

Docket No. TE-161261 - Vol. I

In the Matter of: Apex Limousine LLC

August 7, 2017



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1 BEFORE THE WASHINGTON  
 2 UTILITIES AND TRANSPORTATION COMMISSION  
 3 \_\_\_\_\_  
 4 In the Matter of Determining the)  
 5 Proper Carrier Classification )  
 6 of, and Complaint for Penalties )  
 7 against: ) Docket No. TE-161261  
 8 )  
 9 APEX LIMOUSINE, LLC )  
 10 )  
 11 \_\_\_\_\_  
 12 BRIEF ADJUDICATIVE PROCEEDING, VOLUME I  
 13 PAGES 1 - 58  
 14 ADMINISTRATIVE LAW JUDGE RAYNE PEARSON  
 15 \_\_\_\_\_  
 16 9:32 a.m.  
 17 August 7, 2017  
 18 Washington Utilities and Transportation Commission  
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 15  
 16 \* \* \* \* \*

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1 OLYMPIA, WASHINGTON; AUGUST 7, 2017  
 2 9:32 a.m.  
 3 PROCEEDINGS  
 4 JUDGE PEARSON: So let's go ahead and be on  
 5 the record.  
 6 Today is Monday, August 7th, 2017, and the  
 7 time is just after 9:30 a.m.  
 8 This is Docket TE-161261, which is captioned  
 9 In the Matter of Determining the Proper Carrier  
 10 Classification of and Complaint for Penalties Against  
 11 Apex Limousine, LLC.  
 12 My name is Rayne Pearson. I'm the  
 13 administrative law judge presiding over today's brief  
 14 adjudicative proceeding. So let's just start by taking  
 15 appearances from both parties, and then we'll talk about  
 16 how we're going to proceed this morning.  
 17 So we'll start with the Commission staff.  
 18 MS. CAMERON-RULKOWSKI: Jennifer  
 19 Cameron-Rulkowski, Assistant Attorney General, appearing  
 20 on behalf of Commission staff. And I do have a notice  
 21 of appearance on file in this docket. Will that  
 22 suffice?  
 23 JUDGE PEARSON: It will. Thank you. All

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5

1 right.

2 And if you could state your first and last

3 name and spell your last name, and then provide us with

4 your address, phone number and email address.

5 MR. ALEASAWI: Okay. My name is Ahmad

6 Aleasawi.

7 JUDGE PEARSON: Is your microphone turned

8 on? And if you could pull it closer to you. Perfect.

9 MR. ALEASAWI: My name is Ahmad Aleasawi,

10 spelled A-L-E-A-S-A-W-I. I live 4752 South 172nd

11 Street, SeaTac, Washington 98188.

12 JUDGE PEARSON: Telephone number?

13 MR. ALEASAWI: (206) 393-2332.

14 JUDGE PEARSON: Okay. And an email address?

15 MR. ALEASAWI: 4752 --

16 JUDGE PEARSON: No. Email. Sorry.

17 MR. ALEASAWI: Oh, email,

18 info@apexlimoseattle.com.

19 JUDGE PEARSON: Okay. Thank you.

20 So as we were discussing briefly off the

21 record this morning, this is a classification hearing

22 that was brought by the Commission based on Staff's

23 findings that you were conducting business as a charter,

24 party or excursion service carrier without the required

25 certificate from the Commission.

Page 6

6

1 And I know you're familiar with that because

2 you've had a certificate in the past, correct?

3 MR. ALEASAWI: When I bought the party bus,

4 yes, I --

5 JUDGE PEARSON: Okay.

6 MR. ALEASAWI: That's -- I came here, I did

7 the application, and they told me where is the -- they

8 hook me up with the appointment and --

9 JUDGE PEARSON: Okay.

10 MR. ALEASAWI: -- everything was okay, yeah.

11 JUDGE PEARSON: Okay.

12 So if we determine here today that you are

13 conducting business as a charter, party or excursion

14 carrier without the certificate, then we'll issue an

15 order that requires you to cease and desist all

16 operations unless and until you reapply and get a

17 certificate from the Commission again.

18 And then we also have a complaint for

19 penalties, which alleges that you have, in fact, engaged

20 in activities as a charter, party or excursion service

21 carrier, so today is also an evidentiary hearing to

22 consider whether you should be classified as a charter,

23 party or excursion service carrier and whether penalties

24 are appropriate.

25 And as we discussed, you are representing

Page 7

7

1 yourself, so if you have any questions about the

2 applicable laws, just let me know. And again, I am

3 assuming that you're familiar with Commission rules

4 because you have held a certificate in the past.

5 MR. ALEASAWI: Well, I just had it for one

6 year and half, and I called them here in the office, and

7 I wanted to cancel it because I took the party bus from

8 the insurance --

9 JUDGE PEARSON: Okay. You can just wait

10 until I can swear you in and then you'll have an

11 opportunity to tell me everything that you want to.

12 MR. ALEASAWI: All right.

13 JUDGE PEARSON: So Staff's complaint alleges

14 that you have at least once offered to provide charter,

15 party or excursion carrier services without a

16 certificate, and that you've also advertised these

17 services on your website and on Yelp.com, so Staff is

18 requesting penalties of up to \$5,000 per violation in

19 the complaint.

20 And Staff will present its case first today.

21 You'll have the opportunity to cross-examine Staff's

22 witness, who is Mr. Turcott, seated over here to my

23 right.

24 And then after that, you'll have a chance to

25 testify and tell your side of the story, and

DIRECT EXAMINATION BY MS. CAMERON-RULKOWSKI / TURCOTT8

1 Ms. Cameron-Rulkowski may have some cross-examination

2 questions for you.

3 Okay?

4 MR. ALEASAWI: Thank you.

5 JUDGE PEARSON: Do you have any questions

6 before we proceed?

7 MR. ALEASAWI: No.

8 JUDGE PEARSON: Okay.

9 So Ms. Cameron-Rulkowski, you can proceed

10 when you're ready.

11 MS. CAMERON-RULKOWSKI: Thank you,

12 your Honor. I would like to call Mr. Michael Turcott.

13 JUDGE PEARSON: Okay. If you could stand

14 and raise your right hand.

15

16 MICHAEL TURCOTT, witness herein, having been

17 first duly sworn on oath,

18 was examined and testified

19 as follows:

20

21 JUDGE PEARSON: Okay. Please be seated.

22

DIRECT EXAMINATION

23

BY MS. CAMERON-RULKOWSKI:

