

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper  
Carrier Classification of, and Complaint for  
Penalties against:

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

DOCKET TE-161071  
  
ORDER 01  
  
ORDER INSTITUTING SPECIAL  
PROCEEDING; COMPLAINT SEEKING  
TO IMPOSE PENALTIES  
  
and  
  
NOTICE OF HEARING  
(Set for November 15, 2016, at 9:30 a.m.)

**INTRODUCTION**

- 1 The Washington Utilities and Transportation Commission (Commission), pursuant to RCW 81.04.510, institutes this special proceeding on its own motion to determine whether Executive Limousine Services, LLC (Executive Limousine) is operating as a charter party or excursion service carrier, transporting passengers for compensation between points in the state of Washington and on the public highways of Washington State without the certificate required for such operations by RCW 81.70.220.
- 2 The Commission has information from which it believes and therefore alleges that Executive Limousine is operating as a charter party carrier or excursion service carrier, transporting passengers for compensation on the public highways of the State of Washington without the necessary certificate required for such operations by RCW 81.70.220. Specifically, the Commission has evidence that Executive Limousine, for which Respondent Antwan Mason-West (Mason-West) is the managing member, advertised for the provision of charter party services on its website and also offered to provide charter party services to Commission Staff (Staff) when Staff, posing as a consumer, inquired whether Executive Limousine could provide those services.
- 3 Upon proof of these allegations, RCW 81.04.510 authorizes the Commission to issue an order requiring Executive Limousine to cease and desist activities subject to regulation under Title 81 RCW. In addition, RCW 81.04.110 authorizes the Commission to file a complaint on its own motion, setting forth any act or omission by Executive Limousine

that violates any law, or any order or rule of the Commission. Under RCW 81.70.220, the Commission may impose financial penalties of up to \$5,000 for each violation.

- 4 At the hearing in the special proceeding the Commission notices here, the Commission will also consider its Complaint against Executive Limousine and Mason-West alleging violations of law as specified below and whether the Commission should penalize Executive Limousine and Mason-West.

**ORDER AND NOTICE OF HEARING**

- 5 The Commission has jurisdiction to institute a special proceeding to determine whether Executive Limousine is conducting business requiring operating authority, or has performed or is performing any act requiring Commission approval without securing such approval pursuant to RCW 80.01.040, RCW 81.01.010, RCW 81.04.510, and RCW 81.70.220. In addition to the foregoing statutes, this matter involves Title 81 RCW, including but not limited to RCW 81.04.020, RCW 81.70.020, RCW 81.70.310, and RCW 81.70.360. This matter also involves the administrative rules set forth in WAC 480-30 and WAC 480-07.

- 6 **THE COMMISSION ORDERS Executive Limousine and Mason-West to appear before the Commission in this special proceeding conducted under the authority of RCW 81.04.510 at 9:30 a.m. on November 15, 2016, in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, to give testimony and evidence under oath as to their operations. The burden of proving that the alleged operations are not subject to the provisions of Title 81 RCW shall be upon Executive Limousine and Mason-West as provided by RCW 81.04.510.**

- 7 **THE COMMISSION GIVES NOTICE THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING OR ANY OTHER STAGE OF THIS PROCEEDING MAY BE HELD IN DEFAULT IN ACCORDANCE WITH RCW 34.05.440 AND WAC 480-07-450.**

- 8 If a limited English-speaking or hearing-impaired party needs an interpreter, a form is attached to this notice to be filled out and returned as indicated, so that the Commission may appoint a qualified interpreter at no cost to the party or witness.

9 The names and mailing addresses of all parties and their known representatives are shown as follows:

Respondent	Antwan Mason-West 106 Sweet Birch Drive Longview, WA 98532
Carrier:	Executive Limousine Services, LLC Antwan Mason-West, Registered Agent 106 Sweet Birch Drive Longview, WA 98532
Representative:	Unknown
Commission:	Washington Utilities and Transportation Commission 1300 S. Evergreen Park Drive S.W. P.O. Box 47250 Olympia, WA 98504-7250 (360) 664-1160
Representative:	Jeff Roberson Assistant Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128 (360) 664-1192

**COMPLAINT SEEKING PENALTIES**

**PARTIES**

10 The Commission is an agency of the State of Washington, authorized by state law to regulate the rates, services, facilities, and practices of public service companies, including charter party carriers, under the provisions of Title 81 RCW.

11 Mason-West is the registered agent and managing member of Executive Limousine.

12 Executive Limousine is a Washington limited liability corporation. Executive Limousine provides charter and excursion services in the state of Washington.

### **JURISDICTION**

13 The Commission has jurisdiction over this matter pursuant to RCW 80.01.040, RCW 80.01.060, RCW 81.01.010, RCW 81.04.110, RCW 81.04.160, RCW 81.04.460, RCW 81.04.510; and chapter 81.70 RCW.

### **BACKGROUND**

14 The following facts, set forth in the Staff Investigation Report of this matter, establish probable cause for the Commission to complain against the activities of Executive Limousine and Mason-West and to seek penalties in accordance with applicable law.

15 In March 2016, Staff reviewed Executive Limousine's website. On the website, Executive Limousine offers to rent, among other vehicles, "Party Bus[es]" for service in southwest Washington. The "Services" tab of the webpage offers a variety of charter party services. The "Our Fleet" tab of the webpage shows pictures of a number of vehicles, including a 12 person white passenger limousine, a 16-seat party bus, and a 28-seat party bus, as well as a stretch Hummer limousine that seats 18-20 passengers and a stretch Excursion limousine that seats 22 passengers. Staff revisited the website as recently as September 15, 2016, and observed no changes to it.

