

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining the Proper
Carrier Classification of, and Complaint for
Penalties against:

APEX LIMOUSINE LLC

DOCKET TE-161261

DECLARATION OF
MICHAEL TURCOTT

I, MICHAEL TURCOTT, under penalty of perjury under the laws of the State of Washington, declare as follows:

1 I am over 18 years of age, a citizen of the United States, a resident of the State of Washington, and competent to be a witness.

2 I am employed by the Washington Utilities and Transportation Commission (Commission) as a Compliance Investigations Supervisor. I have held this position since July 1, 2017, and I have worked at the Commission for two years.

3 During my investigation of Apex Limousine LLC (“Apex” or “the Company”), I located an online Yelp profile for the Company.

4 At the evidentiary hearing on Monday, August 7, 2017, Judge Pearson asked Commission Staff (Staff) to investigate the Yelp profile further to try to ascertain how the profile and its content came to be posted on the Yelp site.

5 On August 7, 2017, Compliance Investigations staff contacted Yelp Support with a general inquiry on what role Apex had in creating and maintaining its Yelp profile. On August 9, 2017, Yelp Support responded to Staff’s inquiry, and stated that Apex is not currently a Yelp advertiser.

6 Considering Apex’s testimony during the July 7, 2017, hearing that Apex has not intentionally advertised on Yelp and has not responded to solicitations from Yelp, and the response from Yelp Support, Staff withdraws its recommendation that the Commission assess a penalty based on the Yelp advertisement.

7 Staff continues to recommend \$10,000 in penalties based on the Apex website (\$5,000) and on the offer of transportation (\$5,000). Staff recommends that the Commission suspend all but \$5,000 of the total penalty amount on condition that Apex cease and desist from advertising or soliciting, offering, or entering into an agreement to provide charter party and/or excursion carrier services. Staff further suggests that the Commission order Apex to either cause the Yelp profile to be removed from the Internet or cause to be removed from the Yelp profile any text or image related to service that is regulated by the Commission.

8 Attached to this declaration is a printout of the entire Yelp profile for Apex, and Yelp's explanation of a "claimed business".

DATED at Olympia, Washington, and effective this _____ day of August, 2017.

MICHAEL TURCOTT