

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

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

PENALTY ASSESSMENT: TE-230585

PENALTY AMOUNT: \$1,700

JPH International, Inc.  
d/b/a A&A Airport Limousine Service; A Bus Service Seattle  
6705 NE 175<sup>th</sup> St.  
Kenmore, WA 98028

The Washington Utilities and Transportation Commission (Commission) believes JPH International, Inc., d/b/a A&A Airport Limousine Service; A Bus Service Seattle, (JPH International or Company) violated Washington Administrative Code (WAC) 480-30-221, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 382 – Controlled Substance and Alcohol Use and Testing; 49 C.F.R. Part 391 – Qualifications of Drivers; 49 C.F.R. Part 393 – Parts and Accessories Necessary for Safe Operations; and 49 C.F.R. Part 396 – Inspection, Repair, and Maintenance.

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, 2023, Commission Motor Carrier Investigator Sandi Yeomans completed a follow-up safety investigation of JPH International and documented the following violations:

- **One violation of 49 C.F.R. § 382.601(b) – Failing to provide employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11.** JPH International failed to provide proof of receipt of one driver receiving the Company's drug and alcohol policy.
- **One violation of 49 C.F.R. § 382.701(a) – Failing to perform a pre-employment query through the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse.** JPH International failed to perform a pre-employment clearinghouse query on one driver.
- **Two violations of 49 C.F.R. § 391.11(b)(8) – Using a driver who has not taken a road test or who has not been issued a certificate of driver's road test or presented an operator's license, or certificate of road test which the motor carrier accepted as equivalent.** JPH International failed to have road test certificates for two drivers.
- **Five violations of 49 C.F.R. § 391.21(a) – Using a driver who has not completed or furnished an employment application.** The Company failed to have complete employment applications for five drivers.

- **Four violations of 49 C.F.R. § 391.25(b) - Failing to review the driving record of each driver to determine whether that driver meets the minimum requirements for safe driving or is disqualified to drive.** JPH International failed to perform annual reviews for four drivers.
- **Four violations of 49 C.F.R § 391.45(a) – Using a driver not medically examined and certified.** The Company allowed two drivers to operate a commercial motor vehicle (CMV) without a valid medical certificate on four occasions between February 9, 2023, and March 15, 2023.
- **Six violations of 49 C.F.R. § 391.51(b)(8)(ii) – Failing to place a note related to the verification of the medical examiner’s listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver qualification file(s).** JPH International failed to place a medical examiner verification note in the qualification files of six drivers.
- **Two violations of 49 C.F.R. § 393.62(a) – No or defective bus emergency exits.** Two CMVs were placed out-of-service because of obstructed access to designated emergency exits.<sup>1</sup>
- **One violation of 49 C.F.R. § 393.83(c) – Improper exhaust on a gasoline powered bus.** One CMV was placed out-of-service because the exhaust was separated behind the right side of axle two and missing the end section.<sup>2</sup>
- **One violation of 49 C.F.R. § 393.83(g) – Exhaust leak under driver and/or sleeper compartment.** One CMV was placed out-of-service because of holes in the exhaust system.<sup>3</sup>
- **Two violations of 49 C.F.R. § 393.91 – Motorcoach or other passenger carrying vehicle equipped with prohibited non-automatically folding seats in the aisle.** Two CMVs were placed out-of-service because of aisle seats obstructing emergency exits.<sup>4</sup>
- **Eight violations of 49 C.F.R. § 396.3(b)(1) – Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.** JPH International failed to mark maintenance files with vehicle’s make, serial number, year, and tire size.

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

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<sup>1</sup> Vehicle Identification Number (VIN) 1FDNF6DEIHDB03635 and WD3PF4CC4F5996242

<sup>2</sup> VIN 1FDXE4FSXCDA16439

<sup>3</sup> VIN 1FDNF6DEXHDB02421

<sup>4</sup> VIN 1FDNF6DEXHDB02421 and 1FDNF6DEIHDB03635

1. **How serious or harmful the violations are to the public.** The violations noted are serious and potentially harmful to the public. Passenger transportation companies that: (1) fail to inform drivers of its controlled substance and alcohol policy, (2) fail to perform pre-employment clearinghouse queries, (3) use drivers who have not taken a road test, (4) use drivers who have not completed an employment application, (5) fail to annually review driver's driving records, (6) use drivers not medically examined and certified, (7) fail to verify medical examiners on the National Registry of Certified Medical Examiners, (8) use CMVs that are in need of repairs, and (9) fail to properly identify maintenance files put their customers and the traveling public at risk. These violations present significant safety concerns.
2. **Whether the violations were 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 April 25, 2008, the Commission received the Company's application for charter and excursion authority. In the application, Jasbir Sandhu, vice president of operations of JPH International, acknowledged the Company's responsibility to understand and comply with applicable safety laws and regulations.

On May 20, 2008, Staff provided new entrant safety regulation training to JPH International, where Staff acknowledged providing training pertaining to these violations.

On March 18, 2021, Staff completed a routine safety investigation of JPH International and documented six violations of 49 C.F.R. § 382.601(b), two violations of 49 C.F.R. § 382.701(a), two violations of 49 C.F.R. § 391.11(b)(8), eight violations of 49 C.F.R. § 391.21(a), three violations of 49 C.F.R. § 391.45(a), eight violations of 49 C.F.R. § 391.51(b)(9), and eight violations of 49 C.F.R. § 396.3(b)(1).

The Company knew or should have known about these requirements.