24

25 Q. Good morning, Mr. Turcott.

<p style="text-align: center;">DIRECT EXAMINATION BY MS. CAMERON-RULKOWSKI / TURCOTT9</p> <p>1 <b>A. Good morning.</b></p> <p>2 Q. Please state --</p> <p>3 <b>A. Good morning.</b></p> <p>4 Q. Thank you.</p> <p>5 Please state and spell your name.</p> <p>6 <b>A. Michael L. Turcott, T-U-R-C-O-T-T.</b></p> <p>7 Q. And please state the name of your employer.</p> <p>8 <b>A. I am employed by the Washington Utilities and</b></p> <p>9 <b>Transportation Commission.</b></p> <p>10 Q. In what position are you employed?</p> <p>11 <b>A. As of July 1st, I am the compliance</b></p> <p>12 <b>investigations supervisor in the Consumer Protection</b></p> <p>13 <b>section.</b></p> <p>14 Q. And what was your position prior to that</p> <p>15 position?</p> <p>16 <b>A. Prior to -- prior to July 1st, I was a</b></p> <p>17 <b>compliance investigator in Transportation Safety.</b></p> <p>18 Q. And how long have you been employed by the</p> <p>19 Commission?</p> <p>20 <b>A. Since October 1st, 2015.</b></p> <p>21 Q. Do you have prior experience working as an</p> <p>22 investigator?</p> <p>23 <b>A. Yes, I do.</b></p> <p>24 Q. What kind of prior experience do you have?</p> <p>25 <b>A. I served in a commissioned capacity with the</b></p>	<p style="text-align: center;">DIRECT EXAMINATION BY MS. CAMERON-RULKOWSKI / TURCOT11</p> <p>1 driver is qualified and rested and sober and the vehicle</p> <p>2 is safe, and then everyone on the highway, the traveling</p> <p>3 public benefits when these vehicles are operated within</p> <p>4 regulation.</p> <p>5 Q. Are you familiar with Apex Limousine, LLC?</p> <p>6 <b>A. I am.</b></p> <p>7 Q. And how did you become familiar with Apex</p> <p>8 Limousine?</p> <p>9 <b>A. I conducted an investigation of Apex Limousine</b></p> <p>10 <b>with respect to its operating authority.</b></p> <p>11 Q. Did you document your investigation of Apex?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. Please refer to Exhibit MT-1.</p> <p>14 Is this a true and accurate copy of the</p> <p>15 investigation report that you authored?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. All right.</p> <p>18 The name of Apex Limousine, LLC, indicates it's</p> <p>19 a limited liability company. Do you know who actually</p> <p>20 runs the company?</p> <p>21 <b>A. That's -- yes, that's Mr. Aleasawi, seated to my</b></p> <p>22 <b>right.</b></p> <p>23 Q. And what leads you to believe that he runs the</p> <p>24 company?</p> <p>25 <b>A. His name is listed with the Department of</b></p>
<p style="text-align: center;">DIRECT EXAMINATION BY MS. CAMERON-RULKOWSKI / TURCOT10</p> <p>1 Washington State Patrol for 28 years, and was involved</p> <p>2 in many, many civil, misdemeanor and felony</p> <p>3 investigations, traffic and criminal.</p> <p>4 And I worked -- following my time with patrol, I</p> <p>5 worked for a year and a half with the Department of</p> <p>6 Licensing where I managed the driver identity and</p> <p>7 vehicle title fraud investigation unit.</p> <p>8 Q. And regarding your work at the Commission,</p> <p>9 please briefly describe your responsibilities as they</p> <p>10 pertain to this matter.</p> <p>11 <b>A. We conduct investigations of companies that we</b></p> <p>12 <b>believe may be operating in a regulated industry without</b></p> <p>13 <b>the proper authority, and in this particular case, it's</b></p> <p>14 <b>a charter industry investigation.</b></p> <p>15 <b>The goal is compliance, preferably voluntary</b></p> <p>16 <b>compliance with the Commission's rules and regulations,</b></p> <p>17 <b>but the ultimate benefit being safety.</b></p> <p>18 <b>And compliance benefits everyone. The company,</b></p> <p>19 <b>in particular, by, A, avoiding penalties for violations;</b></p> <p>20 <b>and, B, by being in compliance with the safety rules and</b></p> <p>21 <b>regulations, the company is better prepared to defend</b></p> <p>22 <b>themselves [sic] from liability in the event something</b></p> <p>23 <b>horrible or unthinkable happens, an accident or mishap.</b></p> <p>24 <b>So the company benefits, the passengers on the</b></p> <p>25 <b>vehicle benefit by safety and having confidence that the</b></p>	<p style="text-align: center;">DIRECT EXAMINATION BY MS. CAMERON-RULKOWSKI / TURCOT12</p> <p>1 Revenue Business Licensing record, and as well as the</p> <p>2 Secretary of State for the LLC registration.</p> <p>3 Q. And we've heard that Apex Limousine has held</p> <p>4 charter authority from the Commission. When did Apex</p> <p>5 receive charter authority?</p> <p>6 <b>A. June of 2013.</b></p> <p>7 Q. Was Apex's certificate cancelled?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Was it a voluntary cancellation?</p> <p>10 <b>A. No.</b></p> <p>11 Q. All right.</p> <p>12 When did the Commission cancel Apex's charter</p> <p>13 certificate?</p> <p>14 <b>A. May 21st, 2015.</b></p> <p>15 Q. And why did the Commission cancel Apex's charter</p> <p>16 certificate?</p> <p>17 <b>A. The company failed to provide the required proof</b></p> <p>18 <b>of insurance to the Commission.</b></p> <p>19 Q. And was this the first time that there was a</p> <p>20 lack of insurance on file?</p> <p>21 <b>A. No, it was the fourth occurrence.</b></p> <p>22 Q. Is there a copy of the cancellation order</p> <p>23 included in your investigation report?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. Since Apex's certificate was cancelled in, you</p>

<p style="text-align: center;">DIRECT EXAMINATION BY MS. CAMERON-RULKOWSKI / TURCOT13</p> <p>1 said, May 2015, has the Commission provided any                  2 technical assistance to Apex?                  3 <b>A. Yes.</b>                  4 Q. All right.                  5 And what was the impetus for the technical                  6 assistance?                  7 <b>A. Through a Google search or internet search, I                  8 discovered a website for the company, Apex Limousine,                  9 and it appeared the vehicle and service that's being                  10 offered fell within the jurisdiction of the Commission.                  11 And it's our policy and procedure to reach out                  12 to the company before beginning any investigation, reach                  13 out in writing, notify them of the licensing                  14 requirements, and ask the company to respond either just                  15 by simply submitting an application or by explaining the                  16 business model or simply reaching out for a discussion                  17 with Staff about the requirements and whether they fall                  18 under the charter certificate requirements.</b>                  19 Q. Now, you just talked about reaching out in                  20 writing.                  21 Did the Commission send Apex a letter?                  22 <b>A. The Commission staff sent two letters, actually,                  23 yes.</b>                  24 Q. And did Apex respond to the Commission?                  25 <b>A. No.</b></p>	<p style="text-align: center;">DIRECT EXAMINATION BY MS. CAMERON-RULKOWSKI / TURCOT15</p> <p>1 <b>A. Appendix E is an application for charter and                  2 excursion carrier service. This was filed by the                  3 company under Docket TE-130679 for Apex Limo Service,                  4 and the date is April 17th, 2013.</b>                  5 Q. And is the document in Appendix E a true and                  6 correct copy of the application?                  7 <b>A. Yes.</b>                  8 Q. Does the application list a vehicle?                  9 <b>A. Yes, it did.</b>                  10 Q. Can you please tell us what vehicle and where                  11 that's listed on the application?                  12 <b>A. We're looking at page number 3 of the                  13 application at the bottom, the section 2, Equipment, and                  14 the license number is left blank, but it describes the                  15 year of the vehicle as a 2003, provides a vehicle ID                  16 number ending in 9840, and indicates seating capacity,                  17 24.</b>                  18 Q. And do you know what kind of vehicle that is?                  19 <b>A. Well, I found out later through the Department                  20 of Licensing, I looked it up, it's a 2003 International                  21 bus.</b>                  22 Q. Do you know if Apex Limousine or Mr. Aleasawi                  23 currently owns that vehicle?                  24 <b>A. Yes, it is registered -- as of this morning, I                  25 checked again -- Apex Limo Service, LLC, at the 172nd</b></p>
<p style="text-align: center;">DIRECT EXAMINATION BY MS. CAMERON-RULKOWSKI / TURCOT14</p> <p>1 Q. Are true and correct copies of the two letters                  2 contained in your investigation report?                  3 <b>A. Yes.</b>                  4 Q. All right. Let's go there now.                  5 Do you recall which appendices those letters are                  6 at?                  7 <b>A. I have them under K and L.</b>                  8 Q. All right. Thank you. All right.                  9 The first one references party bus services.                  10 Does the Commission regulate party bus service?                  11 <b>A. Yes.</b>                  12 Q. Does the company have to obtain authority from                  13 the Commission to operate party bus service?                  14 <b>A. Yes.</b>                  15 Q. What kind of authority?                  16 <b>A. A charter excursion certificate is required as a                  17 party bus is a subset of the charter service, which is                  18 regulated by the Commission.</b>                  19 Q. Does any other state agency regulate party bus                  20 service?                  21 <b>A. No.</b>                  22 Q. All right.                  23 I want to ask you about any vehicles that Apex                  24 may be operating. Will you please turn to Appendix E in                  25 your investigation report. What is Appendix E?</p>	<p style="text-align: center;">DIRECT EXAMINATION BY MS. CAMERON-RULKOWSKI / TURCOT16</p> <p>1 Street, SeaTac address that we've seen and been                  2 discussing today.                  3 Q. Does Apex Limousine have a website?                  4 <b>A. Yes.</b>                  5 Q. Did you document the company's website in your                  6 investigation report?                  7 <b>A. Yes, I did.</b>                  8 Q. Can you please point us to that documentation?                  9 <b>A. These are appendices M and N, and M is the home                  10 page, the front page at apexlimoseattle.com.</b>                  11 <b>JUDGE PEARSON: So can I just stop you? It                  12 would be helpful to me if you just gave me page numbers                  13 rather than the name of the exhibit.</b>                  14 MR. TURCOTT: Yes, your Honor.                  15 JUDGE PEARSON: Then I don't have to keep                  16 returning to the table of contents.                  17 MS. CAMERON-RULKOWSKI: It starts on page                  18 49.                  19 JUDGE PEARSON: Thank you.                  20 MS. CAMERON-RULKOWSKI: And also in your                  21 exhibit, you should have the appendices tabbed.                  22 JUDGE PEARSON: Oh, I see that. I'm looking                  23 at the records center copy. Thank you.                  24 BY MS. CAMERON-RULKOWSKI:                  25 Q. All right.</p>

