

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment
Against

Luxury1 Limo, LLC,

in the amount of \$1,400

DOCKET TE-180596

ORDER 02

DENYING MITIGATION,
ORDERING PAYMENT
ARRANGEMENT

BACKGROUND

- 1 On July 25, 2018, the Washington Utilities and Transportation Commission (Commission) assessed a \$1,400 penalty (Penalty Assessment) against Luxury1 Limo, LLC, (Luxury1 Limo or Company) for 16 violations of Washington Administrative Code (WAC) 480-30-221 and Title 49 Code of Federal Regulations (C.F.R.).
- 2 On August 29, 2018, the Commission received the Company's response to the Penalty Assessment, admitting the violations and requesting mitigation of the penalty based on the written information provided.
- 3 On September 21, 2018, the Commission entered Order 01, which denied the Company's request for mitigation of the \$1,400 penalty. The Commission, however, exercised its discretion to suspend a \$700 portion of the penalty for a period of two years, and then waive it, subject to the following conditions:
 - Luxury1 Limo must not incur any repeat violations of acute or critical regulations;
 - Luxury1 Limo must pay the \$700 portion of the penalty that is not suspended or file jointly with Staff a proposed payment arrangement within 10 days of the effective date of the Order;
 - Luxury1 Limo must submit a "15-day letter" to Staff within 10 days of the effective date of the Order containing its detailed plan for correcting and avoiding future violations.

- 4 On November 2, 2018, Commission staff (Staff) filed with the Commission a letter explaining that Luxury1 Limo failed to comply with the terms of Order 01 and recommending the Commission impose the suspended portion of the penalty. The Company neither made any payment toward the \$700 penalty nor submitted a 15-day letter as required.
- 5 On November 21, 2018, the Commission imposed the entire \$1,400 penalty. That same day, the Company submitted a \$700 payment to the Commission. To date, the remaining the \$700 portion of the penalty remains unpaid.
- 6 On June 27, 2019, Staff completed a follow-up safety investigation with the Company. During this investigation, Staff discovered repeat acute and critical violations. The same day, the Company submitted a voluntary cancellation of its charter and excursion carrier authority with the Commission.
- 7 On December 9, 2019, the Company filed an application for reinstatement of its charter and excursion carrier service certificate.
- 8 On December 10, 2019, the Commission entered Order 02 in docket TE-190842 classifying the Company as a charter party or excursion service carrier; ordering the Company to cease and desist such services without first obtaining a certificate from the Commission; and assessing a penalty of \$10,000, a \$9,000 portion of which was suspended for two years subject to certain conditions. The Company is currently making payments on the \$1,000 portion of the penalty that is not suspended.
- 9 On January 27, 2020, the Company filed with the Commission a request for “the dismissal of the original fine of \$700 [in Docket TE-180596] in order to complete the current permit process.”
- 10 On February 14, 2020, Staff filed with the Commission a response to the Company’s request. Staff recommends that the Commission deny the Company’s request to dismiss the outstanding \$700 penalty due to the Company’s failure to comply with the conditions of Order 01 and its history of noncompliance.

DISCUSSION AND DECISION

- 11 As a preliminary matter, we deny the Company’s request for further mitigation of the penalty. The terms of Order 01 clearly required that Luxury1 Limo must not incur any

repeat violations of acute or critical regulations; that it pay the \$700 penalty that was not suspended with 10 days of the date of Order 01; and that it submit a 15-day letter. Instead of complying with these terms, Luxury1 Limo paid the \$700 penalty 61 days after the entry of Order 01. In addition, Luxury1 Limo failed to submit a 15-day letter as required. Finally, Staff found repeat acute and critical violations during its June 27, 2019, follow-up inspection. Overall, Staff asserts that the Company remains noncompliant. We agree. None of these factors mitigates in favor of waiving the remaining \$700 penalty, nor do they instill confidence that doing so would increase the Company's compliance going forward.

- 12 We are, however, sensitive to the Company's financial situation. Our ultimate goal in any enforcement proceeding is to obtain compliance, not to create an insurmountable financial burden for a small company. Here, Luxury1 Limo seeks to be regulated, and Commission oversight of the Company's operations is clearly in the public interest.
- 13 Under WAC 480-30-096, the Commission may reject or defer consideration of an application until the applicant pays any outstanding fees, fines, or penalties. We nevertheless exercise our discretion to allow Staff to proceed with processing the Company's application and issue its permit subject to the condition that Luxury1 Limo pay the outstanding \$700 balance in four monthly installments of \$175. A payment schedule reflecting exact due dates for each installment is attached to this Order as Appendix A.
- 14 Luxury1 Limo may make additional payments in advance of the payment due dates or pay an increased amount on the due dates, but no additional payment or increased amount will relieve the Company of its obligation to make timely monthly installments of \$175 until the full amount of \$700 is satisfied. If Luxury1 Limo fails to pay the penalty by the date it becomes due in full – either immediately upon a missed installment, or June 26, 2020, whichever applies – the Commission may cancel the Company's certificate without further order.

ORDER

THE COMMISSION ORDERS THAT:

- 15 (1) Luxury1 Limo, LLC's request that the Commission waive the remaining \$700 portion of the penalty is DENIED.

- 16 (2) The \$700 remaining balance of the \$1,400 penalty is due and payable to the Commission in installments as set out in Appendix A to this Order.
- 17 (3) If Luxury1 Limo, LLC, fails to pay any installment by 5 p.m. on the date it is due, the entire unpaid balance will immediately become due and payable without further order by the Commission.
- 18 (4) If Luxury1 Limo fails to pay any portion of the \$700 penalty by the final due date under the payment plan, June 26, 2020, the Commission may cancel any charter and excursion service certificate issued to the Company by order in this docket.
- 19 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Olympia, Washington, and effective February 25, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this Order no later than 14 days after the date the decision is posted on the Commission's website.

Appendix A

| Due Date | Amount |
|-----------------|---------------|
| March 26, 2020 | \$175.00 |
| April 27, 2020 | \$175.00 |
| May 27, 2020 | \$175.00 |
| June 26, 2020 | \$175.00 |

If a payment is missed, the entire amount of the penalty will become due and payable the day after the missed payment was due.