

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

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

PENALTY ASSESSMENT: TE-190932

PENALTY AMOUNT: \$3,800

Vicky Sandhu  
d/b/a Seattle Top Class Limo  
20120 SE 287<sup>th</sup> St.  
Kent, WA 98042

The Washington Utilities and Transportation Commission (Commission) believes Vicky Sandhu, d/b/a Seattle Top Class Limo, (Seattle Top Class Limo or Company) violated Washington Administrative Code (WAC) 480-30-191, Bodily Injury and Property Damage Liability Insurance; and WAC 480-30-221, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 CFR) Part 382 – Controlled Substance and Alcohol Use and Testing, and 49 CFR Part 393 – Parts and Accessories Necessary for Safe Operation.

Revised Code of Washington (RCW) 81.04.405 allows penalties of \$100 for each violation. In the case of an ongoing violation, every day's continuance is considered a separate and distinct violation. RCW 81.04.530 allows penalties of \$1,500 against carriers that conduct commercial motor vehicle operations without having a controlled substance and alcohol testing program in place.

On November 7, 2019, Commission Motor Carrier Investigator Edward Steiner completed a routine safety investigation of Seattle Top Class Limo and documented the following violations:

- **Twenty-two violations of WAC 480-30-191 – Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage.** Seattle Top Class Limo operated a commercial motor vehicle on 22 occasions between March 11 and September 21, 2019, without having the required minimum levels of insurance.
- **One violation of 49 CFR § 382.305 – Failing to implement a random controlled substance and/or an alcohol testing program.** Seattle Top Class Limo failed to provide proof of implementation of a random controlled substance and alcohol testing program.
- **One violation of 49 CFR § 393.207(a) – Axle positioning parts defective/missing.** Commission staff (Staff) discovered a commercial motor vehicle with worn front sway bar links on both sides of the vehicle. This commercial motor vehicle was placed out-of-service.

The Commission considered the following factors in determining the appropriate penalties for these violations:

1. **How serious or harmful the violations are to the public.** The violations noted are serious and potentially harmful to the public. Companies that: (1) fail to implement a

random controlled substance and alcohol testing program, (2) operate commercial motor vehicles without the required minimum levels of insurance, and (3) use commercial motor vehicles that are in need of repairs put the traveling public at risk. These violations present serious safety concerns.

2. **Whether the violations were intentional.** Considerations include:

- Whether the Company ignored 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 violation.

On July 3, 2017, the Commission received the Company's application for charter and excursion service authority. In the application, Vicky Sandhu, owner of Seattle Top Class Limo, acknowledged the Company's responsibility to understand and comply with applicable motor carrier safety regulations.

On July 28, 2017, Staff provided new entrant safety regulation training to Seattle Top Class Limo, and Vicky Sandhu acknowledged receiving training related to insurance requirements and random drug and alcohol testing.

On January 9, 2019, Seattle Top Class Limo's charter and excursion service carrier certificate was cancelled for failure to file an annual report and pay regulatory fees as required. On February 20, 2019, the Commission received Seattle Top Class Limo's application to reinstate charter and excursion service authority. In the application, Vicky Sandhu acknowledged the Company's responsibility to understand and comply with applicable motor carrier safety regulations.

The Company knew or should have known about these requirements.

3. **Whether the Company self-reported the violations.** Seattle Top Class Limo did not self-report these violations.
4. **Whether the Company was cooperative and responsive.** Seattle Top Class Limo was cooperative throughout the safety investigation and expressed a desire to come into compliance with safety regulations.
5. **Whether the Company promptly corrected the violations and remedied the impacts.** Seattle Top Class Limo has not provided Staff with evidence that it has corrected the violations.
6. **The number of violations.** Staff identified eight violation types with a total of 29 individual occurrences.
7. **The number of customers affected.** The Company employs one driver and operates one commercial motor vehicle. Seattle Top Class Limo traveled 12,101 miles in 2018. These safety violations presented a public safety risk.

8. **The likelihood of recurrence.** Staff provided technical assistance with specific remedies to help the Company assess how well its safety management controls support safe operations and how to begin improving its safety performance. The Company was cooperative with Staff and expressed a desire to come into compliance. In light of these factors, Staff believes the likelihood of recurrence is low.
9. **The Company's past performance regarding compliance, violations, and penalties.** On January 9, 2019, the Commission issued Order 01 (Corrected) in Docket TE-180773, which canceled Seattle Top Class Limo's charter and excursion carrier certificate for failing to file its annual report and pay regulatory fees.  
  
On March 12, 2019, Seattle Top Class Limo was penalized \$10,000 in Docket TE-190079 for operating as a charter and excursion carrier after its certificate was canceled. The Commission suspended an \$8,500 portion of the penalty for a period of two years, subject to conditions. The Company paid the \$1,500 non-suspended portion of the penalty in full.
10. **The Company's existing compliance program.** Vicky Sandhu is responsible for the Company's safety compliance program.
11. **The size of the Company.** Seattle Top Class Limo currently operates one commercial motor vehicle and employs one driver. The Company reported \$52,000 in gross revenue for 2018.

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 generally will 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, including each occurrence of a repeat violation.

The Commission has considered these factors and determined that it should penalize Seattle Top Class Limo \$3,800, calculated as follows:

- Twenty-two violations of WAC 480-30-191 – Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage. The Commission assesses a penalty of \$100 for each occurrence of this acute violation, for a total of \$2,200.
- One violation of 49 CFR § 382.305 – Failing to implement a random controlled substance and/or an alcohol testing program. The Commission assesses a penalty of \$1,500 for this first-time acute violation.

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

- One violation of 49 CFR § 393.207(a) – Axle positioning parts defective/missing. The Commission assesses a penalty of \$100 for this out-of-service violation.

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. Alternatively, 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:

- Pay the amount due.
- Contest the occurrence of the violation(s).
- Admit the violations but request mitigation of the penalty amount.

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, PO 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 Lacey, Washington, and effective November 20, 2019.

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
PENALTY ASSESSMENT TE-190932

**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 \$3,800 in payment of the penalty.

2. **Contest the violation(s).** I believe that the alleged violation(s) 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.”