

AFFIDAVIT

State of Washington)

County of Thurston)

I, Margaret M. Vogeli, deposes and says that I am a custodian of the records for the Limousine Program, Business and Professions Division, Department of Licensing, Olympia, Washington, and I do hereby certify that the attached documents are true and correct copies of the FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER OF DEFAULT in the matter of case file 2010-08-0604-00LIM.

Dated this 26th day of January, 2012.


Margaret M. Vogeli

**STATE OF WASHINGTON
DEPARTMENT OF LICENSING
BUSINESS AND PROFESSIONS DIVISION**

In the Matter of the License to Practice
as a Limousine Carrier of:

Kevin Timothy Williams, Excalibur
Limousine, LLC d/b/a Seattle Green
Limo d/b/a A Green Limo Service
d/b/a A Green Sedan Service d/b/a A
Seattle Green Limo d/b/a Excalibur
Limousine d/b/a
SeattleGreenLimo.Com

License No. 602-928-398-001-0001

Respondent.

NO. 2010-08-0604-00LIM

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
FINAL ORDER OF DEFAULT

On March 23, 2011, the Administrator of the Limousine Carrier Regulatory and Enforcement Program, Business and Professions Division, Department of Licensing (Department) issued a Statement of Charges and Request for Hearing to Respondent Kevin Timothy Williams, Excalibur Limousine, LLC d/b/a Seattle Green Limo d/b/a A Green Limo Service d/b/a A Green Sedan Service d/b/a A Seattle Green Limo d/b/a Excalibur Limousine d/b/a SeattleGreenLimo.Com. The Respondent received the Statement of Charges and accompanying documents on March 25, 2011. In those documents, the Department notified Respondent of the right to request an administrative hearing to contest the Statement of Charges within twenty (20) days and that his failure to make such a request within that time period would constitute a default. Respondent did not timely request an administrative hearing to contest the Statement of Charges and has waived the right to a hearing.

Having reviewed the file and records herein, the Director, through her duly authorized delegate, now makes the following FINDINGS OF FACT, AND CONCLUSIONS OF LAW, and enters the following DEFAULT ORDER.

I. FINDINGS OF FACT

1.1 On March 23, 2011, the Department issued a Statement of Charges to Respondent at Respondent's current mailing address on file with the Master License Service; the Statement of Charges was served on the Respondent on March 25, 2011. The Department notified Respondent of the right to request an administrative hearing to contest the Statement of Charges. Respondent was provided twenty (20) days, until April 14, 2011, to timely request an administrative hearing on the Statement of Charges.

1.2 Respondent failed to respond to the Statement of Charges and failed to request an administrative hearing.

1.3 Kevin Timothy Williams, Excalibur Limousine, LLC d/b/a Seattle Green Limo d/b/a A Green Limo Service d/b/a A Green Sedan Service d/b/a A Seattle Green Limo d/b/a Excalibur Limousine, d/b/a SeattleGreenLimo.Com, Respondent, holds a license to practice as a Limousine Carrier. Respondent has been licensed as a Limousine Carrier at all times relevant to this action under license number 602-928-398-001-0001. Respondent also holds limousine vehicle certificates number 4149 issued on August 14, 2009 for a 2001 Ford Excursion Washington license plate number B93650P, VIN 1FMSU43F91EC08379 and number 4150 issued on August 14, 2009 for a 2002 Ford Excursion with Washington license plate number B73426L, VIN 1FMSU43F52EC53725 under original decal number 2845.

1.4 Program Manager, Harumi Tolbert emailed the Respondent on October 14, 2009. Ms. Tolbert asked Mr. Williams to contact her regarding the fact that his Mercedes E320 (vehicle mentioned in Finding of Fact 1.9) does not meet the minimum wheelbase requirements, even though the Washington State Patrol had previously allowed the E320 to pass inspection.

1.5 On October 15, 2009, Ms. Tolbert received a response email from Respondent. He stated that there was nothing to discuss since three of his Mercedes E320s had passed the Washington State Patrol inspection.

1.6 On October 16, 2009, Ms. Tolbert responded. Ms. Tolbert requested that Respondent make an appointment with the Washington State Patrol to have the Mercedes vehicles inspected again. Ms. Tolbert requested that Respondent inform her of the appointment date and time. Respondent did not notify Ms. Tolbert of the inspection date and time.

1.7 In June 2010, the agency checked the Respondent's business website seattlegreenlimo.com, and determined he was advertising for hire operation of Mercedes E-320 vehicles as limousines for hire. Mercedes E320 do not meet the minimum wheel base requirement required by WAC 308-87-010 (1) (b).