<p style="text-align: center;">DIRECT EXAMINATION BY MS. CAMERON-RULKOWSKI / TURCOT17</p> <p>1 You were describing -- you had just testified</p> <p>2 that M and N were copies -- were -- represented the web</p> <p>3 page. And are these screenshots of the web page?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. And what's here in your investigation report --</p> <p>6 or what's here in this exhibit, are these true and</p> <p>7 accurate copies of your screenshots?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. When did you make these screenshots?</p> <p>10 <b>A. April 27th, 2017.</b></p> <p>11 Q. And what information on the website shows that</p> <p>12 Apex is advertising services that the Commission</p> <p>13 regulates?</p> <p>14 <b>A. There are a number of things. The description,</b></p> <p>15 <b>the text here: Apex Limousine is the Seattle area's</b></p> <p>16 <b>full-service transportation company that will satisfy</b></p> <p>17 <b>all of your ground transportation requests from limo and</b></p> <p>18 <b>party bus rental to airport, et cetera, et cetera. So</b></p> <p>19 <b>it actually describes party bus.</b></p> <p>20 <b>There's a photo of what I believe is the</b></p> <p>21 <b>International bus on the home page. And then</b></p> <p>22 <b>specifically on the tab -- there's a tab and -- a tab</b></p> <p>23 <b>for Seattle Party Bus Rental, and, again, it says, With</b></p> <p>24 <b>our top-of-the-line luxury party bus rentals, you can be</b></p> <p>25 <b>sure you'll be arriving to your occasion in style, et</b></p>	<p style="text-align: center;">DIRECT EXAMINATION BY MS. CAMERON-RULKOWSKI / TURCOT19</p> <p>1 Q. Has it changed in any material way from what's</p> <p>2 in this exhibit?</p> <p>3 <b>A. No.</b></p> <p>4 Q. During your investigation, did you document any</p> <p>5 other online advertising by Apex Limousine?</p> <p>6 <b>A. Yes, I did. I also documented the company's</b></p> <p>7 <b>profile on Yelp.com.</b></p> <p>8 Q. Where is the Yelp profile documented in your</p> <p>9 investigation report?</p> <p>10 <b>A. It's Appendix O, and I will look for a --</b></p> <p>11 <b>JUDGE PEARSON: It's okay now that I have my</b></p> <p>12 <b>tabbed copy. Sorry about that.</b></p> <p>13 <b>MR. TURCOTT: Not a problem.</b></p> <p>14 <b>A. Appendix O.</b></p> <p>15 BY MS. CAMERON-RULKOWSKI:</p> <p>16 Q. And does Appendix O contain a true and accurate</p> <p>17 copy of the Yelp profile that you documented?</p> <p>18 <b>A. It's -- yes, it's true and accurate, but it's</b></p> <p>19 <b>not the entire Yelp profile, because profiles tend to</b></p> <p>20 <b>have advertising and consumer comments and so on. This</b></p> <p>21 <b>is the -- this is the section that was posted by the</b></p> <p>22 <b>business by Apex Limo Service.</b></p> <p>23 Q. And when did you review the Yelp profile?</p> <p>24 <b>A. Well, this image was captured April 27th, and I</b></p> <p>25 <b>reviewed it again this morning.</b></p>
<p style="text-align: center;">DIRECT EXAMINATION BY MS. CAMERON-RULKOWSKI / TURCOT18</p> <p>1 cetera, et cetera.</p> <p>2 The photo is -- it's the interior of a vehicle,</p> <p>3 and the photo depicts perimeter seating in which the</p> <p>4 passengers would be able to circulate throughout the</p> <p>5 vehicle, whether it's moving or stationary. It has some</p> <p>6 colorful, somewhat elaborate lighting, and I see some</p> <p>7 beverage glasses. And these extra amenities are things</p> <p>8 that are, per statute definition, the definition of a</p> <p>9 party bus, regardless of the seating capacity.</p> <p>10 And finally, as to the seating capacity, the</p> <p>11 website says, "24 Passenger Luxury Limo Bus." The</p> <p>12 charter application also said 24 passenger.</p> <p>13 And just to explain for a moment, the difference</p> <p>14 between limousine authority and charter authority is a</p> <p>15 stretch limo can accommodate up to 14 passengers, not</p> <p>16 including the driver. And so anything, you know, in</p> <p>17 excess of that, regardless of, you know, party bus or</p> <p>18 not, cannot be operated as a limousine. It has to be</p> <p>19 operated under authority from the Commission as a</p> <p>20 charter vehicle.</p> <p>21 Q. When did you last check the Apex Limousine</p> <p>22 website?</p> <p>23 <b>A. This morning prior to the hearing.</b></p> <p>24 Q. Is it still active?</p> <p>25 <b>A. Yes.</b></p>	<p style="text-align: center;">DIRECT EXAMINATION BY MS. CAMERON-RULKOWSKI / TURCOT20</p> <p>1 Q. Thank you.</p> <p>2 And had the Yelp profile that is here in the</p> <p>3 exhibit changed in any material way in what's online</p> <p>4 this morning?</p> <p>5 <b>A. No.</b></p> <p>6 Q. All right.</p> <p>7 In your report, you discuss receiving an offer</p> <p>8 of transportation from Apex Limousine, and this is on</p> <p>9 page 7. How did you contact Apex Limousine?</p> <p>10 <b>A. By email.</b></p> <p>11 Q. And how did you locate the email address that</p> <p>12 you used?</p> <p>13 <b>A. I went to the website and there was a Contact Us</b></p> <p>14 <b>area, and it had icons for different modes of</b></p> <p>15 <b>communication. And I located the email icon and hovered</b></p> <p>16 <b>the mouse over the icon and observed the email address</b></p> <p>17 <b>of info@apex -- info@apexlimoseattle.com.</b></p> <p>18 Q. And ultimately, did you click on that -- on that</p> <p>19 icon then to send your email?</p> <p>20 <b>A. Well, I actually typed the email address into my</b></p> <p>21 <b>Outlook browser and sent the email that way.</b></p> <p>22 Q. All right.</p> <p>23 And did you receive a reply?</p> <p>24 <b>A. I did.</b></p> <p>25 Q. All right.</p>

DIRECT EXAMINATION BY MS. CAMERON-RULKOWSKI / TURCOT21

1 And what was the reply?

2 **A. Well, in my -- when I sent the email, I wanted**

3 **to be clear about what I was asking for, so in the**

4 **subject line, it says, "24-passenger party bus," and**

5 **then I asked for a quote for a group of 20 passengers**

6 **for Thursday, May 25th.**

7 **And I received a reply back later that evening,**

8 **the evening of April 12th, the address here -- the reply**

9 **came from ajinfo@apexlimouseattle.com, and it confirmed**

10 **that, for six hours, I would get the vehicle for \$1,200.**

11 Q. And the vehicle that you asked for, was that

12 specifically a party bus?

13 **A. Well, I intentionally put that in the subject**

14 **line so we'd be clear about what vehicle we were talking**

15 **about, and it says, "24-passenger party bus."**

16 Q. Thank you.

17 And then I would simply ask you to refer to

18 Appendix P of your investigation report. This is the

19 very last appendix. And is this a true and correct copy

20 of the email offer that you received from Apex

21 Limousine?

22 **A. Yes.**

23 MS. CAMERON-RULKOWSKI: Your Honor, at this

24 time I offer Exhibit MT-1 for admission into evidence.

25 JUDGE PEARSON: Okay.

DIRECT EXAMINATION BY MS. CAMERON-RULKOWSKI / TURCOT23

1 incorrect. Okay?

2 MR. ALEASAWI: Can I ask Mr. Mike later on

3 that question?

4 JUDGE PEARSON: You can ask him as soon as

5 Mr. Cameron-Rulkowski is done. You'll have an

6 opportunity to ask him questions.

