

Docket No. TE-161071 - Vol. I

In the Matter of: Antwan Mason-West and
Executive Limousine Services

November 23, 2016



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining)
the Proper Carrier Classification)
of, and Complaint for)
Penalties against:) DOCKET NO. TE-161071

)
)
ANTWAN MASON-WEST AND)
EXECUTIVE LIMOUSINE SERVICES,)
LLC D/B/A EXECUTIVE LIMOUSINE)
SERVICES)

HEARING, VOLUME I
PAGES 1-45
ADMINISTRATIVE LAW JUDGE MARGUERITE E. FRIEDLANDER

November 23, 2016

10:00 a.m.

Washington Utilities and Transportation Commission

1300 South Evergreen Park Drive SW

Olympia, Washington 98504-7250

REPORTED BY: TAYLER RUSSELL, CCR 3358

Buell Realtime Reporting, LLC
1325 Fourth Avenue
Suite 1840
Seattle, Washington 98101
(206) 287.9066 | Seattle
(360) 534.9066 | Olympia
(800) 846.6989 | National

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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

MARGUERITE E. FRIEDLANDER
Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive SW
PO Box 47250
Olympia, Washington 98504-7250
(360) 664-1136
mfriedla@utc.wa.gov

FOR COMMISSION STAFF:

JEFF ROBERSON
Assistant Attorney General
1400 S. Evergreen Park Drive SW
P.O. Box 40128
Olympia, Washington 98504
(360) 664-1192
jroberso@utc.wa.gov

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1 OLYMPIA, WASHINGTON; NOVEMBER 23, 2016

2 10:00 A.M.

3
4 JUDGE FRIEDLANDER: We will go on the
5 record. Good morning. My name is Marguerite
6 Friedlander. I am the administrative law judge
7 presiding over this matter. We're here today before the
8 Washington Utilities and Transportation Commission this
9 morning for a hearing in Docket TE-161071 determining
10 the proper carrier classification of and complaint for
11 penalties against Antwan Mason-West and Executive
12 Limousine Services, LLC doing business as Executive
13 Limousine Services.

14 We'll start by taking appearances from both
15 parties and then discuss how we're going to proceed this
16 morning. So we will begin with Staff.

17 MR. ROBERSON: So my mic is not live. I
18 don't know if that's...

19 JUDGE FRIEDLANDER: It should be. Mine is
20 on. You know what, they are not plugged in at the
21 bottom.

22 I wonder, is your mic on? Do you see the
23 red dot?

24 MR. MASON-WEST: Yes, she --

25 JUDGE FRIEDLANDER: Oh, perfect.

1 MR. MASON-WEST: -- tested mine, yeah.

2 JUDGE FRIEDLANDER: Well, I hear something.

3 MR. MASON-WEST: It was probably me.

4 JUDGE FRIEDLANDER: Okay. Good.

5 MR. ROBERSON: There I am.

6 JUDGE FRIEDLANDER: Okay. Good. Thanks.

7 Thank you.

8 MR. ROBERSON: Sorry about that.

9 JUDGE FRIEDLANDER: That's okay.

10 MR. ROBERSON: Good morning, Your Honor. My
11 name is Jeff Roberson, R-o-b-e-r-s-o-n. I'm an
12 assistant attorney general appearing on behalf of
13 Commission Staff. Address 1400 South Evergreen Park
14 Drive Southwest, PO Box 40128, Olympia, Washington
15 98504. My phone number is area code 360-664-1188, and
16 my email is j-r-o-b-e-r-s-o@utc.wa.gov.

17 JUDGE FRIEDLANDER: Thank you.

18 So appearing today on behalf of Executive
19 Limousine Services?

20 MR. MASON-WEST: Yes, Antwan Mason-West.

21 JUDGE FRIEDLANDER: Okay. And if you could
22 just give us a physical address, a phone number, and
23 email that would be great.

24 MR. MASON-WEST: My current local address, I
25 reside multistate, but my current local address is 106

1 Sweet Birch Drive, that's Longview, Washington 98632.
2 Email, Andy, A-n-d-y, at pacificfederalconstruction.biz
3 spelled out all the way as it is. Best contact number,
4 area code 503-358-6809.

5 JUDGE FRIEDLANDER: Okay. Thank you. And I
6 did have a question I was going to ask later, do you go
7 by Andy?

8 MR. MASON-WEST: Yes, ma'am.

9 JUDGE FRIEDLANDER: Okay. So you're one and
10 the same person, Antwan Mason-West and Andy --

11 MR. MASON-WEST: Yeah, that's my legal name.
12 I was adopted, yes.

13 JUDGE FRIEDLANDER: Okay. Gotcha. Thank
14 you.

15 Is there anyone else either -- well, there's
16 no one else in the hearing room, but on the conference
17 bridge who wishes to put in an appearance today?

18 All right. Hearing nothing, Mr. Mason-West,
19 this is a classification hearing and it's brought by the
20 Commission based on Staff's investigation. They have
21 conducted the investigation and determined or found that
22 the business that you operate, Executive Limousine
23 Services, is operating under -- as a charter -- a
24 charter party carrier or excursion service carrier
25 without the necessary certification. So if the

1 Commission finds that Staff's claims are true, the
2 Commission will then enter an order directing you to
3 cease and desist all operations and -- unless and until
4 you have a certificate from the Commission and could
5 potentially impose penalties against Executive Limousine
6 and you as the operator.

7 Do you have any questions about the
8 proceeding today?

9 MR. MASON-WEST: No, ma'am.

10 JUDGE FRIEDLANDER: Okay. Thank you.

11 We will begin with Staff.

12 MR. ROBERSON: Before we begin, Staff just
13 has a question about procedure.

14 JUDGE FRIEDLANDER: Sure.

15 MR. ROBERSON: Staff would like to hear
16 Mr. Mason-West's side of the story before recommending
17 any penalties, so we would like to reserve Mr. Pratt for
18 after Mr. Turcott and Mr. Mason-West have testified if
19 that's okay with you.