16 On August 24, 2016, Staff emailed Executive Limousine to ask for a quote for transportation for a family event in Executive Limousine's 28-person party bus. Mason-West responded that same day, offering service in a 20-person party bus for \$150 per hour.

17 Executive Limousine did not have a valid certificate from the Commission authorizing it to offer charter party or excursion services when Staff requested a quote for transportation services on August 24, 2016, or when Staff visited the company's website on September 15, 2016.

18 Executive Limousine was not registered as an interstate carrier when Staff requested a quote for transportation services on August 24, 2016, or when Staff visited the company's website on September 15, 2016.

**APPLICABLE LAW AND REGULATIONS**

- 19 It is illegal for any person to engage in the business of a charter party carrier or excursion service carrier of passengers over any public highway [within the state of Washington] without first having obtained a certificate from the Commission to do so or having registered as an interstate carrier. For the purposes of this section, “engage in the business of a charter party carrier or excursion service carrier” includes advertising or soliciting, offering, or entering into an agreement to provide such service. Each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation under this chapter.  
RCW 81.70.220(1); *see also* WAC 480-30-086.
- 20 The term “person” includes an “individual, a corporation, association, joint stock association, and partnership, their lessees, trustees, or receivers.” RCW 81.70.020(2); *see also* WAC 480-30-036.
- 21 Under state law, the definition of “charter party carrier” includes every person engaged in the transportation over any public highways in this state of a group of persons who, pursuant to a common purpose and under a single contract, acquire the use of a motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after leaving the place of origin.  
RCW 81.70.020(5); *see also* WAC 480-30-036.
- 22 The term “common purpose” is defined as “a group of persons [that] is travelling together to achieve a common goal or objective.” WAC 480-30-036.
- 23 Under state law, the definition of “party bus” is any motor vehicle whose interior enables passengers to stand and circulate throughout the vehicle because seating is placed around the perimeter of the bus or is nonexistent and in which food, beverages, or entertainment may be provided. A motor vehicle configured in the traditional manner of forward-facing seating with a center aisle is not a party bus. A person engaged in the transportation of persons by party bus over any public highway in this state is considered engaging in the business of a charter party carrier or excursion service carrier.

RCW 81.70.020(7); *see also* WAC 480-30-036.

24 The Commission has the authority to regulate charter party carriers. RCW 81.70.270; RCW 81.70.220.

25 When used by a charter party carrier, motor vehicles (including limousines) with a seating capacity behind the driver of more than fourteen passengers are subject to regulation by the Commission. *See* RCW 81.70.270; WAC 308-83-010; WAC 480-30-036.

26 Charter party carriers are common carriers. RCW 81.04.010(11). For the purposes of Title 81 RCW, every common carrier is a public service company. RCW 81.04.010(16).

27 By law, every public service company that violates any Commission rule or provision of Title 81 RCW is subject to a penalty. RCW 81.04.380; RCW 81.70.310. For a violation of RCW 81.70.220, “any person who engages in the business of a charter party carrier or excursion service carrier in violation of [RCW 81.70.220(1)] is subject to a penalty of up to five thousand dollars per violation.” RCW 81.70.220(2).

28 The Commission is authorized to file a complaint on its own motion setting forth any act or omission by any public service company that violates any law or any order or rule of the Commission. RCW 81.04.110; RCW 81.70.310; *see* RCW 81.04.510.

### **COMPLAINT**

29 The Commission, through its Staff, re-alleges the allegations contained in paragraphs 14 through 18 above.

30 Executive Limousine violated RCW 81.70.220 two times by engaging in the business of a charter party or excursion carrier without first having obtained a certificate from the Commission to do so. Specifically, Executive Limousine operated as a charter party carrier of passengers by advertising charter party services on its website and also by offering to provide charter party carrier transportation to Staff when Staff posed as a customer.

### **REQUEST FOR RELIEF**

31 Staff requests that the Commission, pursuant to its authority under RCW 81.04.380, RCW 81.70.220, and RCW 81.70.310, assess penalties of up to \$5,000 per violation

against Executive Limousine and Mason-West. Staff requests the penalties against Respondent Mason-West in his individual capacity under the responsible corporate official doctrine.

32 Staff further requests that the Commission order Executive Limousine to cease and desist activities subject to regulation under Title 81 RCW until it has obtained the necessary authority from the Commission.

33 Staff further requests that the Commission order such other or additional relief as is appropriate under the circumstances.

**PROBABLE CAUSE**

34 Based on a review of the Staff Investigation Report of this matter, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this Complaint.

**NOTICE OF HEARING**

35 **THE COMMISSION GIVES NOTICE THAT it will conduct a hearing concerning this Complaint concurrently with the special proceeding noticed above, which will commence at 9:30 a.m. on November 15, 2016, in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

36 An Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, will be designated to preside at the hearing of these matters.

DATED at Olympia, Washington, and effective October 6, 2016.

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GREGORY J. KOPTA  
Administrative Law Judge  
Administrative Law Division

Inquiries should be addressed to:

Executive Director and Secretary  
Washington Utilities and  
Transportation Commission  
Richard Hemstad Building  
1300 S. Evergreen Park Drive S.W.  
P. O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160



**NOTICE**

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and, if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Steven V. King, 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket: \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Hearing Impaired: (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

Do you need a certified sign language interpreter?

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone No.: (\_\_\_\_\_) \_\_\_\_\_