

Docket No. TE-190053 - Vol. I

In the Matter of: A-Star Limousine LLC

March 12, 2019



206.287.9066 | 800.846.6989

1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101

www.buellrealtime.com

email: info@buellrealtime.com



BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining) DOCKET NO. TE-190053 the Proper Carrier Classification) of, and Complaint for Penalties) Against)

)) A-STAR LIMOUSINE LLC)

TRANSPORTATION COURT, VOLUME I Pages 1-22 ADMINISTRATIVE LAW JUDGE LAURA CHARTOFF

March 12, 2019 9:00 A.M.

Washington Utilities and Transportation Commission 1300 South Evergreen Park Drive Southwest Olympia, Washington 98504

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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

OLYMPIA, WASHINGTON; MARCH 12, 2019 9:00 A.M.

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PROCEEDINGS

JUDGE CHARTOFF: We are on the record. Good morning. My name is Laura Chartoff. Can you hear me okay? Okay. Thanks. I am an administrative law judge with the Washington Utilities and Transportation Commission.

Today is March 12th, 2019, and the time is approximately 9:00 a.m.

There are three businesses who should be here today. So the first thing we'll do is see who's here. There is a court reporter who's recording everything we say, so when I call your name, please raise your hand and also say "here" or "present."

The first docket is TE-190053, A-Star Limousine?

MS. PALM: Michelle Palm.

JUDGE CHARTOFF: Okay. Thank you.

Docket TE-190079, Vicky Sandhu?

MR. SANDHU: Yes, I'm here.

JUDGE CHARTOFF: Okay. Doing business as Seattle Top Class Limousine.

APPEARANCES

ADMINISTRATIVE LAW JUDGE:

LAURA CHARTOFF Utilities and Transportation Commission 1300 South Evergreen Park Drive SW Olympia, Washington 98504 (360) 664-1160 laura.chartoff@utc.wa.gov

FOR COMMISSION STAFF:

JASON HOXIT Compliance Investigator Utilities and Transportation Commission 1300 South Evergreen Park Drive SW PO Box 47250 Olympia, Washington 98504 (360) 664-1320 jhoxit@utc.wa.gov

FOR A-STAR LIMOUSINE:

MICHELLE PALM Owner

* * * * *

Okay. Docket TE-190086, Cascade Adventures? MR. ENGEL: Present.

JUDGE CHARTOFF: Present, thank you.

Okay. So you are here because the Commission has information that your company is operating or advertising as a charter party or excursion carrier without a permit. So operating without a permit is illegal and subject to a penalty of up to \$5,000 per violation. If you are found to have engaged in business as a charter party or excursion carrier without a permit, the Commission can order you to stop operating and impose the penalty.

The Commission has initiated enforcement action against your business, and at this preliminary hearing, I'm going to ask you how you choose to proceed. So you have two options. So option A is to agree to cease and desist operating as an unpermitted charter and excursion carrier. If you choose this option, you must agree to stop providing, offering, and advertising unpermitted charter or excursion services unless or until you receive a permit from the Commission.

If you choose this option, you will need to show what you have done to shut down your business either completely or partially so that you're no longer advertising, offering, or providing unpermitted charter

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1 and excursion services in this state.
 2 If you have obtained a permit in advance of
 3 this hearing, please let me know that when I call you
 4 up. In that case, we won't ask you to stop operating,
 5 but we will want you to acknowledge that you were
 6 operating without a permit and that you agree to stop
 7 operating if your permit is cancelled for whatever
 8 reason.
 9 So option B is to ask for a classification
 10 hearing, and you would choose option B if you believe
 11 that your business is not subject to regulation by the
 12 Commission. In other words, you're denying that you're
 13 advertising, offering, or providing unpermitted
 14 services -- charter and excursion services.
 15 So if you choose that option, we'll schedule
 16 an evidentiary hearing where you will be required to
 17 present proof that your business is not within the
 18 regulatory jurisdiction of the Commission. That hearing
 19 will be set out about two months from now with a
 20 deadline a week before the hearing for both you and
 21 Commission Staff to list your witnesses and file any
 22 exhibits.
 23 Jason Hoxit will be speaking for Commission
 24 Staff this morning. If you have not already met him, he
 25 is seated at the table to my right, and he is a

