APPENDIX A

RCW 81.01.010

Adoption of provisions of chapter 80.01 RCW.

The provisions of chapter 80.01 RCW, as now or hereafter amended, apply to Title 81 RCW as fully as though they were set forth herein. [1961 c 14 § 81.01.010.]

RCW 81.04.070

Inspection of books, papers, and documents.

The commission and each commissioner, or any person employed by the commission, shall have the right, at any and all times, to inspect the accounts, books, papers and documents of any public service company, and the commission, or any commissioner, may examine under oath any officer, agent or employee of such public service company in relation thereto, and with reference to the affairs of such company: PROVIDED, That any person other than a commissioner who shall make any such demand shall produce his authority from the commission to make such inspection. [1961 c 14 § 81.04.070. Prior: 1911 c 117 § 77; RRS § 10415.]

WAC 480-30-206

Vehicle licensing.

A company must ensure that each vehicle it operates is in compliance with all appropriate state vehicle licensing laws, commission rules, and commission orders.

[Statutory Authority: RCW <u>80.01.040</u>, <u>81.04.160</u>, <u>81.12.050</u>, <u>81.68.030</u>, and <u>81.70.270</u>. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-206, filed 6/8/06, effective 7/9/06.]

WAC 480-30-221

Vehicle and driver safety requirements.

(1) Companies must comply with all state and local laws and rules governing licensing, vehicle safety, and driver safety. Companies must also comply with the parts of Title 49, Code of Federal Regulations (49 CFR), adopted by reference, that are shown in the following chart. Information about 49 CFR, including the version adopted by the commission and where to obtain copies is set out in WAC 480-30-999.

	49 CFR Part:	Notes:
Part 40 -	Procedures For Transportation Workplace Drug and Alcohol Testing Programs	Entire Part 40 is adopted and applies to Washington intrastate operations.
Part 382 -	Controlled Substance and Alcohol Use and Testing	Entire Part 382, including definition of commercial motor vehicle, is adopted and applies to Washington intrastate operations.
Part 383 -	Commercial Driver's License Standards; Requirements and Penalties	Entire Part 383, including definition of commercial motor vehicle, is adopted and applies to Washington intrastate operations.
Part 390 -	Safety Regulations, General	Entire Part 390 is adopted and applies to Washington intrastate operations, with the following exceptions:
		(1) The terms "motor vehicle," "commercial motor vehicle," and "private vehicle" are not adopted. Instead,

		where those terms are used in Title 49 CFR, they have the meanings assigned to them in WAC 480-30-036 (Motor vehicle and private vehicle) and WAC 480-30-211 (Commercial motor vehicle).
		(2) Whenever the term "director" is used in Title 49 CFR, it means the commission.
Part 391 -	Qualification of Drivers	Entire Part 391 is adopted and applies to Washington intrastate operations, with the following exceptions:
		(1) Part 391.49 (alternative physical qualification standards for the loss or impairment of limbs) is not adopted for drivers who operate vehicles exclusively within Washington state. Instead refer to WAC 480-30-226 for intrastate medical waivers.
Part 392 -	Driving of Motor Vehicles	Entire Part 392 is adopted and applies to Washington intrastate operations.
Part 393 -	Parts and Accessories Necessary for Safe Operation	Entire Part 393 is adopted and applies to Washington intrastate operations.
Part 395 -	Hours of Service of Drivers	Entire Part 395 is adopted and applies to Washington intrastate operations.
Part 396 -	Inspection, Repair, and Maintenance	Entire Part 396 is adopted and applies to Washington intrastate operations.
Part 397 -	Transportation of Hazardous Materials, Driving and Parking Rules	Entire Part 397 is adopted and applies to Washington intrastate operations.

- (2) Companies must:
- (a) Maintain all motor vehicles in a safe and sanitary condition; and
- (b) Ensure that vehicles are free of defects likely to result in an accident or breakdown.
- (3) No company, its agents, officers, or employees, will allow any article, commodity, or substance to be loaded in or on any motor vehicle used by the company to transport passengers that is dangerous to the lives and safety of passengers.
- (4) No company, its agents, officers, or employees will allow any article, commodity, or substance to be loaded in or on any motor vehicle used by the company to transport passengers that is prohibited by the hazardous materials rules in Title 49 CFR from being transported on passenger-carrying vehicles.
- (5) All motor vehicles operated under the provisions of this chapter are at all times subject to inspection by the commission or its duly authorized representatives.
- (6) The commission will place out-of-service any motor vehicle having safety defects identified in the *North American Uniform Out-Of-Service Criteria*. Information about the *North American Uniform Out-Of-Service Criteria* including the version adopted and where to obtain copies is set out in WAC 480-30-999. A company must not operate any vehicle placed out-of-service until proper repairs have been completed.
- (7) The commission will place out-of-service any driver meeting criteria identified in the *North American Uniform Out-Of-Service Criteria*. A company must not allow a driver who has been placed out-of-service to operate a motor vehicle until the conditions causing the driver to be placed out-of-service have been corrected. [Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-221, filed 6/8/06, effective 7/9/06.]

WAC 480-30-999

Adoption by reference.

In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

- (1) **North American Standard Out-of-Service Criteria** (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).
 - (a) The commission adopts the version in effect on April 1, 2005.
- (b) This publication is referenced in WAC 480-30-121 (Certificates, applications, charter and excursion) and WAC 480-30-221 (Vehicle and driver safety requirements).
- (c) The North American Out-of-Service Criteria is a copyrighted document. Copies are available from CVSA in Washington, D.C.
- (2) **Title 49 Code of Federal Regulations**, cited as 49 CFR, including all appendices and amendments is published by the United States Government Printing Office.
 - (a) The commission adopts the version in effect on October 1, 2004.
- (b) This publication is referenced in WAC 480-30-221 (Vehicle and driver safety requirements) and WAC 480-30-226 (Intrastate medical waivers).
- (c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, http://bookstore.gpo.gov/, and from various third-party vendors.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-999, filed 6/8/06, effective 7/9/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160 and 34.05.353. 05-21-022 (Docket No. A-050271, General Order No. R-521), § 480-30-999, filed 10/10/05, effective 11/10/05; 04-01-152 (General Order No. R-511, Docket No. A-030852), § 480-30-999, filed 12/22/03, effective 1/22/04; 02-18-033 (Docket No. A-020379, General Order No. R-501), § 480-30-999, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.310. 01-20-061 (Docket No. A-010827, General Order No. R-491), § 480-30-999, filed 9/28/01, effective 10/29/01.]

APPENDIX B

BEFORE THE WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

)	
)	
)	DOCKET NO. TE-050034
)	
)	
)	ORDER GRANTING
)	APPLICATION
)	
)	
)	
))))))))))))))))))))

- On January 5, 2005, application CHA-79343 was filed by SeaTac Motor Coaches, LLC, under the provisions of RCW 81.70 to operate as a Charter Party Carrier of Passengers.
- The Commission having considered the application and being fully advised in the premises finds that the applicant is fit, willing and able to properly perform the service and conform to the provisions of RCW 81.70.

ORDER

WHEREFORE, IT IS ORDERED That the application herein be and the same is hereby granted, that a certificate be issued authorizing the applicant to operate as a Charter Party Carrier of Passengers in the state of Washington subject to the provisions of RCW 81.70 and WAC 480-40.

DATED at Olympia, Washington, and effective this 13th day of January, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN Executive Secretary

BEFORE THE WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

In re Application CHA-79347)	
)	
SeaTac Motor Coaches, LLC)	DOCKET NO. TE-050054
)	
)	
for a certificate to operate as an)	ORDER GRANTING
Excursion Service Carrier of)	APPLICATION
Passengers under the provisions)	
RCW 81.70.)	
)	

- On January 11, 2005, application CHA-79347 was filed by SeaTac Motor Coaches, LLC, under the provisions of RCW 81.70 to operate as an Excursion Service Carrier of Passengers.
- The Commission having considered the application and being fully advised in the premises finds that the applicant is fit, willing and able to properly perform the service and conform to the provisions of RCW 81.70.

ORDER

WHEREFORE, IT IS ORDERED That the application herein be and the same is hereby granted, that a certificate be issued authorizing the applicant to operate as an Excursion Service Carrier of Passengers in the state of Washington subject to the provisions of RCW 81.70 and WAC 480-40.

DATED at Olympia, Washington, and effective this 13th day of January, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN Executive Secretary

APPENDIX C

	,		v	UTILITIES & TRANSPORTATION COMP SION
	US DO	T# Leg	1 1	C MOTOR COACHES LLC
	134430		rating (DB	
MC/MX#:	517	655	State #: CH	466/ES183 Federal Tax ID: 51-0531189 (EIN)
Review T	ype: Con	npliance Re		
Scope:		cipal Office	, ,	Location of Review/Audit: Company facility in the U.S. Territory:
Operation	Types	Interstate	Intrastate	
	Carrier:	Non-HM	N/A	Business: Corporation
SI	hipper:	N/A	N/A	Gross Revenue: \$15,000.00 for year ending: 5/2/2005
Cargo	Tank:	N/A		,
Company	Physica	l Address:	,	
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PUYALLU	IP, WA 9	8371-2107		
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Dis	claimer	: By signing	below, I a	cknowledge that I have received a copy of this review/audit and agree with the
				bove) for each document. My signature does not imply agreement with the er they have been discussed in detail with me.
		no reviewa	duit, nowev	er they have been discussed in detail with me.
QUE	STIONS	regarding f	his report o	r the Federal Motor Carrier Safety or
Haza	rdous M	aterials rule	s may be a	ddressed to the WUTC at:
. '				M McVAUGH 360-664-1237
	PO	BOX 4725)	
	OL	YMPIA, WA	98504-72	50
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				VITILITIES & TRANSPORTATION COMM SION
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MC/MX #:	5176	555	State #: CH4	466/ES183 Federal Tax ID: 51-0531189 (EIN)
Review Ty	pe: Com	pliance Re	eview (CR)	
Scope:	Princ	cipal Office	•	Location of Review/Audit: Company facility in the U. S.
Operation	Types	Interstate	Intrastate	
С	arrier:	Non-HM	N/A	Business: Corporation
Sh	ipper:	N/A	N/A	Gross Revenue: \$15,000.00 for year ending: 5/2/2005
Cargo	Tank:	N/A		
Company	Physical	Address		
2724 MER				
PUYALLU				
C				
Contact N Phone nu			FANSON	
E-Mail Add		(1) 253-43	5-0025	(2) 253-405-5346 Fax 253-848-7210
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PO BOX 3		224 2004		
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Name:	,	-5.,	1	Title: MANAGER
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Description

Example

	SEATAC MOTOR COAC S LLC	(1)			Review Date
	U.S. DOT #: 1344306	N. 4	State #: 466/	ES183	05/02/2005
	Part B Viol	ations			
1 FEDERAL	Primary: 40.25(b) Secondary: 382.105	Discovered 5	Checked 5		/Vehicles n Checked 5
application Example	request information from previous DOT regulated emplen or transfer.	oyers of driver applicar	nt for the two y	ears prior to	the date of
2 FEDERAL CRITICAL	Primary: 382.301(a)	Discovered 2	Checked 5		/Vehicles n Checked 5
Example	on river before the motor carrier has received a negative pu erbuer, trip date: 1-14-05, hire date: 1-14-05.	re-employment control	led substance	test result.	
3 FEDERAL	Primary: 382.601(a)	Discovered 5	Checked 5		Vehicles n Checked 5
Example	on provide educational materials explaining requirements of shington, trip date: 3-13-05, No evidence of controlled s			itional materi	al provided
4 FEDERAL	Primary: 382.603	Discovered	Checked 5		Wehicles n Checked 5
training for Example	on ensure persons designated to determine that drivers un r alcohol and/or 60 minutes of training for controlled sub on, trip date: 3-3-05.	dergo reasonable sus stances.	picion testing r	receive 60 m	nutes
5 FEDERAL	Primary: 391.21(a)	Discovered 4	Checked 5	Drivers In Violatio	Vehicles n Checked 5
Example	on iver who has not completed and furnished an employmen, on, trip date: 3-3-05. No employment application in drive				
6 FEDERAL CRITICAL	Primary: 391.45(b)(1) Secondary: 391.11(a)	Discovered 2	Checked 5		Vehicles n Checked 5

Using a driver not medically examined and certified during the preceding 24 months.

Gary Wilderbuer, trip date: 1-14-05. Last examination date: 11-03.

5

U.S. DOT #: 1344306

State #: 466/ES183

Review Date: 05/02/2005

Part B Violations

7 FEDERAL CRITICAL	Primary: 391.51(b)(2)	Discove 5		Checked 5		vers/Ve ation	hicles Checked
Example	intain inquiries into driver's driving record in dri	ver's qualification file.					
8 FEDERAL	Primary: 391.51(b)(7)	Discove	ered	Checked 5		vers/Ve ation	hicles Checked
Example	ntain medical examiner's certificate in driver's	qualification file.					
9 FEDERAL	Primary: 395.8(a)	Discove	ered	Checked		vers/Ve	hicles Checked
CRITICAL	·	129)	150	3		5
Description Failing to requ Example	uire driver to make a record of duty status.	129					5
CRITICAL Description Failing to requestample Eddie Washin Bafety Fitness Total Mi Recorda			of Vehic	OOS Vehice Inspecte	le (CR): ed (CR): fCMIS):	0 4 0	5
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Effective date: The unsatisfactory rating will take effect 60 days after the date of a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters office in Washington, D.C.

PROHIBITION: Under 49 CFR 385.13, a motor carrier that receives a final safety rating of unsatisfactory is prohibited from operating a commercial motor vehicle in interstate commerce.

49 U.S.C. 31144 provides that the prohibition takes effect unless the motor carrier, within 60 days of the date of the forthcoming official notice, takes the necessary steps to improve the rating to conditional or satisfactory.

Unless the motor carrier receives an improved rating within 60 days from the date of the forthcoming official notice from Washington, D.C, the motor carrier will be subject to the prohibition in 49 CFR 385.13.

Received by



U.S. DOT #: 1344306

ES LLC

-S LLC

State #: 466/ES183

Review Date:

05/02/2005

Part B Violations

Administrative Review: A motor carrier may appeal its proposed safety rating in a petition filed pursuant to 49 CFR section 385.15 if it believes that the rating is in error and there are factual and procedural issues in dispute. Such appeals must be made within 90 days of the date of the proposed safety rating, but should be made within 15 days of the date of the safety rating notice to allow the FMCSA to issue a written decision before the prohibitions in 49 CFR 385.13 take effect. Appeals filed pursuant to section 385.15 should be addressed to: Chief Safety Officer, Federal Motor Carrier Safety Administration, 400 7th Street, S.W., Washington, DC 20590. The motor carrier will receive a written decision on the petition within 45 days from receipt of the petition by the Chief Safety Officer. (See 49 CFR 385.15 for additional details.)

Request for change in the rating: At any time, a motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details).

(Note: Neither a petition to contest the rating nor a request for a change in the rating will delay the effective date of the rating, if unchanged.)

Received by

Title

Date



SEATAC MOTOR COAC

U.S. DOT #: 1344306

State #: 466/ES183

Review Date: 05/02/2005

Part B Recommendations

- 1. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
- 2. Ensure that a controlled substance and atcohol use policy, and required educational materials, complies with CFR Part 382.601. Ensure that drivers are provided this information and that each driver signs a statement certifying receipt of this material.
- 3. ENSURE THAT DESIGNATED SUPERVISORS OBTAIN THE REQUIRED CONTROLLED SUBSTANCE AND ALCOHOL TRAINING FOR REASONABLE SUSPICION TESTING. ENSURE THAT THE REQUIRED TRAINING IS DOCUMENTED AND MAINTAINED AT THE CARRIER'S PRINCIPLE PLACE OF BUSINESS.
- 4. Ensure that all drivers are fully and properly qualified before operating in interstate and intrastate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
- 5. Do not allow drivers to operate a Commercial Motor Vehicle unless they are medically certified to do so. Ensure that the medical certificates are current every two years. Maintain a copy of the medical certificate in the driver's qualification file and ensure the driver maintains a copy on his/her person.
- 6. Maintain a DIH file on every driver hired after October 29th, 2004. The file must contain the driver's written authorization for the carrier to seek controlled substance and alcohol history, and a copy of response from previous employers for inquries required in 391.23(d)(e). Maintain the DIH file for the duration of the driver's employment and three years thereafter.
- 7. Maintain a complete accident register for a period of three years, for each recordable accident involving a commercial motor vehicle.
- 8. Obtain a copy of each driver's driving record and review it annually.
- 9. Ensure that you have submitted all required regulatory and single state fees in accordance with WUTC rules and
- 10. To obtain a current copy of your carrier profile, contact Ms. Carolyn Caruso at 360-664-1244.
- 11. Within 15 days, send a letter to the WUTC outlining your course of action in correcting the violations noted in Part B of this compliance review. Attention the letter to Tom McVaugh.

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U.S. DOT #: 1344306

S LLC

State #: 466/ES183

Review Date 05/02/2005

Part C

Reason for Review: Other

OSPI Charter Cont.

Planned Action:

Compliance Monitoring

Safestat Category:

Parts Reviewed Certification:

387

325 382 383

390 391

392 393

395 396

397 398

399

171

172

173

177

178 180

Prior Reviews

Prior Prosecutions

Special Study Information:

Unsat/Unfit Information

Does passenger vehicle transport more than 15 passengers, including driver?

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule:60-Day - no Interstate Passengers or Placardable HM

Corporate Contact: PAUL FANSON Corporate Contact Title: MANAGER

Remarks:

On May 2nd, 2005, I contacted Mr. Paul Fanson, Manager for Seatac Motor Coaches, LLC (Seatac), at the carrier's main office and terminal located in Edgewood, WA. The purpose of my contact was to conduct a safety compliance review of this carrier's charter bus operation as permitted under CH-466. Seatac initiated intrastate charter bus operations on January 13th, 2005. The carrier is also registered to conduct excursion operations under ES-183. In addition, Seatac obtained and commenced interstate operations on March 10th, 2005 as permitted under DOT #1344306 and MC #517655.

