle Express was using charter bus carriers as "independent contractor" drivers to provide transportation services authorized under Shuttle Express's certificate.

Commission staff has worked with Shuttle Express since 2004 regarding the company's proposal to use independent contractors. Staff advised Shuttle Express that, as proposed, the financial, legal and operational arrangement between Shuttle Express and its independent contractor drivers would constitute a lease of Shuttle Express's certificate, which would require commission approval and would require the independent contractor drivers to obtain auto transportation certificates. Commission staff also advised Shuttle Express that it would be in violation of state law if it conducted business in the manner described in its proposed arrangement.

Commission staff repeatedly advised Shuttle Express to either file a petition for declaratory ruling with the commission about the legality of the company's proposed arrangement or to file an application to lease the company's certificate. Instead, Shuttle Express instituted its independent contractor program with neither a declaratory ruling from the Commission nor an approved application to lease its certificate.

Shuttle Express violated WAC 480-30-213(2) when it used drivers who were not employees to provide passenger transportation services under Shuttle Express's certificate 95 times over a period of 30 days, from September 1 through 30, 2007.

This information, if proved at a hearing and not rebutted or explained, is sufficient to support the penalty assessment.

Your penalty is due and payable now. If you believe the violations did not occur, you may request a hearing to contest the penalty assessment. If there is a reason for the violations that you think should excuse you from the penalty, you may ask for mitigation (reduction) of this penalty. See RCW 81.04.405.

You have the right to present your request for review or mitigation at a hearing, but you are not required to do so. If you do, the Commission will review the evidence supporting your request in an informal hearing, called a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider your plea and notify you of his or her decision.

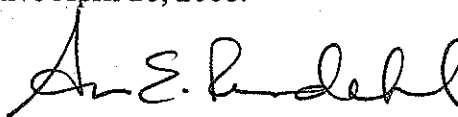
**You must act within 15 days after receiving this notice** to do one of the following:

- 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. The commission may then sue you to collect the penalty.

DATED at Olympia, Washington, and effective April 28, 2008.



ANN E.RENDAHL  
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TC-072228

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 and enclose \$9,500 in payment of the penalty.
- 2. **Request for a hearing.** I believe that the alleged violations did not occur, based on the following information, and request a hearing for a decision by an administrative law judge:

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- 3. **Application for mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reason(s) set out below.

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- a) I ask for a hearing for a decision by an administrative law judge
- OR  b) I waive a hearing and ask for an administrative decision on the information I present here.

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

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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.”