

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

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

PENALTY ASSESSMENT: TC-180761

PENALTY AMOUNT: \$6,300

Pacific Northwest Distributing, LLC  
d/b/a Vashon Shuttle  
P.O. Box 1813  
Vashon, WA 98070

The Washington Utilities and Transportation Commission (Commission) believes that Pacific Northwest Distributing, LLC d/b/a Vashon Shuttle (Vashon Shuttle or Company) has committed violations of Washington Administrative Code (WAC) 480-30-222, Vehicles with Capacity for Seven or Fewer Passengers (Including the Driver).

Revised Code of Washington (RCW) 81.04.405 allows penalties of one hundred dollars for each violation. In the case of an ongoing violation, every day's continuance is considered a separate and distinct violation.

On September 5, 2018, Commission Motor Carrier Investigator Wayne Gilbert completed a routine safety investigation of Vashon Shuttle and documented the following violations:

- **Sixty two violations of WAC 480-30-222(4)(e) – Failing to ensure each driver has been medically qualified to operate a motor vehicle.** Vashon Shuttle allowed employees Danette Stoner and Ronald Keith Stoner to drive on 62 separate occasions without having been medically examined and certified. The violations occurred during a three month period between April 2, 2018, and June 30, 2018.
- **Two violations of WAC 480-30-222(5) – Failing to maintain a driver qualification file for carrier's operating vehicle(s) with fewer than seven passengers.** Vashon Shuttle failed to maintain driver qualification files for employees Danette Stoner and Ronald Keith Stoner.

The Commission considered the following factors in determining the appropriate penalty for the violation:

1. **How serious or harmful the violations is to the public.** The violations noted are very serious and potentially harmful to the public. Companies that fail to maintain driver qualification records and utilize drivers not medically examined and certified put the traveling public at risk. A potentially unqualified driver or a driver with an undetected medical condition present very serious safety concerns.
2. **Whether the violations were intentional.** Considerations include:
  - Whether the company ignored Commission staff's previous technical assistance; and

- Whether there is clear evidence through documentation or other means that shows the company knew of and failed to correct the violations.

In 1997, the Commission granted Vashon Shuttle authority to operate as an auto transportation company under certificate C-1047.

In October 2007, the Commission received a joint application to transfer all rights under auto transportation certificate C-1083 to Vashon Shuttle. In the application, Ronald Keith Stoner, manager of Vashon Shuttle, acknowledged the Company's responsibility to understand and comply with applicable motor carrier safety rules.

On October 9, 2014, Commission Motor Carrier Investigator Alan Dickson completed a routine safety investigation of Vashon Shuttle. During this routine safety investigation, Danette Stoner, owner of Vashon Shuttle, received technical assistance pertaining to applicable motor carrier safety regulations and expressed a desire to come into compliance.

The Company knew, or should have known, about these requirements.

3. **Whether the company self-reported the violation.** The Company did not self-report the violations.
4. **Whether the company was cooperative and responsive.** The Company was cooperative throughout the entire investigation.
5. **Whether the company promptly corrected the violation and remedied the impacts.** The Company corrected violations throughout the investigation process.
6. **The number of violations.** Staff identified three violation types with 65 individual occurrences.
7. **The number of customers affected.** Vashon Shuttle's 2017 annual report indicates that the Company traveled 45,254 miles and transported 1,023 passengers in 2017. A significant number of customers, as well as members of the traveling public, were potentially affected by these safety violations.
8. **The likelihood of recurrence.** The Commission does not know if Vashon Shuttle is likely to repeat these safety violations; however, the Company was cooperative with staff and made corrections to violations throughout the investigation process.
9. **The company's past performance regarding compliance, violations, and penalties.** This is Vashon Shuttle's third routine safety investigation since July 2010. The Commission penalized Vashon Shuttle in 2010, 2013, 2016, and 2017 for failing to file annual reports and pay regulatory fees.
10. **The company's existing compliance program.** Danette Stoner is responsible for the Company's safety and compliance program.

11. **The size of the company.** Vashon Shuttle is a small company with two drivers and one vehicle. The Company reported a gross revenue of \$65,631 for 2017.

The Commission's Enforcement Policy provides that some Commission requirements are so fundamental to safe operations that the Commission will issue mandatory penalties for each occurrence of a first-time violation.<sup>1</sup> The Commission will generally assess penalties per type of violation, rather than per occurrence, for first-time violations of those critical regulations that do not meet the requirements for mandatory penalties. The Commission will assess penalties for any equipment violation meeting the Federal Motor Carrier Safety Administration's "out-of-service" criteria and also for repeat violations of critical regulations found in future compliance investigations, including each occurrence of a repeat violation.

The Commission has considered these factors and determined that it should penalize Vashon Shuttle \$6,300 for violations of WAC 480-30-222, Vehicles with Capacity for Seven or Fewer Passengers (Including the Driver), calculated as follows:

- Sixty two violations of WAC 480-30-222(4)(e) – Failing to ensure each driver has been medically qualified to operate a motor vehicle. These are first-time violations of a fundamental safety requirement. The Commission assesses penalties in the amount of \$100 per occurrence, for a total of \$6,200.
- Two violations of WAC 480-30-222(5) – Failing to maintain a driver qualification file for carrier's operating vehicle(s) with fewer than seven passengers. These are first-time violations. The Commission assesses penalties in the amount of \$100 per violation type, for a total of \$100.

This information, if proven 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 any or all of the violations did not occur, you may deny committing the violation(s) and contest the penalty through evidence presented at a hearing or in writing. Or, if there is a reason for any or all of the violations that you believe should excuse you from the penalty, you may ask for mitigation (reduction) of the penalty through evidence presented at a hearing or in writing. The Commission will grant a request for hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request to contest the violation(s) or for mitigation of the penalty must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. *See* RCW 81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation(s) or application for mitigation in a Brief Adjudicative Proceeding before an administrative law judge. The administrative law judge will consider the evidence and will notify you of his or her decision.

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

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<sup>1</sup> Docket A-120061 – Enforcement Policy of the Washington Utilities & Transportation Commission – Section V.

- Pay the amount due.
- Contest the occurrence of the violation(s).
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and submit it electronically through the Commission's web portal **within FIFTEEN (15) days** after you receive this notice. If you are unable to use the web portal, you may submit it via email to [records@utc.wa.gov](mailto:records@utc.wa.gov). If you are unable to submit the form electronically, you may send a paper copy to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250.

**If you do not act within 15 days**, the Commission may take additional enforcement action, including but not necessarily limited to suspending or revoking your certificate to provide regulated service, assessing additional penalties, or referring this matter to the Office of the Attorney General for collection.

DATED at Olympia, Washington, and effective September 27, 2018.

*/s/ Rayne Pearson*  
RAYNE PEARSON  
Director, Administrative Law Division

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
PENALTY ASSESSMENT TC-180761

**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 \$\_\_\_\_\_ in payment of the penalty.

2. **Contest the violations.** I believe that the alleged violations 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 violations, 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: \_\_\_\_\_ [month/day/year], at \_\_\_\_\_ [city, state]

\_\_\_\_\_  
Name of Respondent (company) – please print

\_\_\_\_\_  
Signature of Applicant

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.”