Seatac currently owns and operates three (3) motor coaches and two (2) 16+ minibuses. The vehicles are insured with Clarendon National Insurance Co., Policy #N001000523, in the amount of \$5,000,000 CSL. Four of the five buses were inspected on January 11th, 2005.

The following safety violations were noted:

CONTROLLED SUBSTANCE AND ALCOHOL TESTING REQUIREMENTS - CFR PART 40/382:

The carrier failed to obtain a negative pre-employment drug test on two of five drivers. This violation was a critical factor violation. The carrier also failed to obtain the required background information from previous DOT regulated employers for all five drivers. Also, the carrier failed to provide educational materials and have the drivers sign for receipt of these educational materials.

DRIVER QUALIFICATIONS - CFR PART 391:

A review of the the carrier's driver files indicated two of the five drivers operating without current medical certificates. The carrier also failed to conduct the required driving record checks on all five drivers. These two violations were critical violations affecting Seatac's overall safety rating.

HOURS OF SERVICE - CFR PART 395:

The carrier failed to require three of the five drivers to complete a record of duty status while operating the motor coaches and minibuses. This violation resulted in a critical factor affecting the carrier's overall safety rating.

Mr. Fanson is aware of the Federal Motor Carrier Safety Regulations and has been involved in the motor coach industry for

Capri 6.2.1.498

Page 1 of 2

5/4/2005 3:37:22 PM

Capri 6.2.1.498

SEATAC MOTOR COAC S LLC U.S. DOT #; 1344306			Chat-4	#: 466/ES183	Review Date 05/02/2005
3.3. BOT #. 1344300			State	F: 406/ES183	
	Р	art C			
a number of years. He stated that he would co recheck of his operation as soon as possible. I received an Unsatisfactory safety rating.	rrect the afo informed M	rementioned violation r. Fanson that as a re	ns and reques esult of this co	at the WUTC cond compliance review,	luct a Seatac
Principal Reviewer Signature		Upload Authorized	d: Yes	- No	
Times	WA0531	Authorized by:		Date:	
Assistant Reviewers/Signature(s)		Uploaded:	Yes !	No Failure C	ode:
		Verified by:		Date:	
	7				
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				•	

Page 2 of 2

5/4/2005 3:37:22 PM

APPENDIX D

May 16, 2006

To:

Vicki Elliot, Assistant Director, Transportation Safety

From:

Tom McVaugh, MCLE Special Investigator

Subject:

SeaTac Motor Coaches, LLC CH-466

Assignment #106107

On April 28, 2006, I was contacted by an unidentified caller who stated that management at SeaTac Motor Coaches, LLC. (SeaTac) was requiring their drivers to exceed the hours of service regulations and falsify their log books in order to hide the violations. The caller identified drivers and specific dates when these violations occurred.

SeaTac currently operates as a charter bus company and is permitted with the commission under CH-466. This company currently owns and operates five motor coaches and two mini-buses. SeaTac is based out of Puyallup, WA and conducts intrastate and interstate charter bus operations.

On May 2 and 8, 2006, I contacted Mr. John Brehmer, Safety/Training Manager for SeaTac, at the carrier's office. I advised Mr. Brehmer of the complaint and inspected the carrier's records for the months of March and April, 2006. Specifically, I reviewed log books, payroll records, driver's work orders and fuel receipts. I focused my investigation on the three primary drivers mentioned by the complainant. These drivers are Paul Fanson, John Alford and Ruthann Bacon.

Upon completion of my investigation, I discovered that SeaTac was in violation of commission rules regarding hours of service. The violations included falsification of records of duty status, violations of the ten hour driving rule and the 15-hour on-duty rule. The falsification consisted of hiding excessive hours on the driver's log books which did not reflect actual hours indicated on payroll records. Refer to the violation summary and attached documentation for a complete description of noted violations.

I advised Mr. Brehmer that these violations may subject his company to possible commission enforcement action. I also advised him that I would provide his drivers with additional training in completing records of duty status, in the hopes of preventing this type of problem in the future. I am recommending a complete safety compliance review be issued on this carrier for the fourth quarter of 2006.

This assignment is submitted for closing

Assignment #106107 (continued):

Violation Summary - safety:

<u>7 violations</u> of CFR Part 395.5(a)(1)/WAC 480-40-070: Requiring or permitting a passenger CMV driver to drive more than 10 hours following 8 consecutive hours off duty.

<u>5 violations</u> of CFR Part 395.5(a)(2)/WAC 480-40-070: Requiring or permitting a passenger CMV driver to driver after 15 hours on duty following 8 consecutive hours off duty.

<u>17 violations</u> of CFR Part 395.8(e)/WAC 480-40-070: Requiring or permitting a driver to make false reports of records of duty status.

Thomas R. McVaugh



U.S. DOT #: 1344306

State #: 466/ES183

Review Date:

Hours of Service - Violation Summary - State

Summary by Violation						
Section #	Violations	Records Checked	Percent	Violations	Driver Checked	Percent
395.5(a)(1) 10 Hr Bus	7	. 91	7	2	2	100
395.5(a)(2) 15 Hr Bus	5	91	5	2	2	100
395.5(b)(2) 8 Day - Bus	. 0	. 77	. 0	0	2	0
395.8(e) False (Crit.)	17	0		1	0	
395.8(f) F & M	0	91	0	0	2	0
395.8(i) No RODS	0	91	0	. 0	2	0

Driver's Name	10/11 Hr. Vio. Chk.	14/15 Hr. Vio. Chk.	7 Day Vio. Chk.	8 Day Vio. Chk.	No RODS Vio. Chk.	F & M Vio. Chk.	False (Crit) Vio. Chk.
Bacon, Ruthann	6 30	3 30	0 0	0 23	0 30	0 30	17 0
Fanson, Paul	1 61	2 61	0 0	0 54	0 61	0 61	0 0

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Page 1 of 1



Review Date:

U.S. DOT #: 1344306

State #: 466/ES183

Hours of Service: Record of Duty Status Falsifications List

Contains Type: State - All Days Checked

395.8(e) False reports of record duty status

Bacon, Ruthann

3/2/2006

Critical

State

15:55

Driver Work Order

Documents: Driver work order shows arriving @ Tyee @ 1555 hours and departing @ 1600 hours, and arriving @ and departing from Newport @ 1605 hours.

Logs: Log book shows on-duty driving between Puyallup with no change of duty status from 1445 hours until 1745 hours.

3/3/2006

Critical

State

16:15

Driver Work Order

Documents: Driver Work Order shows driver arriving @ Puyallup @ 1615 hours and departing Puyallup @

1630 hours.

Logs: Log book shows driver off duty from 1445 hours until 2400 on this same day.

3/23/2006

Critical

State

Driver Work Order 18:45

Documents: Driver Work Order shows departing hotel in Yakima @ 1845 hours and arriving @ Best.

W/AHS @ 1900 hours.

Logs: Log Book shows off duty from 1815 hours until 2400 hours for the same day.

4/1/2006

Critical

Payroll Record

Documents: Payroll record shows driver 's time in @ 1800 and time out @0415 the next day. Total on-duty time is 10.25 hours.

Logs: Log book show driver started on-duty @ 18:15 and went off duty the next day (4-2-06) @ 0430 hours. The total on-duty time for 4-1-06 was 4 hours and the total onl-duty time for 4-2-06 was 4.5 hours. Total on-duty time for both days was 8.5 hours.

4/2/2006

Critical

State

Payroll Record

Documents: Payroll record dated 4-2-06 shows driver's time in @ 2000 hours and time out @ 0600 hours

Logs: Driver's log book for 4-2-06 shows driver was on-duty driving @ 0001 hours and went off-duty @ 0430 hours for the rest of the day.

4/3/2006

Critical

State

08:00 Payroll Record

Documents: On 4-3-06, payroli record shows driver timed in @ 0800 hours and timed out @ 1730 hours for a total of 9.5 on-duty hours.

Logs: On 4-3-06, driver's log book shows on-duty driving @ 0001 hours and going off-duty @ 0600 hours

for a total of 6 on-duty hours.

4/4/2006

Critical

State

02:00 Payroll Record

Documents: Payroll record for 4-4-06 shows driver timed in @ 0200 hours and timed out @ 1430 hours for a total of 12.5 hours on-duty.

Logs: Log book for 4-4-06 shows driver on-duty @ 0230 hours and off-duty @ 1400 hours for a total of 11.5 hours on-duty,

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Review Date

U.S. DOT #: 1344306

State #: 466/ES183

Hours of Service: Record of Duty Status Falsifications List

Contains Type: State - All Days Checked

Bacon, Ruthann

4/7/2006

Critical

State

07:45

Payroll Record

Documents: Payroll record for 4-7-06 shows driver timed in @ 0745 hours and timed out @ 0100 hours fo a total of 17.25 hours on-duty.

Logs: Log book for 4-7-06 shows driver went on-duty @ 0215 hours and continued on-duty through 2400

hours for a total of 5.25 hours on-duty.

4/8/2006

Critical

State

07:00 Payroll Record

Documents: Payroll record for 4-8-06 shows driver timed in @ 0700 hours and timed out @ 2330 hours for

a total of 16.5 hours on-duty.

Logs: Log Book for 4-8-06 shows driver went on-duty @ 0045 hours and went off-duty @ 2330 hours for a

total of 12.25 on-duty hours.

4/9/2006

Critical

State

09:45 Payroll Record

Documents: Payroll record for 4-9-06 shows driver timed in @ 0945 hours and timed out @ 2245 hours for a total of 13 on-duty hours.

Logs: Log book for 4-9-06 shows driver went on-duty @ 1015 hours and went off-duty @ 2245 hours for a

total of 7.25 hours.

4/13/2006

Critical

State

12:00 Payroll Record

Documents: Payroll record for 4-13-06 shows driver timed in @ 1200 hours and timed out @ 2200 hours

for a total of 10 on-duty hours.

Logs: Log book for 4-13-06 shows driver went on-duty @ 1230 hours and went off-duty in Kennewick, WA

@ 2200 hours for a total of 7.75 hours.

4/14/2006

Critical

State

12:00 Payroll Record

Documents: Payroll record for 4-14-06 shows driver timed in @ 1200 hours and timed out @ 2200 hours

for a total of 10 hours on-duty.

Logs: Log book for 4-14-06 shows driver went on-duty @ 0815 hours and went off-duty 2215 hours in

Richland, WA., for total of 1.75 hours.

4/15/2006

Critical

State

22:00 Driver Work Order

Documents: Payroll record for 4-15-06 shows driver timed in @ 0745 hours and timed out @ 0230 hours for a total of 18.75 hours on-duty. Driver Work Order for 4-15-06 shows the driver leaving North Bend @ 2045 and arriving @ a school @ 0030 hours on 4-16-06.

Logs: Log book for 4-15-06 shows driver went on-duty @ 0745 hours and went off-duty @ 2200 hours for a total of 8 hours.

07:45

Payroll Record

Documents: Payroll record for 4-15-06 shows driver timed in @ 0745 hours and timed out @ 0230 hours for a total of 18.75 hours on-duty. Driver Work Order for 4-15-06 shows the driver leaving North Bend @ 2045 and arriving @ a school @ 0030 hours on 4-16-06.

Logs: Log book for 4-15-06 shows driver went on-duty @ 0745 hours and went off-duty @ 2200 hours for ϵ total of 8 hours.

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Page 2 of 3



Review Date:

U.S. DOT #: 1344306

State #: 466/ES183

Hours of Service: Record of Duty Status Falsifications List

Contains Type: State - All Days Checked

Bacon, Ruthann

4/16/2006

Critical

State

Payroll Record

Documents: Payroll record for 4-16-06 shows driver off-duty.

4/26/2006

Critical

State

20:00 Driver Work Order

Documents: Driver Work Order show the driver arriving @ Redmond @ 2000 hours and departing

Redmond @ 2330 hours.

Logs: Log book shows the driver off duty @ 1930 hours until 2330 hours at an unknown location.

4/29/2006

Critical

Driver Work Order

Documents: Driver Work Order shows driver arriving @ Puyallup for MaryMoor relief @ 1200 hours, then

arriving @ Redmond @ 1400 hours and departing Redmond @ 2215 hours.

Logs: Log book shows driver off duty from 0001 hours until 1730 hours @ an unknown location.

4/30/2006

Critical

State

Driver Work Order

Documents: Driver Work Order shows driver arriving in Puyallup @ 1200 hours, using a relief vehicle and departing Puyallup @ 1215 hours, arriving @ MaryMoor @ 1330 hours and departing MaryMoor @ 2330

hours.

Logs: Log book shows driver off duty from 0001hours until 1730 hours.

Violation Total (Based on Selected Criteria)

Federal Critical: 0 Federal Nominal: 0

State Critical: State Nominal: 17

Federal Checked:

State Checked:

0 0

Federal TOTAL:

0 0

State TOTAL:

17

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U.S. DOT #: 1344306

State #: 466/ES183

Review Date

Hours of Service - Hours Violations by Type

All State

395.5(a)(1) - Requiring or permitting	passenger CMV driver to drive	more than 10 hours		
St Bacon, Ruthann	04/27/06	10.75 Hrs.		
t Bacon, Ruthann	04/28/06	9.00 Hrs.		Doc
t Bacon, Ruthann	04/25/06	10.25 Hrs.		Doc
Bacon, Ruthann	04/26/06	18.50 Hrs.		Doc
t Bacon, Ruthann	04/04/06	10.50 Hrs.	Ex	Doc
Bacon, Ruthann	04/08/06	11.25 Hrs.	Éx	Doc
t Fanson, Paul	03/30/06	11.75 Hrs.	Ex	Doc
95.5(a)(2) - Req./perm. passenger C	CMV driver to drive after 15 hour	s on duty		
t Bacon, Ruthann	04/28/06	11.50 Hrs after 15		: 1
Bacon, Ruthann	04/27/06	10.75 Hrs after 15		Doc
t Bacon, Ruthann	04/26/06	8.50 Hrs after 15	Ex	Doc
Fanson, Paul	04/25/06	1.25 Hrs after 15		Doc
t Fanson Paul	03/18/06	1 50 Hrs ofter 15	Ev	Doo

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APPENDIX E

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS OF LAWS AND RULES

PENALTY ASSESSMENT NO: TE-060868 PENALTY AMOUNT: \$2,900

CHARTER PASSENGER CARRIER: SeaTac Motor Coaches, LLC Post Office Box 38 Puyallup, Washington 98371

The Washington Utilities and Transportation Commission (Commission) believes that you have committed one or more violations of Washington Administrative Code (WAC) 480-40-070, which adopts by reference Code of Federal Regulations (CFR) Part 395.5(a)(1), requiring or permitting a passenger commercial motor vehicle driver to drive more than 10 hours following eight consecutive hours off duty; WAC 480-40-070, which adopts by reference CFR Part 395.5(a)(2), requiring or permitting a passenger commercial motor vehicle driver to drive after 15 hours on duty following eight consecutive hours off duty; and WAC 480-40-070, which adopts by reference CFR Part 395.8(e), requiring or permitting a driver to make false reports of records of duty status. Revised Code of Washington (RCW) 81.04.405 allows penalties of \$100 for every such violation.

As a result, the Commission hereby notifies you that it has assessed penalties against you in the amount \$2,900, as follows:

On May 2 and 8, 2006, Investigator Tom McVaugh inspected your records for the months of March and April 2006. Specifically, Mr. McVaugh reviewed log books, payroll records, driver's work orders and fuel receipts. Mr. McVaugh documented violations including falsely recording drivers' duty status, violations of the 10-hour driving rule and the 15-hour on-duty rule. Mr. McVaugh found the company falsely recorded hours in the driver's log books. Consequently, log books did not reflect actual hours worked as indicated by the payroll records. The penalty assessed against you is for:

- Seventeen violations of WAC 480-40-070, which adopts by reference Title 49, CFR Part 395.8(e), requiring or permitting a driver to make false reports of records of duty status.
- Seven violations of WAC 480-40-070, which adopts by reference Title 49, CFR Part 395.5(a)(1), requiring or permitting a passenger commercial motor vehicle driver to drive more than 10 hours following eight consecutive hours off duty.

PENALTY ASSESSMENT NO. TE-060868

Page 2

• Five violations of WAC 480-40-070, which adopts by reference Title 49, CFR Part 395.5(a)(2), requiring or permitting a passenger commercial motor vehicle driver to drive after 15 hours on duty following eight consecutive hours off duty.

See attached Appendix A for a complete and detailed list of violations identified during the inspection.

This information, if proved at a hearing and not rebutted or explained, is sufficient to support the penalty assessment.

Your penalty is due and payable now. If you believe the violation did not occur, you may request a hearing to contest the penalty assessment. If there is a reason for the violation that you think should excuse you from the penalty, you may ask for mitigation (reduction) of this penalty. See RCW 81.04.405.

You have the right to present your request for review or mitigation at a hearing, but you are not required to do so. If you do, the commission will review the evidence supporting your request in an informal hearing, called a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider your plea and notify you of his or her decision.

You must act within 15 days after receiving this notice to do one of the following:

- Pay the amount due.
- Request a hearing to contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

If you do not act within 15 days, the commission may refer this matter to the Office of the Attorney General for collection. The commission may then sue you to collect the penalty.

DATED at Olympia, Washington, and effective July 27, 2006.

DENNIS J. MOSS Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT, Docket No. TE-060868

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

[] 1.	Payment of penalty. I admit that the violation occurred and enclose \$2,900 in payment of the penalty.
[] 2.	Request for a hearing. I believe that the alleged violation did not occur, based on the following information, and request a hearing for a decision by an administrative law judge:
	 Application for mitigation. I admit the violation, but I believe that the penalty should be reduced for the reason(s) set out below. [] a) I ask for a hearing for a decision by an administrative law judge [] b) I waive a hearing and ask for an administrative decision on the information I present here.
foregoir	e under penalty of perjury under the laws of the State of Washington that the ag, including information I have presented on any attachments, is true and correct. [month/day/year], at [city
	f Respondent (company) – please print Signature of Applicant

RCW 9A.72.020:

"Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor's mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony."