20 JUDGE FRIEDLANDER: I don't have any problem
21 with that.

22 Mr. Mason-West, is that fine with you?

23 MR. MASON-WEST: That would be great. Make
24 it simple and easy for me.

25 JUDGE FRIEDLANDER: Okay. Okay. Sure,

1 sure. All right, then, I assume, then, you would still
2 be putting on Mr. Turcott, then we will have any
3 cross-examination or questions that you might have for
4 Mr. Turcott, and then you will be able to present your
5 side of the story or testify, in essence, before we go
6 to Mr. Pratt potentially. Okay. Then that's fine. I
7 have no problems with that if it's okay with you.

8 MR. MASON-WEST: Sure.

9 JUDGE FRIEDLANDER: Okay. All right, then.
10 If you'd like to present your witness.

11 MR. ROBERSON: Thank you, Your Honor. I'd
12 like to call Mike Turcot.

13 JUDGE FRIEDLANDER: Okay. And actually, I'm
14 going to have you come and testify over here. Hopefully
15 that microphone is plugged in, and I can't see if it is
16 or not. This one is fine, that way the court reporter
17 can still -- and that is on?

18 MR. TURCOTT: Yes, ma'am.

19 JUDGE FRIEDLANDER: Okay. Perfect. So if
20 you want to remain standing.

21

22 MICHAEL TURCOTT, witness herein, having been
23 first duly sworn on oath,
24 was examined and testified
25 as follows:

EXAMINATION BY ROBERSON / TURCOTT

1 JUDGE FRIEDLANDER: Thank you. You can be
2 seated.

3 Mr. Roberson.
4

EXAMINATION

5
6 BY MR. ROBERSON:

7 Q. Good morning. Can you state your name and spell
8 it for the record?

9 **A. Yes, Michael Turcott, T-u-r-c-o-t-t.**

10 Q. And what is your occupation?

11 **A. I'm a compliance investigator with the Utilities
12 and Transportation Commission.**

13 Q. And what are your duties as a compliance
14 investigator?

15 **A. I work in the transportation safety section, and
16 my duties are to work with transportation companies to
17 ensure they are licensed and operating within UTC
18 regulations. We provide technical assistance to these
19 companies as to the requirements of their industry and
20 in some cases, initiate investigations and complaints
21 against noncompliant companies.**

22 Q. And how long have you been a Commission
23 investigator?

24 **A. I have been with the Commission for just over
25 one year.**

EXAMINATION BY ROBERSON / TURCOTT

1 Q. And what did you do before you began working for
2 the Commission?

3 **A. Before working for the Commission, I worked for**
4 **the Washington State Patrol for 28 years holding a**
5 **variety of assignments. I retired as a lieutenant with**
6 **Patrol in 2013. In the interim before coming here, I**
7 **worked at the Department of Licensing where I managed**
8 **the Driver License and Vehicle Title Fraud Investigation**
9 **Unit.**

10 Q. Can you describe any trainings or education
11 you've received that enable you to carry out your duties
12 as a Commission investigator?

13 **A. I completed the Washington State Patrol Academy**
14 **and worked for 28 years as a state trooper, conducting**
15 **traffic and criminal investigations and as a supervisor**
16 **and mid-level manager -- mid-level manager I reviewed**
17 **investigations of my subordinates. And my training and**
18 **experience included working with various licensing**
19 **databases and business licenses, vehicle records, and so**
20 **forth.**

21 Q. And are you familiar with the statutes and
22 regulations governing charter party and excursion
23 service carriers?

24 **A. I am.**

25 Q. Are you familiar with an individual, Antwan

EXAMINATION BY ROBERSON / TURCOTT

1 Mason-West?

2 **A. Yes, I am.**

3 Q. And do you know what Mr. Mason-West's occupation
4 is?

5 **A. It appears that he is a business owner. He owns
6 a -- is involved with an LLC company in the Longview
7 area involved in limousine service, I believe financial
8 consulting and construction.**

9 Q. And is Mr. Mason-West the managing member of
10 that LLC?

11 **A. Yes.**

12 Q. Can you please turn to Exhibit MT-7. Is that a
13 true and accurate copy of the Department of Revenue
14 report showing that Mr. Mason-West is the governing
15 member of Executive Limousine Services?

16 **A. Yes.**

17 MR. ROBERSON: Your Honor, at this point,
18 the State -- or the Commission Staff would move to admit
19 Exhibit MT-7 or ask that you take judicial notice of it
20 as an official document.

21 JUDGE FRIEDLANDER: Okay. And,
22 Mr. Mason-west, have you located -- because on my copy,
23 they are not actually numbered on the side but --

24 MR. MASON-WEST: Yeah, I see it right here.

25 JUDGE FRIEDLANDER: You located it? Okay.

EXAMINATION BY ROBERSON / TURCOTT

1 And do you have any objection to my admitting this as an
2 exhibit?

3 MR. MASON-WEST: No.

4 JUDGE FRIEDLANDER: Okay. So admitted.

5 Thank you.

6 (Exhibit MT-7 admitted.)

7 BY MR. ROBERSON:

8 Q. When did Commission Staff begin investigating
9 whether Executive Limousine Services was violating the
10 public service laws?

11 **A. March of 2016.**

12 Q. And on March 14, 2016, did Commission Staff send
13 Mr. Mason-West a technical assistance letter?

14 **A. Yes.**

15 Q. And what did that letter say?

16 **A. It's -- the letter is a standard technical**
17 **assistance letter we write to the company indicating**
18 **that we believe they may be operating a transportation**
19 **service that falls under UTC authority and requires a**
20 **certificate of authority from the Commission. We**
21 **provide references, statutes, and ask them to respond**
22 **within a period of time to either, you know, explain**
23 **their business to us so we understand if they do or do**
24 **not fall under authority or to just submit an**
25 **application which we include in the letter.**

EXAMINATION BY ROBERSON / TURCOTT

1 Q. Did -- I'm sorry, before we turn to that, could
2 you please turn to Exhibit MT-1. Is that a true and
3 accurate copy of the technical assistance letter
4 Commission Staff sent to Mr. Mason-West?

