

Docket No. TE-161071 - Vol. I

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

November 23, 2016



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1 BEFORE THE WASHINGTON
2 UTILITIES AND TRANSPORTATION COMMISSION
3 _____
4 In the Matter of Determining)
5 the Proper Carrier Classification)
6 of, and Complaint for)
7 Penalties against:) DOCKET NO. TE-161071
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10 HEARING, VOLUME I
11 PAGES 1-45
12 ADMINISTRATIVE LAW JUDGE MARGUERITE E. FRIEDLANDER
13 _____
14 November 23, 2016
15 10:00 a.m.
16 Washington Utilities and Transportation Commission
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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.

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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

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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

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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,

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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:

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EXAMINATION BY ROBERSON / TURCOTT

1 JUDGE FRIEDLANDER: Thank you. You can be
2 seated.
3 Mr. Roberson.
4
5 EXAMINATION
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.**

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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

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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.

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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.**

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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?

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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?

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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**

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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?

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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?

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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:

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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

Page 20

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

Page 21

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.

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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.

Page 23

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

Page 24

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

Page 25

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

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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,

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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?

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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

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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

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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.

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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 E X A M I N A T I O N
 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 --

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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

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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?

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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**

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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?

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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.

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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.**

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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

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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.

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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 ////

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EXAMINATION BY ROBERSON / PRATT

1 E X A M I N A T I O N
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?

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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**

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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.

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1 Thank you. We are adjourned, then.
2 (Hearing adjourned at 10:45 a.m.)
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CERTIFICATE

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 _____