Appendix A

Driver Ruthann Bacon

A. Title 49, Code of Federal Regulations Part 395.8(e), for requiring or permitting a driver to make false reports of records of duty status.

False reports of records of duty status.

1. March 2, 2006

- Ms. Bacon's drivers' work order reflects she arrived at Tyee at 1555 hours and departed at 1600 hours. The work order also reflects she arrived at and departed from Newport at 1605 hours.
- Contradicting the drivers' work order, the log book reflects Ms. Bacon onduty and driving between Puyallup, Washington, with no change of duty status from 1445 hours until 1745 hours.

2. March 3, 2006

- Ms. Bacon's drivers' work order reflects she arrived at Puyallup, Washington, at 1615 hours and departed Puyallup at 1630 hours.
- Contradicting the driver's work order, the log book reflects she was offduty from 1445 hours until 2400 hours on this same day.

3. March 23, 2006

- Ms. Bacon's drivers' work order reflects she departed a hotel in Yakima, Washington, at 1845 hours and arrived at the Best W/AHS at 1900 hours.
- Contradicting the drivers' work order, the log book reflects Ms. Bacon offduty from 1815 hours until 2400 hours for the same day.

4. April 1, 2006

- Ms. Bacon's payroll record reflects her time in at 1800 hours and her time out at 0415 hours the next day, April 2, 2006.
- Contradicting the payroll record, the log book reflects she started on-duty at 1815 hours and went off duty the next day, April 2, 2006, at 0430 hours. The total on-duty time for April 1, 2006, was four hours and the total on-duty time for April 2, 2006, was 4.5 hours. Total on-duty time for both days was 8.5 hours, a difference of one and three-quarter hours from the total of 10.25 hours indicated on payroll records.

5. April 2, 2006

- Ms. Bacon's payroll record dated April 2, 2006, reflects her time in at 2000 hours and her time out at 0600 hours on April 3, 2006.
- Contradicting the payroll record, Ms. Bacon's drivers' log book for April 2, 2006, reflects she was on-duty driving at 0001 hours and went off-duty at 0430 hours for the rest of the day.

6. April 3, 2006

- Ms. Bacon's payroll record reflects she timed in at 0800 hours and timed out at 1730 hours, for a total of 9.5 hours of on-duty time.
- Contradicting the payroll record, Ms. Bacon's drivers' log book reflects onduty driving at 0001 hours and going off-duty at 0600 hours, for a total of six hours of on-duty time.

7. April 4, 2006

- Ms. Bacon's payroll record reflects she timed in at 0200 hours and timed out at 1430 hours, for a total of 12.5 hours of on-duty time.
- Contradicting the payroll record, Ms. Bacon's log book reflects she was onduty at 0230 hours and off-duty at 1400 hours, for a total of 11.5 hours of on-duty time.

8. April 7, 2006

- Ms. Bacon's payroll record reflects she timed in at 0745 hours and timed out at 0100 hours, for a total of 17.25 hours of on-duty time.
- Contradicting the payroll record, Ms. Bacon's log book reflects she went on-duty at 0215 hours and off-duty at 2400 hours, for a total of 5.25 hours of on-duty time.

9. April 8, 2006

- Ms. Bacon's payroll record reflects she timed in at 0700 hours and timed out at 2330 hours, for a total of 16.5 hours of on-duty time.
- Contradicting the payroll record, the log book reflects she went on-duty at 0045 hours and went off-duty at 2330 hours, for a total of 12.25 hours of on-duty time.

10. April 9, 2006

- Ms. Bacon's payroll record reflects she timed in at 0945 hours and timed out at 2245 hours, for a total of 13 hours of on-duty time.
- Contradicting the payroll record, the log book reflects she went on-duty at 1015 hours and went off-duty at 2245 hours, for a total of 7.25 hours of on-duty time.

11. April 13, 2006

- Ms. Bacon's payroll record reflects she timed in at 1200 hours and timed out at 2200 hours, for a total of 10 hours of on-duty time.
- Contradicting the payroll record, the log book reflects she went on-duty at 1230 hours and went off-duty in Kennewick, Washington, at 2200 hours, for a total of 7.75 hours of on-duty time.

12. April 14, 2006

- Ms. Bacon's payroll record reflects she timed in at 1200 hours and timed out at 2200 hours, for a total of 10 hours of on-duty time.
- Contradicting the payroll record, the log book reflects she went on-duty at 0815 hours and went off-duty in Richland Washington, at 2215 hours, for a total of 1.75 hours of on-duty time.

13. April 15, 2006

- Ms. Bacon's payroll record reflects she timed in at 0745 hours and timed out at 0230 hours, for a total of 18.75 hours of on-duty time.
- Ms. Bacon's drivers' work order reflects she left North Bend, Washington, at 2045 hours and arrived at a school at 0030 hours on April 16, 2006.
- Contradicting the payroll record and the drivers' work order, the log book reflects she went on-duty at 0745 hours and went off-duty at 2200 hours, for a total of eight hours of on-duty time.

14. April 16, 2006

• The payroll record reflects Ms. Bacon was off-duty, contradicting the April 15, 2006, drivers' work order which reflects Ms. Bacon arrived at a school at 0030 hours on April 16, 2006.

15. April 26, 2006

- Ms. Bacon's drivers' work order reflects she arrived at Redmond, Washington, at 2000 hours and departed Redmond at 2330 hours.
- Contradicting the drivers' work order, Ms. Bacon's log book reflects she was off-duty at 1930 hours until 2330 hours at an unknown location.

16. April 29, 2006

- Ms. Bacon's drivers' work order reflects she arrived at Puyallup, Washington, for MaryMoor relief at 1200 hours, and then later arrived at Redmond, Washington, at 1400 hours and departed Redmond at 2215 hours.
- Contradicting the drivers' work order, the log book reflects she was off-duty from 0001 hours until 1730 hours at an unknown location.

17. April 30, 2006

- Ms. Bacon's drivers' work order reflects she arrived in Puyallup, Washington at 1200 hours, using a relief vehicle and departing Puyallup, Washington, at 1215 hours, arriving at MaryMoor at 1330 hours and departing MaryMoor at 2330 hours.
- Contradicting the drivers' work order, the log book reflects she was off-duty from 0001 hours until 1730 hours.

Staff Investigation - SeaTac Motor Coaches, LLC

B. Title 49, Code of Federal Regulations Part 395.5(a)(1), Requiring or permitting passenger commercial motor vehicle driver to drive more than 10 hours after eight consecutive hours off-day:

1.	Bacon, Ruthann	April 27, 2006 3/4 he	our over
2.	Bacon, Ruthann	April 28, 20069 ho	ours over
3.	Bacon, Ruthann	April 25, 2006 1/4 he	our over
4.	Bacon, Ruthann	April 26, 2006 18.5	hours over
5.	Bacon, Ruthann	April 4, 2006	½ hour over
6.	Bacon, Ruthann	April 8, 2006	1 ¼ hours over
7.	Fanson, Paul	March 30, 2006	1 ¾ hours over

C. Title 49, Code of Federal Regulations Part 395.5(a)(2), Requiring or permitting passenger commercial motor vehicle driver to drive after 15 hours on duty after eight consecutive hours off-duty:

1.	Bacon, Ruthann	April 28, 2006 11.50 hours after 15 hours on duty
2.	Bacon, Ruthann	April 27, 2006 10.75 hours after 15 hours on duty
3.	Bacon, Ruthann	April 26, 2006 8.50 hours after 15 hours on duty
4.	Fanson, Paul	April 25, 2006 1.25 hours after 15 hours on duty
5.	Fanson, Paul	March 18, 2006 1.50 hours after 15 hours on duty

APPENDIX F

BEFORE THE WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Penalty Assessment) DOCKET TE-060868
Against)
	ORDER 01
SEATAC MOTOR COACHES, LLC,)
)
in the Amount of \$2,900) ORDER DENYING MITIGATION
)

- Penalty: On July 27, 2006, the Washington Utilities and Transportation Commission (Commission) assessed a penalty in the amount of \$2,900 against SeaTac Motor Coaches, LLC (SeaTac) for alleged violations of WAC 480-30-221¹ This regulation adopts, by reference, Part 395 of Title 49 Code of Federal Regulations (CFR) regarding hours of service of drivers and the maintenance of drivers' records of duty status. Specifically, the Commission alleged that SeaTac required or allowed its drivers to drive more consecutive hours than are allowed under Commission rules and required or allowed its drivers to falsify records to cover up these violations.
- The penalty assessment stated that the deadline to file a petition for mitigation is 15 days after receipt of the penalty assessment.
- Factual Basis: On May 2 and 8, 2006, the Motor Carrier Safety Section Staff (Staff) conducted a carrier review, based on an anonymous complaint, of drivers' daily records of duty status (log books), payroll records, driver work orders, and fuel receipts. Staff determined that SeaTac was in violation of Commission rules regarding drivers' hours of service. Staff concluded that there were seven violations of requiring or permitting a passenger commercial motor vehicle driver to drive more than 10 hours following eight consecutive hours off duty. Staff also found five violations of requiring or permitting a passenger commercial motor vehicle drive to drive after 15 hours on duty following eight consecutive hours off day. Finally, Staff discovered seventeen violations of requiring or permitting a driver to make false reports of records of duty status.

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¹ The penalty assessment referenced WAC 480-40-070 rather than WAC 480-30-2221, which went into effect shortly before the penalty assessment was issued. However, the substance of both rules contains the identical compliance requirements.

- Petition for Mitigation: On September 5, 2006, Ruthann Bacon filed an application for mitigation and waived a hearing on behalf of SeaTac. Ms. Bacon asserted that she had only recently found the penalty assessment because it had been hidden by a former employee, John Brehmer, who served as SeaTac's safety and training Manager. Ms. Bacon asserted that she and other drivers did not have the training and knowledge to accurately complete the log book. Ms. Bacon admitted that "ignorance is no excuse" but requested that the penalty be mitigated because SeaTac is a small company and has recently taken efforts to ensure future compliance with applicable regulations including requesting Staff training on the proper procedure to complete log books and hiring a knowledgeable employee.
- If the Commission denied the request for mitigation, SeaTac requested permission to make payments.
- Answer: On September 20, 2006, Commission Staff responded to the petition for mitigation. Staff asserted that the application should be denied because the registered agent of SeaTac, Paul Fanson, signed the certified mail receipt on behalf of SeaTac on July 31, 2006. However, the application for mitigation was filed more than three weeks past the deadline.
- Staff further contended that SeaTac must ensure that its employees are knowledgeable of, and adhere to, applicable safety regulations as required by the federal government. Staff asserted that Ms. Bacon did not state sufficient justification to mitigate the penalty because no effort was made to contact the Commission or other individuals within SeaTac to obtain the technical guidance necessary to properly complete the log books.
- Staff did not oppose the request to discharge any penalty obligation in payments over time. Staff recommended that the Commission allow SeaTac to pay its penalty over a one-year period, in twelve equal monthly installments.
- Commission Decision: The Commission denies the application for mitigation for two reasons. First, the application was untimely filed. According to WAC 480-30-036(2), an "agent" means "a person authorized to transact business for, and in the name of, another." In this case, Mr. Fanson is the registered agent for SeaTac. Mr. Fanson received the penalty assessment on July 31, 2006. The fact that the employment of another individual, Mr. Brehmer, was terminated and his duties were assumed by Ms. Bacon does not excuse the registered agent from taking action to file an application for mitigation on behalf of SeaTac in a timely manner.

Staff Investigation – SeaTac Motor Coaches, LLC

- Second, SeaTac did not present good cause for mitigating the penalty. The applicable portions of 49 CFR §395.5 provide that "[N]o motor carrier shall permit or require any driver used by it to drive a passenger-carrying commercial vehicle, nor shall any such driver drive a passenger-carrying commercial motor vehicle . . . " in violation of the maximum driving times for passenger-carrying vehicles. This regulation is mandatory, not discretionary. It does not excuse either an employer or a driver from compliance with the maximum driving times due to ignorance or negligence.
- The applicable portions of 49 CFR §395.8 provide that drivers shall record their duty status for each 24 hour period. Duty status includes times off duty, driving, on duty, not driving, and others. The importance of keeping an accurate record of duty status is emphasized in 49 CFR 395.8(e) which provides that the ". . . making of false reports in connection with such duty activities shall make the driver and/or the carrier liable to prosecution." This regulation is also mandatory, not discretionary.
- The facts are not in dispute. More than one driver exceeded the maximum number of driving hours permitted by the regulation and was either required or permitted to make false reports of their records of duty status.
- Compliance with maximum driving hours regulations and accurately reporting duty status are not ministerial functions. They are an integral part of providing commercial motor carrier service in a safe and responsible manner. Commercial motor carriers must conduct their business in a way that protects the public. The public includes not only those individuals who choose to avail themselves of passenger transportation service but also the members of the public who may be traversing public roadways at the same time as the commercial motor carriers. Allowing drivers to exceed maximum driving hours and maintain inaccurate driving logs are serious violations. As such, it is appropriate to assess a penalty in the amount of \$2,900.
- SeaTac requested permission to pay the penalty in installments if the application for mitigation was denied. Staff did not object and recommended a payment plan. The request to pay the penalty in installments is granted. SeaTac may discharge its penalty assessment in twelve equal monthly installments in the amount of \$242.00 each, due on the first of each month commencing November 1, 2006, until the penalty is paid in full.

Staff Investigation – SeaTac Motor Coaches, LLC

15 It is so ordered.

DATED at Olympia, Washington, and effective October 2, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN Executive Secretary

APPENDIX G



Motor Carrier Safety Staff Recommendation

sbrating 100 Years		
Investigator(s): John Foster, Tom McVaugh	Permit: CH-466	
Assignment No.: 107131	MOTCAR No.: 43450	
Company name: SeaTac Motor Coaches LLC	c , ·	
	Education Training Destination check	
Date(s) of activity: June 13, 18, 19, & July 9	% 11, 2007	
arrier was provided on January 11, 2005. Ca harter and excursion permits on January 13, compliance Review was conducted and an U issued. A recheck of the carrier was conducted arrier received a satisfactory rating. On May ato the carrier's driver's hours of service was as initiated due to a drivers compliant that Saving their drivers drive more hours than fed arrier received \$2,900.00 penalty for numero	arrier received its intrastate 2005. On May 2, 2005 a Insatisfactory Safety Rating ved on May 10, 2005 and the 2 & 8, 2006 an investigation of SeaTac Motor Coaches was deral or state laws allowed. Thus violations of hours of	n on
olations of the drivers hours of service, driv bstance, and vehicle maintenance. These are olations found in previous investigations. The	er qualification, controlled	
ecommended Action: No further action.		
	Assignment No.: 107131 Company name: SeaTac Motor Coaches LLA Type of assignment: X. Compliance review Technical assistance Vehicle inspection Other: Date(s) of activity: June 13, 18, 19, & July 9 Relevant company history, if any: ETA for nearrier was provided on January 11, 2005. Catharter and excursion permits on January 13, Compliance Review was conducted and an Usuard. A recheck of the carrier was conducted arrier received a satisfactory rating. On May not the carrier's driver's hours of service was as initiated due to a drivers compliant that Saving their drivers drive more hours than fearrier received \$2,900.00 penalty for numerous revice rules. This penalty is still outstanding indings: This carrier was found to have num tolations of the drivers hours of service, drive indicators found in previous investigations. To inditional.	Assignment No.: 107131 MOTCAR No.: 43450 Company name: SeaTac Motor Coaches LLC Type of assignment: X. Compliance review Technical assistance Vehicle inspection Other: Date(s) of activity: June 13, 18, 19, & July 9 & 11, 2007 Relevant company history, if any: ETA for new entrant as an interstate arrier was provided on January 11, 2005. Carrier received its intrastate harter and excursion permits on January 13, 2005. On May 2, 2005 a compliance Review was conducted and an Unsatisfactory Safety Rating visued. A recheck of the carrier was conducted on May 10, 2005 and the arrier received a satisfactory rating. On May 2 & 8, 2006 an investigation to the carrier's driver's hours of service was conducted. This investigation to the carrier's driver some hours than federal or state laws allowed. Tarrier received \$2,900.00 penalty for numerous violations of hours of ervice rules. This penalty is still outstanding. Indings: This carrier was found to have numerous defects including tolations of the drivers hours of service, driver qualification, controlled abstance, and vehicle maintenance. These are in the same categories the olations found in previous investigations. The carrier's Safety Rating is miditional.

Staff Investigation – SeaTac Motor Coaches, LLC

 Notify the company in writing of the findings by providing a copy of the CR or vehicle inspection report. Require the company to submit a compliance plan in response to the 15-day letter requirement or in response to a compliance letter. Send the company a compliance letter. Require a response: ☐Yes ☐No Issue administrative penalties in the amount of \$5,600.00 Issue a complaint. 	
X Stop company operations.	
Recheck: X Yes (Date: 11/11/2007)	
Additional Comments:	
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Investigator's signature: for Follow 7/16/67	7
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Initial Review by: Date:	•
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Final recommendation by: DAVID PRAU Date: 1/18/07	
Date. 1/18/01	
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pursue puralties.	
Date closed: 1/18/07 By: Laux Prett	٠.
cc:	

43

MEMORANDUM

July 17, 2007

Assignment No.: 107131

Industry Code: 232

To:

Kathy Hunter, Transportation Safety Compliance Manager

From:

John Foster, MCLE Special Investigator

Subject

SeaTac Motor Coaches LLC

5401 85th Ave E B-6

PO Box 38

Puyallup, WA 98371

Permit Number: CH-466, ES-183

Compliance Review

On June 13, 18 and 19, 2007 and on July 9 and 11, 2007 accompanied by Investigator Tom McVaugh, I contacted Ms Ruthann Bacon, Office Manager for SeaTac Motor Coaches at the above address for the purpose of conducting a routine compliance review in order to provide the carrier with a current safety rating.