5 **A. Yes, it is.**

6 Q. Okay. Did Mr. Mason-West respond to the
7 technical assistance letter sent by Commission Staff?

8 **A. He did.**

9 Q. And what did Mr. Mason-West say?

10 **A. Well, he responded by email dated April 6th, and**
11 **he had forwarded to me a -- an email and letter that he**
12 **had sent to the Department of Licensing to Jody Sisk,**
13 **the limousine manager at Department of Licensing, in**
14 **essence stating that he's not operating as a limousine**
15 **for-hire company and he's aware of the regulations.**

16 Q. Could you please turn to Exhibit MT-2. Is that
17 a true and accurate copy of your correspondence with
18 Mr. Mason-West including his letter?

19 **A. Yes, it is.**

20 MR. ROBERSON: Your Honor, Commission Staff
21 at this point would move to admit Exhibit MT-1 and
22 Exhibit MT-2.

23 JUDGE FRIEDLANDER: And, Mr. Mason-West, do
24 you have any objections to my admission of these
25 exhibits into the record?

EXAMINATION BY ROBERSON / TURCOTT

1 MR. MASON-WEST: No, ma'am.

2 JUDGE FRIEDLANDER: Okay. Thank you. They
3 are so admitted.

4 BY MR. ROBERSON:

5 Q. On May 2nd, 2016, did Commission Staff send
6 Mr. Mason-West a second technical assistance letter?

7 **A. Yes.**

8 Q. And what did that letter say?

9 **A. The letter said I thank Mr. Mason-West for his**
10 **response dated April 5th, and I indicated that his**
11 **company continues to advertise on its website**
12 **transportation services that require a UTC certificate.**
13 **And explained that it includes advertising, soliciting,**
14 **offering, or agreeing to provide such service is a**
15 **business that is regulated by the UTC, and I asked him**
16 **to, again, same thing is to respond -- to respond by**
17 **submitting an application and obtaining authority.**

18 Q. And could you please turn to Exhibit MT-3. Is
19 that a true and accurate copy of the second technical
20 assistance letter Commission Staff sent Mr. Mason-West?

21 **A. Yes, it is.**

22 MR. ROBERSON: Your Honor, staff would move
23 to admit Exhibit MT-3.

24 JUDGE FRIEDLANDER: Okay. Thank you.

25 Mr. Mason-West?

EXAMINATION BY ROBERSON / TURCOTT

1 MR. MASON-WEST: Yes.

2 JUDGE FRIEDLANDER: Thank you. It's so
3 admitted.

4 BY MR. ROBERSON:

5 Q. Have you ever viewed Executive Limousine
6 Services' website?

7 **A. Yes.**

8 Q. When did you first view the website?

9 **A. I first viewed it in March of 2016.**

10 Q. Did you view the website again on
11 September 15, 2016?

12 **A. Yes.**

13 Q. Did you observe any changes between March and
14 September of 2016?

15 **A. No.**

16 Q. Would you please turn to Exhibit MT-6. Is that
17 a true and accurate screen capture of Executive
18 Limousine Services' website as you saw it on
19 September 15, 2016?

20 **A. Yes, it is.**

21 Q. What did you see when -- or what did you observe
22 on the website?

23 **A. Well, it has the name of the company, Executive**
24 **Limousine Services, and several pages or tabs you can**
25 **click to. It has the UBI or the business license**

EXAMINATION BY ROBERSON / TURCOTT

1 identifier for the company. In our fleet section, it
2 has photos and descriptions of vehicles and several of
3 these fall under UTC authority. For example, a vehicle
4 can be licensed as a limousine for up to 14 passengers
5 behind the driver. There are vehicles depicted here
6 that are more than 14 passengers.

7 In addition, by definition and by statute, a
8 party bus, regardless of seating capacity, fall under
9 UTC authority, and the website advertises a 16-passenger
10 party bus and a 28-passenger party bus. And the photos
11 depict vehicles with perimeter seating where passengers
12 can circulate and -- stand in the vehicle, circulate
13 around the vehicle as well as extra amenities, fancier
14 things, you know, lighting and -- and the furniture and
15 things like that that fit the definition of a party bus.

16 Q. Is it a violation of RCW 81.70.220 to advertise
17 charter party services without a certificate of
18 authority from the Commission or registering as an
19 interstate carrier?

20 **A. Yes.**

21 Q. Does Mr. Mason-West have a certificate of
22 authority from the Commission?

23 **A. He does not.**

24 Q. Did you check to see if Executive Limousine
25 Services has registered as an interstate carrier?

EXAMINATION BY ROBERSON / TURCOTT

1 **A. Yes, I did.**

2 Q. How did you do that?

3 **A. I checked the Federal Motor Carrier Safety**
4 **Administration as a web service where an individual can**
5 **search for DOT-registered carriers.**

6 Q. Did Executive Limousine Services have interstate
7 operating authority at one time?

8 **A. I believe they did, yes.**

9 Q. Was that operating authority revoked?

10 **A. It was.**

11 Q. When?

12 **A. It would have been earlier in this calendar**
13 **year. I'll have to look at the notes. I can refer to**
14 **my notes?**

15 Q. Absolutely.

16 **A. According to the Federal Motor Carrier Safety**
17 **Administration, the authority was revoked on**
18 **July 18th, 2016.**

19 Q. So that would be before the last time you looked
20 at the website of Executive Limousine Services?

21 **A. Correct.**

22 Q. Could you turn to Exhibit MT-8. Is that a true
23 and accurate copy of the U.S. DOT company snapshot
24 report showing that Executive Limousine Services was not
25 authorized to operate?

EXAMINATION BY ROBERSON / TURCOTT

1 **A. Correct.**

2 Q. Could you also turn to Exhibit MT-9. Is that a
3 Federal Motor Carrier Safety Administration report
4 showing that Executive Limousine Services' operating
5 authority was involuntarily revoked?