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1 Commission compliance investigator.
 2 So -- okay. So now that I've gone over your
 3 choices, I have a few more things to tell you about the
 4 proceeding this morning. So in a few minutes, I'll call
 5 each of you up to the table to make your choice, and at
 6 that time, I will swear you in so that anything you tell
 7 the Court will be under oath.
 8 Once you're sworn in, I will ask if you
 9 understand your choices for today's hearing, and I'll
 10 ask you to state your choice. If there's anything else
 11 you want to explain to me, you'll have a chance to do
 12 that.
 13 If you choose option A, that is, to testify
 14 how you're getting out of the business, you can explain
 15 how you plan to do that. And depending on what proof
 16 you can provide, you may be given an opportunity to meet
 17 with Staff during a break in the hearing to negotiate an
 18 agreed order.
 19 If you have recently received a permit,
 20 you'll also be given an opportunity to meet with Staff
 21 to negotiate an agreed order to resolve this matter.
 22 The agreed order will also deal with the penalty, and
 23 I'll briefly talk about that.
 24 You were each served with a complaint that
 25 asked the Commission to penalize you for engaging in

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1 unpermitted business. The law sets the maximum penalty
 2 for each violation at \$5,000. Staff will recommend a
 3 penalty, and you will have the chance to reach an
 4 agreement with Staff on the penalty amount. If you are
 5 unable to agree, Staff will explain a recommendation,
 6 but the Commission will make the final decision on the
 7 penalty.
 8 And if you choose option B, that is, you
 9 deny you're operating as a charter or excursion carrier,
 10 we'll schedule another hearing. And in that case, it
 11 would help if you have your schedule so we can choose a
 12 date.
 13 Okay. So, Staff, I'll start by swearing you
 14 in.
 15 (Jason Hoxit sworn.)
 16 JUDGE CHARTOFF: Okay. So I'll start with
 17 A-Star Limousine. Can you please come forward, take a
 18 seat at the table, and make sure your microphone is
 19 turned on.
 20 MS. PALM: Check, check. Let's see here.
 21 JUDGE CHARTOFF: You might not be able to
 22 see the...
 23 MS. PALM: Check, check.
 24 JUDGE CHARTOFF: Press the button on the
 25 front. Is it not coming on?

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1 MR. ENGEL: There, try that.
 2 MS. PALM: Check, check.
 3 JUDGE CHARTOFF: Thank you.
 4 Okay. Can you please state your first and
 5 last name, spelling your last name for the court
 6 reporter?
 7 MS. PALM: Yes, I'm Michelle Palm. You said
 8 spell the last name? P-a-l-m, Palm.
 9 JUDGE CHARTOFF: And can you please state
 10 your business address?
 11 MS. PALM: Yes, it's 816 West Francis in
 12 Spokane, Washington 99205.
 13 JUDGE CHARTOFF: And what is your position
 14 with the company?
 15 MS. PALM: I am the owner.
 16 JUDGE CHARTOFF: Okay. So I'm going to ask
 17 you to stand and raise your right hand so I can swear
 18 you in.
 19 (Michelle Palm sworn.)
 20 JUDGE CHARTOFF: Okay. So did you
 21 understand the choices I explained earlier?
 22 MS. PALM: Yes, I do.
 23 JUDGE CHARTOFF: Do you know how you want to
 24 proceed?
 25 MS. PALM: I do. I -- I -- sorry. I

