

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

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

PENALTY ASSESSMENT: TE-220542  
PENALTY AMOUNT: \$100

Blessed Limousine, Inc.  
15 South Grady Way, Suite 634  
SeaTac, WA 98057

The Washington Utilities and Transportation Commission (Commission) believes Blessed Limousine, Inc., (Blessed Limousine or Company) violated Washington Administrative Code (WAC) 480-30-221, Vehicle and Driver Safety Requirements.

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.

On July 13, 2022, Commission Motor Carrier Investigator Sandra Yeomans completed a destination check at the SeaTac Airport bus holding lot and documented the following violation:

- **One violation of 49 C.F.R. § 383.23(a)(2) – Operating a commercial motor vehicle (CMV) without a commercial driver's license (CDL).** The Company allowed driver Clussie Bagby to operate a CMV without a valid CDL. The driver was placed out-of-service.

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

1. **How serious or harmful the violation is to the public.** The violation noted is serious and potentially harmful to the public. Passenger transportation companies that use drivers without valid CDLs put their customers and the traveling public at risk. This violation presents a serious safety concern.
2. **Whether the violation was intentional.** Considerations include:
  - Whether the Company ignored Commission staff's (Staff) 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 February 10, 2016, the Commission received Blessed Limousine's application for charter and excursion authority. In the application Clussie Bagby, owner of Blessed Limousine, acknowledged the Company's responsibility to understand and comply with applicable motor carrier safety rules.

On November 9, 2020, the Commission received Blessed Limousine's application for reinstatement of its charter and excursion authority. In the application, Clussie Bagby acknowledged the Company's responsibility to understand and comply with applicable motor carrier safety rules.

On February 23, 2016, and December 23, 2020, Staff provided new entrant safety regulation training to Blessed Limousine. In 2020, Clussie Bagby acknowledged receiving training pertaining to 49 C.F.R. § 383.23(a)(2).

The Company knew or should have known about these requirements.

3. **Whether the Company self-reported the violation.** Blessed Limousine did not self-report this violation.
4. **Whether the Company was cooperative and responsive.** The Company's driver was cooperative throughout the inspection.
5. **Whether the Company promptly corrected the violation and remedied the impacts.** Blessed Limousine has not provided Staff with evidence that it corrected the violation.
6. **The number of violations.** Staff identified six violation types with a total of seven individual occurrences. Staff identified one violation type with one individual occurrence that warrants a penalty in accordance with the Commission's Enforcement Policy.
7. **The number of customers affected.** Blessed Limousine reported traveling 9,000 miles in 2021. This violation presents a public safety risk.
8. **The likelihood of recurrence.** Although Staff provided the Company with technical assistance that included specific remedies to help it assess how well its safety management controls support safe operations and how to improve its safety performance, Blessed Limousine continues to demonstrate noncompliance with critical safety regulations. Absent a significant commitment to prioritize safe operations, the violations are likely to reoccur.
9. **The Company's past performance regarding compliance, violations, and penalties.** On October 27, 2015, in Docket TE-151667, the Commission issued Order 01 instituting a special proceeding to determine whether Blessed Limousine was operating as a charter or excursion carrier for compensation in the state of Washington. On January 26, 2016, the Commission issued Order 02 imposing a penalty of \$10,000 with \$6,000 suspended subject to conditions. On March 15, 2016, the Commission issued a letter imposing the suspended portion of the penalty. On May 5, 2016, the \$10,000 penalty was paid in full.

On June 19, 2017, in Docket TE-170604, the Commission assessed the Company a \$200 penalty for safety violations. On July 6, 2017, the penalty was paid in full.

On February 19, 2019, in Docket TE-190072, the Commission assessed the Company a \$2,200 penalty for safety violations. On May 15, 2019, the Commission suspended a

\$1,100 portion of the penalty subject to conditions. On June 6, 2019, the Company paid the \$1,100 portion of the penalty in full.

On February 7, 2020, in Docket TE-200016, the Commission issued Order 01 Notice of Intent to Cancel Certificate. On May 27, 2020, the Commission issued Order 03/02 cancelling the Company's charter and excursion authority. On July 6, 2020, the Commission issued Order 04/03 acknowledging the Company's compliance with FMCSA rules, and allowed the Company to reinstate its permit.

**10. The Company's existing compliance program.** Clussie Bagby is responsible for the Company's safety compliance program.

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 by violation category, 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 Blessed Limousine \$100 (Penalty Assessment), calculated as follows:

- One violation of 49 CFR § 383.23(a)(2) – Operating a CMV without a CDL. The Commission assesses a \$100 penalty 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 the violation did not occur, you may deny committing the violation and contest the penalty through evidence presented at a hearing or in writing. Alternatively, if there is a reason for the violation 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 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 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 their decision.

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

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

- Pay the amount due.
- Contest the occurrence of the violation(s).
- Admit the violation 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 Penalty Assessment. If you are unable to use the web portal, you may submit it via email to 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 August 5, 2022.

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
PENALTY ASSESSMENT TE-220542

**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 violation occurred and enclose \$100 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 violation, 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 or she makes a materially false statement which he or she 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 or her 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.