6 **A. Yes, it is.**

7 Q. And last question on this line, does
8 Mr. Mason-West have a limousine license from the
9 Washington Department of Transportation?

10 **A. He does not.**

11 MR. ROBERSON: Okay. Your Honor, at this
12 point, Commission Staff would move to admit Exhibits
13 MT-6, MT-8, and MT-9.

14 JUDGE FRIEDLANDER: Mr. Mason-West, do you
15 have any objection?

16 MR. MASON-WEST: No, ma'am.

17 JUDGE FRIEDLANDER: Okay. Thank you. They
18 are so admitted.

19 (Exhibits MT-6, MT-8 & MT-9 admitted.)

20 You said 6 --

21 MR. ROBERSON: 6, screen captures of the
22 website and then 8 and 9.

23 JUDGE FRIEDLANDER: Okay. Thank you. They
24 are so admitted.

25 BY MR. ROBERSON:

EXAMINATION BY ROBERSON / TURCOTT

1 Q. Did you ever email Mr. Mason-West at his
2 Executive Limousine Services account to ask for a quote
3 for charter party services?

4 **A. I did.**

5 Q. On what date did you email Mr. Mason-West?

6 **A. August 24th, 2016.**

7 Q. So, again, after Executive Limousine Services'
8 interstate authority was revoked?

9 **A. Yes.**

10 Q. Did Mr. Mason-West respond to your email?

11 **A. Yes, he did.**

12 Q. What did Mr. Mason-West say?

13 **A. Well, I had asked for a party bus for a**
14 **quinceanera party October 8th, a local trip in the**
15 **Woodland area for six hours, requesting the 28-passenger**
16 **bus on the website, and Mr. Mason-West replied back**
17 **within ten minutes actually, it looks like from my**
18 **request, the 20-passenger vehicle was available for \$150**
19 **per hour.**

20 Q. And, again, is it a violation of RCW 81.70.220
21 to offer charter party services or agree to provide such
22 services without a certificate of authority?

23 **A. Yes.**

24 Q. Thank you.

25 MR. ROBERSON: And I am finished with this

EXAMINATION BY ROBERSON / TURCOTT

1 witness, Your Honor.

2 JUDGE FRIEDLANDER: Did you want to request
3 admission of any of the other exhibits? You still have
4 4, 5, and 10.

5 MR. ROBERSON: 10 is backup and I don't
6 actually need 4 and 5, Your Honor.

7 JUDGE FRIEDLANDER: Okay. That's fine,
8 then.

9 So, Mr. Mason-West, it's now your
10 opportunity to ask Mr. Turcott questions about his
11 testimony and any of the exhibits that I have admitted
12 into evidence or any of the exhibits that Mr. Roberson
13 has given us today. Do you have any questions for
14 Mr. Turcott?

15 MR. MASON-WEST: No, ma'am.

16 JUDGE FRIEDLANDER: Okay. Thank you.
17 I don't have any questions for you so you
18 are dismissed.

19 MR. TURCOTT: Thank you.

20 MR. ROBERSON: Actually, before he leaves,
21 I'm -- I'm incorrect. Can I ask just one question about
22 admitting evidence?

23 JUDGE FRIEDLANDER: Ask me the question or
24 ask Mr. Turcott?

25 MR. ROBERSON: I need him to authenticate a

EXAMINATION BY ROBERSON / TURCOTT

1 document.

2 JUDGE FRIEDLANDER: Oh, all right, then.

3 Yes, please go ahead.

4 BY MR. ROBERSON:

5 Q. All right. Mr. Turcott, can you turn to Exhibit

6 MT-5.

7 **A. Okay.**

8 Q. Is that a copy of your email to Executive
9 Limousine Services? A true and accurate copy of that
10 email asking for charter party services?

11 **A. Yes.**

12 Q. Thank you.

13 MR. ROBERSON: Commission Staff would move
14 to admit Exhibit 5.

15 JUDGE FRIEDLANDER: Okay.

16 MR. ROBERSON: MT-5.

17 JUDGE FRIEDLANDER: Mr. Mason-West, do you
18 have any objection to admission of Exhibit MT-5?

19 MR. MASON-WEST: No.

20 JUDGE FRIEDLANDER: Okay. Thank you. And
21 with that last question, I just want to open it up, did
22 you have any questions that you would like to ask
23 Mr. Turcott?

24 MR. MASON-WEST: No, ma'am.

25 JUDGE FRIEDLANDER: Okay. Thank you.

1 All right. You're dismissed, thank you.

2 And MT-5 -- MT-5 is so admitted.

3 (Exhibit MT-5 admitted.)

4 MR. ROBERSON: Sorry about that, Your Honor.

5 JUDGE FRIEDLANDER: That's fine.

6 So, Mr. Mason-West, it's now your
7 opportunity to testify on your own behalf or if you have
8 any witnesses that you would like to present.

9 MR. MASON-WEST: No.

10 JUDGE FRIEDLANDER: Okay.

11 MR. MASON-WEST: I want quick and easy.

12 JUDGE FRIEDLANDER: Okay. Okay. That's
13 fine. If you would go ahead and approach the witness
14 stand and just remain standing so I can administer the
15 oath.

16

17 ANTWAN MASON-WEST, witness herein, having been
18 first duly sworn on oath,
19 was examined and testified
20 as follows:

21

22 JUDGE FRIEDLANDER: Thank you. Please be
23 seated. And you can go ahead and kind of just -- just
24 talk freely. There's -- since you're not represented,
25 we will just take this as testimony.

1 MR. MASON-WEST: Sure. Perfect. I didn't
2 feel the need to -- to look anything up. Where I am at
3 in this situation, to make it simple and easy and not be
4 rude or take too much of the Court's time. In reference
5 to the limousine company, the limousine company is a
6 vehicle that owns my construction company. I've got a
7 30 to \$40 million a year construction company. I'm an
8 8(a) certified minority-owned small business. The
9 limousine company was the vehicle's parent company that
10 owns that company. It stays in force specifically for
11 the ability to run that multimillion dollar business.

