

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

MARCUS ALLEN PERKINS and
EMERALD CITY PARTY BUS, LLC
D/B/A ELLIE'S LIMO AND LUXURY
CAR SERVICE,

Respondents.

DOCKET TE-160822

COMPLAINT

1 The Washington Utilities and Transportation Commission (Commission), on its own motion, and through its Staff, alleges as follows:

I. PARTIES

2 The Commission is an agency of the state of Washington.

3 Respondent Marcus Allen Perkins (Perkins) is the registered agent and managing member of Emerald City Party Bus, LLC (Emerald City). Between July 1, 2009, and December 31, 2013, Mr. Perkins operated Elle's Limo and Luxury Car Service as a sole proprietorship.

4 Respondent Emerald City is a Washington limited liability corporation. Emerald City provides charter and excursion services in the state of Washington. Ellie's Limo and Luxury Car Service is currently a registered trade name of Emerald City Party Bus.

II. JURISDICTION

5 The Commission has jurisdiction over the subject matter of this complaint pursuant to RCW 80.01.040(2), RCW 80.01.060, RCW 81.01.010, RCW 81.04.110, RCW 81.04.380, and RCW 81.70.220.

III. BACKGROUND

- 6 The following allegations are based on the Staff Investigation Report filed in this docket.
- 7 RCW 81.70.220(1) forbids any person from engaging in the business of a charter party carrier or excursion service carrier without first either obtaining a certificate from the Commission or registering as an interstate carrier. Under RCW 81.70.220(1), engaging in the business of a charter party or excursion service carrier includes advertising or soliciting, offering, or entering into an agreement to provide those services. Each advertisement reproduced, broadcast, or displayed by a particular medium constitutes a separate violation of RCW 81.70.220(1).
- 8 In May 2014, Commission Staff contacted Respondent Perkins and advised him that the public service laws forbade him from offering charter or excursion services in Washington without a certificate from the Commission. Respondent Perkins informed Commission Staff that he was familiar with the requirements of the public service laws and not providing charter or excursion services. Staff told Respondent Perkins that it would commence an enforcement action if it discovered that he was violating the public service laws.
- 9 On January 4, 2016, Commission Staff identified Respondent Emerald City as providing charter and excursion services without a certificate from the Commission. Accordingly, Commission Staff opened an investigation.
- 10 On January 4, 2016, Commission Staff visited the website of Respondent Emerald City. Respondent Perkins introduces himself on the site as Respondent Emerald City's owner. The site offers a variety of charter and excursion services and notes that the company's vehicle fleet includes "luxury town cars, luxury limousine, party bus and passenger van." Commission Staff returned to the website on June 21 and July 13, 2016, and observed no change to the site from previous visits.
- 11 A March 27, 2016, post to Respondent Emerald City's Facebook page provides
- It's that time of my friends for, proms, concerts, bar crawls, nites on the town, And never forget Yearly Seahawks tailgates. So get at me for fun and safe times on the Party Bus and Limo Needs.
- The post ends by providing Emerald City's phone number.

- 12 On April 29, 2016, Commission Staff emailed Emerald City to ask for a quote for party bus service. Staff addressed the email to Respondent Perkins. Staff received a reply stating that “I have a bus available that day” and providing a price quote. The reply was signed by Respondent Perkins.
- 13 A July 13, 2016, post on the website Craigslist provides

Hi, my name is Marcus Perkins, owner of Ellies Limo and Party Buses. I have been a personal driver for over 10 years. If you are looking for the best service and rates, Im your man. Im licensed, and insured. I provide the best rates and service. Birthday , Bachelor, tailgating, or just nites on the town. We can make it a nite to remember. I have a party buses, hummer limo, Chrysler 300 limo, and Lincoln stretch’s... [R]ide in style with Emerald City. Call for specials and discounts.

The post ends by providing Respondent Emerald City’s phone number and the address for Emerald City’s homepage.

- 14 Neither Respondent Perkins nor Respondent Emerald City has a valid certificate authorizing either to offer charter party or excursion services.
- 15 Neither Respondent Perkins nor Respondent Emerald City is registered as an interstate carrier.

IV. FIRST CAUSE OF ACTION

- 16 On January 4, 2016, Respondent Perkins and/or Respondent Emerald City advertised for the provision of charter party and excursion services on Respondent Emerald City’s website.
- 17 Neither Respondent Perkins nor Respondent Emerald City has a valid certificate from the Commission authorizing either to provide charter party or excursion services.
- 18 Neither Respondent Perkins nor Respondent Emerald City is registered as an interstate carrier.
- 19 Respondent Perkins and/or Respondent Emerald City violated RCW 81.70.220.

V. SECOND CAUSE OF ACTION

- 20 On March 27, 2016, Respondent Perkins and/or Respondent Emerald City advertised for the provision of charter party or excursion services through a post on the website Facebook.
- 21 Neither Respondent Perkins nor Respondent Emerald City has a valid certificate from the Commission authorizing either to provide charter party or excursion services.
- 22 Neither Respondent Perkins nor Respondent Emerald City is registered as an interstate carrier.
- 23 Respondent Perkins and/or Respondent Emerald City violated RCW 81.70.220.

VI. THIRD CAUSE OF ACTION

- 24 On July 13, 2016, Respondent Perkins and/or Respondent Emerald City advertised for the provision of charter party and excursion services through a post on the website Craigslist.
- 25 Neither Respondent Perkins nor Respondent Emerald City has a valid certificate from the Commission authorizing either to provide charter party or excursion services.
- 26 Neither Respondent Perkins nor Respondent Emerald City is registered as an interstate carrier.
- 27 Respondent Perkins and/or Respondent Emerald City violated RCW 81.70.220.

VII. FOURTH CAUSE OF ACTION

- 28 On April 29, 2016, Respondent Perkins and/or Respondent Emerald City offered to provide charter party carrier service to a Commission Staff member.
- 29 Neither Respondent Perkins nor Respondent Emerald City has a valid certificate from the Commission authorizing either to provide charter party or excursion services.
- 30 Neither Respondent Perkins nor Respondent Emerald City is registered as an interstate carrier.
- 31 Respondent Perkins and/or Respondent Emerald City violated RCW 81.70.220.

VIII. REQUEST FOR RELIEF

- 32 In accordance with RCW 81.70.220, Staff requests that the Commission impose monetary penalties of up to \$5,000 per violation.
- 33 Staff further requests that the Commission order such other or additional relief as is appropriate under the circumstances, including finding Respondent Perkins individually liable for any penalties, either under the responsible corporate official doctrine or because Respondent Emerald City is Respondent Perkins's alter ego.

IX. PROBABLE CAUSE

- 34 Consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause to issue this Complaint.

DATED at Olympia, Washington, and effective August 15, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA
Administrative Law Judge

NOTICE

PLEASE NOTE: Hearing facilities are accessible to interested people with disabilities. Smoking is prohibited. If limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Steven V. King, 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION.)

Docket: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired: (Yes)_____ (No)_____

Do you need a certified sign language interpreter?

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____)_____