7 MR. ALEASAWI: Thank you very much.

8 MS. CAMERON-RULKOWSKI: Thank you,

9 your Honor.

10 (Exhibit No. MT-1 was marked.)

11 BY MS. CAMERON-RULKOWSKI:

12 Q. In your investigation report, you discuss annual

13 report penalties that Apex Limousine incurred. This is

14 on page 5.

15 How many times did Apex fail to timely file an

16 annual report?

17 **A. Two times.**

18 Q. Did Apex pay annual report penalties?

19 **A. Yes. In 2014 they were assessed penalties of**

20 **\$200 -- I should correct that -- \$1,000, which was**

21 **mitigated to 200, and again \$1,000 was assessed for the**

22 **2015 report.**

23 Q. All right.

24 And are the penalties paid in full?

25 **A. Yes and no. The 2014 report, the penalty was**

DIRECT EXAMINATION BY MS. CAMERON-RULKOWSKI / TURCOT22

1 Mr. Aleasawi, do you have any objection to

2 admitting Staff's investigation report?

3 MR. ALEASAWI: So whatever he talking, I can

4 object?

5 JUDGE PEARSON: You can -- no, at this point

6 I'm asking if you have any objection to admitting this

7 into evidence. You can address what's in the report

8 when it's your turn.

9 MR. ALEASAWI: That's right. I want to just

10 object to a lot of thing he said, but I don't know how

11 the terminology I use. So you want to give me my chance

12 now or --

13 JUDGE PEARSON: No, this is just about

14 whether you object to admitting his investigation report

15 into the record. And if we admit it into the record,

16 then you'll have an opportunity to respond to it.

17 MR. ALEASAWI: Can you say that again?

18 Yeah, I want to like -- part of what he said is not

19 correct.

20 JUDGE PEARSON: Okay. I hear what you're

21 saying. So I'm going to go ahead and admit it because

22 it is the investigation report underlying the complaint

23 in this matter. So I will admit it and mark it as MT-1.

24 And then when it's your turn, we can walk through it and

25 you can tell me which portions you believe are

DIRECT EXAMINATION BY MS. CAMERON-RULKOWSKI / TURCOT24

1 paid in full. The company is making installments on its

2 2015 annual report penalty.

3 Q. And are those installments generally timely, so

4 far as you know?

5 **A. Yes.**

6 Q. And what's the remaining balance?

7 **A. Well, the most recent payment came in of \$115.62**

8 **on June 28th, and the balance remaining is \$325.55.**

9 Q. All rightly. Thank you.

10 And I'd like to go ahead and move on to Staff's

11 penalty recommendation at this point.

12 Are you recommending that a penalty be assessed

13 against Apex Limousine?

14 **A. Yes, I am.**

15 Q. All right.

16 What amount of penalty does Staff recommend that

17 the Commission assess against Apex Limousine?

18 **A. Well, I'd like to begin just by prefacing this**

19 **with just a little background on Staff's position on**

20 **this, is that, again, as we talked about, safety is what**

21 **really drives what we do, and this particular vehicle, a**

22 **24-passenger, that's a large vehicle. It falls into a**

23 **lot of the extra requirements, safety requirements, drug**

24 **and alcohol testing, hours of service, driver**

25 **qualifications, periodic inspections, daily inspections,**

**DIRECT EXAMINATION BY MS. CAMERON-RULKOWSKI / TURCOT25**

1 things that are not done to the degree as a charter  
 2 vehicle if it was operated as a limousine. So there are  
 3 extra requirements that are very important.  
 4 The company applied and obtained charter  
 5 authority for that vehicle, and maintained insurance off  
 6 and on for a while, and eventually the certificate was  
 7 cancelled. And at least for the past year, since we've  
 8 been looking at this, the company has kept the  
 9 advertising up.  
 10 The company renewed the vehicle license tabs in  
 11 April for the bus, and the company agreed to transport a  
 12 group, so we believe that the vehicle is being operated.  
 13 Regardless, the company is advertising on at least two  
 14 modes of internet advertising and did agree to book a  
 15 trip for three violations.  
 16 And due to the lack of response from the company  
 17 and the seriousness of the potential harm to the public,  
 18 Staff is recommending the maximum penalty of up to  
 19 \$5,000 for each of the three violations.  
 20 Q. And the three violations are based on the -- one  
 21 being the website advertisement, the second being the  
 22 Yelp advertisement, and the third being the email offer;  
 23 is that correct?  
 24 **A. That's correct, yes.**  
 25 MS. CAMERON-RULKOWSKI: Thank you. I have

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1 Q. Yeah.  
 2 **A. -- that is the license plate number on that bus.**  
 3 Q. So did Apex limousine own any other busses above  
 4 14-passenger?  
 5 **A. Not under the business name Apex Limo. I'm only**  
 6 **aware of the one. There may be others that --**  
 7 Q. So we have only one party bus?  
 8 **A. I'm only aware of the one that's presented in**  
 9 **this case.**  
 10 Q. Good.  
 11 **A. If it's under -- if there's other vehicles under**  
 12 **a different name, I'm not aware of them.**  
 13 Q. No. Apex Limousine is servicing only one --  
 14 with only one name, you know. I mean, if there is  
 15 another name I'm operating a business, it probably is  
 16 going to show under my name, hundred percent. I mean,  
 17 you guys, you know that.  
 18 So my question to you, when you order -- you are  
 19 investigator, you said, and you order a party bus from a  
 20 company, you think they operating this illegally. Did  
 21 you particularly order that bus and you said, hey, I  
 22 wanted that bus in the picture to come to my party? Did  
 23 you did this?  
 24 **A. I asked for the 24-passenger party bus that your**  
 25 **company -- that was the main intent in the content of my**

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1 no further questions for Mr. Turcott at this time.  
 2 JUDGE PEARSON: Okay.  
 3 So Mr. Aleasawi, if you want to ask  
 4 Mr. Turcott questions, you may.  
 5 MR. ALEASAWI: Can I just give you a brief  
 6 presentation about my company and then --  
 7 JUDGE PEARSON: Not yet.  
 8 MR. ALEASAWI: -- and then proceed?  
 9 JUDGE PEARSON: No. Now is your opportunity  
 10 to cross-examine him, and then you can give me your  
 11 presentation because I'll need to swear you in at that  
 12 point.  
 13 MR. ALEASAWI: Sure.  
 14  
 15 **CROSS-EXAMINATION**  
 16 **BY MR. ALEASAWI:**  
 17 Q. Mr. Mike, you said you sent an email to Apex  
 18 Limousine; is that right? And you hear me all right?  
 19 **A. I can hear you, but I need to turn this on**  
 20 **before I talk.**  
 21 Q. Did you particularly -- you know, as you guys  
 22 know, Apex Limousine own only one party bus, only one.  
 23 And it's Apex number one, license plate; that's right,  
 24 Mr. Mike?  
 25 **A. Yes, the registration that I ran --**

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1 **email was 24-passenger party bus.**  
 2 Q. That's -- so that's -- all what you talking here  
 3 is verbally. There's nothing -- you didn't pay a  
 4 payment -- did you pay a payment for the service?  
 5 **A. No, I didn't pay a payment. I obtained an offer**  
 6 **and a quote --**  
 7 Q. That's good.  
 8 **A. -- for the service.**  
 9 Q. Thank you.  
 10 Did you came and you saw the bus?  
 11 **A. No.**  
 12 Q. Because most customer, they come and see the bus  
 13 if it's -- you know, in this business there's a lot of  
 14 people --  
 15 MS. CAMERON-RULKOWSKI: Objection,  
 16 your Honor. Can you please instruct Mr. Aleasawi not to  
 17 testify at this point?  
 18 JUDGE PEARSON: Yes, please don't provide  
 19 testimony at this point. You'll have an opportunity to  
 20 explain all that. If you have questions for  
 21 Mr. Turcott, keep it limited to that.  
 22 **BY MR. ALEASAWI:**  
 23 Q. Yeah.  
 24 So did you do payments for the bus?  
 25 JUDGE PEARSON: Mr. Aleasawi --

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1 MR. ALEASAWI: Oh, okay.

2 JUDGE PEARSON: -- also, we need to only

3 speak one at a time, because the court reporter cannot

4 record when two people are speaking at once. So make

5 sure not to speak over Mr. Turcott and give him a

6 chance to --

7 MR. ALEASAWI: Sorry, your Honor. I've

8 never been in court. I'm sorry.