12 The information, the limousine company, the
13 website itself is probably worth about half a million
14 dollars due to our presence and our profile. In late
15 '15, I guess it would be, we stopped running our
16 vehicles and whatnot and continued from that point due
17 to the website's value. And to keep that value, we're
18 looking to sell the website as a booking instrument.

19 Basically what we do is we refer out -- my
20 dad's got a company, my step-dad's got a limousine
21 company, my best friend's got a limousine company and we
22 send out referrals based on what our website presence
23 is.

24 And so coming into this my thought was,
25 sure. Is there anything to comply with in terms of

1 would I be willing to get the UTC license for that
2 specific purpose? Originally I would have. At this
3 point, I could give a damn about it and -- based on the
4 process itself. The investigation itself kind of
5 strikes you a little bit wrong in terms of that. My
6 biggest concern is my voice in terms of the overall
7 business picture was never taken into consideration,
8 never heard, nor do I care to do that at this particular
9 point.

10 I'm happy with and I will abide by any
11 ruling that's set forth. The principal of the business
12 as I said there was -- it's the parent company of my
13 construction company, which anybody would respect. A
14 multimillion dollar company. Makes me personally
15 millions of dollars a year which any minority, any
16 person would love to have himself in that position and
17 be able to do. I've busted my butt, I've worked my tail
18 off to build that company. It was predicated off the
19 limousine company itself. That's the vehicle for the
20 8(a) company.

21 As I expressed in another letter, all I care
22 about is the -- the actual corporate registration of
23 Executive Limousine, LLC and whatever element that comes
24 to it. Do I want to keep the website? Absolutely,
25 because of the value and the face value that the website

1 has.

2 Are we running any vehicles, no. Our
3 insurance isn't there, our DOT isn't there because we
4 didn't renew or do anything else, we didn't do any UCR
5 filings, we didn't renew any of our insurance. Is there
6 vehicles that are owned by Executive Limousine, yes.
7 Executive Limousine Services owns dozens of vehicles
8 because it's the parent company for my construction
9 company. It owns dump trucks, it owns pickup trucks, it
10 owns cars, vans, et cetera, et cetera.

11 And so that's the purpose of like I said,
12 we've got vehicles registered under it, but they're not
13 limousines. They are not operating as limousines and
14 they're not -- it's not going to change the fact of the
15 matter. Those vehicles still need to maintain the
16 registration under that because it's a parent company
17 that owns the -- all the assets.

18 And so that's basically all I have to say.
19 My biggest concern and my only concern is one, the
20 viability of the website. If we can't use it as a
21 booking service, so be it. But the legal aspect of
22 providing a website, you know, I didn't think was
23 against the law or breaking any laws. If we need a
24 specific license to run the booking service part of it
25 itself, we could have done that, but at this point, I

1 choose not to. It's simple administratively to fill out
2 a few papers and pay you the couple hundred dollars that
3 you want, fine. If it's a money-making thing, so be it.
4 But it's just the principle and the part behind it. I
5 have no desire to follow and continue through with
6 anything of that nature.

7 As I said, all I came here for is to be able
8 to license the Executive Limousine Services as a
9 Washington-based corporation because we started that
10 way. We don't really operate a ton here. All the work
11 that we do is federally on a construction side, so I
12 don't have to have a specific state requirement. I just
13 don't want to make the changes for the -- from financial
14 aspects and reasons of that nature, the origin of the
15 company, et cetera.

16 But at this point, that's all I want, is the
17 ability to own and obtain my website, and second,
18 ability to register the name of -- or the LLC aspect of
19 Executive Limousine Services which were current and were
20 renewed. And that's basically my point here. I flew
21 in, you know, specifically for this point and didn't
22 want to take too much of your time. My time's too
23 valuable to be here and waste your time as well. So I'm
24 not here to object, to fight, and argue to this.

25 Here is my point and I've said my two cents,

1 they can rule however they choose to. Whatever the
2 penalties are, whatever the outcome is, I am willing to
3 accept, no problem.

4 JUDGE FRIEDLANDER: So before I go to
5 Mr. Roberson for cross-examination of your testimony, I
6 just have a few clarification questions.

7 MR. MASON-WEST: Sure.

8 JUDGE FRIEDLANDER: So you operate the
9 website Executive Limousine Services?

10 MR. MASON-WEST: Yes, ma'am.

11 JUDGE FRIEDLANDER: Okay. And it's the
12 parent company of your construction business?

13 MR. MASON-WEST: Yes, ma'am, and all of the
14 businesses, yes.

15 JUDGE FRIEDLANDER: All of your businesses.

16 MR. MASON-WEST: Mm-hmm.

17 JUDGE FRIEDLANDER: Okay. So --

18 MR. MASON-WEST: We've got multiple just not
19 the ones that were mentioned here, but there's some out
20 of state. There's a lot of partnerships, et cetera, et
21 cetera.

22 JUDGE FRIEDLANDER: Okay.

23 MR. MASON-WEST: Yes, ma'am.

24 JUDGE FRIEDLANDER: So the Executive
25 Limousine Services website, what function does it serve?

1 MR. MASON-WEST: It -- basically in terms of
2 functionality, we've got such a presence, a web
3 presence. In the whole history of web profiles, we've,
4 you know, spent thousands and thousands of dollars
5 building that website and creating the profile of that
6 website. That website has -- people have said it's got,
7 you know, in terms of revenue it's got, you know, value
8 to bring in hundreds of thousands of dollars a year in
9 revenue, gross revenue, you know, how that nets out.

10 So there's a ton of value in having that URL
11 and that presence just due to what it's -- how it's
12 grown organically within that Internet domain. I'm not
13 an Internet expert, but there's obviously value in
14 websites and the URL name. I guess the website is worth
15 nothing, the URL, the domain piece is what the value is.

16 JUDGE FRIEDLANDER: Right. I was just --
17 I'm sorry, I just wanted to know, does it -- what
18 function, nonmonetary function does it serve for you?

