

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: TE-250206

PENALTY AMOUNT: \$3,300

Standard Parking Corporation
d/b/a SP Plus Transportation
10710 E Marginal Way S
Tukwila, WA 98168

The Washington Utilities and Transportation Commission (Commission) believes Standard Parking Corporation d/b/a SP Plus Transportation (SP Plus 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 Substances and Alcohol Use and Testing, 49 C.F.R. Part 383 – Commercial Driver’s License Standards, 49 C.F.R. Part 391 – Qualifications of Driver and Longer Combination Vehicle (LCV) Driver Instructors, 49 C.F.R. Part 393 – Parts and Accessories Necessary for Safe Operations, and 49 C.F.R. Part 395 Hours of Service.

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 March 26, 2025, Commission Motor Carrier Safety Investigator Francine Gagne completed a routine safety inspection of SP Plus 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.** SP Plus failed to provide employees a complete written policy on misuse of alcohol and controlled substances.
- **Twenty-nine violations of 49 C.F.R. § 383.37(b) - Allowing, requiring, permitting, or authorizing an employee to operate a commercial motor vehicle (CMV) during any period in which the driver has a CLP or CDL disqualified by a State, has lost the right to operate a CMV in a State, or has been disqualified from operating a CMV.** SP Plus allowed driver Randy Jan to operate CMVs requiring a CDL with a downgraded CDL from October 29, 2024, through February 12, 2025.
- **Five violations of 49 C.F.R. § 391.21(a) – Using a driver who has not completed and furnished an employment application.** SP Plus used drivers who had not completed and furnished an employment application.

- **One violation of 49 C.F.R. § 393.62 - Using a CMV with emergency exits not properly marked.** The Company used a CMV that was missing required emergency exits markings, creating an out-of-service condition.¹
- **Eight violations of 49 C.F.R. § 395.8(a)(1) - Failing to require a driver to prepare a record of duty status using the appropriate method.** SP Plus failed to require drivers Randy Jan, Yen Matley, and Tiffany Walker to prepare a record of duty status on eight occasions.

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. Passenger transportation companies that: (1) fail to provide a complete written policy on the misuse of alcohol and controlled substances for employees, (2) allow drivers to operate with a downgraded license, (3) use drivers who have not completed and furnished an employment application, (4) use CMVs missing emergency exit markings, and (5) fail to require drivers to prepare a record of duty status, 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 violations.

On December 26, 2007, the Commission received SP Plus's application to transfer for charter and excursion service authority. In the application, the Company acknowledged its responsibility to understand and comply with applicable motor carrier safety regulations.

On October 28, 2009, March 9, 2011, and July 2, 2013, Staff completed routine safety investigations of Standard Parking, where technical assistance pertaining to motor carrier safety regulations was provided.

On February 4, 2020, Staff completed a routine safety investigation of SP Plus and identified violations of 49 C.F.R. § 382.601(b), 391.21(a), and 396.8(a)(1).

The Company knew or should have known about these requirements.

¹ VIN 1FDXE4FS4CDA67516

3. **Whether the Company self-reported the violations.** SP Plus 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.** SP Plus provided Staff with evidence that most violations were corrected.
6. **The number of violations.** Staff identified 12 violation types with a total of 63 individual occurrences during the routine safety investigation of SP Plus. Of those violations, Staff identified five violation type with 44 individual occurrences that warrant a penalty in accordance with the Commission’s Enforcement Policy.
7. **The number of customers affected.** SP Plus last reported traveling 540,000 miles for 2024. These safety violations present a public safety risk.
8. **The likelihood of recurrence.** The Company incurred repeat violations despite prior technical assistance and suspended penalties. 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 February 14, 2020, the Commission assessed a \$13,000 penalty against SP Plus in Docket TE-200085 for safety violations of 49 C.F.R. § 383.37(a) and 49 C.F.R. § 390.33.

On March 16, 2020, the Company paid that penalty in full.
10. **The Company’s existing compliance program.** Jacob Bauter, Senior Manager, is responsible for the Company’s safety compliance program.
11. **The size of the Company.** The Company employs 48 drivers and operates 20 commercial motor vehicles. The Company reported \$4,000,000 in gross revenue in 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.² 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.

² Docket A-120061 – Enforcement Policy of the Washington Utilities & Transportation Commission – Section V.

The Commission has considered these factors and determined that it should penalize SP Plus \$3,300 (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 49 C.F.R. § 382.601(b) 1-11. The Commission assesses a \$100 “per category” penalty for these repeat violations.
- Twenty-nine violations of 49 C.F.R. § 383.37(b) – Allowing drivers to operate vehicles requiring a CDL with a downgraded CDL. The Commission assesses a penalty of \$100 for each occurrence of these critical-type violations, for a total of \$2,900.
- Five violations of 49 C.F.R. § 391.21(a) – Using drivers who had not completed and furnished an employment application. The Commission assesses a \$100 “per category” penalty for these repeat violations.
- One violation of 49 C.F.R. § 393.62 - Using a CMV with emergency exits not properly marked. The Commission assesses a \$100 “per category” penalty for this out-of-service violation.
- Eight violations of 49 C.F.R. § 395.8(a)(1) - Failing to require a driver to prepare a record of duty status using the appropriate method. The Commission assesses a \$100 “per category” penalty for these repeat critical-type 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 the violations did not occur, you may deny committing the violations and contest the penalty through evidence presented at a hearing or in writing. Alternatively, if there is a reason for 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 violations 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 violations 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 violations.
- 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.³ 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 wish to make a payment online, please use this link: [Make a Payment Now \(wa.gov\)](#).⁴

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 April 16, 2025.

/s/ Connor Thompson
Connor Thompson
Interim Director, Administrative Law
Division

³ <https://efiling.utc.wa.gov/Form>.

⁴ <https://www.utc.wa.gov/documents-and-proceedings/online-payments/make-payment-now>

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT TE-250206

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, 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(s) occurred.
 Enclose \$3,300 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 violation(s), 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 they make a materially false statement which they know 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 their 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.