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1 believe option A, although, I -- yeah, option A. I -- I
 2 guess -- I guess I need to speak with you later, because
 3 the -- the business that I was doing was solic- -- or
 4 outsourcing, excuse me. I don't know, where do you --
 5 where do you want me to start?
 6 JUDGE CHARTOFF: Sure. So...
 7 MS. PALM: So essentially my -- my max
 8 capacity in my limousine service is 14 passengers. I
 9 began taking calls for a website that was advertising a
 10 wide variety of fleet options, so I was outsourcing.
 11 And so I have dissolved that portion of my business, so
 12 A.
 13 JUDGE CHARTOFF: Oh, okay. So you were
 14 advertising for -- for larger vehicles --
 15 MS. PALM: Well, it was actually another
 16 company that was advertising, but they forwarded their
 17 calls to me. So I was taking a network of -- of calls,
 18 and so I -- I'm no longer doing that.
 19 JUDGE CHARTOFF: Okay.
 20 MS. PALM: I'm sticking with my -- my
 21 business and my -- and my fleet.
 22 JUDGE CHARTOFF: So does Staff have a
 23 recommendation or...
 24 MR. HOXIT: No, Your Honor. If she wants to
 25 proceed with option A, we can discuss that during the

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1 break.
 2 JUDGE CHARTOFF: Okay.
 3 MS. PALM: Thank you.
 4 JUDGE CHARTOFF: Okay. So when we take a
 5 break, you can talk to Staff and see if you can sign an
 6 agreed order.
 7 MS. PALM: Okay.
 8 JUDGE CHARTOFF: That order will say that
 9 you agree -- well, I guess -- you'll have to...
 10 MS. PALM: I know. I didn't want to contest
 11 it, but I didn't wanna...
 12 JUDGE CHARTOFF: Okay. I'll be --
 13 typically, you agree you were operating without a
 14 permit, you advertised, and that you made an offer. I'm
 15 not -- from what you're telling me, I'm not sure if you
 16 did all of these things, but it sounds like you -- you
 17 did make an offer, so there would be some admission
 18 there. And, yeah, it will most likely include an agreed
 19 penalty amount, but if not, you can explain why the
 20 penalty should be different than what Staff is
 21 recommending. Do you have any questions at this point?
 22 MS. PALM: I guess I'll just ask you when
 23 we -- when we meet with Staff.
 24 JUDGE CHARTOFF: Oh, okay. Okay. So -- so
 25 please return to your seat and wait for the break.

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1 Thank you.
 2 Okay. So the next docket is Vicky Sandhu,
 3 doing business as Seattle Top Class Limo? Okay. Come
 4 on up. You want to be sworn in?
 5 (Vicky Sandhu sworn.)
 6 JUDGE CHARTOFF: Okay. So please state your
 7 first and last name, spelling your last name for the
 8 court reporter.
 9 MR. SANDHU: Vicky Sandhu, last name
 10 S-a-n-d-h-u.
 11 JUDGE CHARTOFF: And what is your position
 12 with the company?
 13 MR. SANDHU: Owner.
 14 JUDGE CHARTOFF: Okay. And do you
 15 understand the choices I explained earlier?
 16 MR. SANDHU: Yes, ma'am.
 17 JUDGE CHARTOFF: And do you know how you
 18 want to proceed?
 19 MR. SANDHU: Yeah. With number A or A
 20 option. Want to talk to him.
 21 JUDGE CHARTOFF: Okay. So and it sound --
 22 I've reviewed the record on the -- on your case. It
 23 looks like your -- your certificate was cancelled?
 24 MR. SANDHU: Yes, ma'am.
 25 JUDGE CHARTOFF: But did you apply for

