

Steven V. King,
2017 @ 13:30
Executive Director and Secretary
Washington Utilities and Transportation Commission - **Respect. Professionalism. Integrity. Accountability.**
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This is GO VIP's request for a Formal Hearing TE-161295 to discuss Steve Valentinetti's 24 year accident free companies and the future of GO VIP

GO-VIP being held back by the WUTC is a continued attempt to stop Steve Valentinetti (SV) from attaining Federal Transportation Contracts (past and future) and cover up the DOT's use of threats against mistakenly presumed minority, foreigner owned companies. Because Valentinetti responded with civil rights complaints against the DOT, the DOT shut AMI Coaches down without allowing a hearing to challenge the false claims. With requests for Administrative Reviews, Adjudication, any type of hearing and 7 Corrective Action Plans all rejected over a period of 3 years the DOT knowing they will lose, the DOT continues to facilitate corruption by blocking hearings. In response to continued requests for review, statements of corruption and discrimination the DOT also continues to make slanderous, false statements as they are caught already committing over 50 differential treatment actions.

As usual the DOT has mis-characterized and used its "Special definition of the Laws". The DOT = (WUTC & FMCSA) and also as usual the DOT is unable to site, prove or explain the violations and why they were assessed. The DOT hides from any review as they know the accusations against the DOT are true.

TE-161295 Brief Informal Hearing was to determine if GO VIP is "Fit and Able" to operate safely and **the allegations, if not satisfactorily rebutted, support findings that Go VIP LLC is not fit to operate as a charter or excursion carrier.** Steve Valentinetti was told his team could provide evidence, testimony, witnesses, case history and cross examine WUTC staff. AAG Roberson and DOT Judge Pearson is well aware that "Collateral Estopal" is not relevant in this Brief hearing and even if it were the basis (fair trial and Rulings decided) for Collateral Estopal has not been met as none of the violations have been allowed to be challenged in a hearing.

Collateral Estopal Definition - The issue against which collateral estoppel is claimed must be identical to an issue already litigated in the earlier case and **must have been fully litigated at that time.** In addition, the court must have actually decided the issue. This last requirement **assures the issue was vigorously litigated so that it is fair to prevent its re-litigation** in a second action **because there is little likeli-hood that the results will be different the second time.**

A DOT Judge Sullivan after **blocking all evidence, discovery, witnesses, industry professionals** and case law then **making false personal "without merit" statements** on record to try to obtain jurisdiction for the DOT and then not allowing a challenge to those statements or providing proof or the source of the statements and then deciding behind closed doors cannot be **considered "fully and vigorously litigated"**. It can be considered additional attempts to cover-up and conceal the DOT's knowingly wrong doing. Most jurisdictions will not apply collateral estoppel, since the issues have not been fairly and fully litigated.

SV asserts the DOT is endorsing "Discrimination" and "Cover-Up" by trying to block evidence and testimony. This case began WUTC's David Pratt (**May 15th 2013**) letter to Amtrak in an attempt to stop Steve Valentinetti & AMI Coaches from attaining its second Federal Contract and continuing today by the DOT trying to conceal evidence, making false on record statements, slandering both Steve Valentinetti and his 24 year accident free companies.

When we asked Mr. Pratt to recant the false, misleading letter (through Betty Young, Pratt was afraid to answer the phone) and were told "we are the State of Washington and we will do whatever we want and we don't want to retract the letter". 2 days after our call with the WUTC we receive 2 separate letters (**May 20th 2013**) from John Foster MCLE Special Investigator. (Foster supposedly works for WUTC but Nobody knows what MCLE Special Investigator is). The first letter stating he will come for a Safety Audit for the WUTC. The second letter stating he will come do a Safety Audit for the FMCSA. The letters asked for documents to be available so our staff prepared a work station and laid out the numbered documents matching each of Fosters requests. Foster came to our office where SV, who was only present in the morning, told staff to show Mr. Foster whatever he wants to see. Office Staff = 2 Chinese girls, interns (work visa & student visa) 1 black girl (work