3. **Whether the Company self-reported the violations.** JPH International did not self-report these violations.
4. **Whether the Company was cooperative and responsive.** The Company was cooperative throughout the safety investigation.
5. **Whether the Company promptly corrected the violations and remedied the impacts.** JPH International corrected violations as they were identified during the investigation.
6. **The number of violations.** Staff identified 23 violation types with a total of 75 individual occurrences during the follow-up safety investigation of JPH International. Of

those violations, Staff identified 12 violation types with 37 individual occurrences that warrant penalties in accordance with the Commission's Enforcement Policy.

7. **The number of customers affected.** The Company reported traveling 45,000 miles in 2022. 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. While the Company was cooperative with Staff and expressed a desire to come into compliance, seven of the violation categories were identified in the 2021 routine safety investigation. Absent a commitment to prioritize safe operations, violations are likely to reoccur.
9. **The Company's past performance regarding compliance, violations, and penalties.** On June 9, 2015, JPH International was penalized \$300 in Docket TE-151026 for failing to file a complete annual report and pay regulatory fees.

On October 19, 2017, JPH International was penalized \$1,700 in Docket TE-170986 for safety violations of WAC 480-30-221. On December 1, 2017, the Commission entered Order 01, which reduced the penalty to \$700. The Company paid the penalty in full.

On December 19, 2018, JPH International was penalized \$1,000 in Docket TE-180895 for safety violations of WAC 480-30-221. The Company paid the penalty in full.

On April 7, 2021, JPH International was penalized \$1,200 in Docket TE-210189 for safety violations of WAC 480-30-221. On May 11, 2021, the Commission entered Order 01, which granted mitigation to \$1,050 and suspended \$500 subject to conditions. On May 3, 2021, JPH International paid the \$550 portion of the penalty that was not suspended in full.

10. **The Company's existing compliance program.** Jasbir Sandhu is responsible for the Company's safety compliance program.
11. **The size of the Company.** The Company employs 35 drivers and operates 30 CMVs. The Company reported \$3,000,200 in gross revenue for 2022.

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>5</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"

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<sup>5</sup> Docket A-120061 – Enforcement Policy of the Washington Utilities & Transportation Commission – Section V.

criteria and 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 JPH International \$1,700 (Penalty Assessment), calculated as follows:

- One violation of 49 C.F.R. § 382.601(b) – Failing to provide employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11. The Commission assesses a penalty of \$100 for this repeat violation.
- One violation of 49 C.F.R. § 382.701(a) – Failing to perform a pre-employment query through the FMCSA Drug and Alcohol Clearinghouse. The Commission assesses a penalty of \$100 for this repeat violation.
- Two violations of 49 C.F.R. § 391.11(b)(8) – Using a driver who has not taken a road test or who has not been issued a certificate of driver’s road test or presented an operator’s license, or certificate of road test which the motor carrier accepted as equivalent. The Commission assesses a \$100 “per category” penalty for these repeat violations.
- Five violations of 49 C.F.R. § 391.21(a) – Using a driver who has not completed or furnished an employment application. The Commission assesses a \$100 “per category” penalty for these repeat violations.
- Four violations of 49 C.F.R. § 391.25(b) – Failing to review the driving record of each driver to determine whether that driver meets the minimum requirements for safe driving or is disqualified to drive. The Commission assesses a \$100 “per category” penalty for these repeat violations.
- Four violations of 49 C.F.R. § 391.45(a) – Using a driver not medically examined and certified. The Commission assesses a penalty of \$100 for each occurrence of this critical violation, for a total of \$400.
- Six violations of 49 C.F.R. § 391.51(b)(8)(ii) – Failing to place a note related to the verification of the medical examiner’s listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver qualification file(s). The Commission assesses a \$100 “per category” penalty for these repeat violations.<sup>6</sup>
- Two violations of 49 C.F.R. § 393.62(a) – No or defective bus emergency exits. The Commission assesses a penalty of \$100 for each occurrence of these out-of-service violations, for a total of \$200.

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<sup>6</sup> This violation code was updated in 49 C.F.R. by the FMCSA. Violation previously cited as 49 C.F.R. § 391.51(b)(9).

- One violation of 49 C.F.R. § 393.83(c) – Improper exhaust on gasoline powered bus. The commission assesses a \$100 penalty for this out-of-service violation.
- One violation of 49 C.F.R. § 393.83(g) – Exhaust leak under driver and/or sleeper compartment. The Commission assesses a \$100 penalty for this out-of-service violation.
- Two violations of 49 C.F.R. § 393.91 – Motorcoach or other passenger carrying vehicle equipped with prohibited non-automatically folding seats in the aisle. The Commission assesses a penalty of \$100 for each occurrence of these out-of-service violations, for a total of \$200.
- Eight violations of 49 C.F.R. § 396.3(b)(1) – Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size. The Commission assesses a \$100 “per category” penalty for these repeat violations.

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 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 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 their 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 at <https://efiling.utc.wa.gov/Form> **within FIFTEEN (15) days** after you receive this Penalty Assessment.<sup>7</sup> 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

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<sup>7</sup> <https://efiling.utc.wa.gov/Form>.

send a paper copy to the Washington Utilities and Transportation Commission, PO Box 47250, Olympia, Washington 98504-7250.

If you wish to make a payment online, please use this link: [Make a Payment Now \(wa.gov\)](#).<sup>8</sup>

**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 3, 2023.

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

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<sup>8</sup> <https://www.utc.wa.gov/documents-and-proceedings/online-payments/make-payment-now>

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
PENALTY ASSESSMENT TE-230585

**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.

Enclose \$1,700 in payment of the penalty.

OR  Attest that I have paid the penalty in full through the Commission’s payment portal.

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 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.