19 MR. MASON-WEST: None.

20 JUDGE FRIEDLANDER: None.

21 MR. MASON-WEST: Well, so it's an asset.

22 JUDGE FRIEDLANDER: Right.

23 MR. MASON-WEST: Yeah, it's --
24 monetarily-wise, our idea was to keep it, maintain it as
25 a booking service to do referral booking. That was our

1 asset to it. There's a lot of companies out there,
2 limos.com, a lot of companies that are similar to that
3 nature. Obviously they are a lot bigger than us, and
4 doing some incite and, you know, those companies work
5 nationwide and aren't licensed as limousine carriers or
6 charter carriers in multistate, multijurisdiction. They
7 are literally an Internet-based business.

8 JUDGE FRIEDLANDER: So it's similar to what
9 you said --

10 MR. MASON-WEST: Like limos.com and
11 bookrides.com, and there's another -- there's other
12 natures to that. That's our intent in terms of what the
13 business -- is it on the scope that those are,
14 absolutely not.

15 JUDGE FRIEDLANDER: Okay. So does --
16 does -- I guess I should say, do any of your businesses
17 own limousines?

18 MR. MASON-WEST: No. No longer. We did,
19 yes.

20 JUDGE FRIEDLANDER: But at this time you do
21 not?

22 MR. MASON-WEST: In terms of limousines
23 themselves, no, ma'am.

24 JUDGE FRIEDLANDER: Okay. And do -- so kind
25 of walk me through how the website works, then, as a

1 booking service.

2 MR. MASON-WEST: Okay. So if you go out and
3 you search limousines or limousine birthday party or
4 just throwing out a keyword, it will then direct you,
5 based on the Internet through Google or whatnot, search
6 engines, to limousine carriers. Some are local; some
7 are out of state. Obviously then if you go through one,
8 two, ten, however, you click on our website or click on
9 our URL link or however it works in the Internet world,
10 then it takes you to our website. Then you can make an
11 inquiry based on what you're looking for, what you're
12 looking to do, and then we will answer that based on --
13 basically a lot of this is taking information it needs.
14 And then, you know, being able to assess is there an
15 opportunity to book that, fulfill that.

16 Like I said, with my dad's company, we have
17 a number of somewhat informal affiliates that we send
18 business to.

19 JUDGE FRIEDLANDER: Okay. And then that
20 would pretty much be local service, then, if they wanted
21 a limo locally, that's --

22 MR. MASON-WEST: Yes, I mean, our
23 affiliation with people are just pretty much Washington
24 and some in Arizona.

25 JUDGE FRIEDLANDER: I see. Okay.

EXAMINATION BY ROBERSON / MASON-WEST

1 MR. MASON-WEST: Washington and Oregon I
2 should say because my dad's company is here, yeah. And
3 then we own a number of carriers out of Portland. Our
4 business when we started was all out of Oregon because
5 we're a border town, so everything we did was out of
6 Portland. I mean, our community is 20,000 people,
7 30,000 people. With all the business we did with
8 Oregon, we were licensed with the State of Oregon and
9 with City of Portland, and that's where 90 percent of
10 our business is. Probably more than that.

11 JUDGE FRIEDLANDER: Okay. I think that's
12 all the questions that I have for you.

13 Mr. Roberson, did you have any
14 cross-examination?

15 MR. ROBERSON: I have a couple, Your Honor.

16 JUDGE FRIEDLANDER: Okay. Okay. Go ahead.

17

18 EXAMINATION

19 BY MR. ROBERSON:

20 Q. So your website specifically advertises a party
21 bus service, correct?

22 **A. Yes. Well, not specifically. I mean, it --**
23 **it's got party busses on there, but it advertises lots**
24 **of things.**

25 Q. So the first Exhibit, MT-6 of --

EXAMINATION BY ROBERSON / MASON-WEST

1 **A. I don't need it, it's fine.**

2 Q. Okay. The second paragraph on the first page
3 says, (as read) Any time you are booking airport
4 transportation, limousine town car, party bus, or
5 multipassenger vehicles in Southwest Washington or the
6 Portland metro area, let Executive Limousine Services
7 assist you with your transportation needs.

8 **A. Yes.**

9 Q. So you're offering party bus service, right?

10 **A. Yes, you said specific to party busses. I said,**
11 **no, it was various to --**

12 Q. I misunderstood. It does --

13 **A. Yes, sir.**

14 Q. Okay. And the second page also says, (as read)
15 Executive Limousine Services has a large selection of
16 party busses.

17 **A. Yes, sir.**

18 Q. Okay. And your website also advertises for
19 party bus service in Southwest Washington, that's what I
20 just read?

21 **A. Yes, sir.**

22 Q. Okay. Nowhere on your website do you identify
23 yourself as a broker or a booking agent, correct? It's
24 all Executive Limousine Services has these vehicles,
25 Executive Limousine Services will provide these

EXAMINATION BY ROBERSON / MASON-WEST

1 services?

2 **A. I think your reference is affiliates, et cetera**
3 **on there because there's...**

4 Q. Can you tell me where?

5 **A. I would have to look at that. Mind you, this**
6 **website has never been changed since inception. On the**
7 **first page it says, (as read) Executive Limousine is**
8 **much more than a northwest leading limousine booking and**
9 **service provider.**

10 Q. So if I look at your website, I should
11 understand that to mean that you have a group of
12 affiliates who provide service?

13 **A. You know, that's the wording. How you take it,**
14 **it is what it is.**

15 Q. Fair enough.

16 The Exhibit MT-5, which is your email exchange
17 with Mr. Turcott, you don't identify yourself as a
18 broker there either, right? You say, I have my
19 passenger -- 20-passenger open and provide a rate?