9 JUDGE PEARSON: It's okay.

10 BY MR. ALEASAWI:

11 Q. So did you come to our office or our property

12 and you saw the bus?

13 **A. No.**

14 Q. Did the bus ever show up to your request time

15 and you saw the bus next to your home or next to your

16 party?

17 **A. I -- no, I simply obtained a quote from your**

18 **company for the service. I never saw the bus, rode the**

19 **bus, gave an address to be picked up. I simply went to**

20 **your website address, inquired about a 24-person party**

21 **bus with a date and requested a quote, and I was**

22 **provided a quote of \$1,200.**

23 Q. So basically you've never seen the bus on the

24 road, never seen the bus physically, never seen Apex

25 number one, owned by Apex Limousine, come to your house,

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1 or you never see it at all?

2 **A. Correct.**

3 Q. And you said you contact Apex Limousine only by

4 email; that's right?

5 **A. With regards to the quote, you mean, or --**

6 Q. Yeah, in regard to the party bus and the quote.

7 **A. I sent two letters to the mailing address, and**

8 **the quote was requested via the email address --**

9 Q. So --

10 **A. -- on the website.**

11 Q. So you're saying you didn't call Apex Limousine

12 by phone?

13 **A. I obtained the quote by email.**

14 Q. Not the phone?

15 **A. No, by email.**

16 Q. So you didn't call from a number 425 and you

17 insist about the party bus and you insist about the

18 appointment here?

19 **A. I'll make this really clear and as simple as**

20 **possible. I requested the quote via the email address**

21 **on the website, not the phone number.**

22 Q. Okay.

23 Because I have phone number, it's 425, with the

24 name Mike, and asked me to have to be here, and kind of

25 like in threatening languages, which I'm assuming that's

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1 you or not, and I have to be here, it's better to be

2 here.

3 **A. Are you referring to a phone call July 21st at**

4 **about 11:00 a.m.?**

5 Q. I'm not sure about the time. But it was an

6 aggressive phone call maybe from somebody not officially

7 working here, somebody acting like he's a customer.

8 That was you?

9 **A. Yes, that was me.**

10 Q. Okay.

11 And are you sure Apex Limousine have account in

12 Yelp?

13 **A. I believe it to be true.**

14 Q. Okay.

15 How confident you are that picture in the

16 website is for International truck with the Apex plate

17 on it? Is that the same picture, or is this only image?

18 **A. It doesn't need to be.**

19 Q. Okay.

20 **A. It's just a picture of a party bus. You could**

21 **have your friend's party bus on your website if you**

22 **like.**

23 **JUDGE PEARSON: I have a question. Is it**

24 **Ford International bus? Is that the --**

25 MR. ALEASAWI: It's International trucking.

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1 It's not Ford.

2 JUDGE PEARSON: It's not Ford.

3 MR. ALEASAWI: The company's called

4 International.

5 JUDGE PEARSON: Okay. I just wanted to

6 clarify. I've never heard of that company, so I just

7 wanted to clarify.

8 MR. ALEASAWI: So your Honor, later on,

9 like, if I want to ask some more questions, because it

10 doesn't crossing my mind right now, that's fine, or I

11 just have to keep going right now?

12 JUDGE PEARSON: This is your opportunity

13 right now.

14 MR. ALEASAWI: Okay.

15 BY MR. ALEASAWI:

16 Q. So Mr. Mike, are you aware of me, I call your

17 offices here and I asked them to help me with the

18 application to -- to do the -- what do you call it --

19 not the certificate, it's actually when you pay the \$25.

20 I'm not familiar with it, because I know I done it one.

21 When I call here, they told me, if you are not driving

22 that bus to the other state, then you don't have to do

23 it, something --

24 JUDGE PEARSON: Are you just asking

25 Mr. Turcott if he's aware of that phone call?

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1 BY MR. ALEASAWI:  
 2 Q. Yeah, if he was -- did you aware of that? I  
 3 called twice, and I came one time to the office right  
 4 here, and I remember this. I mean, I came to the office  
 5 and I asked them, do I have to do this every year even  
 6 if I'm not using the bus? And they told me, if you are  
 7 not crossing other states with that bus, you don't have  
 8 to do it.  
 9 **A. When was that call?**  
 10 Q. 2014. That's when I took the bus from the  
 11 service. That's when I decided to don't use the bus  
 12 anymore.  
 13 **A. I wasn't employed here in 2014. And those**  
 14 **questions typically don't go to transportation safety.**  
 15 **They go to licensing and --**  
 16 Q. No, I --  
 17 **A. -- I wouldn't have gotten that call.**  
 18 Q. I think it's part of -- I think it's part of  
 19 that department, I'm very sure --  
 20 **A. All right.**  
 21 Q. -- because they answered the question.  
 22 **A. Yeah. I'm sorry. I'm not able to help with**  
 23 **that.**  
 24 Q. Let me ask you one more question. If you are  
 25 investigator, how many website are there in Seattle or

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1 in Washington, they operated busses and charter but they  
 2 really don't own any charter and bus? Do you know this?  
 3 **A. So the question was, how many websites are**  
 4 **there? And the internet, sometimes it just seems**  
 5 **infinite, so I don't think I could give a number of how**  
 6 **many websites there are.**  
 7 **But I will say that 2015 legislation clarified**  
 8 **that advertising as a charter is evidence of operating**  
 9 **as a charter. So the advertising -- if a person is**  
 10 **advertising, they are deemed to be offering charter**  
 11 **service, which is regulated.**  
 12 Q. And did you guys send a letter to every owner,  
 13 carrier or whatever who Carey the busses to tell them,  
 14 if you advertise for a party bus or a bus or a charter,  
 15 you'll be questionable or you'll be penalty?  
 16 **A. The outreach that we provided to your company is**  
 17 **very typical of the outreach we do on a nearly daily**  
 18 **basis with technical assistance. So it is common to**  
 19 **send many, many of those letters out to different**  
 20 **carriers that we believe need to be regulated.**  
 21 Q. So I didn't understand the answer, but is that  
 22 yes or no? Like did you send everybody advertising a  
 23 party bus or carrier party bus to say, hey, you cannot  
 24 market even if you don't use those busses?  
 25 **A. So the question was, did I send a letter to**

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1 **everybody? Well, I don't know who everybody is. We do**  
 2 **have many cases open, and we're very busy and diligent**  
 3 **working with companies that are non-permitted.**  
 4 **But to answer your question and say, did**  
 5 **everybody get a letter? Well, probably not. There's**  
 6 **probably some that we don't know about yet. But we have**  
 7 **a staff now that that's what we do, and they're very**  
 8 **busy.**  
 9 Q. Can I phrase my question differently?  
 10 **A. Yeah, absolutely.**  
 11 Q. Can you penalty a website or a company they are  
 12 not even have a certificate or hold any party bus in  
 13 their -- in their fleet because --  
 14 MS. CAMERON-RULKOWSKI: Objection,  
 15 your Honor. I'd like to keep the question relevant --  
 16 the questions --  
 17 MR. ALEASAWI: It's very relevant.  
 18 MS. CAMERON-RULKOWSKI: -- relevant to Apex  
 19 Limousine Service and not the entire industry.  
 20 JUDGE PEARSON: Sure. And I'll just tell  
 21 you that if you have general questions about what the  
 22 laws are, you can ask me when you're done --  
 23 MR. ALEASAWI: Okay.  
 24 JUDGE PEARSON: -- asking him questions.  
 25 ///

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1 BY MR. ALEASAWI:  
 2 Q. So my last question to you is that -- I really  
 3 want to focus on that.  
 4 So when you order from the website from -- even  
 5 from the phone, which is -- first you hesitated to say  
 6 you called me, but you called, and you never seen that  
 7 bus, that bus never showed to your house, that bus never  
 8 been in the road, you never seen it in the road, yes or  
 9 no?  
 10 **A. I think I've answered that, sir. I've never**  
 11 **seen that bus in person.**  
 12 MR. ALEASAWI: Thank you so much.  
 13 JUDGE PEARSON: Okay. That's all?  
 14 MR. ALEASAWI: (Nods head.)  
 15 JUDGE PEARSON: So did you have any redirect  
 16 for Mr. Turcott?  
 17 MS. CAMERON-RULKOWSKI: None, your Honor.  
 18 JUDGE PEARSON: Okay.  
 19 So Mr. Aleasawi, if you could please stand  
 20 and raise your right hand.  
 21  
 22 AHMAD ALEASAWI, witness herein, having been  
 23 first duly sworn on oath,  
 24 was examined and testified  
 25 as follows:

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DIRECT TESTIMONY BY MR. ALEASAWI 37

1 JUDGE PEARSON: Okay. So go ahead and take  
 2 a seat. And you can just go ahead and address whatever  
 3 you'd like to address and explain your side of the  
 4 story.  
 5 MR. ALEASAWI: Thank you, your Honor.  
 6  
 7 DIRECT TESTIMONY BY MR. ALEASAWI  
 8  
 9 MR. ALEASAWI: I started this company in --  
 10 probably in 15 years. I started it with one car, hard  
 11 working with a Town Car. Then I grow up to almost 14  
 12 car, all Town Car and stretch limo, not above  
 13 14-passenger because we don't want to deal with this.  
 14 And actually, I didn't know that busses deal with all  
 15 the charter and stuff.  
 16 And when I get the opportunity to grow up  
 17 and get that bus in 2013, bought it from California,  
 18 drove it with me and my buddy -- I have a CDL class A,  
 19 but I don't have class B, so I'm not allowed to Carey a  
 20 passenger because I didn't -- I don't drive a lot. So  
 21 one of my drivers sometimes used to drive it.  
 22 And as soon as -- we are really busy with  
 23 the Town Car, and we focus on a lot of executive people,  
 24 you know. So in 2013, I run it, like, maybe only on the  
 25 prom season, and I see, like, it's not suitable for my

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DIRECT TESTIMONY BY MR. ALEASAWI 38

1 company. It's wasting time, wasting size, and a lot of  
 2 driver don't want to drive it.  
 3 We got the insurance confusion here because  
 4 when you buy from insurance company the whole umbrella,  
 5 they call it, you will get a big discount. And I'm  
 6 dealing with a lot of hotel, like Hyatt Regency, Grand  
 7 Hyatt, Hyatt Olive, Hampton in SeaTac, all those hotel,  
 8 they always require a certificate insurance with 4  
 9 million coverage. And that's why I buy the big  
 10 umbrella.  
 11 So I never been in this 15 years out of  
 12 insurance at all. And I think the law is really clear,  
 13 Port of Seattle really clear, State of Washington, City  
 14 of Seattle, you cannot do inspection, you cannot be in  
 15 the road without those certificate. And we always  
 16 certificate our car and stuff.  
 17 The 2013, as you see, and as Mike, he  
 18 mentioned, I got the certificate for the party bus. In  
 19 2014, I took it out. But I -- this bus has cost me  
 20 \$60,000. I have to insure it. But I never let it be in  
 21 the street without insurance at all.  
 22 JUDGE PEARSON: So you're saying in 2014 you  
 23 removed it from your insurance policy and stopped  
 24 driving it?  
 25 MR. ALEASAWI: Yes. 2014, I think I put

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DIRECT TESTIMONY BY MR. ALEASAWI 39

1 it -- what I do, your Honor, I put it in the beginning  
 2 of the coverage to get a good deal, and then we take  
 3 them out if they are not suitable, you know. It's --  
 4 JUDGE PEARSON: Okay. Go ahead.  
 5 MR. ALEASAWI: Yeah. So I know I get the  
 6 penalty \$200, and then I -- actually, I told you I'm not  
 7 good at paper. I hire usually somebody assisting me in  
 8 summer when it's busy, business is busy in summer.  
 9 So they missed those applications to -- but  
 10 then in the end of it, I called here and I came here  
 11 personally, and I say, look, every year I get those  
 12 penalties, like \$1,000 or something. What's going on?  
 13 Somebody from here told me, if you don't drive that bus  
 14 out of the state, you cannot -- you don't have to do  
 15 this. You don't have to do the application or whatever.  
 16 And I know myself, I took it out of the  
 17 insurance. I don't drive it, so why I give -- why I,  
 18 like, you know, pay for all this money.  
 19 And as you saw, your Honor, Mr. Mike, he  
 20 never seen that bus in the road, he never seen the bus  
 21 physically driven even without passenger. And I am not  
 22 a single car company so I can risk my company and my  
 23 reputation in the market driving a bus without  
 24 insurance.  
 25 And I want to explain the marketing thing if

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DIRECT TESTIMONY BY MR. ALEASAWI 40

1 you don't mind.  
 2 JUDGE PEARSON: Sure. Please.  
 3 MR. ALEASAWI: So I brought my iPad,  
 4 actually I don't know if you'll let me use it, I can  
 5 show Mike and Jennifer. There is a hundred website --  
 6 in the state of Washington, they put any car they want,  
 7 party bus, charter, but they don't have it. But because  
 8 it's a part of network companies that we work together,  
 9 if you call me tomorrow, and I'm not lying because I'm  
 10 under the oath, and you want to book a party bus, yes, I  
 11 book it for you. But I'm not gonna use my bus. I will  
 12 use Bayview, I will give it to AA Limousine. And all of  
 13 them, they know me. I give them a job, and we get  
 14 20 percent commission, your Honor. And that's -- every  
 15 company do this.  
 16 And I'm doing every day ten trips, fourteen  
 17 trips from just Bayview. I do two to three trips from  
 18 Carey Limousine, and they are very well known in the  
 19 whole America, not just even in Washington.  
 20 JUDGE PEARSON: How do you spell that?  
 21 MR. ALEASAWI: Carey Limousine and Bayview.  
 22 JUDGE PEARSON: How do you spell Carey?  
 23 MR. ALEASAWI: Carey --  
 24 JUDGE PEARSON: Not sure?  
 25 MR. ALEASAWI: C -- actually, Carey with a

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DIRECT TESTIMONY BY MR. ALEASAWI 41

1 C.

2 JUDGE PEARSON: Okay. Is it C-A-R-R-Y

3 [sic]?

4 MR. ALEASAWI: Yeah.

5 JUDGE PEARSON: Okay.

6 MR. ALEASAWI: I know the owner, you can

7 email and ask them about AJ and ask them about Apex

8 Limousine, and they will know you -- they tell you,

9 like, we never give this guy our executive, our VIP --

10 we to go Microsoft, we go everywhere -- to Amazon -- and

11 we sit there and we do job for their VIP if I don't have

12 insurance.

13 I mean -- I mean, I know they're concerned

14 about safety, and I really admire his work and admire

15 Jennifer work, go after company like this. But they

16 never seen that bus on the road and I never drive that

17 bus on the road. And actually, it's been out of work

18 and it's broken for, like, 2015.

19 And my evidence is, is the International

20 dealer in Tukwila, I request to take it there, to tow it

21 there, but just because it's such a long bus, they

22 cannot put it in the -- in the shop because they like to

23 have a bobtail. So the bus even is not working.

24 And -- and as I told you, we can go to -- a

25 lot of website, they market for party bus, charter, name

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DIRECT TESTIMONY BY MR. ALEASAWI 42

1 it, anything, but they are not owning the car.

2 JUDGE PEARSON: Okay. So I understand what

3 you're saying, and I believe you. And we've had this

4 come up in previous cases before. This is not the first

5 time I've heard about this referral network among Town

6 Car and party bus drivers and people in the auto

7 transportation industry generally.

8 However, the statute says that advertising

9 to provide the service is the same as providing it, so

10 you will need to take that down off your website. You

11 cannot participate in this.

12 What you can do if you get an inquiry is

13 say, oh, my friends at Bayview can handle that, let me

14 give you their information. But you can't represent as

15 though you are able to provide that service directly

16 yourself. That's what violates the law, so that's the

17 distinction. And that's why you'll need to take that

18 off of your website and make sure that you're not

19 holding yourself out as Apex Limo can provide this

20 service.

21 You're welcome to say, oh, here, call these

22 other companies. I have information -- contact

23 information for you and pass that along to the consumer,

24 but not to make it appear as though Apex itself can

25 provide that service.

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DIRECT TESTIMONY BY MR. ALEASAWI 43

1 Do you understand the distinction?

2 MR. ALEASAWI: Very understanding.

3 JUDGE PEARSON: Okay.

4 MR. ALEASAWI: Your Honor, there is one

5 thing I want to ask Mike, did you send a letter to say,

6 remove it from the website, because otherwise you got --

7 you know, you can be accountable for marketing.

8 JUDGE PEARSON: Right.

9 MR. ALEASAWI: When we do the Town Car, when

10 we do the regular limousine, we go to the City of

11 Seattle, and there is no marketing in the side. There

12 is -- if the law change, they will tell you every year.