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1 reinstatement?
 2 MR. SANDHU: Already got the reinstatement
 3 certificate.
 4 JUDGE CHARTOFF: Oh, okay. Okay. Great.
 5 Okay. Does Staff have any recommendation
 6 or...
 7 MR. HOXIT: No, Your Honor.
 8 JUDGE CHARTOFF: Okay. Staff is fine to
 9 discuss option A?
 10 MR. HOXIT: Yes, we'll discuss it during the
 11 break. Thank you.
 12 JUDGE CHARTOFF: Okay. Do you have any
 13 questions?
 14 MR. SANDHU: No.
 15 JUDGE CHARTOFF: Oh, okay. You can return
 16 to your seat and wait for the break.
 17 Okay. So the third is Cascade Adventures,
 18 Cascade Adventures Baker Bus LLC?
 19 (Paul Engel sworn.)
 20 JUDGE CHARTOFF: Okay. So please state your
 21 first and last name, spelling your last name.
 22 MR. ENGEL: Paul Engel, E-n-g-e-l.
 23 JUDGE CHARTOFF: And what is your position
 24 with the company?
 25 MR. ENGEL: Owner.

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1 JUDGE CHARTOFF: And can you give your
 2 business address?
 3 MR. ENGEL: PO Box 5147, Glacier, Washington
 4 98244.
 5 JUDGE CHARTOFF: Okay. So do you understand
 6 the choices I explained earlier?
 7 MR. ENGEL: I do.
 8 JUDGE CHARTOFF: And do you know how you
 9 want to proceed?
 10 MR. ENGEL: A.
 11 JUDGE CHARTOFF: A. So you are willing to
 12 admit that you were operating as a charter and excursion
 13 carrier?
 14 MR. ENGEL: Correct.
 15 JUDGE CHARTOFF: And you're willing to cease
 16 that aspect of your business or apply for --
 17 MR. ENGEL: Yes, I've already applied for a
 18 permit, and I believe the lady that I talked to -- it
 19 might -- it might already be done. I haven't received
 20 it, I just -- this all pretty much happened this week.
 21 JUDGE CHARTOFF: Okay.
 22 MR. ENGEL: So I haven't actually received a
 23 copy of it yet, but I'm hoping since I'm here today,
 24 that I might be able to talk to somebody or -- to see if
 25 that went through.

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1 JUDGE CHARTOFF: Oh, okay.
 2 Do you have any information on that?
 3 MR. HOXIT: All I know is the company
 4 applied for a certificate, I believe it was on the 5th
 5 of March, and I'm not aware of any pending motor carrier
 6 inspection. Typically, those have to be completed
 7 before the certificate itself is issued to the company.
 8 JUDGE CHARTOFF: Okay. Okay. So while
 9 that's pending --
 10 MR. ENGEL: Yeah, I have -- I have not had
 11 the busses inspected again. I remember doing that on my
 12 first permit, and that has not happened yet. It sounded
 13 to me that when I talked to the lady, that that was my
 14 last step basically that I would have to do.
 15 JUDGE CHARTOFF: Okay. Okay. So when you
 16 talk to Staff about an order today, the order will say
 17 that you agree to stop operating until your -- you get
 18 your permit --
 19 MR. ENGEL: Which I have.
 20 JUDGE CHARTOFF: -- so --
 21 MR. ENGEL: Stopped operating.
 22 JUDGE CHARTOFF: Oh, okay. Stopped
 23 operating. Yeah, I just want to make sure you stop
 24 operating until that --
 25 MR. ENGEL: Yep.

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1 JUDGE CHARTOFF: -- permit is issued.
 2 Okay. And once you feel comfortable that
 3 you understand the order, you and Mr. Hoxit will both
 4 sign it, and it will most likely include an agreement on
 5 the penalty amount. But if not, you can explain why the
 6 penalty should be different than what Staff is
 7 recommending. So do you have any questions?
 8 MR. ENGEL: Nope.
 9 JUDGE CHARTOFF: Okay. You can return to
 10 your seat.
 11 I just have one last thing to talk about
 12 before we take the break. So -- okay. So at this
 13 point, we're going to take a break, and as soon as you
 14 have the chance to review the cease and desist orders
 15 with Staff, you can talk about the penalty. The
 16 penalty -- the recommended penalty may be small or there
 17 may be a reason why Staff asked for a larger penalty,
 18 for example, if you've been in front of a judge here
 19 before or you used to have a penalty that was -- a
 20 permit, you used to have a permit that was cancelled.
 21 So usually part of the penalty is suspend,
 22 and you will not have to pay it unless you break the law
 23 again. So you'll pay the unsuspended part of the
 24 penalty today, and you would only have to pay the rest
 25 of it if you violate the order.