During this review numerous safety violations were discovered resulting in a conditional safety rating. The violations discovered are of the same nature as those found in previous investigations.

Exhibit 1 shows the following;

- (A) Is a medical certificate for driver Paul Fanson that expired on 3/30/2006. At the time of inspection this was the only medical certificate for Mr. Fanson that the carrier had on file.
- (B) Is Mr. Fanson's medical certificate that was issued on 12/13/2006. Mr. Fanson supplied this certificate on the second day of this investigation.

There is a gap of more than eight months between the expiration date of the first certificate and the issue date of the second certificate where there is no evidence that Mr. Fanson was medically certified to operate a commercial motor vehicle.

(C) Are copies of driver daily logs showing eight different days that Mr. Fanson drove a commercial motor vehicle while not medically certified.

Exhibit 2 shows;

- (A) Is a medical certificate for driver John Alford that expired on 5/16/2007. At the time of inspection this was the only medical certificate for Mr. Alford that the carrier had on file.
- (B) is Mr. Alford's medical certificate that was issued on 6/20/2007. Mr. Alford supplied this certificate after the completion of this investigation.

There is a gap of 36 days between the expiration date of the first certificate and the issue date of the second certificate where there is no evidence that Mr. Alford was medically certified to operate a commercial motor vehicle.

(C) Are copies of driver time card and dally logs showing six different days that Mr. Alford drove a commercial motor vehicle while not medically certified.

Exhibit 3 shows the Vehicle Registration Cab Cards for the carrier's unit numbers 101, 104, 106 and 114 that expired on 5/31/07 and driver daily logs and trip records indicating that these vehicles combined were driven a total of 14 times without valid registration in violation of CFR 392.2.

Exhibit 4 is WUTC Extract 1 showing a violation of the 10 hour driving rule.

Exhibit 5 is WUTC Extract 2 showing two violations of the 15 hour driving rule.

Exhibit 6 is WUTC Extract 3 showing a violation of failing to prepare a drivers daily log.

Exhibit 7 is WUTC Extract 4 showing a violation of failing to prepare a drivers daily log.

Exhibit 8 is WUTC Extract 5 showing a violation of failing to prepare a drivers daily log.

Summary of violations:

One violation WAC 480-30-221, CFR 49, Part 382.601(a) Failing to provide educational materials explaining requirements of part 382 and employer's policies.

One violation WAC 480-30-221, CFR 49, Part 382.603 Failing to ensure persons designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.

Four violations WAC 480-30-221, CFR 49, Part 391.51 (b)(6) Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

Three violations WAC 480-30-221 CFR 49, Part 391.51(b)(2) Failing to maintain

2

inquiries into driver's driving record in driver's qualification file.

Five violations WAC 480-30-221 CFR 49, Part 391.25(a) Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.

Five violations WAC 480-30-221 CFR 49, Part 391.25(b) Failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive.

14 violations WAC 480-30-221 CFR 49, Part 391.45 (b)(1) Using a driver not medically examined and certified during the preceding 24 months.

One violation WAC 480-30-221, CFR49, Part 395.5(a)(1) Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive more than 10 hours.

Two violations WAC 480-30-221, CFR49, Part 395.5 (a)(2) Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty 15 hours.

Three violations WAC 480-30-221, CFR49, Part 395.8 (a) Failing to require driver to make a record of duty status.

One Violation WAC 480-30-221, CFR 49, Part 382,305(b)(1) Failing to conduct random alcohol testing at an annual rate of not less than the applicable annual rate of the average number of driver positions.

Two violations WAC 480-30-221, CFR49, Part 382.305(b)(2) Failing to conduct random controlled substances testing at an annual rate of not less than the applicable annual rate of the average number of driver positions.

14 violations WAC 480-30-206, Operating vehicles not licensed in accordance with state licensing laws. (RCW 46.16.010)

This investigation also raised questions as to the carrier's fitness due to financial problems. This was evidenced by the carrier's inability to meet payroll and other financial obligations.

The attached financial records were obtained indicating numerous non-sufficient funds and overdraft charges to the carriers account.

The carrier had not had the funds to renew their vehicle registrations on the four motor coaches at the time this inspection began on June 13, 2007. By the end of the inspection on July 11 they had managed to license the vehicles.

The driver's files revealed evidence of drivers pay checks being returned by the carrier's

3

Staff Investigation - SeaTac Motor Coaches, LLC

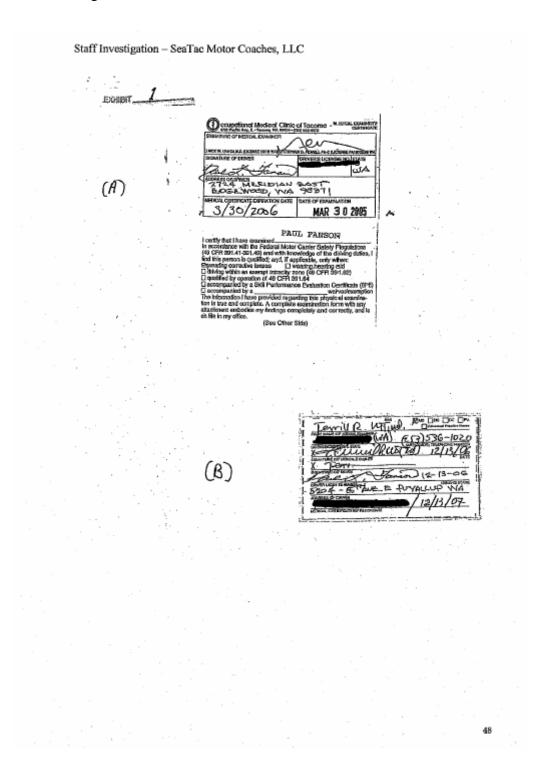
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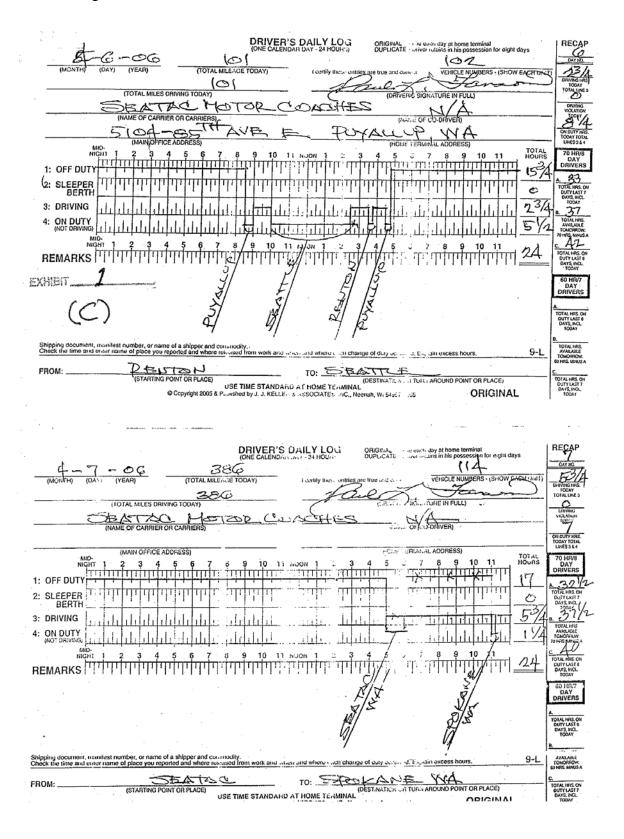
The carrier's mechanic, Gary Miller, stated to me that he has had to use his own funds at times to purchase parts to maintain the carrier's motor coaches. Attached is a list of these purchases through January 6, 2007 as well a letter from Mr. Miller to SeaTac requesting payment for these expenses as well as for lease payments on the motor coach owned by Mr. Miller and operated by SeaTac Motor Coaches. Mr. Miller stated that SeaTac currently owes him approximately \$31,000.00 for these two items.

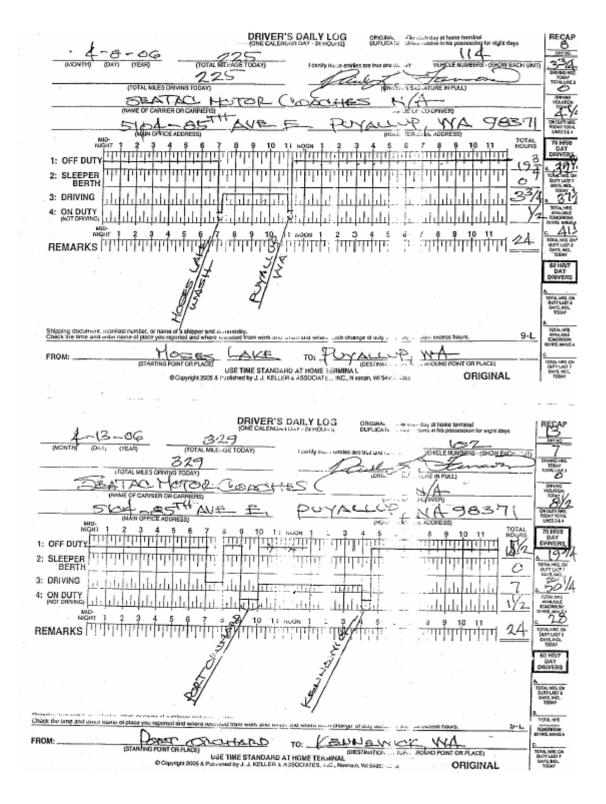
Ms Bacon stated that many of the carrier's venders now accept payment by cash or cashiers check only. This is due to SeaTac's checks to these venders being returned for insufficient funds.

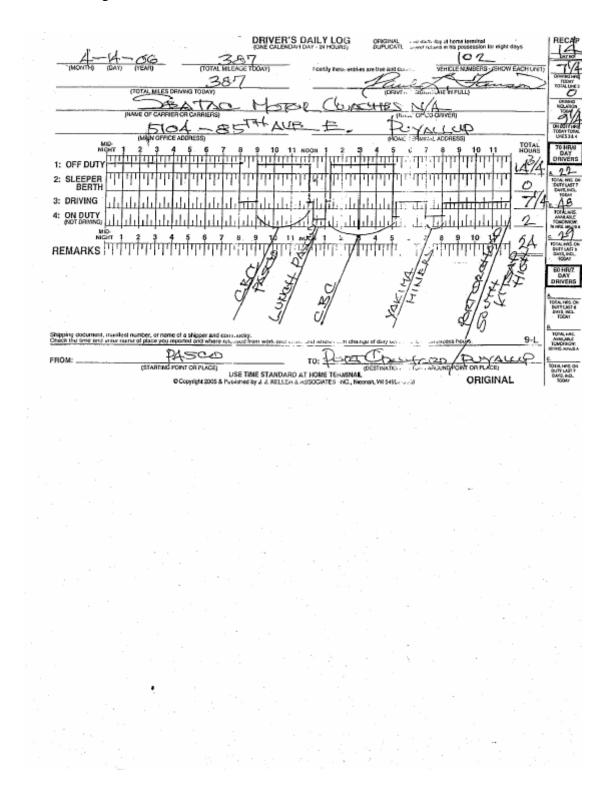
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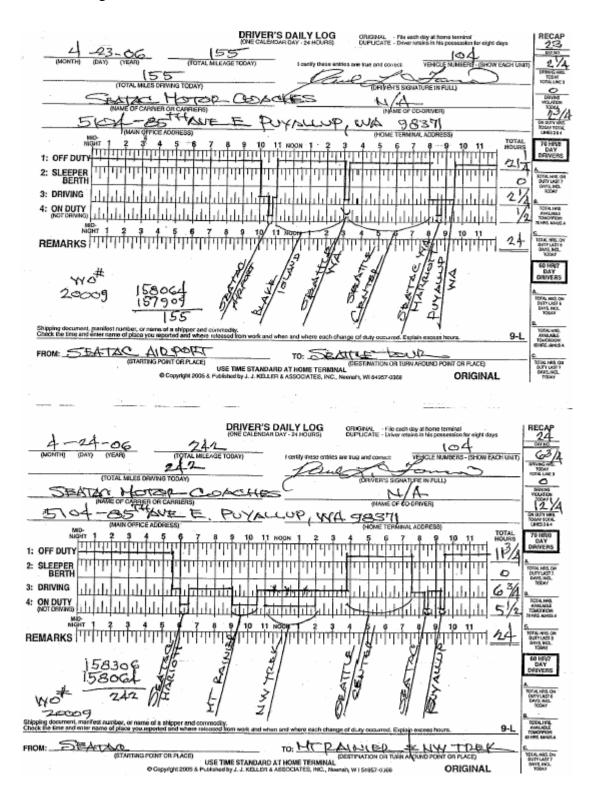
MCLE Special Investigator

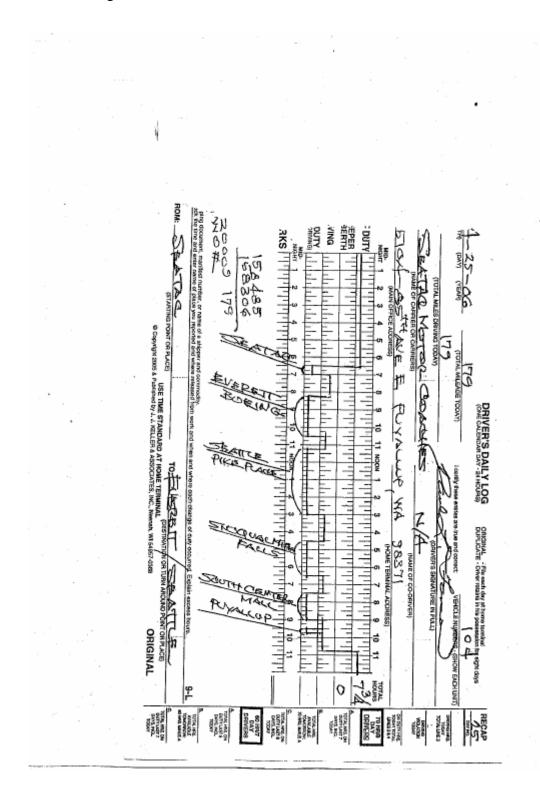












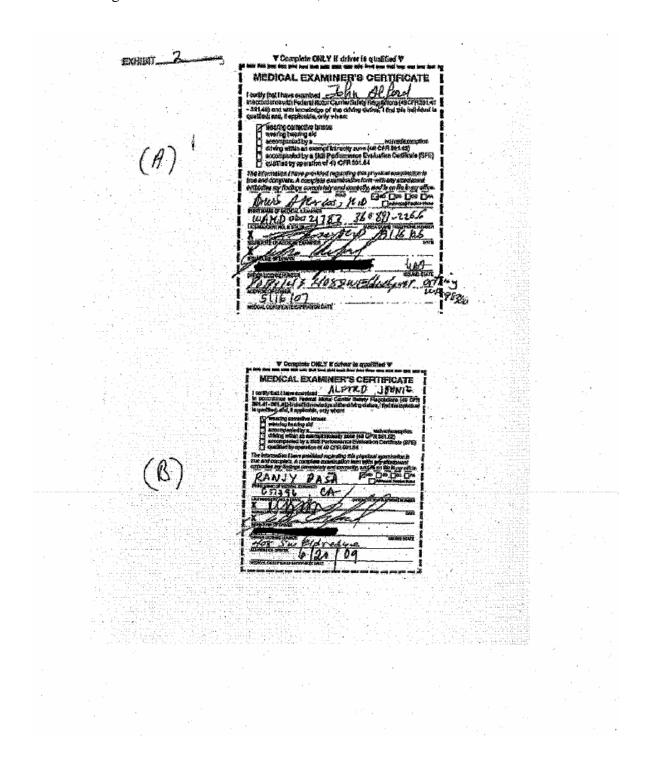
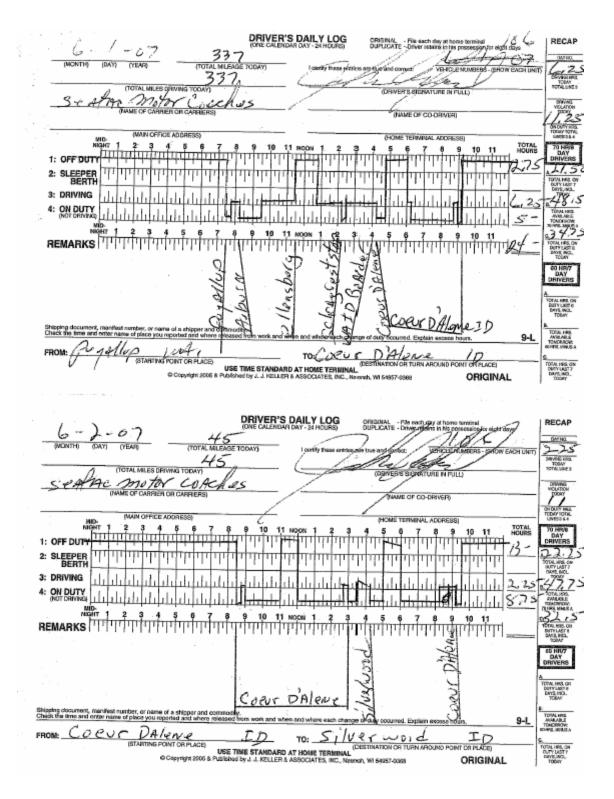
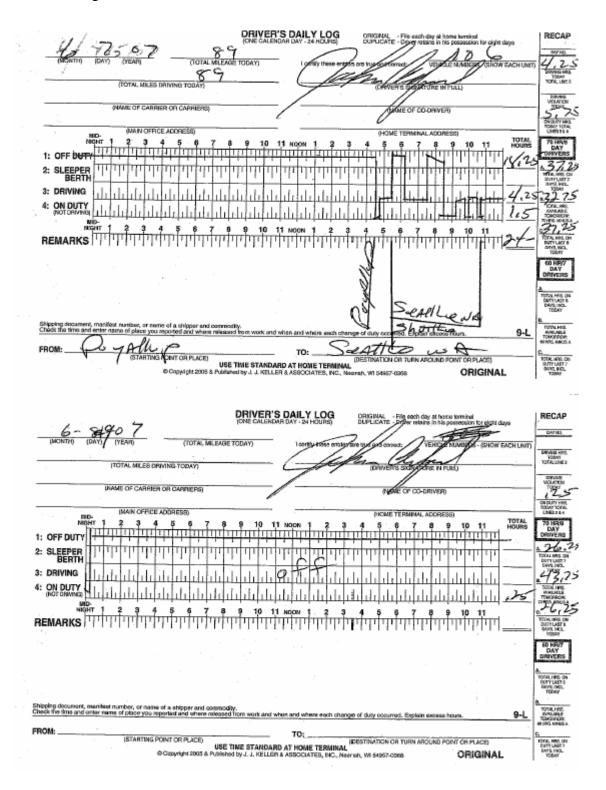
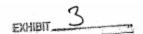