1.8 On June 9, 2010, Respondent came to the public service counter to renew his limousine carrier license and vehicles. Master License Service staff person Virginia Gleason was called to the counter because Respondent did not have a Washington State Patrol inspection form for the aforementioned Mercedes E320. When asked where the form was, Respondent stated he hadn't had the inspection done yet. Ms. Gleason informed Respondent that she had spoken with the State Patrol and the Mercedes would not be inspected because it did not meet the wheelbase requirements. Respondent stated he was still working on getting the vehicle inspected.

1.9 On September 29, 2010 and October 11, 2010, information was received from a Ground Transportation agent for the Port of Seattle that indicated on July 13, 2010, the Respondent was issued a citation for operating a Black Mercedes, VIN WDBUF26J45A800862 and license plate B71949K (replaced by B94296P), as a limousine without a Port of Seattle Limousine Permit or a Department of Licensing Limousine Carrier certificate (DOL) decal. According to the agent, he spoke with the

Respondent shortly after this incident and the Respondent stated he was not using this vehicle for passenger pick-ups any longer.

1.10 On September 29, 2010 and October 11, 2010, information was received from a Ground Transportation agent for the Port of Seattle that indicated, on August 25, 2010, the Respondent was issued a citation for operating the same vehicle referenced in Findings of Fact 1.9 as a limousine without a DOL decal or Port of Seattle Permit. According to the agent, the vehicle's driver was wearing a black chauffeur suit and was observed loading passengers.

1.11 On October 13, 2010, information was received from Ground Transportation Agent for the Port of Seattle that indicated on October 12, 2010, the Respondent was issued a citation for operating the same vehicle referenced in Findings of Fact 1.9 and 1.10 as a limousine without a DOL decal or Port of Seattle Permit. According to the agent's information, the driver of the vehicle was observed loading a passenger and admitted that he worked for the Respondent and that the vehicle was being used as a taxi (for hire).

1.12 The Department's Vehicle/Vessel database lists the vehicle referenced in Findings of Fact 1.9, 1.10 and 1.11 as a 2005 Mercedes E-320, VIN WDBUF26J45A800862, with registered owner of the vehicle as Respondent Kevin Timothy Williams. Respondent does not hold a limousine vehicle certificate or vehicle liability insurance for this vehicle.

From the foregoing Findings of Fact, the Director, through her duly authorized delegate, makes the following:

II. CONCLUSIONS OF LAW

2.1 The Director has jurisdiction over Respondent and the subject matter herein.

2.2 Respondent was duly served with a short and plain statement of the matters asserted. Respondent's failure to answer the statement of charges and demand an administrative hearing constitutes a default and results in the loss of the right to a hearing to contest the statement of charges in the above-captioned matter.

2.3 The conduct, errors, omissions and conditions described in paragraph 1.7 above constitutes a violation of RCW 18.235.130 (11), misrepresentation of any aspect of the conduct of the business or professions.

2.4 The conduct, errors, omissions and conditions described in paragraphs 1.9 through 1.11 above constitute violations of RCW 46.72A.050, RCW 46.72A.060 and RCW 46.72A.070(3)(a), operating a vehicle as a limousine without a vehicle certificate, failure to file with the Department and maintain vehicle liability insurance for each vehicle used as a limousine, and operating a vehicle as a limousine without first obtaining a vehicle certificate.

2.5 The conduct, errors, omissions and conditions described in paragraphs 2.3 and 2.4 above constitute unprofessional conduct which is grounds for disciplinary action, including revocation, suspension, or refusal to renew Respondent's limousine carrier license, and/or the imposition of a civil monetary penalty under RCW 18.235.110(1).

2.6 Respondent has been duly notified of these proceedings and has failed to file an application for an administrative hearing. Respondent's failure to request an administrative hearing constitutes a default and waiver of the right to a hearing pursuant to RCW 34.05.440(1).

Based on the foregoing Findings of Fact and Conclusions of Law, the Director, through her duly authorized delegate, now enters the following:

III. DEFAULT ORDER

3.1 That, pursuant to RCW 34.05.440(1), Respondent is in DEFAULT and has waived the right to an administrative hearing on the statement of charges in the above-

captioned matter. The Director may proceed to resolve this matter without a hearing or further notice to Respondent.

3.2 Respondent shall pay an administrative fine in the amount of four thousand U.S dollars (\$4,000) as a sanction for the unprofessional activities referenced in paragraphs 1.7, 1.9, 1.10 and 1.11 above.

3.3 Within 30 days after the date this order is mailed to Respondent, Respondent shall remit the administrative fine referenced in paragraph 3.2 by check or money order payable to:

Department of Licensing
Master License Service
Attention: Harumi Tolbert
PO Box 1098
Olympia, WA 98507-1098

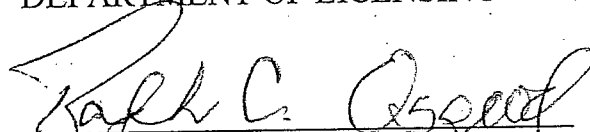
3.4 If Respondent, or any corporation, association, partnership, company, limited liability company, limited liability partnership, firm, or any other business entity however organized, which is owned, operated, directed, controlled or managed by Respondent, including any business entities of which Respondent is an owner, officer or director, violates any provisions of this order in any respect, the Department reserves the right to pursue any remedies contained in chapters 46.72A or 18.235 RCW.