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1 Okay. And after the break, I'll call each
 2 of you back up, make sure you understand the order, and
 3 I will sign it, and you will leave with a copy of it.
 4 Are there any questions?
 5 Anything else before the break?
 6 MR. HOXIT: Not from Staff.
 7 JUDGE CHARTOFF: Okay. We are in recess.
 8 (Recess taken from 9:20 a.m.
 9 until 10:46 a.m.)
 10 JUDGE CHARTOFF: Okay. Let's be back on the
 11 record. So I understand the cease and desist orders
 12 have been explained to each company, so I will call you
 13 back up one at a time in the order we went before.
 14 So we'll start with Michelle Palm, A-Star
 15 Limousine.
 16 MS. PALM: Still on? Yep.
 17 JUDGE CHARTOFF: So did you have a chance to
 18 read the whole order?
 19 MS. PALM: Yes, we went through it together.
 20 JUDGE CHARTOFF: And do you understand it?
 21 MS. PALM: Yes.
 22 JUDGE CHARTOFF: Okay. And I see you've
 23 both signed it. Okay. And it looks like there's two
 24 violations in this case; one for offering charter party
 25 or excursion services and one for advertising. And a

1 \$10,000 penalty will be imposed, a 9,000 portion of the
 2 penalty is suspended for a period of two years; is that
 3 correct?
 4 MS. PALM: Yes.
 5 JUDGE CHARTOFF: Okay. And for the record,
 6 you are agreeing to cease and desist operations as a
 7 charter party or excursion service carrier?
 8 MS. PALM: Correct, yes.
 9 JUDGE CHARTOFF: So and 9,000 is suspended
 10 for two years from today's date, and that means that if
 11 Staff finds an advertisement or you offer charter party
 12 or excursion carrier services during that time, you will
 13 have to pay the \$9,000 penalty; do you understand that?
 14 MS. PALM: Yes.
 15 JUDGE CHARTOFF: And the order to cease and
 16 desist is permanent, it never expires. So if Staff
 17 discovers you are still operating even after the two
 18 years, Staff can go straight to Superior Court and ask
 19 for much higher penalties. So it's very important that
 20 you follow the law, okay?
 21 MS. PALM: Absolutely.
 22 JUDGE CHARTOFF: And it looks like as far as
 23 the payment, you're making a full payment today?
 24 MS. PALM: That's correct.
 25 JUDGE CHARTOFF: And do you understand

1 MR. SANDHU: Yes.
 2 JUDGE CHARTOFF: And I see there's a payment
 3 schedule. You'll make a payment of 300 today?
 4 MR. SANDHU: Yes, ma'am.
 5 JUDGE CHARTOFF: And then one, two, three,
 6 four, four more payments of \$300 --
 7 MR. SANDHU: Yes.
 8 JUDGE CHARTOFF: -- in approximately the
 9 middle of the month?
 10 MR. SANDHU: Yep.
 11 JUDGE CHARTOFF: Do you understand that if
 12 you miss a payment -- if you miss a payment, you'll have
 13 to pay the entire amount --
 14 MR. SANDHU: Yes.
 15 JUDGE CHARTOFF: -- including the suspended
 16 penalty? So if for some reason you are going to be late
 17 making a payment, please contact Staff and make
 18 arrangements so you don't end up having to pay the
 19 entire penalty.
 20 MR. SANDHU: Okay.
 21 JUDGE CHARTOFF: Do -- oh, okay. So you
 22 have your permit now?
 23 MR. SANDHU: Yeah, I do.
 24 JUDGE CHARTOFF: Okay. So there is no cease
 25 and -- we're not ordering you to cease and desist here.