13 JUDGE PEARSON: Right.

14 MR. ALEASAWI: So I don't know what's

15 happening.

16 JUDGE PEARSON: I understand. I understand

17 exactly what you're saying, so I appreciate that

18 perspective.

19 Did you have anything else that you wanted

20 to add?

21 MR. ALEASAWI: Yeah. Just about the Yelp, I

22 mean, I cannot prove that. I never paid for Yelp.

23 There's a lot of company, like the marketing company

24 they put your name there just to -- to let you, hey,

25 come market with us. But I never market with Yelp. I

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DIRECT TESTIMONY BY MR. ALEASAWI 44

1 never market with Google, because I'm really busy with

2 Town Cars. I'm not doing any marketing.

3 JUDGE PEARSON: So Mr. Turcott, I'd like to

4 ask you a question. I don't know enough about how these

5 websites work, but it looks to me like this Yelp ad was

6 literally pulled from Apex's website. Do you think it's

7 possible that that happened without Mr. Aleasawi

8 proactively putting that information on Yelp?

9 MR. TURCOTT: I don't have direct

10 knowledge --

11 JUDGE PEARSON: Okay.

12 MR. TURCOTT: -- of how this was created.

13 JUDGE PEARSON: Well, that has come up

14 multiple times, mostly in the household good

15 classification proceedings where -- and I know that the

16 other compliance investigation staff has confirmed that

17 there are instances where ads are generated without the

18 knowledge or consent of the company. I know that's

19 something that happens.

20 So I guess it would be useful to me if maybe

21 you could look into that a little bit more and find out

22 if that's the way Yelp works or --

23 MR. TURCOTT: Yes, your Honor.

24 JUDGE PEARSON: Okay. And that was Exhibit

25 O; is that right?

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DIRECT TESTIMONY BY MR. ALEASAWI 45

1 MR. TURCOTT: Yes.

2 JUDGE PEARSON: Okay. I'm sorry. I'm just

3 looking through this, and it does -- it does reference

4 party bus rentals. I think that was Staff's basis

5 for -- even though we understand that you are a licensed

6 limousine operator, and you're entitled to advertise

7 those services, and that's fine, it's the reference to

8 party busses that need to be --

9 MR. ALEASAWI: No problem.

10 JUDGE PEARSON: -- removed from your

11 website, and the photo taken down and --

12 MR. ALEASAWI: Sure.

13 JUDGE PEARSON: -- things like that. So I

14 guess we just need to know a little bit more about how

15 the Yelp site is generated, because, like I said, I know

16 that that's been a problem in the past that sometimes

17 those -- that once someone creates a review of the

18 company, Yelp may be going out and pulling off of the

19 company's website. I'm just not sure. So I'd be more

20 comfortable if I knew how that worked.

21 MR. ALEASAWI: Yes.

22 MR. TURCOTT: Yes, your Honor.

23 MR. ALEASAWI: Like in Google, they call it

24 organic name. Like if there's only one Seattle

25 limousine in Seattle, Google will attract it to make

Page 46

DIRECT TESTIMONY BY MR. ALEASAWI 46

1 Google -- to make Seattle number one so they can sell

2 them by click, and that's how they do it. I mean, Yelp

3 calling me every day, even I told them I don't want, and

4 they --

5 JUDGE PEARSON: Oh, okay.

6 MR. ALEASAWI: -- and they email me every

7 day, we can put you in good position. And even Google,

8 they do this.

9 JUDGE PEARSON: Okay. Thank you.

10 MR. ALEASAWI: No problem.

11 JUDGE PEARSON: Do you have anything else

12 that you'd like to add?

13 MR. ALEASAWI: Your Honor, I just want to

14 say, like, my conclusion is, like, you can look at my

15 record, and you can look -- let them look at my record.

16 I never have fatality or, like, bad accident, anything

17 in my 15 years. I choose a good driver, I've been

18 well-known in the market.

19 This is an honest mistake, and now I know

20 it. They never inform us you have to take it out, and

21 that's what I'm gonna do right now. I'm gonna go there,

22 call my website guy, take it out. I don't even deal

23 with it. If I'm a party bus guy, I could have bought a

24 second one and third one and fourth one.

25 JUDGE PEARSON: Okay. Thank you.

CROSS-EXAMINATION BY MS. CAMERON-RULKOWSKI / ALEASAW47

1 MR. ALEASAWI: Thank you so much.

2 JUDGE PEARSON: Ms. Cameron-Rulkowski, do

3 you have any questions for Mr. Aleasawi?

4 MS. CAMERON-RULKOWSKI: I do, your Honor.

5

6 CROSS-EXAMINATION

7 BY MS. CAMERON-RULKOWSKI:

8 Q. Mr. Aleasawi, Apex renewed the registration on

9 that 2003 International bus in April of this year,

10 correct?

11 A. That's right.

12 Q. And what vehicles -- what other vehicles does

13 Apex Limousine own?

14 A. Apex -- so Apex 2, Apex 4, Apex 6, Apex 7, 8, 9,

15 10, 11, until 15.

16 Q. And what type of vehicles are these?

17 A. Town Cars, SUV, Ford van, 14-passenger. The

18 stretch limo, it's same thing. It's out of the

19 insurance. They are only 14 and below.

20 Q. That's what I wanted to know. Thank you.

21 A. Yeah.

22 Q. And does Apex Limousine lease any vehicles?

23 A. No.

24 Q. Does it lease any vehicles from any other

25 company?

CROSS-EXAMINATION BY MS. CAMERON-RULKOWSKI / ALEASAW48

1 A. Leasing from another company?

2 Q. Correct.

3 A. No, we don't.

4 Q. Thank you.

5 And what vehicles do you own in your own name?

6 A. My Jeep, I have a Jeep Wrangler, and I have my

7 SUV, like Suburban.

8 Q. And neither of those are commercial vehicles,

9 correct?

10 A. No.

11 Q. All right.

12 And now, you talked about insurance. So did I

13 understand correctly that the 2003 bus is currently not

14 insured?

15 A. As of now?

16 Q. Correct.

17 A. It's not.

18 Q. All right.

19 Do you hold a uniform carrier registration

20 number?

21 A. What does that mean?

22 Q. Do you hold a UCR number, which is what carriers

23 generally are required to have -- to hold --

24 A. Like the --

25 Q. -- for Department of -- from Department of

CROSS-EXAMINATION BY MS. CAMERON-RULKOWSKI / ALEASAW49

1 Transportation?

2 **A. Like the one they put it in the party bus or the**

3 **charter on the side of it? That's what you mean?**

4 Q. That number would be the DOT number on the side

5 of the vehicle.

6 **A. Yeah. I don't know if it still exists. You**

7 **cancelled the certificate. Maybe it's not exist. But**

8 **it is there on the bus. It's -- we stick it in the bus**

9 **on the side, and it's still there, and I don't remember**

10 **what the number.**

11 Q. And do you go by the name of AJ?

12 **A. Yes.**

13 Q. All righty.

14 And we were talking about the Yelp

15 advertisement.

16 **A. Okay.**

17 Q. And on there, there's a section that says, Meet

18 the business owner, and it lists "AJ A" as the business

19 owner.

20 **A. I don't know about the A.**

21 Q. Presumably Aleasawi?

22 **A. Could be.**

23 Q. Did you -- and you said that Yelp contacted you

24 multiple times. Did you ever confirm that you were the

25 business in this Yelp profile?

CROSS-EXAMINATION BY MS. CAMERON-RULKOWSKI / ALEASAW50

1 **A. I mean, I'm surprised sometimes when even they**

2 **call me and they say AJ with my nickname. They never**

3 **say even, like, my last name. And I don't know how they**

4 **know, honestly. Maybe like Mr. Mike, they call me on**

5 **different number, and I say, this is AJ, and then how**

6 **they get it.**

7 Q. And have you ever asked them to change the text

8 on the profile?

9 **A. I didn't know even there is a profile, believe**

10 **it or not. I never went to Yelp. I don't even get a**

11 **call from Yelp. Look at the review. Maybe there is not**

12 **even review. Like, I don't think there is a review.**

13 **I'm not getting any call from the marketing. I'm not**

14 **doing any marketing. And I can prove this with a bank**

15 **statement.**

16 Q. All right.

17 You had testified that you had called the

18 Commission, and I believe this was sometime in 2014; is

19 that correct?