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PR-450-131 APP. VEH, CAB CARD (R/4/05)/OR

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SeaTac MotorCoaches, LLC Page: SeaTac MotorCoaches, LLC * PO BOX 38 * Puyallup * WA * 98371 * 253 435-0025 Driver: Paul Fanson +PLIDAY Order #: 20703 PAX: 47 Dep Date: 06/01/2007 Yard Time: 15:00 Spot Time: 15:45 Unit #: 101 Trip Itinerary Customer Name: Puget Sound Coach Lines Phone: 939-5811 Contact: Tom Casazza Group: SUMNER HS BAND Pickup: 6/ 1/2007 Spot Time: 15:45 Leave Time: 16:00 Destination: 6/ 1/2007 Drop Time: 21:00 SUMNER PORTLAND OR SUMNER HIGH SCHOOL ROSE FESTIVAL 1707 MAIN ST 750 FRONT AVE Trip Report Information -Odometer &3 (71 Location Arrive Time Location Leave Time Odometer 2041NER 3:15 PX \$ 30 pm SUMPER F71 53 **JENTRALIA** Ø110 83230 restracia 7,45 #3.720 PIONETZAND 9:00 PERSONALD <u> 233 23</u> 10130 23323 PENVANCTON 1500004 *6*3333 STATE ODOMETER MILES FUEL GAL FUEL S FUEL VENDOR Expense Money Received: Total Miles: __ PAX: Driver Signature Customer Signature Drop Time Instructions MILE FRANKING porced poorto

Instructions

SeaTac MotorCoaches, LLC

SeaTac MotorCoaches, LLC * PO BOX 38 * Puyallup * WA * 98371 * 253 435-0025

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SeaTac MotorCoaches, LLC

SeaTac MotorCoaches, LLC * PO BOX 38 * Puyalhip * WA * 98371 * 253 435-0025

Page: 1

Driver: Paul Fanson

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Order #: 20703

PAX: 47

Dep Date: 06/03/2007

Contact:

Yard Time: 7:00

Spot Time: 7:00 Unit #: 101

Trip Itinerary

Customer Name:

Puget Sound Coach Lines

Tom Casazza

Phone: 939-5811

Group: SUMNER HS BAND

Pickup: 6/3/2007 Spot Time: 7:00 Leave Time 7:15

Destination: 6/3/2007 Drop Time: 13:00

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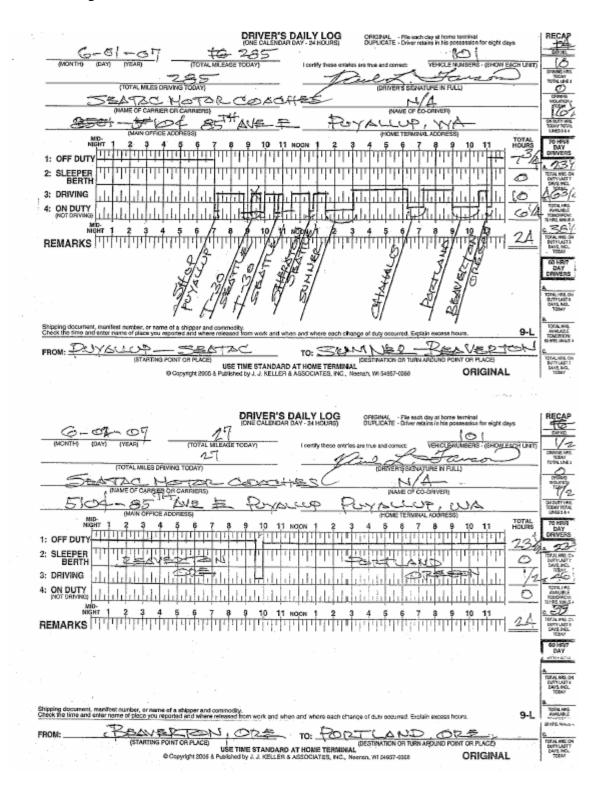
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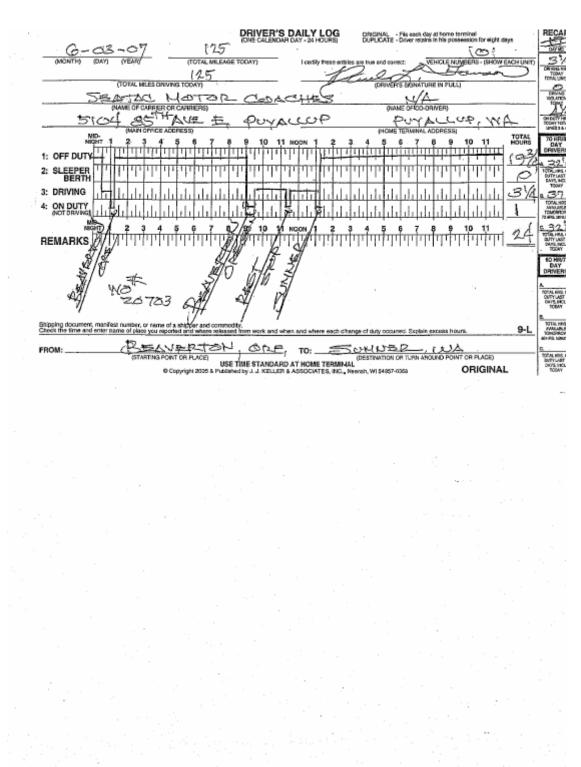
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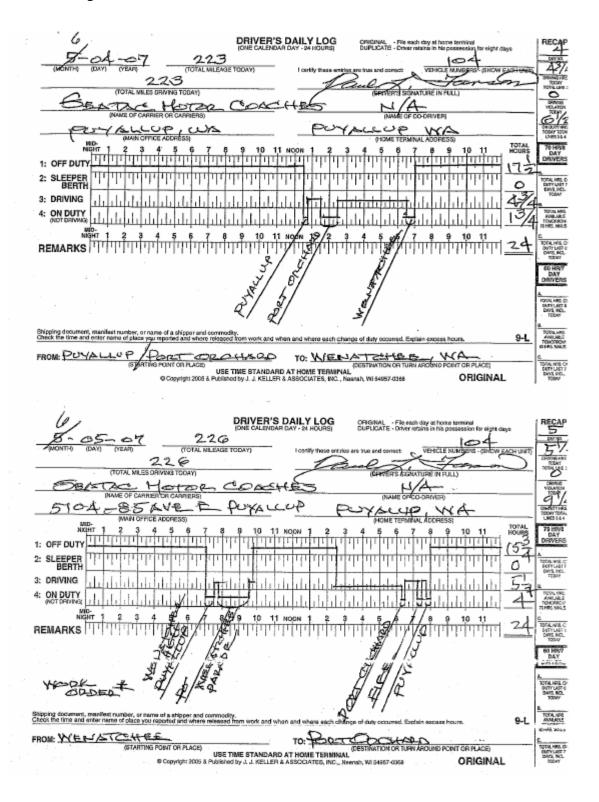


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WA ZIPCODE WA 98371	5/81/07	130430	16 IL I	Pgr 87	054		US DOT NO. 1306
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SEATAC MOTOR COACHES LLC PO BOX 38 PUYALLUP, WA 98371

PR-450-131 APP, VEH, CAB CARD (R/4/05) OR



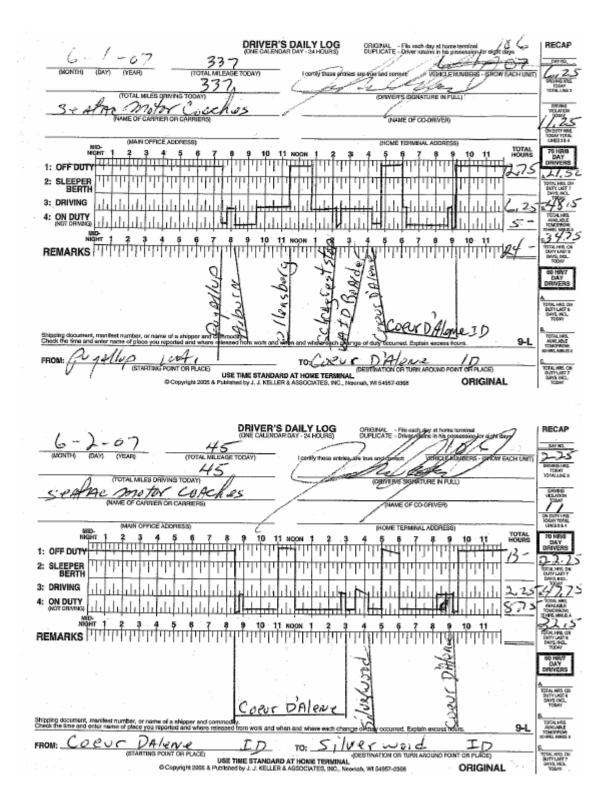
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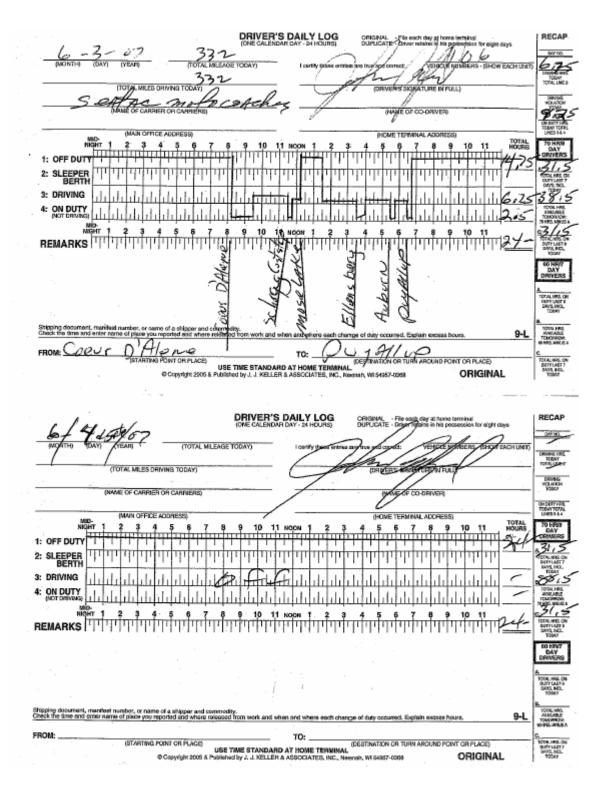
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SINE ZP CODE EXPIRATION DATE IRP ACCOUNT US DOT NO. WA PERCENTAGE VEHICLE US DOT NO. 1344306 134
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AGREEMENT TO TRANSFER THE UNUSED PORTION OF THE LICENSE FEE PAID APPLIES ONLY TO WASHINGTON LICENSE FEES ON MOTOR VEHICLE THE UNDERSIGNED HEREBY TRANSFERS TO BEARER ALL RIGHTS TO LICENSE FEES PAID AS SHOWN ON THIS CERTIFICATE
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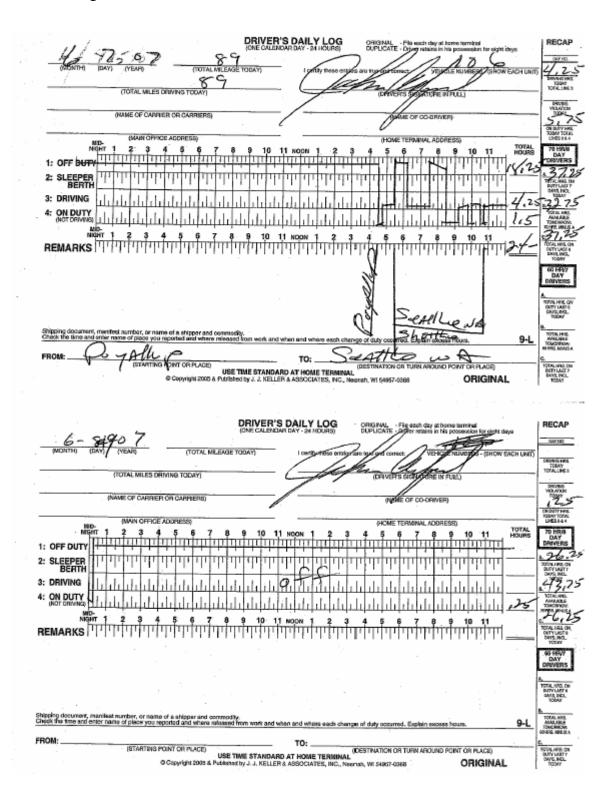
SEATAC MOTOR COACHES LLC PO BOX 38 PUYALLUP, WA 98371

PR-450-131 APP, VEH, CAB CARD (R4/05)OR





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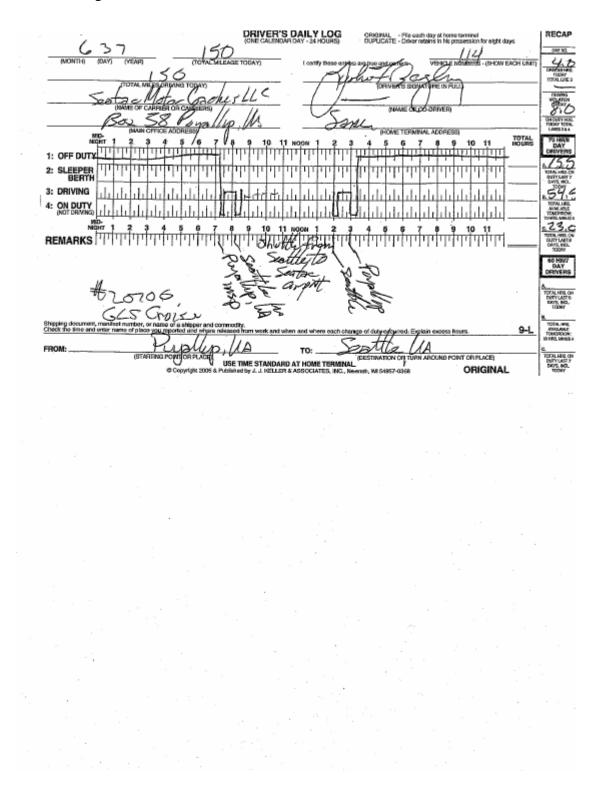
WASHINGTON REGISTRATION CAB CARD
REGISTRANT SEATAC MOTOR COACHES LLC ACCOUNTNO FLEETIND SUP.NO. UNIT.NO. 000 114
DOING BUSINESS AS ACCORDS 5104 85TH AVE B B 6 CITY PUYALLUP
SWE ZIPCODE EXPIRATION DATE FIRP ACCOUNT US DOT NO. WA PERCENTAGE VEHICLE US DOT NO. WA 98371 5/31/07 1344306 87054 1344306
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OWNERLESSOR (IF APPLICABLE) APPORTIONED LICENSE PLATE NO. DATE REGISTERED 6/06/05
NO JURISDICTIONS ARE TO BE USTED AFTER THE ROW OF ASTERISKS, OR CARD IS INVALID. THIS CARD MUST BE CARRIED IN THE VEHICLE TO WHICH IT IS ISSUED OR IN THE VEHICLE PROVIDING MOTIVE POWER, OR BE SUBJECT TO CONFISCATION. COPIES OF THIS CARD ARE NOT VALID. WEIGHT GROUP NO. 3.3.
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AGREEMENT TO TRANSFER THE UNUSED PORTION OF THE LICENSE FEE PAID APPLIES ONLY TO WASHINGTON LICENSE FEES ON MOTOR VEHICLE THE UNDERSIGNED HEREBY TRANSFERS TO BEARER ALL RIGHTS TO LICENSE FEES PAID AS SHOWN ON THIS CERTIFICATE
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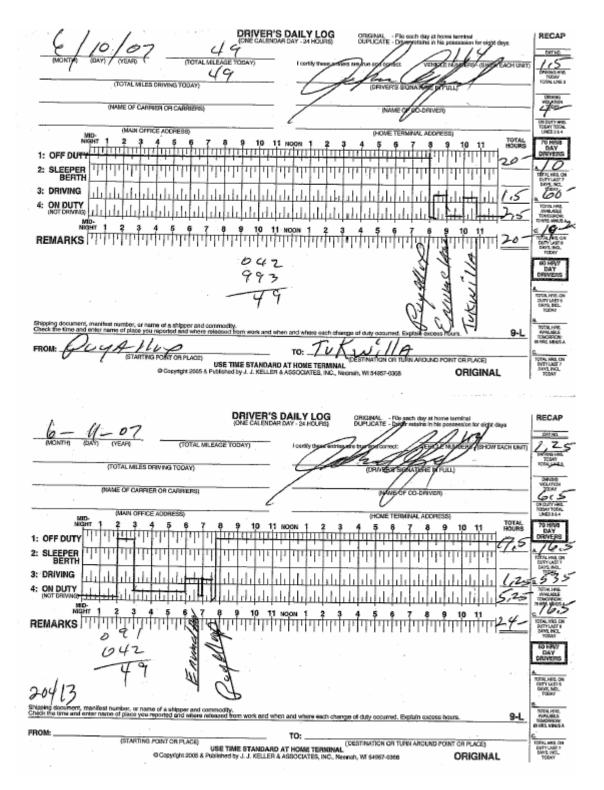
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SEATAC MOTOR COACHES LLC PO BOX 38

PR-450-131 APP, VEH. CAB CARD (R/4/05)OR

Staff Investigation – SeaTac Motor Coaches, LLC





EXHIBIT___ EXTRACT OF DRIVER'S HOURS OF SERVICE

					WL	JTC No. 1
Date of Log:	5/16/07	Total Miles:	534	Vehicle Unit No:	101	
Carrier/Permit:	CH-466	Miles Driven Today:				
Driver's Name:	Paul fanso	on ·	Co-dr	iver:		
Carrier's Termina	l Address:	5104 - 85 th Ave E. Puyallup, WA 98371				
		• .				

