

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: TC-250723

PENALTY AMOUNT: \$27,300

Bremerton-Kitsap Airporter, Inc.
d/b/a Ft. Lewis/McChord Airporter; The Sound Connection; Pierce-SeaTac Airporter
PO Box 1255
Port Orchard, Washington 98367
chris@box26trucking.com

The Washington Utilities and Transportation Commission (Commission) believes Bremerton-Kitsap Airporter d/b/a Ft. Lewis/McChord Airporter; The Sound Connection; Pierce-SeaTac Airporter (BKA or Company) violated the following provisions of 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 Substances and Alcohol Use and Testing, 49 C.F.R. Part 383 – Commercial Driver's License Standards, 49 C.F.R. Part 390 – Federal Motor Carrier Safety Regulations; General, and 49 C.F.R. Part 391 – Driver Qualifications.

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 \$500 for each motor vehicle driver not in compliance with the motor vehicle driver testing requirements.

On September 17, 2025, Commission Motor Carrier Investigators Tracey Coble and Jacob Brunton completed a routine safety investigation of BKA and documented the following violations:

- **Two violations of 49 C.F.R § 382.301(a) – Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.** The Company allowed drivers Kimberly Craig and Jemar Givens to operate a commercial motor vehicle (CMV) prior to receiving a negative controlled substance test result.
- **Two Hundred and Forty-eight violations of 49 C.F.R § 383.23(a) – Operating a commercial motor vehicle without a valid commercial driver's license (CDL).** The Company allowed drivers Dennis Bittinger, Charles Gerlach, Michael McKay, and Joseph Walsh to operate a CMV with a downgraded CDL on 248 occasions during the six months preceding the start of the safety investigation.
- **One violation of 49 C.F.R § 390.35 – Making or causing to make a fraudulent or intentionally false entry on a record in a driver qualification file on driver(s).** On August 8, 2025, Michael McKay, Assistant Operations Manager, signed annual reviews

of driver's driving records, as required by § 391.25(c)(2), without performing a review in an attempt to create the appearance of reviewing the driver's annual driving records.

- **Fourteen violations of 49 C.F.R § 391.45(a) – Using a driver not medically examined and certified.** The Company allowed driver Gary Pierce to operate a CMV without being medically examined and certified on 14 occasions between July 14, 2025, and August 13, 2025.

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

1. **How serious or harmful the violation is to the public.** The violations noted are serious and potentially harmful to the public. Passenger transportation companies that use drivers prior to receiving pre-employment controlled substance test results, allow drivers to operate CMVs without valid CDLs or medical certificates, and make false records regarding driver's annual driving records put their customers and the traveling public at risk. These violations present a serious safety concern.
2. **Whether the violation is 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 December 22, 1992, BKA submitted an application for authority as a Charter and Excursion Carrier. The applicant acknowledged the Company's responsibility to understand and comply with applicable motor carrier safety laws and regulations.

On December 5, 2018, BKA submitted an application for extended authority as an Auto Transportation (Certificated Bus) company. The applicant acknowledged the Company's responsibility to understand and comply with applicable motor carrier safety laws and regulations.

On March 29, 2021, BKA submitted an application for additional extension of authority as an Auto Transportation (Certificated Bus) company. The applicant acknowledged the Company's responsibility to understand and comply with applicable motor carrier safety laws and regulations.

The Company has been subject to numerous safety investigations since receiving operating authority.

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

3. **Whether the company self-reported the violation.** The company did not self-report these violations.

4. **Whether the company was cooperative and responsive.** BKA was cooperative and responsive throughout the safety investigation.
5. **Whether the company promptly corrected the violations and remedied the impacts.** Corrections to some of the violations were completed following the onsite visit. Technical assistance was provided to the carrier during the process of the investigation.
6. **The number of violations.** Staff identified 25 violation types with a total of 353 individual occurrences. Staff identified four violation types with 265 individual occurrences that warrant a penalty in accordance with the Commission's Enforcement Policy.
7. **The number of customers affected.** BKA reported traveling 2,299,500 intrastate miles in 2024. This violation presents a public safety risk.
8. **The likelihood of recurrence.** The Company was cooperative throughout the safety investigation, made corrections, and was 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. In light of these factors, Staff believes the likelihood of recurrence is low.
9. **The company's past performance regarding compliance, violations, and penalties.** The Company has had multiple routine safety investigations throughout its time as being licensed with the Commission. BKA has a history of penalties for safety violations with the Commission.
10. **The company's existing compliance program.** Lauri Smith, General Manager, is responsible for BKA's safety compliance program.
11. **The size of the company.** BKA is a large company, operating 21 CMVs with 41 drivers. The Company reported \$1,450,000 in gross revenue for 2024.

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.¹ 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 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 BKA \$27,300 (Penalty Assessment), calculated as follows:

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

- Two violations of 49 C.F.R § 382.301(a) – Using a driver before the motor carrier has received a negative pre-employment controlled substance test result. The Commission assesses a penalty of \$500 for each occurrence of these critical violations, for a total of \$1,000.
- Two Hundred Forty-eight violations of 49 C.F.R § 383.23(a) – Operating a commercial motor vehicle without a valid commercial driver’s license. The Commission assesses a penalty of \$100 for each occurrence of these critical violations, for a total of \$24,800.
- One violation of 49 C.F.R § 390.35 – Making or causing to make a fraudulent or intentionally false entry on a record in a driver qualification file on driver(s). The Commission assesses a penalty of \$100 for this acute violation.
- Fourteen 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 these critical violations, for a total of \$1,400.

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 either or both 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 either or both 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 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.² 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

² <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 \(wa.gov\)](#).³

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 October 9, 2025.

/s/ Connor Thompson
CONNOR THOMPSON
Director, Administrative Law Division

³ <https://www.utc.wa.gov/documents-and-proceedings/online-payments/make-payment-now>

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT TC-250723

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 \$27,300 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.