1 legally what you can and can't do?
 2 MS. PALM: Yes.
 3 JUDGE CHARTOFF: Okay. Okay. So I'll go
 4 ahead and sign this. So I'll hand this to Staff, and
 5 Staff will make a copy of it, and when you get that
 6 copy, you'll be free to go.
 7 MS. PALM: Okay. Thank you.
 8 JUDGE CHARTOFF: So yeah, you can take a
 9 seat.
 10 MS. PALM: Okay.
 11 JUDGE CHARTOFF: Okay. So the next is Vicky
 12 Sandhu, Seattle Top Class Limo. Have you had a chance
 13 to read the entire order?
 14 MR. SANDHU: Yes, ma'am.
 15 JUDGE CHARTOFF: And do understand it?
 16 MR. SANDHU: Yes.
 17 JUDGE CHARTOFF: Okay. And it looks like
 18 there's two violations in this case; one for offering to
 19 conduct operations after the cancellation of your
 20 certificate and one for advertising to conduct
 21 operations.
 22 MR. SANDHU: Yes.
 23 JUDGE CHARTOFF: And there is a \$10,000
 24 penalty imposed, an \$8,500 portion of the penalty will
 25 be suspended for a period of two years.

1 So do you have any questions?
 2 MR. SANDHU: No, I don't.
 3 JUDGE CHARTOFF: Okay. So I will sign this,
 4 and I'll hand this to Staff, and when you get a copy,
 5 you'll be free to go.
 6 MR. SANDHU: Okay. Thank you.
 7 JUDGE CHARTOFF: Thank you.
 8 Okay. You can come forward, Cascade
 9 Adventures. So have you had a chance to read the whole
 10 order?
 11 MR. ENGEL: Yes.
 12 JUDGE CHARTOFF: And do you understand it?
 13 MR. ENGEL: Yes.
 14 JUDGE CHARTOFF: Okay. I see you both have
 15 signed it, and looks like there's two violations; one
 16 for offering to conduct operations and one for
 17 advertising. And there's a penalty imposed of \$10,000,
 18 \$8,500 of the penalty has been suspended for a period of
 19 two years from today's date. And that means that if
 20 Staff finds an advertisement or you offer charter party
 21 or excursion services during this time, you'll have to
 22 pay the entire \$10,000 penalty; do you understand?
 23 MR. ENGEL: Until I get my permit, correct?
 24 JUDGE CHARTOFF: Correct.
 25 MR. ENGEL: Yeah.

1 JUDGE CHARTOFF: Correct. And -- okay. And
2 there is a payment schedule. Your first payment is due
3 April 12th, \$300, and then \$300 monthly until the 1,500
4 is paid.

5 Okay. And did you hear what I said about
6 the late payments?

7 MR. ENGEL: Yeah.

8 JUDGE CHARTOFF: Make sure to contact Staff
9 if you think you're going to have trouble making a
10 payment, because otherwise, you would have to pay the
11 full amount. Okay.

12 Okay. So do you understand legally what you
13 can and can't do?

14 MR. ENGEL: Yes.

15 JUDGE CHARTOFF: Do you have any questions?
16 No? Okay. I'll sign the order, and when you get a
17 copy, you'll be free to go.

18 Okay. Thank you. We are adjourned.
19 (Adjourned at 10:55 a.m.)
20
21
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23
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25

1 CERTIFICATE

2
3 STATE OF WASHINGTON
4 COUNTY OF THURSTON
5

6 I, Tayler Garlinghouse, a Certified Shorthand
7 Reporter in and for the State of Washington, do hereby
8 certify that the foregoing transcript is true and
9 accurate to the best of my knowledge, skill and ability.
10

11
12  Tayler Garlinghouse
13 Tayler Garlinghouse, CCR 3358
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