3.5 The Department shall not be precluded from investigating any complaints or allegations regarding Respondent or regarding any corporation, association, partnership, company, limited liability company, limited liability partnership, firm, or any other business entity however organized, which is owned, operated, directed, controlled or managed by Respondent, including any business entities of which Respondent is an owner, officer or director for violations of chapter 46.72A RCW, chapter 18.235 RCW and/or chapter 308-87 WAC, except that any alleged violations referenced herein shall be resolved in accordance within the terms of this order.

3.6 Respondent shall assume all costs, fees, expenses and adverse tax consequences of complying with this order.

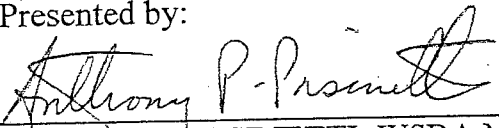
DATED this 25th day of May, 2011.

STATE OF WASHINGTON
DEPARTMENT OF LICENSING



RALPH C. OSGOOD
Assistant Director
Business and Professions Division

Presented by:



ANTHONY PASINETTI, WSBA No. 34305
Assistant Attorney General

NOTICE OF APPEAL RIGHTS

Proceedings for judicial review may be initiated by filing a petition in superior court according to the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review of this Order shall be filed with the appropriate court and served on the Department, the Office of the Attorney General, and all parties within thirty days after service of the final order, as provided in RCW 34.05.542. This Order was served on you the day it was deposited in the United States mail. RCW 34.05.010(19).

PETITION FOR RECONSIDERATION

Pursuant to RCW 34.05.470 you have ten (10 days from the mailing of this Order to file a petition for reconsideration stating the specific grounds of which relief is requested. No matter will be reconsidered unless it clearly appears from the petition for reconsideration that (a) there is material clerical error in the order or (b) there is specific material error of fact or law.

A timely petition for reconsideration is deemed to be denied if, within twenty (20) days from the date the petition is filed the agency does not (a) dispose of the petition or (b) serve the parties with a written notice specifying the date by which it will act on the petition. A petition for reconsideration together with any argument in support thereof should be filed by mailing or delivering it directly to the Director of the Department of Licensing, Business and Professions Division, PO Box 9020, Olympia, Washington 98504-9020, with a copy to all other parties of record and their representatives. A copy shall also be sent to Bruce Turcott, Assistant Attorney General, Review Counsel for the Director, 1125 Washington St. SE, P.O. Box 40110, Olympia, Washington 98504-0110.

A filing of a petition for reconsideration does not stay the effectiveness of this Order and is not a prerequisite for filing a petition for judicial review pursuant to chapter 34.05 RCW.

PROCEEDINGS BEFORE THE DIRECTOR OF
THE DEPARTMENT OF LICENSING
STATE OF WASHINGTON

In the Matter of the License to Practice
as a Limousine Carrier of:

Kevin Timothy Williams, Excalibur
Limousine, LLC d/b/a Seattle Green
Limo d/b/a A Green Limo Service
d/b/a A Green Sedan Service d/b/a A
Seattle Green Limo d/b/a Excalibur
Limousine d/b/a
SeattleGreenLimo.com

license No. 602-928-398-001-0001

Respondent.

NO. 2010-08-0604-00LIM

CERTIFICATE OF MAILING/SERVICE

I, Kaitlyn Bryan, declare:

That I am a citizen of the State of Washington over the age of eighteen years and not a party to the above-entitled action.

That on the 3rd day of June, 2011, I served a true and correct copy of **Finding of Fact, Conclusions of Law and Final Order of Default** by placing same in the U.S. mail, affixed with proper postage, and sent to the Respondent:

Kevin Timothy Williams
Excalibur Limousine, LLC
d/b/a Seattle Green Limo
15202 149th Avenue SE
Renton, WA 98058-8172

A copy was sent via electronic mail to:

Anthony Pasinetti
Assistant Attorney General
Office of the Attorney General
800 5th Avenue, Suite 2000
Seattle, WA 98104

An additional copy was sent to the Respondent via U.S. mail with proper postage and certified/return receipt affixed.

The original order and program file were delivered to:

Margaret Eby, Administrator
Business Resource Section
Department of Licensing, Business and Professions
MS: 48059
Olympia WA 98502

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed this 3rd day June, 2011, at Olympia, Washington.



KAITLYN I BRYAN
Office Assistant, Department of Licensing