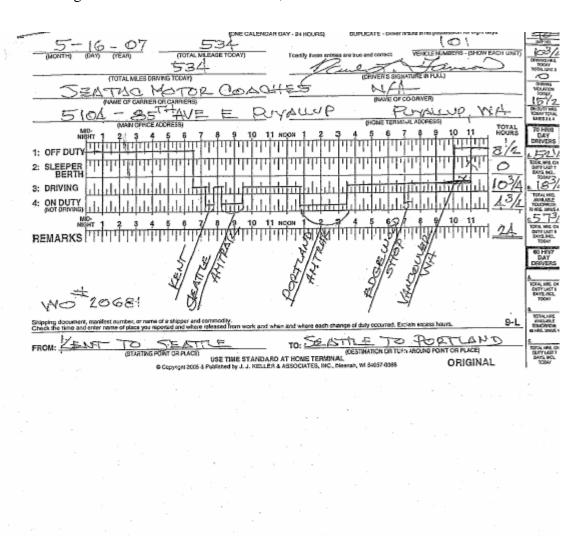
DATE	OFF DUTY	SLEEPER BERTH	DRIVING	ON DUTY NOT DRIVING	TOTAL	RECAP- DRIVING ON DUTY
5/16/07	8.5	0	10.75	4.75	24	15.5
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		, "				
				•		
-						

Remarks/Information: On this date the driver drove 10.75.hours, .75 hours in violation of the 10 hour driving rule.

Supporting Documents: Drivers daily log prepared by Paul Fanson and dated 5/16/07.

Violation summary: 1 Violation WAC 480-30-221, 49 CFR, Part 395.5(a) (1) Requiring or permitting a driver of a passenger-carrying commercial motor vehicle to drive more than

10 hours following 8 consecutive hours off duty.



EXTRACT OF DRIVER'S HOURS OF SERVICE

WUTC No. 2

Date of Log:

5/16/07

Total Miles:

534 Vehicle Unit No: 101

Carrier/Permit:

CH-466

Miles Driven Today:

Driver's Name:

Paul Fanson

Co-driver:

Carrier's Terminal Address:

5104 - 85th Ave E

Puyallup, WA 98371

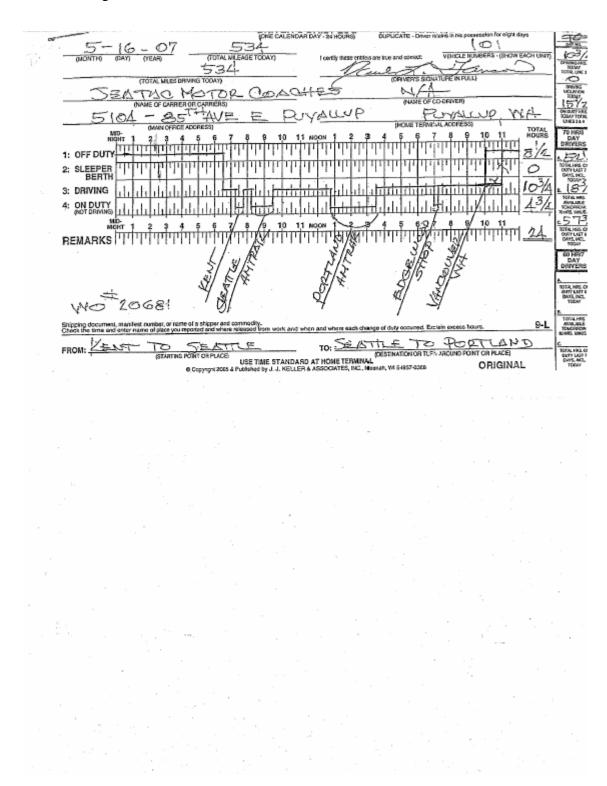
DATE	OFF DUTY	SLEEPER BERTH	DRIVING	ON DUTY NOT DRIVING	TOTAL	RECAP- DRIVING & ON DUTY
5/16/07	8.5	0	10.75	4.75	24	15.5
6/1/07	7.75	0	10	6.25	24	16.25
		,				

Remarks/Information: On 5/16/07 the driver began his shift at 0630 and was on duty continuously until 2200 and was driving for 30 minutes after having been on duty for 15 hours.

On 6/1/07 the driver began his shift at 0700 and was on duty continuously until 2315 and was driving for 30 minutes after having been on duty for 15 hours.

Supporting Documents: Drivers daily log prepared by Paul Fanson and dated 5/16/07 and 6/1/07

Violation summary: 2 violations WAC 480-30-221, 49 CFR, Part 395.5(a) (2) requiring or permitting a driver of a passenger-carrying commercial motor vehicle to drive after having been on duty more than 15 hours.



EXTRACT OF DRIVER'S HOURS OF SERVICE

					WUT	C No. 3
Date of Log:	2/2/07	Total Miles:	145	Vehicle Unit No:	101	
Carrier/Permit:	CH-466	Miles Driven Today:				
Driver's Name:	Paul Fans	on	Co-dr	iver:		
Carrier's Termina	Address:	5104 - 85 th Ave E Puyallup, WA 98371				

DATE	OFF DUTY	SLEEPER BERTH	DRIVING	ON DUTY NOT DRIVING	TOTAL	RECAP DRIVING ON DUT
2/2/07				1.	-	
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Remarks/Information: Drivers trip record for 2/2/07 indicates that this driver drove a charter from Puyallup, WA to Snoqualmie Pass, WA. The driver was on duty a total of 14.5 hours. No log was prepared for this day.

Supporting Documents: Driver trip sheet dated 2/2/07 and prepared by Paul Fanson

Violation summary: 1 violation WAC 480-30-221, 49 CFR, Part 395.5 (a) failing to require a driver to prepare a record of duty status.

Driver: P	aul Fanson	PLOIM	- (5)	yallup * WA * 9837 Lie P. Land	1 + 253 435-0025 eagy Moragle Order #: 204 PAX: 47	18
Dep Date: 0	2/02/2007	Yard Time: 7:1	5	Spot Time: 8	:30 Unit #: 10	1
		Trip	Itine			
Customer Nam Conta		School Ski	7531	Phone	e: 206-789-7169 p: ALL DAY SKI	
Pickup: 2/2/20	007 Spot Time: 8:30		De	estination: 2/ 2/20	007 Drop Time: 2	2:30
	MIDDLE SCHOOL RANKLIN AVE	357		-	JALMIE PASS NTRAL	٠
		— Trip Report	Inform	nation		
Location SHCP TECS	Arrive Time	Odometer 75317		Location SHOP	Leave Time	75317
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ALL DAY SKI						

EXTRACT OF DRIVER'S HOURS OF SERVICE

					W	UTC No. 4
Date of Log:	2/2/07	Total Miles:	193	Vehicle Unit No:	106	
Carrier/Permit:	CH-466	Miles Driven Today:	_			
Driver's Name:	Gary Miller		Co-dr	iver:		
Carrier's Terminal	Address:	5104 - 85 th Ave E Puyallup, WA 98371				

NO L	OG					
DATE	OFF DUTY	SLEEPER BERTH	DRIVING	ON DUTY NOT DRIVING	TOTAL	RECAP- DRIVING & ON DUTY
2/2/07						
				,		
				- •		

Remarks/Information: Drivers trip record for 2/2/07 indicates that this driver drove a charter from Puyallup, WA to Snoqualmie Pass, WA. The driver was on duty a total of 15.5 hours. No log was prepared for this day.

Supporting Documents: Driver trip sheet dated 2/2/07 and prepared by Gary Miller.

Violation summary: 1 violation WAC 480-30-221, 49 CFR, Part 395.5 (a) failing to require a driver to prepare a record of duty status.

SeaTac MotorCoaches, LLC

SeaTac MotorCoaches, LLC * PO BOX 38 * Puyallup * WA * 98371 * 253 435-0025

Page:

Driver: Gary Miller

Order #: 20418

PAX: 47

Dep Date: 02/02/2007

Contact:

Yard Time: 7:15

Spot Time: 8:30 Unit #: 106

Trip Itinerary

Customer Name:

Tops Middle School Ski

Molly LaParta

Phone: 206-789-7169

Group: ALL DAY SKI

Pickup: 2/2/2007 Spot Time: 8:30 Leave Time 9:00

Destination: 2/2/2007 Drop Time: 22:30

TOPS MIDDLE SCHOOL

2500 FRANKLIN AVE

SNOQUALMIE PASS SKI CENTRAL

			111p Report In	torn	iation.			
Location	Arrive Time		Odometer	,	Location	Leave Time		Odometer
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PAX:

Expense Money Received:

Driver Signature

Instructions

Customer Signature

Drop Time

\$810.00 CREDIT FOR LATE BUSES ON 1-26-07



EXTRACT OF DRIVER'S HOURS OF SERVICE

					WUTO	No. 5
Date of Log:	2/2/07	Total Miles:	.184	Vehicle Unit No:	106	
Carrier/Permit:	CH-466	Miles Driven Today:				
Driver's Name:	Delores P	iccinini	Co-dr	iver:		
Carrier's Termina	Address:	5104 - 85 th Ave E Puyallup, WA 98371				

NO LO	OG					
DATE	OFF DUTY	SLEEPER BERTH	DRIVING	ON DUTY NOT DRIVING	TOTAL	RECAP- DRIVING & ON DUTY
2/2/07						
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Remarks/Information: Drivers trip record for 2/2/07 indicates that this driver drove a charter from Puyallup, WA to Snoqualmie Pass, WA. The driver was on duty a total of 14.75 hours. No log was prepared for this day.

Supporting Documents: Driver trip sheet dated 2/2/07 and prepared by Delores Piccinini.

Violation summary: 1 violation WAC 480-30-221, 49 CFR, Part 395.5 (a) failing to require a driver to prepare a record of duty status.

SeaTac MotorCoaches, LLC

SeaTac MotorCoaches, LLC * PO BOX 38 * Puyallup * WA * 98371 * 253 435-0025

Driver: Delores Piccinini

Order #: 20418

PAX: 47

Dep Date: 02/02/2007

Contact:

Yard Time: 7:15

Spot Time: 8:30 Unit #: 104

Trip Itinerary

Customer Name:

Tops Middle School Ski

Molly LaParta

Phone: 206-789-7169

Group: ALL DAY SKI

Pickup: 2/2/2007 Spot Time: 8:30 Leave Time 9:00

Destination: 2/2/2007 Drop Time: 22:30

TOPS MIDDLE SCHOOL

SNOQUALMIE PASS

2500 FRANKLIN AVE

SKI CENTRAL

					Trip Repor	t Inform:	ation			
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STATE	ODOMETER	MILES	FUEL GAL	FUEL \$	FUEL VENDOR	
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						_
					12/	

Expense Money Received:

PAX: _

Total Miles: 104

Driver Signature Instructions

Customer Signature

Drop Time

ALL DAY SKI

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1 134430	rei		AC MOTOR COACHES LLC
		erating (DE	
MC/MX #: 517655		#: CH466	Federal Tax ID: 51-0531189 (EIN)
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	cipal Office		Location of Review/Audit: Company facility in the U. S. Territory:
Operation Types			
Carrier: Shipper:	Non-HM N/A	Non-HM	
Cargo Tank:		N/A	Gross Revenue: \$437,395.00 for year ending: 12/31/2006
	N/A		
Company Physica	A STATE OF THE PARTY OF THE PAR	a company	
5401 85th Ave E B Puyallup, WA 9837	_		
Contact Name:			
Phone numbers:	Paul Fa	anson Se ooor	
E-Mail Address:	(1) (200)43	x3-0025	(2) Fax
Company Mailing A	vidraer.	Market Say	
PO Box 38		Sh Const	
Puyallup, WA 98371	1-0004		
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Is an HM Permit red	quired?	duble qua	
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< 100 Miles: >= 100 Miles:	Inter 10	1	Total Drivers: 11
>= 100 Miles:			
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7/11/2007 7:56:56 AM

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		ter, PO Box 47250,	1				
	Olympia, WA 98	504-7250					
	Ph. (360) 664-12	38, Fax #360) 586-1	150, email:	jfoster@wut	tc.wa.gov		
	. Т	his report will be u	sed to ass	ess vour sa	fety comp	liance	
Person(s) li	nterviewed		7	,	arry comp		
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Page 2 of 2

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	SEATAC MOTOR COACHES LLC U.S. DOT #: 1344306	St	ate #: CH466		Review Dat 06/18/2007
	Part B Violation			<u> </u>	06/18/2007
1 FEDERAL	Primary: 382.305(b)(1)	Discovered	Checked 2	In Violation	
Example	nduct random alcohol testing at an annual rate of not less			of the averag	e number
2 FEDERAL CRITICAL	Primary: 382.305(b)(2)	Discovered 2	Checked 6	Drivers/ In Violation	
Example	duct random controlled substances testing at an annual r ber of driver positions. Trip Date 5/17/2007	ate of not less th	an the applica	ble annual rate	of the
3 FEDERAL	Primary: 382.601(a)	Discovered	Checked	Drivers/V In Violation	
Paul Fanson,	ride educational materials explaining requirements of part Trip date 4/7/2007 rier does not have a written policy.	382 and employ	ver's policies.		
FEDERAL	Primary: 382,603	Discovered	Checked 1	Drivers/V In Violation	
Example Paul Fanson, T Per carrier, at the	re persons designated to determine that drivers undergo shol and/or 60 minutes of training for controlled substance in the date 4/7/2007 his time Ruthann Bacon is the carrier official designated to on has not received the required training.	es.	icion testing r	eceive 60 minu	ites
5 FEDERAL	Primary: 391.25(a)	Discovered 5	Checked 5	Drivers/Ve In Violation 5	ehicles Checked
Example	an inquiry into the driving record of each driver to the ap- tor vehicle operator's license at least once every 12 months	propriate State a	gencies in wh	ich the driver h	eld a

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Page 1 of 4



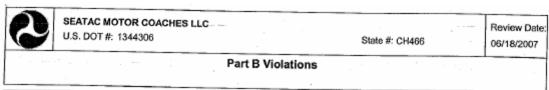
	SEATAC MOTOR COACHES LLC U.S. DOT #: 1344306	Ste	ate #: CH466		Review Dat 06/18/2007
	Par	t B Violations			•
6 FEDERAL	Primary: 391.25(b)	Discovered 5	Checked 5	Drivers/ In Violation	Vehicles Checked
Example	view the driving record of each driver to deter disqualified to drive, Trip date 5/17/2007	rmine whether that driver meet	s minimum re	quirements for	safe
7 FEDERAL CRITICAL Description	Primary: 391.45(b)(1) Secondary: 391.11(a)	Discovered 2	Checked 5	Drivers/ In Violation 2	
	Trip date 5/17/2007. Last examination date: 3 Primary: 391.51(b)(2)				
FEDERAL CRITICAL	1 may, 35 1.51(5/(2)	Discovered 3	Checked 5	Drivers/\ In Violation	Checked
FEDERAL CRITICAL Description Failing to main Example	ntain inquiries into driver's driving record in c	3			
FEDERAL CRITICAL Description Failing to main Example	ntain inquiries into driver's driving record in c	driver's qualification file.	5 Checked	In Violation 3 Drivers/V In Violation	Checked 5 'ehicles Checked
FEDERAL CRITICAL Description Failing to main Example Gary Miller, Tr 9 FEDERAL Description Failing to main Example	ntain inquiries into driver's driving record in o	Iriver's qualification file. Discovered 4	5 Checked 5	Drivers/V In Violation	Checked 5
FEDERAL CRITICAL Description Failing to main Example Gary Miller, Tr 9 FEDERAL Description Failing to main Example	ntain inquiries into driver's driving record in only ip date 2/2/2007 Primary: 391.51(b)(6) tain a list or certificate relating to violations of	Discovered 4 Discovered 4 Discovered	Checked 5	Drivers/V In Violation 4 ed by 391.27.	Checked 5 'ehicles Checked 5
FEDERAL CRITICAL Description Failing to main Example Gary Miller, Tr 9 FEDERAL Description Failing to main Example Johnie Alford, 1 10 FEDERAL Description Description Description Description Description Description Description Deperating a modeperated. Example	ntain inquiries into driver's driving record in only ip date 2/2/2007 Primary: 391.51(b)(6) tain a list or certificate relating to violations of the date 5/17/2007	Discovered Discovered Discovered Discovered Discovered 2	Checked 5 nances require	Drivers/V In Violation 4 ed by 391.27. Drivers/V In Violation 2	Checked 5 dehicles Checked 5 ehicles Checked 5