20 **A. Yes, sir.**

21 Q. Okay. I guess, help me understand the interplay
22 between the LLC and the subsidiary companies.

23 **A. In terms of -- what do you want to know?**

24 Q. Why does Executive Limousine Services need to
25 exist?

EXAMINATION BY ROBERSON / MASON-WEST

1 **A. Because if you look at the SBA documentation**
2 **that I sent you, it is the SBA certified 8(a) company.**
3 **It allows us to have the vehicle to make the millions of**
4 **dollars that the construction company does.**

5 Q. Okay. And so the NAICS code on the letter from
6 the Small Business Administration identifies you as a
7 limousine service provider, right?

8 **A. Yes, doing business as the construction company.**
9 **It notes the construction company and all that**
10 **information's in there.**

11 Q. So if you're no longer doing business as a
12 limousine service provider, does that affect your --

13 **A. Absolutely not. There's multiple companies that**
14 **are owned by different affiliates. I could be Andy's**
15 **Burgers doing construction, doesn't matter. The**
16 **affiliation's approval was based on the service provided**
17 **by actually the limousine company, but it's changed to**
18 **some degree. But in essence, we started out as a taxi**
19 **town car service. That's what became the vehicle to get**
20 **us into the transportation part, which was approved by**
21 **the SBA due to the larger tie-in factor in business.**

22 **So it takes, for approval, the senior business**
23 **in terms of your business time. It doesn't matter. And**
24 **as a minority, that was what it was. So then**
25 **everything -- I had to restructure every one of my**

EXAMINATION BY ROBERSON / MASON-WEST

1 companies to fall under Executive Limousine Services
2 because they approve one company.

3 Q. Okay. So theoretically, then, the website could
4 be shut down and it would not affect any of the
5 subsidiary companies?

6 **A. Absolutely.**

7 Q. Okay.

8 **A. Mm-hmm.**

9 **JUDGE FRIEDLANDER: Can I just stop you for**
10 **a second? Do we have any of the SBA paperwork that was**
11 **just referred to as far as the --**

12 MR. TURCOTT: The letter to Jody Sisk.

13 MR. MASON-WEST: I sent documentation with
14 that.

15 JUDGE FRIEDLANDER: Okay. Is that one of
16 the exhibits that Staff presented?

17 MR. MASON-WEST: It's not, but I sent it.

18 MR. ROBERSON: So there's reference to it in
19 Exhibit MT-2, and it's also in the Staff investigative
20 report. If Mr. Mason-West will stipulate to it, I can
21 provide a copy after the hearing.

22 JUDGE FRIEDLANDER: Okay. And,
23 Mr. Mason-West, do you have any objection to Staff
24 providing a copy of its investigation report either as
25 an exhibit or for illustrative purposes?

EXAMINATION BY ROBERSON / MASON-WEST

1 MR. MASON-WEST: No, not at all. Like I
2 said, I have sent it. I've got my SBA paperwork, or
3 some of my SBA stuff.

4 JUDGE FRIEDLANDER: Okay.

5 MR. MASON-WEST: And it just, as I said,
6 it -- it's actually part of my [inaudible] approved
7 paperwork and it lists the -- from Executive Limousine
8 and the parent company.

9 JUDGE FRIEDLANDER: Okay.

10 MR. MASON-WEST: So if you go into the small
11 dynamic business service, it's all through the SBA. It
12 shows -- it brings the company profile and whatnot into
13 play.

14 JUDGE FRIEDLANDER: Okay.

15 MR. MASON-WEST: Mm-hmm.

16 JUDGE FRIEDLANDER: Okay. Okay. Thank you.

17 MR. MASON-WEST: Yeah.

18 JUDGE FRIEDLANDER: If Staff would provide
19 that -- or I guess, if it's already in the --

20 MR. ROBERSON: It's filed in the docket,
21 Your Honor.

22 JUDGE FRIEDLANDER: It's filed in the
23 docket, it's already in the file, I won't need it as an
24 exhibit, but I would like to see the paperwork that
25 Mr. Mason-West provided Staff. Thank you.

EXAMINATION BY ROBERSON / MASON-WEST

1 Please continue, Mr. Roberson, if you had
2 had any additional cross-examination.

3 MR. ROBERSON: I do, Your Honor.

4 BY MR. ROBERSON:

5 Q. So Commission Staff sent you two technical
6 assistance letters. They both had applications. At
7 least one of them informed you that it was in violation
8 of the public service laws to advertise, offer, or
9 solicit charter party services. You didn't fill out
10 either application or return them?

11 **A. No, because like I said, limos.com and all those**
12 **companies aren't licensed in Washington as charter**
13 **carriers or limousine service carriers and they do work**
14 **nationwide. So why would we stand out any differently?**
15 **And yes, did I choose not to, absolutely not.**

16 Q. But you were advertising for service in
17 Washington on your website?

18 **A. Yes, sir.**

19 Q. Okay. So you refer out -- if someone comes to
20 you with a party bus quote --

21 **A. Yes.**

22 Q. -- you refer it out to an affiliate?

23 **A. Yes.**

24 Q. Can you tell me the names of your --

25 **A. No, I refuse to.**

EXAMINATION BY ROBERSON / MASON-WEST

1 Q. You refuse to?

2 **A. Yes.**

3 Q. Okay.

4 **A. I'm not going to bring anybody else into this**
5 **situation. I explained my intent why I'm here today.**

6 Q. Okay. So Executive Limousine Services doesn't
7 own any party busses anymore?

8 **A. What's that?**

9 Q. Executive Limousine Services doesn't own any
10 party busses?

11 **A. In terms of ownership?**

12 Q. Yeah.

13 **A. We've got busses, yes. Are they -- are they in**
14 **the term of a party bus, no. I've got vans, I've got**
15 **busses, yes.**

16 Q. Are they the vehicles depicted on your website?

17 **A. No, sir.**

18 Q. Okay.

19 **A. There's two of them that are in the boneyard**
20 **haven't been licensed, go to the Department of Licensing**
21 **for Washington, they haven't been licensed for years.**
22 **There's no vehicles that are currently licensed.**

23 **JUDGE FRIEDLANDER: No party -- there are no**
24 **busses that are currently licensed?**

25 **MR. MASON-WEST: Yes, ma'am. I've got**

1 vehicles, yes, but, no, there's no limousines or party
2 busses that are currently licensed or insured for that
3 matter.

