

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper  
Carrier Classification of, and Complaint  
for Penalties Against:

BLACK TIE LIMOUSINES, INC., D/B/A  
BLACK TIE WINE TOURS; BLACK  
TIE; WALLA WALLA WINE TOURS

DOCKET TE-190303

COMMISSION STAFF'S MOTION TO  
IMPOSE SUSPENDED PENALTIES

**I. INTRODUCTION**

1 In Docket TE-190303, the Washington Utilities and Transportation Commission (“Commission”) assessed a \$10,000 penalty on Black Tie Limousines, Inc., d/b/a Black Tie Wine Tours; Black Tie; Black Tie Transportation; Walla Walla Wine Tours (“Black Tie” or “Company”) for two violations of RCW 81.70.220(1). The Commission suspended \$9,500 of the \$10,000 penalty for a period of two years on the condition that the Company refrains permanently from further operations as a charter party or excursion service carrier in the state of Washington without first obtaining the required certificate from the Commission. Commission Staff (“Staff”) preformed a follow-up investigation and determined that the Company has violated this condition. Consequently, Staff submits this motion to impose the suspended penalty in Order 02 in Docket TE-190303 (“Order 02”).

**II. RELIEF REQUESTED**

2 Staff respectfully requests that the Commission grant its motion and impose the \$9,500 suspended penalty assessed in Order 02.

### III. STATEMENT OF FACTS

3           On June 4, 2019, the Commission entered Order 02.<sup>1</sup> In Order 02, the Commission assessed a penalty of \$10,000 on Black Tie for two violations of RCW 81.70.220(1)—operating as a charter party or excursion service carrier in the state of Washington without first having obtained a certificate from the Commission.<sup>2</sup> The Commission suspended \$9,500 of the \$10,000 penalty for a period of two years, then waived thereafter, on the condition that the Company “refrains permanently from further operations as a charter party or excursion service carrier in the state of Washington without first obtaining the required certificate from the Commission.”<sup>3</sup> The effective date of Order 02 is June 4, 2019.<sup>4</sup>

4           On April 20, 2021, Staff initiated a follow up investigation of Black Tie to determine if the Company was in compliance with the condition in Order 02.<sup>5</sup> While conducting this investigation, Staff determined that Black Tie failed to comply with the condition in Order 02, because the Company failed to refrain permanently from further operations as a charter party or excursion service carrier in the state of Washington without first obtaining the required certificate from the Commission.<sup>6</sup> Staff documented, as detailed in the Declaration of Jason Hoxit filed concurrently with this Motion, that the Company has continued to advertise and offer charter party or excursion carrier services without the required certificate

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<sup>1</sup> Declaration of Jason Hoxit at ¶ 3 (citing Attachment A, *In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties Against Black Tie Limousines, Inc., d/b/a Black Tie Wine Tours; Black Tie; Walla Walla Wine Tours*, Docket TE-190303, Order 02 (June 4, 2020)).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at Attachment A, ¶ 20.

<sup>4</sup> *Id.* at Attachment A, 5.

<sup>5</sup> *Id.* at ¶ 7.

<sup>6</sup> *Id.* at ¶ 13.

from the Commission.<sup>7</sup> Staff also documented, as detailed in the Declaration of Jason Hoxit, that the Company also does not have a limousine license from the Department of Licensing.<sup>8</sup>

### **III. STATEMENT OF ISSUES**

5           Should the Commission impose the \$9,500 suspended penalty in Order 02 given that  
Black Tie has failed to meet the condition of the suspended penalty?

### **IV. EVIDENCE RELIED UPON**

6           Staff relies upon the Declaration of Jason Hoxit and associated attachments, which  
are filed concurrently with this Motion.

### **V. ARGUMENT**

7           In Order 02, the Commission suspended a \$9,500 portion of the \$10,000 penalty  
assessed against Black Tie “for a period of two years from the date of this Order, and  
waived thereafter, provided Black Tie refrains permanently from further operations as a  
charter party or excursion service carrier in the state of Washington without first obtaining  
the required certificate from the Commission.”<sup>9</sup> Based on its investigation conducted in  
April 2021, Staff determined that the Company has continued to operate as a charter party or  
excursion service carrier without first obtaining the required certificate for such operations  
from the Commission. The Commission should, accordingly, find that the Company violated  
a condition of the suspended penalty and impose the \$9,500 portion of the penalty assessed  
and conditionally suspended in Order 02.

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<sup>7</sup> See *id.* at ¶ 7–12.

<sup>8</sup> *Id.* at ¶ 11.

<sup>9</sup> *Id.* at Attachment A, ¶ 20.

## VI. CONCLUSION

8 Staff respectfully requests that the Commission grant its motion and impose the \$9,500 suspended penalty assessed in Order 02 in Docket TE-190303.

DATED this 7<sup>th</sup> day of May 2021.

Respectfully submitted,

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