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	SEATAC MOTOR COACHES LLC J.S. DOT #: 1344306		Sta	ate #: CH466		Review Da 06/18/200
	Pa	rt B Violatio	ns			
11 STATE	Primary: 392.2 Secondary: WAC 480-30-206 CFR Equivalent: 392.2		Discovered 2	Checked 5	Drivers In Violatio	
Description Operating a roperated.		ws, ordinances				it is being
	, 6/3/2007, Seattle, WA					
	stration expired on 5/31/2007 and has not b	een renewed.				
12 FEDERAL	Primary: 395.5(a)(1)		Discovered	Checked	Drivers In Violation	Vehicles Checke
Example Paul Fanson,		ıl motor vehicle	driver to drive n	nore than 10 h	ours.	
Oriver drove a	total of 10.75 hours on this date					
3 EDERAL Description Requiring or p	Primary: 395.5(a)(2) ermitting a passenger-carrying commercial	f motor vehicle	Discovered 2	Checked 150	In Violation	5
EDERAL Description Requiring or p Example Paul Fanson, (ermitting a passenger-carrying commercial	f motor vehicle	2	150	In Violation	Checke 5
EDERAL Description Requiring or p Example Paul Fanson, (ermitting a passenger-carrying commercial	I motor vehicle	driver to drive at	150	In Violation 1 en on duty 15 Drivers/	Checke 5 hours.
EDERAL Description Requiring or p Example Paul Fanson, (Oriver drove .5	ermitting a passenger-carrying commercial 3/1/2007 50 hour after 15 hours on duty.	í motor vehicle	2	150	In Violation 1 en on duty 15	Checke 5 hours.
Description Requiring or p Example Paul Fanson, 6 Driver drove .5 14 FEDERAL Description Failirto requi Exame Delor iccinin	ermitting a passenger-carrying commercial 3/1/2007 60 hour after 15 hours on duty. Primary: 395.8(a) re driver to make a record of duty status. ni, 2/2/2007	I motor vehicle	driver to drive at	ter having bea	In Violation 1 en on duty 15 Drivers/ In Violation	Checke 5 hours.
Description Requiring or p Example Paul Fanson, (Oriver drove .5 14 FEDERAL Descrition Failirio requi Exarie Delor iccinii Safety ess R Wille	ermitting a passenger-carrying commercial 3/1/2007 60 hour after 15 hours on duty. Primary: 395.8(a) re driver to make a record of duty status.		driver to drive at	Checked 150 OOS Vehiclicle Inspectes	Drivers/A In Violation 3 e (CR): 0 d (CR): 5 CMIS): 0	Checke 5 hours.
Description Requiring or p Example Paul Fanson, (Oriver drove .5 14 FEDERAL Descrition Failirio requi Exarie Delor iccinii Safety ess R Wille	ermitting a passenger-carrying commercial 3/1/2007 i0 hour after 15 hours on duty. Primary: 395.8(a) re driver to make a record of duty status. ni, 2/2/2007 tating Information: s Operated 150,000 le Accidents 0		Discovered 5	Checked 150 OOS Vehiclicle Inspectes	Drivers/A In Violation 3 e (CR): 0 d (CR): 5 CMIS): 0	hours.



our proposed safety rating is :	Rating Factors		Acute	Critical
	Factor 1:	S	0	0
	Factor 2:	· U	0	3.
CONDITIONAL	Factor 3:	С	0 .	1
	Factor 4:	s	0	0
	Factor 5:	N	. 0	0
	Factor 6:	S		_

This rating will become the final rating 45 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters office in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review of and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final 385.17.

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SEATAC MOTOR COACHES LLC

U.S. DOT#: 1344306

State #: CH466

Review Date 06/18/2007

Part B Requirements and/or Recommendations

- Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
- To obtain a current copy of your intrastate carrier profile, contact Ms. Carolyn Caruso at 360-664-1244.
- Do not allow drivers to operate a Commercial Motor Vehicle unless they are medically certified to do so. Maintain a copy in drivers file.
- Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
- 5. If you want some drivers to use the 100 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 12 hours from when they report for duty. Logs must be prepared if a driver does not meet the 12 hour requirement.
- Establish a system to control passenger-carrying drivers' hours of service. Do not dispatch drivers who don't have adequate hours available to complete assigned trips legally. Do not allow drivers to exceed the 10, 15, and 60/70-hour limits.
- This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
- Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/factsfigs/eta/forms.html.
- A copy of your carrier profile can be obtained for \$20 from the SAFER website (www.safersys.org) or by calling 800-832-5660 or 703 280-4001. You can also write: Computing Technologies Inc. P.O. Box 3248, Merrifield, VA 22116-3248. Profile cost if ordered by mail or phone is \$27.50.
- Employers are responsible for their officers', employees', agents', consortia, and/or contractors' compliance with the requirements of 49 CFR Parts 40 and 382.
- 11. Less Than Satisfactory Safety Rating

if you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative findings. Your petition should be addressed to:

Mr. John Hill, Chief Safety Officer Federal Motor Carrier Safety Administration 400 7th Street, S.W. Washington, DC 20590.

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the must include other documentation that may be relied uses as a basis for the content of the company of the content of the conten

must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

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SEATAC MOTOR COACHES LLC

U.S. DOT#: 1344306

State #: CH466

Review Date 06/18/2007

Part B Requirements and/or Recommendations

Field Administrator
Federal Motor Carrier Safety Administration
Mailing Address
City, State Zip Code

- Maintain all required controlled substance testing records including yearly summaries, quarterly summaries, test
 information, test results, records of training etc., as required by 49 CFR Parts 40 and 382 of the FMCSR.
- 13. A complete Educational and Technical Assistance package entitled " A MOTOR CARRIER'S GUIDE TO IMPROVING HIGHWAY SAFETY" is available free on the FMCSA website to assist you in complying with the safety regulations. It contains many forms and documents useful for improving the safety of your operations. Check: www.fmcsa.dot.gov/factsfigs/eta/index.html.
- 14. Within 15 days, send a letter to the Washington Utilities & Transportation Commission, ATTN John Foster, describing what actions you have taken in response to this review to ensure that you are complying with the Federal Motor Carrier Safety Regulations.
- 15. Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.

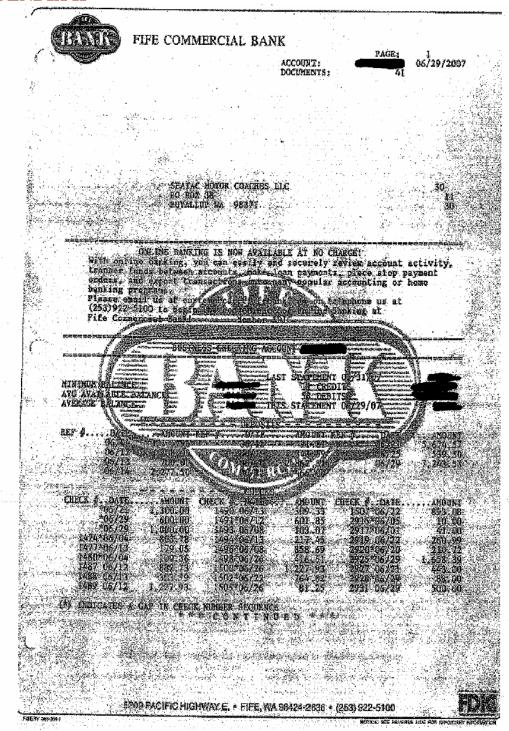
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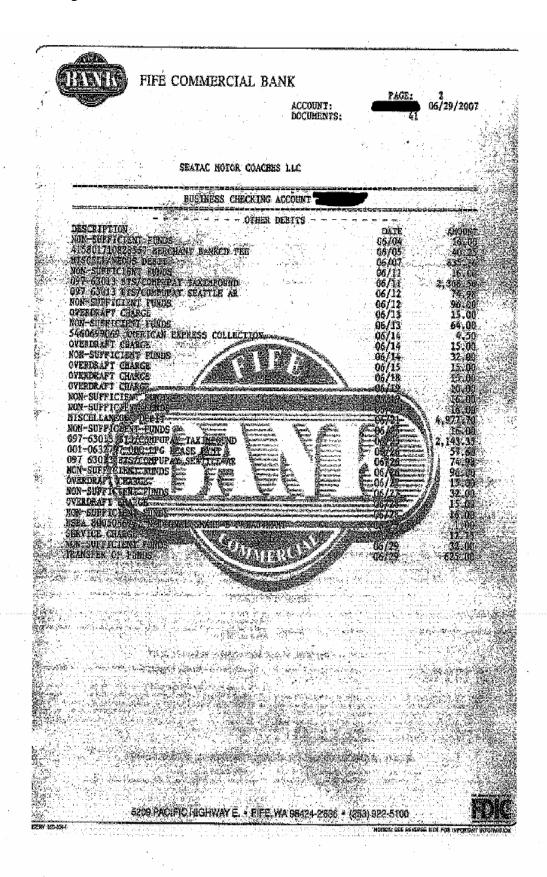
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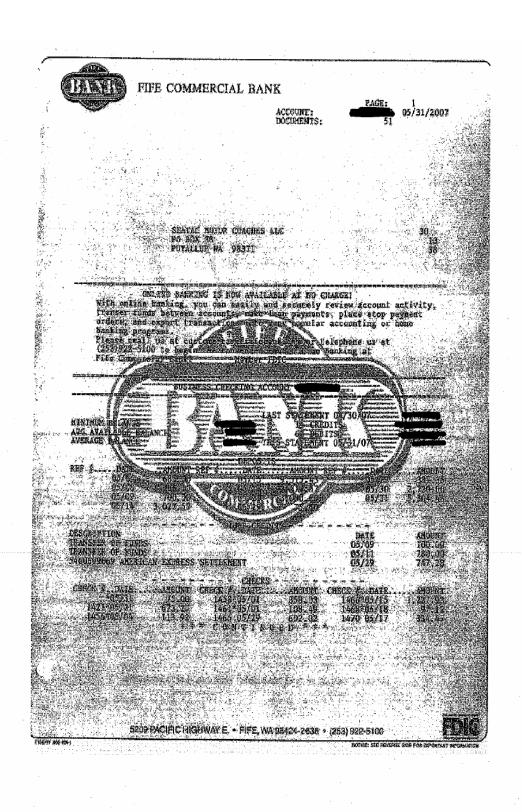


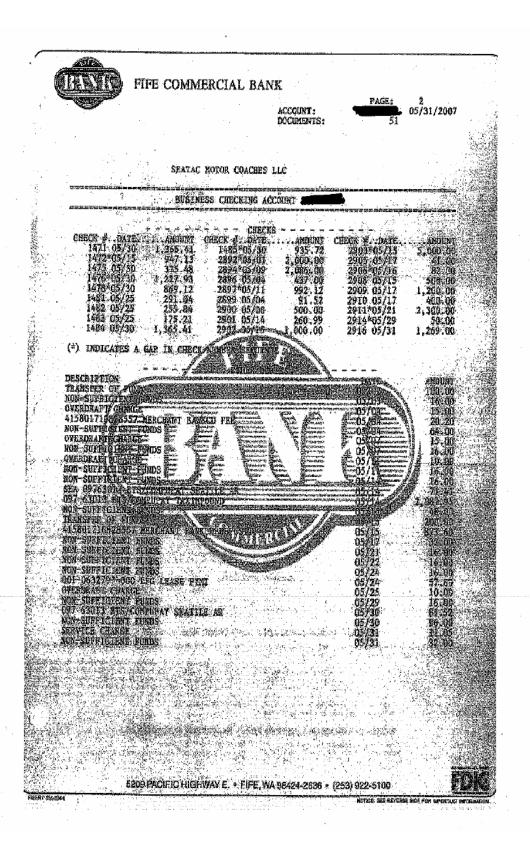
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6	US DOT 1344306	Legi	al: SEATA rating (DB	C MOTOR	COACH	HES LLC							
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5401 85th		-					-		and the second s	· ·	ANTHERMAN	Date Devel	Start March Source
Puyallup, V	WA 98371	-2107											
Contact N		Paul Far											
Phone nur	mbers: (1	1) (253)435	-0025	(2)			Fax						
E-Mail Add	dress:			• • •									
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Puyallup, W		0004											
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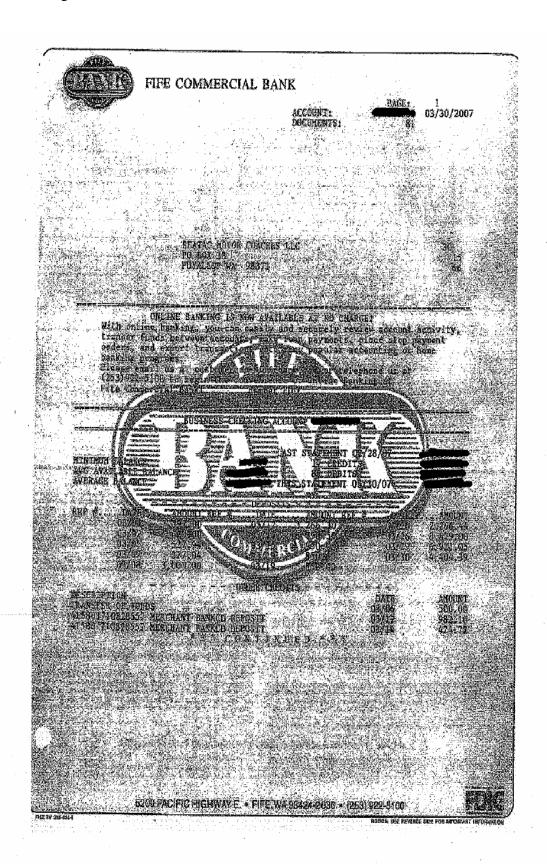
APPENDIX H