4 JUDGE FRIEDLANDER: Okay. Thank you.

5 MR. ROBERSON: I think at this point, I have
6 no further questions, Your Honor.

7 JUDGE FRIEDLANDER: Okay. Thank you.

8 Mr. Mason-West, you indicated that you do
9 have busses even if they aren't considered party busses.
10 What do you do with the non-boneyarded busses?

11 MR. MASON-WEST: We don't have anything
12 that's licensed or -- or -- or insured.

13 JUDGE FRIEDLANDER: Right. So you don't
14 operate -- you don't actually operate any of the
15 busses --

16 MR. MASON-WEST: No.

17 JUDGE FRIEDLANDER: -- that are in any of
18 the business' names?

19 MR. MASON-WEST: No, they're not.

20 JUDGE FRIEDLANDER: Okay.

21 MR. MASON-WEST: We've got vans, but like I
22 said, they're all tied to the construction -- I mean,
23 they're --

24 JUDGE FRIEDLANDER: They're all in use for
25 the construction business.

EXAMINATION BY ROBERSON / MASON-WEST

1 MR. MASON-WEST: To troop our guys around.

2 JUDGE FRIEDLANDER: Okay. Gotcha.

3 All right. I don't have any additional
4 questions, so I believe unless Mr. Roberson has anything
5 else, then the witness is dismissed. Thank you for your
6 testimony.

7 MR. MASON-WEST: Okay. Thank you.

8 JUDGE FRIEDLANDER: At this time,
9 Mr. Roberson, did you wish to call Mr. Pratt to the
10 stand?

11 MR. ROBERSON: I do, Your Honor.

12 JUDGE FRIEDLANDER: All right. Thank you.

13 Yeah, if you would, and then just remain
14 standing while I administer the oath.

15

16 DAVID PRATT, witness herein, having been
17 first duly sworn on oath,
18 was examined and testified
19 as follows:

20

21 JUDGE FRIEDLANDER: Thank you. You can be
22 seated.

23 Mr. Roberson.

24 /////

25 /////

EXAMINATION BY ROBERSON / PRATT

1 EXAMINATION

2 BY MR. ROBERSON:

3 Q. Good morning. Could you please state your name
4 and spell it for the record?

5 **A. Yes, my name is David Pratt, P-r-a-t-t.**

6 Q. And what is your occupation?

7 **A. I manage the Transportation Safety Program here
8 at the Utilities and Transportation Commission.**

9 Q. And what are your duties in that position?

10 **A. My duties there are -- revolve around the safety
11 aspect of all commercial motor vehicles and also the
12 investigations portion -- or looks at nonpermitted
13 carriers.**

14 Q. And how long have you worked for the Commission?

15 **A. I have been here 11 years.**

16 Q. And would you please describe any trainings or
17 education you've received to help you carry out your
18 duties at the Commission?

19 **A. Yes. Well, prior to working here, I spent 18
20 years at Labor & Industries as a safety professional,
21 and coming here I have received federal certification to
22 do compliance reviews and safety audits of companies.
23 And I also have attended numerous investigative
24 techniques courses.**

25 Q. Are you familiar with RCW 81.70.220?

EXAMINATION BY ROBERSON / PRATT

1 **A. Yes, I am.**

2 Q. And what does that statute set out as the
3 maximum penalty for a violation?

4 **A. \$5,000.**

5 Q. And are you familiar with Commission's guidance
6 on penalties?

7 **A. Yes, I am.**

8 Q. And are you familiar with Staff's investigation
9 of Executive Limousine Services?

10 **A. Yes, I am.**

11 Q. Do you have a recommendation as to the
12 appropriate penalty for the violations alleged here?

13 **A. Yes, I believe I do. I guess I'd just like to**
14 **make a couple statements before I list what I believe.**
15 **We have two charges here which carries the maximum of**
16 **\$5,000 each which would be \$10,000. Normally when I**
17 **make these decisions, I listen to the -- to the people**
18 **in the court, I listen to what they have to say, I**
19 **listen to the facts about their intent and also look at**
20 **the way they've responded to us and dealt with us**
21 **leading up to this moment.**

22 **In this case, I guess I believe that we provided**
23 **technical assistance a couple times. We asked**
24 **Mr. Mason-West to either stop providing service or apply**
25 **for a permit. He provided on August 24th an actual**

EXAMINATION BY ROBERSON / PRATT

1 quote to provide service, and I'm a little puzzled about
2 his comments about his URL and his website, that its
3 value is only in a website. And to me, the value in
4 that is that it brings in money when he books
5 transportation trips, not exactly the URL. It's what he
6 gains from that, which he books trips.

7 And so my belief on that is I have not felt any
8 remorse, I have not felt that Mr. Mason-West has been
9 straight with the Court today. I don't believe he's
10 told the truth. I believe he owns vehicles. We have
11 documentation in our investigations report that is part
12 of the evidence here today. And -- and so I just don't
13 believe he's being truthful about not providing
14 services, and so I'd recommend the maximum penalty that
15 is allowable under this, which would be \$10,000.

16 MR. ROBERSON: Thank you.

17 JUDGE FRIEDLANDER: All right. Thank you.

18 Mr. Mason-West, did you have any
19 cross-examination questions for Mr. Pratt?

20 MR. MASON-WEST: No, ma'am.

21 JUDGE FRIEDLANDER: All right. Thank you.

22 Mr. Pratt, I don't have any either so you're
23 excused. Thank you for your testimony.

24 All right. Is there anything else that we
25 need to address this morning before we adjourn? Okay.

1 Thank you. We are adjourned, then.

2 (Hearing adjourned at 10:45 a.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF THURSTON

I, Tayler Russell, a Certified Shorthand Reporter
in and for the State of Washington, do hereby certify
that the foregoing transcript is true and accurate to
the best of my knowledge, skill and ability.

Tayler Russell, CCR