20 **A. After I get the first ticket, like, the first**

21 **penalty, I called them and I came here and I say --**

22 **yeah, so --**

23 Q. All right.

24 And do you recall who you spoke with?

25 **A. This is my mistake, I didn't write number, but I**

CROSS-EXAMINATION BY MS. CAMERON-RULKOWSKI / ALEASAW51

1 know it's a girl, and she was trying to help me. And

2 she said, if you don't drive that bus out of the state,

3 you don't need to do the report yearly, annual.

4 And I talked to Bayview and I talked with the

5 company, and they said, yes, they do it themselves

6 because they go across Canada and across Portland. And

7 I told them, I don't have to do it because you guys told

8 me I don't have to do it.

9 Q. When you replied to the email from Mr. Turcott

10 who was posing as a customer and offered the

11 transportation, how would that transportation have been

12 provided if that trip had gone forward?

13 **A. As I mentioned, I could give it to Bayview**

14 **because they have a party bus, and I take the**

15 **20 percent. That's what I do. Or I will call AA**

16 **Limousine and say, tomorrow I'm gonna -- like tomorrow**

17 **if somebody call me, I say, I have another company, they**

18 **can do it for you. And I can sell it for \$2,000. They**

19 **do it for \$1,800, I get the 200. And we do with the**

20 **Town Car, with every car, not only with the party bus.**

21 Q. All right.

22 Mr. Aleasawi, I would ask you to turn to Exhibit

23 No. K, and this -- on your exhibit, this is page 45 of

24 MT-1.

25 **A. Okay. That's A-45; that's right?**

CROSS-EXAMINATION BY MS. CAMERON-RULKOWSKI / ALEASAW52

1 Q. That's correct.

2 **A. Okay.**

3 Q. All right.

4 And then do you see the second paragraph there?

5 And I would just ask you to -- could you please read --

6 **A. I have an MT-1, that's from 45 -- A-45.**

7 Q. Hold on. Oh, I'm sorry. It's A-36.

8 JUDGE PEARSON: Yeah, at the bottom of the

9 page, the page number at the bottom, not at the top.

10 MR. ALEASAWI: Yeah, that's the bottom is

11 A-45.

12 JUDGE PEARSON: Right. So look at 36.

13 MR. ALEASAWI: Oh, 36.

14 JUDGE PEARSON: Yeah.

15 And then I have a question. Is your last

16 name two words?

17 MR. ALEASAWI: No. Aleasawi.

18 JUDGE PEARSON: Okay. The letter is

19 addressed to A-L space E-A-S-A-W-I.

20 MR. ALEASAWI: No idea.

21 JUDGE PEARSON: Okay. It's just one word.

22 I just wanted to make sure that I get it correct.

23 MR. ALEASAWI: You say 36? I'm sorry.

24 MS. CAMERON-RULKOWSKI: Page A-36 at the

25 bottom.

CROSS-EXAMINATION BY MS. CAMERON-RULKOWSKI / ALEASAW53

1 MR. ALEASAWI: Okay.

2 BY MS. CAMERON-RULKOWSKI:

3 Q. All right.

4 And do you see the second paragraph there

5 beginning "Under"? Could you just read that first

6 sentence, please?

7 **A. I'm not good with reading, so you got to handle**

8 **my --**

9 Q. It's okay. I understand.

10 **A. So that will say [as read], "Under legislation**

11 **passed in 2015, person who is offered advertiser or**

12 **provide party bus service in consideration of engaging**

13 **the operation of charter bus or carrier, this required a**

14 **certificate of authority from Commission regardless."**

15 Q. That's fine.

16 **A. Okay.**

17 Q. That's fine. Thank you.

18 MS. CAMERON-RULKOWSKI: I have no further

19 questions for Mr. Aleasawi.

20 JUDGE PEARSON: Okay. Thank you. All

21 right.

22 So does Staff have anything further with

23 respect to the penalty recommendation? Has that changed

24 now that you've heard from Mr. Aleasawi?

25 MS. CAMERON-RULKOWSKI: Nothing further at

55

1 length of time of the suspension?

2 MR. TURCOTT: Two years.

3 JUDGE PEARSON: Okay.

4 Anything further from either party before we

5 go off the record?

6 MR. ALEASAWI: Well, your Honor, can I --

7 JUDGE PEARSON: Sure.

8 MR. ALEASAWI: Well, I wasn't even happy

9 with the first penalty, you know. I told you, I was --

10 I have a clear communication with their office, and I

11 drove from Seattle to here to talk to somebody, and I

12 say, why I will get the penalty? And they said -- I

13 made it clear to them. They say, you don't have to

14 apply for that certificate if you are not driving across

15 the state.

16 And I asked different limo carrier, and

17 that's what they told me. They say, we do it because we

18 drive to Portland, we drive to Vancouver. My party bus

19 is really old, 2013, and that's why it's broken.

20 And I'm never aware of the law. And as I

21 said, 15 years in business, I never done anything wrong.

22 City of Seattle know me. Port of Seattle know me. And

23 to me, as evidence, Mr. Mike, he showing up, and it's

24 not the -- every -- like just me, Apex Limousine, doing

25 it. I brought my iPad to show you, like, there is

REDIRECT EXAMINATION BY MS. CAMERON-RULKOWSKI / TURCO54

1 this point, your Honor.

2 JUDGE PEARSON: Okay. I'll just say that

3 that's unusual. Usually Staff recommends suspending a

4 portion of the penalty, even in situations that are very

5 similar to this. So if you want a few minutes to think

6 about that, I'd be happy to give it to you.

7 (Brief pause in the proceedings.)

8 MS. CAMERON-RULKOWSKI: Your Honor, may I

9 call Mr. Turcott back?

10 JUDGE PEARSON: Sure, of course.

11

12 REDIRECT EXAMINATION

13 BY MS. CAMERON-RULKOWSKI:

14 Q. Mr. Turcott, please proceed with the penalty

15 recommendation.

16 **A. Staff would further recommend suspension of**

17 **\$10,000 of the total \$15,000 penalty on certain**

18 **conditions: Either the company immediately obtain a**

19 **certificate of authority for charter service, or**

20 **immediately cease and desist advertising the party bus,**

21 **offering to provide transportation, or actually**

22 **providing it, all of the above. So -- and that would**

23 **leave 5,000 to be paid.**

24 JUDGE PEARSON: Okay.

25 And what's your recommendation for the

56

1 hundred of website doing it, and doing the same thing,

2 because we thought it's legal.

3 If you guys make it clear this is illegal, I

4 should -- it should be, like, more clear, like, letter,

5 or even when we do the -- like, the inspection should

6 be, like, talking, handing paper to the -- to the limo

7 companies, to the owner.

8 And for the website and for the reservation

9 he did, I think that was illegal to call me and harass

10 me with a different phone number. And he said he

11 didn't, but then he admit it. Thank you.

12 JUDGE PEARSON: Okay. Thank you.

13 So Mr. Turcott, how long do you think you

14 would need to look into that Yelp issue?

15 MR. TURCOTT: A day or two.

16 JUDGE PEARSON: Okay.

17 So why don't we just -- I'll call that a

18 bench request, Bench Request No. 1, and why don't I give

19 you three days. How does that sound?

20 MR. TURCOTT: Thank you, your Honor.

21 JUDGE PEARSON: Okay.

22 So Mr. Turcott's going to look into the Yelp

23 advertisement and how that's generated to see how that

24 came about. Okay? And once I hear back from him, then

25 I'll be able to put together an order, which I will

57

1 issue most likely within the next ten days reflecting my  
2 decision. Okay?

3 MR. ALEASAWI: Thank you very much.

4 JUDGE PEARSON: Thank you for coming here  
5 today. All right. Then we are adjourned.

6 MS. CAMERON-RULKOWSKI: Thank you,  
7 your Honor.

8 (Proceedings concluded at  
9 10:36 a.m.)

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1 CERTIFICATE

2

3 STATE OF WASHINGTON )

4 ) ss. COUNTY OF KING )

5

6

7 I, ANITA W. SELF, a Certified Shorthand Reporter

8 in and for the State of Washington, do hereby certify

9 that the foregoing transcript is true and accurate to

10 the best of my knowledge, skill and ability.

11 IN WITNESS WHEREOF, I have hereunto set my hand

12 and seal this 21st day of August, 2017.

13

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17 ANITA W. SELF, RPR, CCR #3032

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