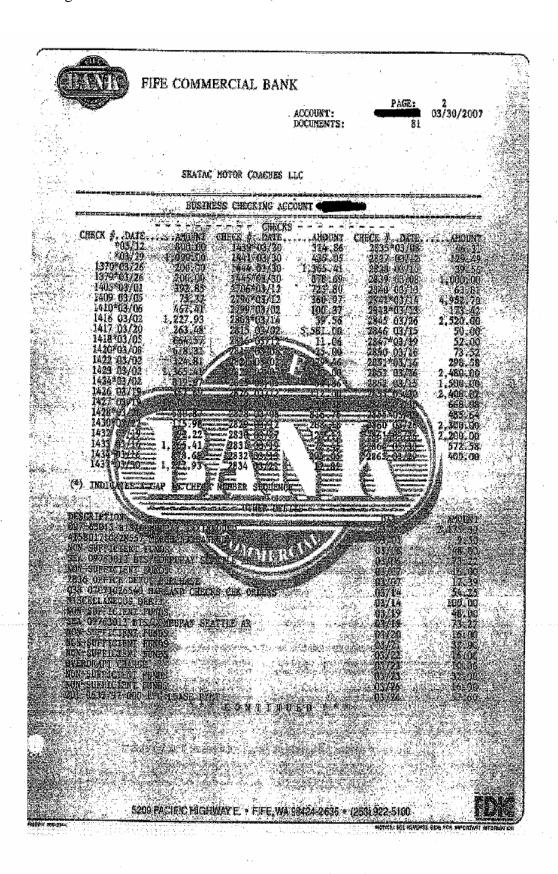


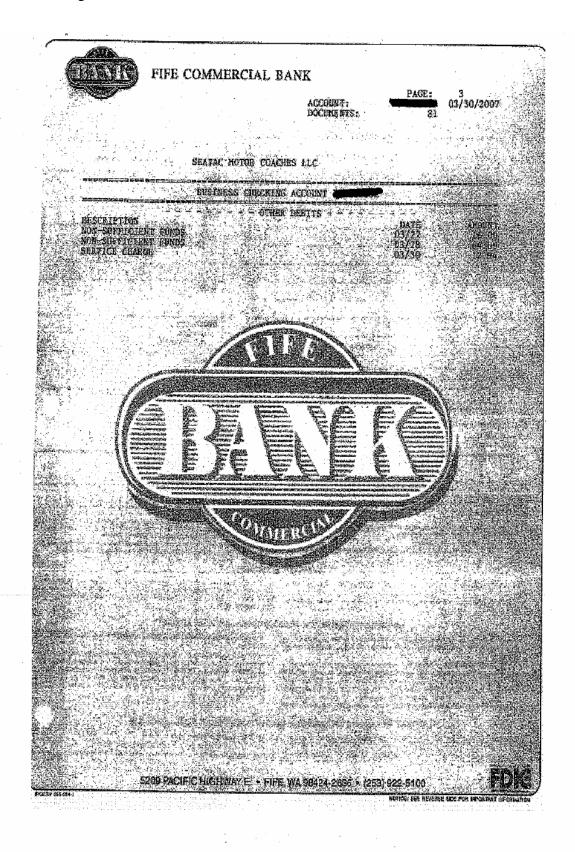


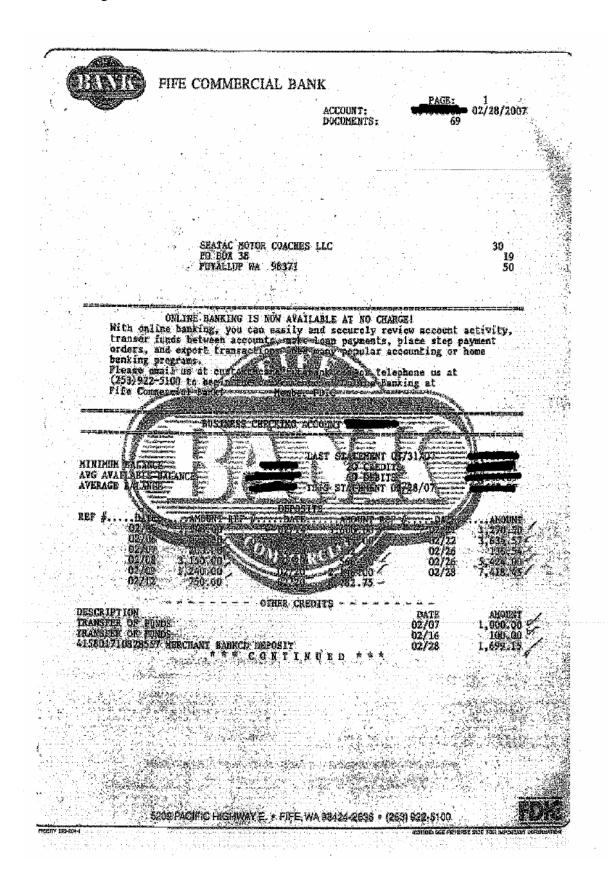


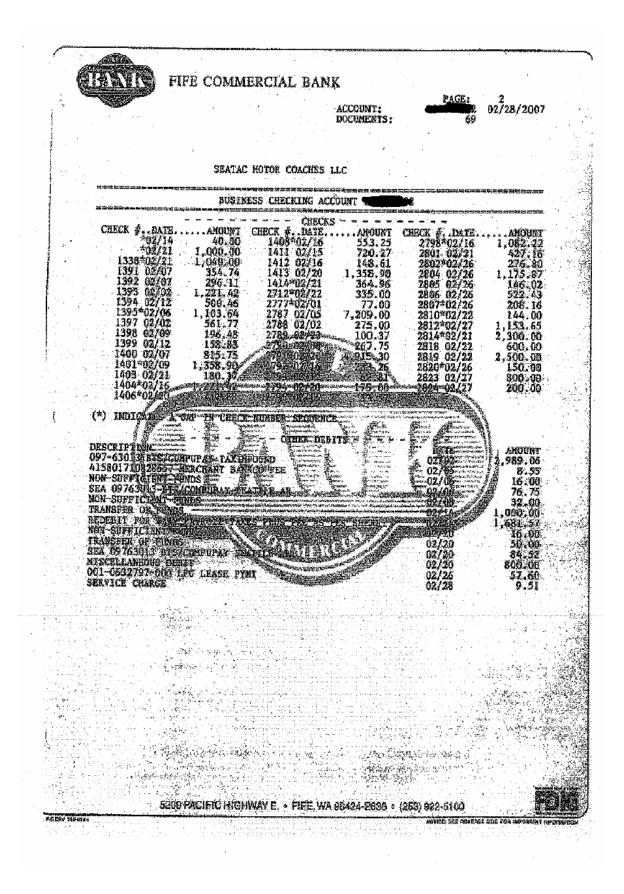


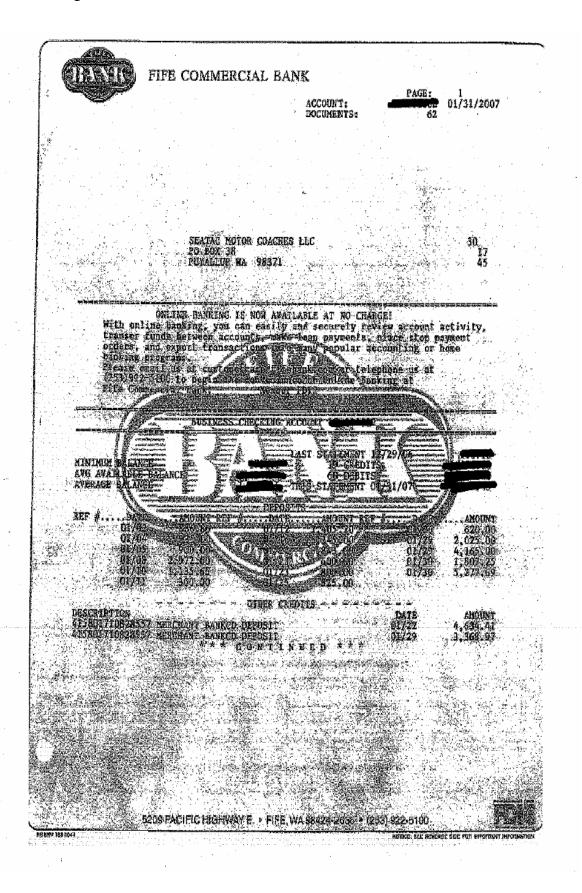


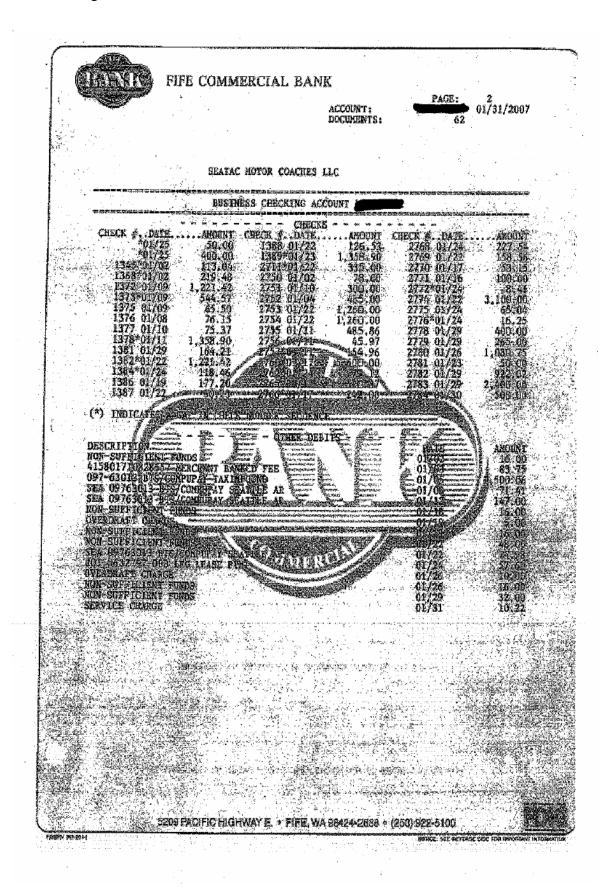












APPENDIX I

13127 Valley Avc. E. Sumner, WA 98390

July 16, 2007

wutc

1300 S. Evergreen Park Dr. SW

PO Box 47250 Olympia, WA 98504-7250

To Whom It May Concern:

As requested we are submitting the following documents as evidence to the Washington State Utilities and Transportation commission to aid in their investigation of Sea Tac MotorCoaches, LLC.

These documents reflect expenditures as well as reimbursements, (), of financial transactions carried on between The Miller Family and The LLC. These expenditures range from the purchase of fuel for vehicles to parts and repairs to vehicles belonging to the LLC. Also, please note that some parts purchased were for outside sales to customers of the LLC "shop". These outside parts & repairs were all payable to the LLC at cost plus mark-up.

We hope that this information will be helpful and will bring about equitable resolve to your investigation.

; Gary L. Miller

SeaTac MC - Miller expense record

			· ·	
Trans Type	Trans. Dat	e Description	Vendor	Amount
Cash	6/15/2005		Napa Standard Parts-Puyallup,WA	\$5.43
Cash		Ro#501 -15/w40 motor oil	Napa Standard Parts-Puyallup, WA	\$133.47
Cash	1/13/2006		Cartwright Diesel - Tacoma, WA	\$16.04
Cash	1/30/2006	g	Arco	\$40.00
Cash	2/9/2006	Ro#501 -parts	Tacoma Screw Products Tacoma, WA	\$11.62
Cash	3/9/2006	Ro #501	Cartwright Diesel - Tacoma, WA	\$21.63
Cash	4/2/2006	fuel #114	Flying J - Fife, WA	\$100.00
Cash	4/8/2006	fuel #100	Flying J - Fife, WA	\$100.00
Cash	4/15/2006	fuel #104	Shell #3619 Gig Harbor, WA	\$27.49
Cash		filter #007	Williams Oil Filter Servic Tacoma, WA	\$5.78
Cash	4/26/2006	RO#50126	McLendon's Hardware Sumner, WA	\$11.07
Cash	4/26/2006		Drivelines NW Fife, WA	\$19.04
Cash		Shop Equip tool cab./spill trays	Boing Surplus Kent, WA	\$136.00
Cash	11/11/2006	fuel # 100		\$100.00
				S727.57
Reimburse	5/30/2005	Check #		(\$2,909.17)
Reimburse	7/1/2005	Check#	,	(\$2,300.00)
Reimburse	8/16/2005	Check#	SeaTac M/C	(\$2,400.00)
Reimburse	9/30/2005	Cash	Fanson motors	(\$360.00)
Reimburse	2/6/2006	Check#	SeaTac M/C	(\$500.00)
Reimburse	2/17/2006	Check # 2354	ScaTao M/C	(\$1,072.50)
Reimburse	4/4/2006	Cash	SeaTac M/C	(\$101.50)
Reimburse	4/10/2006		SeaTac M/C	(\$2,000.00)
Reimburse	4/22/2006		ScaTac M/C	(\$300.00)
Reimburse	5/3/2006	Check®	SexTac M/C	(\$83.41)
Reimburse	5/10/2006		SeaTac M/C	(\$100.00)
Reimburse	5/22/2006		SeaTac-M/C	(\$2,000.00)
		Check # 2942	Pacific Transportation, Inc.	(\$682.71)
	7/12/2006	cert.ck#	SeaTac M/C	(\$1,400.00)
		cort.ck #	SeaTac M/C	(\$2,000,00)
		cert.ck #16953	SeaTac M/C	(\$4,000.00)
	11/9/2006			(\$6,000.00)
		Check#2699	SeaTac M/C	(\$500.00)
Reimburse	2/8/2007	Cert. Check#17861	Sharon M. Bremher	(\$500.00)
			to the second of the second	

(\$29,209.29)

SeaTac MC - Miller expense record

7/16/2007

SeaTac MC - Miller expense record

Visa	5/16/2005	Alamo Turbocharger - Kent, WA	\$2,471.64
Visa	5/23/2005	Alamo Turbocharger - Kent WA	\$20,28
Visa	5/25/2005	Tacoma Screw Products Tacoma, WA	\$51.91
Visa	5/2\$/2005	Cartwright Die sei - Tacoma, WA	\$19,49
Visa	5/25/2005	Cartwright Diesel - Tacoma, WA	\$21,24
Visa	6/1/2005	Les Schwabb	\$1,877.80
Visa	6/7/2005	Car Toys - Puyallup, WA.	\$480,65
Visa	6/15/2005	Alamo Turbocharger - Kent, WA	\$2,978,70
Visa	6/20/2005	Alamo Turbocharger - Kent, WA	\$1,017,40
Visa	6/22/2005	Car Toys - Puyallup, WA	\$455.75
- Visa	8/23/2005	Try It - Norms TV	\$50.00
Visa	8/24/2005	Try It - Norms TV	\$80.68
Visa	9/2/2005	Rusty Rach Guys	\$130.56
Visa	9/19/2005 Temp gauges STm/c #104	ISS Sale & Service	\$25.29
Visa	10/24/2005	Alamo Turbocharger - Kent,WA	\$2,017.40
			\$11,698.79
GM	10/26/2005 Raff501 - tow dolly	Bunce U Rent	\$100.00
GM	10/28/2005 Ro#501 - tow dolly	Bunce U Rent	(\$49.73)
GM	11/1/2005 2-MC-9 door glass	South Tacoma Glass Spec	\$147.97
GM	11/4/2005	Contractors Depot	\$223.59
GM	12/18/2005 Fuel #104	Flying J - Fife, WA	\$93.57
GM	12/18/2005 Fuel #106	Flying J - Fife, WA	\$220.12
GM	12/26/2005	Target-Bonney Eake	\$87.03
GM	12/28/2005 Eng. 8y92/Trans. HTB741(core)	Colaw RV Parts - Carthage, MO	\$5,000.00
GM	1/6/2006	Target-Bonney Lake, WA	(\$87.03)
GM	1/8/2006 Shop Supply - Lights	The Home Depot - Puyallup, WA	\$48.82
GM GM	1/13/2006	Ticoma Screw Products-Tacoma, WA	\$76.63
GM	1/13/2006	Car Toys - PuyaBup,WA	\$170.77
. GM	1/18/2006 Ro#501	MCI Servic Parts Inc	\$169.60
GM	1/19/2006	McClendon Hardware - Renton, WA	\$17.50
GM	1/21/2006	Car Toys - Issaquah,WA	\$270.72
GM :	1/25/2006 Re#501 1/25/2006 Re#501	4 Corners Auto Parts - Maple Valley	\$11.40
GM.	1101000	ABTTowing - Federal Way, WA	\$750.00
GM	- (- (- (- (- (- (- (- (- (- (- (- (- (-	Fanson Motors - Puyallup, WA	\$2,000.00
GM	2/6/2006 Ro#501 2/10/2006	Drivelines NW - Fife, WA	\$913.60
GM	2/16/2006	Car Toys - Puyal lup, WA	\$162.00
GM .	2/28/2006 Ro#50130	Pacific Powershi ft - Tacoma, WA	\$210.25
Shell Oil	3/18/2006 Fuel #100	ABT Towing - Federal Way	\$812.50
GM	4/3/2006 flict#100	Sultan Depot - Suitan, WA	\$200.00
GM	4/5/2006 Ro#501- parts	Kitimat Scattle Gull - Scattle, WA	\$252.84
GM	4/7/2006 Rof 501- parts	Fleet Pride - Aubum, WA	\$192.85
Sheli Oil	4/15/2006 Fuel #104	Fleet Pride - Aubum, WA	\$8.82
GM	4/16/2005 Fuel #104	M&M Market Port Orchard, WA	\$100.00
GM	4/20/2006 Ro#50126- parts	Enchanted Chevron Federal way, WA	\$146.98
GM	4/24/2006 Ro#50126- parts	Courtwright Diesel Tacoma, WA	\$99.09
GM	4/25/2006 Ro#50126- parts	U.S.Coach Repair Berlin, N J	\$573.26
GM	4/27/2006 Ro#50133	Commercial Brake&Clutch Tacoma, WA	\$455.81
GM.	4/29/2006 repain#102	Courtwright Dies el Tacoma, WA	\$53.73
		Western Bus Repair Vancouver, B.C.	\$2,131.81

SeaTac MC - Miller expense record

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7/16/2007

SeaTac MC - Miller expense record

GM		5/3/2006		Days Inn Bellevue, WA	\$83.41
GM		5/4/2006	repair#102	foreign transaction fee	\$59.89
GM		5/10/2006	fuel#100	Sullivan Petrol Washtucna, WA	\$50.00
GM		5/10/2006	fuel#100	Sullivan Petrol Washtucna, WA	\$50.00
GM		5/31/2006	Ro#50143	Commercial Brake&Clutch Tacoma,WA	\$821.30
GM		6/10/2006	shop supply	McLendon hardware Sumner, WA	\$78.13
GM		6/13/2006	Ro#50144	ABC companies, FL	\$246.57
GM		9/27/2006	Ro#501	Commercial Brake&Clutch Tacoma,WA	\$24.52
GM		10/5/2006	Ro#50170	Alamo Turbocharger SVC Kent, WA	\$595.00
GM	1	10/17/2006	Ro#50170	Cam Grinders, Inc Seattle, WA	\$4,275.84
GM		1/16/2006		Commercial Brake&Clutch Tacoma, WA	\$480.80
GM		12/7/2006	Re#50178 - tow (Caitanya #889)	J B T Towing - Federal Way, WA	\$562.50
GM	1	2/13/2006	Fl. Lighting/Coach Int. (102A3)	McLendon hardware Sumner, WA	\$159.71
GM	1	2/18/2006	Ro#50179	Alamo Turbocharger SVC Kent, WA	\$420.00
GM	. 1	2/28/2006	Ro#50179	Courtwright Diesel Tacoma WA	\$780,00
GM -	` 1	2/29/2006	Ro#50179	Courtwright Diesel Tacoma WA	\$12.64
GM		1/3/2007	Ro#50179	Cam Grinders Inc Seattle WA	\$210.00
GM		1/4/2007	Ro#50179	Alamo Turbocharger SVC Kent, WA	\$1,365.42
GM		1/6/2007		McLendon hardware Sumner, WA	\$128,74

\$25,968.97

TOTAL OF ALL



SeaTac MC - Miller expense record

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7/16/2007

SeaTac MotorCoaches, LLC 5104 85th ave. E. Puyallup, WA 98371

Dear Paul or Shari:

I would like to address the lack of payment in concern of bus #100. As you may or may not be aware there has been no real clear agreement between us about operational and financial responsibility. Due to this vague, yet in some respect verbal agreement. SeaTac MotorCoaches, LLC has fallen gravely short in its financial responsibility to the Miller family. This is something I find shocking and appalling.

The facts and figures clearly show that this vehicle has earned gross revenue for the LLC, during the period of April 2006 / December 2006 in excess of \$100,000.00.

Traveling some 29,848 miles the calculated driver wages and fuel cost, known insurance and licensing cost total approximately \$41,000.00.

According to the estimated figures, which have been acquired from documents and devices in place by the LLC the net profit for said vehicle is \$59,000.00.

In accordance with the lease document we submitted to each of you, as well as then member John Bremher, in April 2006 we had required \$1500.00 per month or 40% of the net monthly profit whichever was the greater amount. Much to my chagrin this document has been ignored and a huge burden has been placed upon The Millers to pay for this vehicle strictly OUT OF POCKET with no contribution from SeaTac MotorCoaches, LLC.

Now, here we are at a difficult area of this memo; what is and how to resolve the accumulative debt The Millers have against The LLC.

It is clear that the 40% clause of the above noted agreement should be placed in effect, as the said percentage net profit does exceed the monthly rental amount. In light of this fact the lease debt owed through December 2006 is \$23,600.00.

This clearly is a large sum of money and I do know that it may come at a bad time. However, you as the financial representatives of the LLC have had ample time to make payment according to the rental/lease agreement over these past several months and have chosen to ignore this issue. So, payment in full is here by requested in writing.

Please note this is a separate issue of the parts/shop supplies purchased on my personal credit card. The balance owed against this credit account is \$9,686.04 and payment has not been received since November 2006. However, the customers of the ScaTac MotorCoaches, LLC (shop) have made substantial payment to the LLC. This clearly stands as another blemish against the financial representatives of SeaTac MotorCoaches, LLC.

Respectfully, The Millers