visa) & 1 white girl (US citizen). Foster told the girls “Mr. Valentinetti is being investigated for Federal Crimes and they had better cooperate with him or they will lose their student or work visa’s and up to possible deportation of both them and their family members if any are in this country”. Staff provided everything Mr. Foster requested and quit that afternoon. They reported to Valentinetti that evening what transpired with Foster and that they don’t want to put themselves or their families at risk. The next day Foster returned only to find Mr. Valentinetti who questioned Foster about his office dealings. Foster first replied that he didn’t do anything out of the ordinary however upon further questioning Foster stated to Valentinetti “if you don’t change your attitude we will have you deported also”. “Don’t think this shitty little business will keep you in this country”. Valentinetti aggressively stated to Foster that he is a U.S. Citizen and when Foster says deport does he mean to Tacoma? Foster grabbed his nurse and departed. A few days later we received Fosters report with over 100 violations. Foster called 2 weeks later and said “do you want \$8000 worth of fines that Pratt wants to give you? I can convince Pratt your violations covered under the “New Entrant Program” if you want to cooperate and keep things on the down low. SV told Foster “it’s too late, the girls already quit and we have filed a Civil Rights complaint with the WUTC against you”. Foster stated he was retiring soon and doesn’t need any trouble, retract the complaint. SV said “retract the 100+ violations and apologize to the office staff in writing”. Foster – “NO”. “I could shut you down like I did Noah”. SV, “whatever, the violations are false, you know that and we will just see where the chips fall”. SV never heard from the WUTC again but several months later the FMCSA came and **adopted Fosters false findings** as true and shut AMI Coaches down. We again filed Civil Rights complaints with both the WUTC, FMCSA and the DOJ as well as asking for Administrative Review. The DOJ said they can’t review themselves “case closed”. FMCSA Civil Rights Dept. stated they were told to “stand down” that they had never heard action like this in 15 years. WUTC never replied. (Cover up) Attorney General’s Office (in the same office building, Roberson protecting Pratt) stated they investigated the claims and found them to be “Without Merit” however no one interviewed anyone at AMI Coaches or Airline Shuttle and the AG office declined to produce the supposed report findings.

We are saying the DOT endorses racism and corruption by trying at all costs to protect those at the WUTC who are. The DOT does this by

- 1) Not investigating claims.
- 2) Attempting to cover up by discrediting Steve Valentinetti personally.
- 3) Not allowing a hearing for over 3 years
- 4) Restricting the hearing to 3 hours
- 5) Allowing AAG Roberson to control the hearing trying to block evidence with “Collateral Estopal” thinking Valentinetti & team don’t understand.

Assistant Attorney General making continued objections to the challenges of the alleged violations stating **We are not going through this again as the violations have already been heard and decided**. This is a false statement by AAG Roberson as he is aware the issues haven’t been heard, challenged, litigated and that was the purpose of the TE-161295 Brief Informal Hearing.

The DOT speaks in general terms making without merit, loose accusations and insinuations trying to discredit Mr. Valentinetti with statements like

- “it appears Mr. Valentinetti incorporated Go VIP to conceal a history of noncompliance and avoid compliance”
- Mr. Perkinson noted that Go VIP’s application to the FMCSA incorrectly states that the Company does not have any common ownership, common management, or familial relationships with any entities that have been regulated by the FMCSA in the past three years.
- Staff believes that **Mr. Valentinetti** has a history of noncompliance with federal safety regulations, which demonstrates an inability or unwillingness to comply with applicable state laws governing motor carrier safety.
- In his Closing Statement, Mr. Valentinetti further elaborates on his theory were the result of racial discrimination and a subsequent “cover up,”
- Mr. Valentinetti fails to make an evidentiary showing on the basic elements of a discrimination claim
- Mr. Valentinetti spent much of his time contesting the violations found by the FMCSA, signaling his misunderstanding of the Commission’s process related to his Application
- Staff also disputes Mr. Valentinetti’s claim that he has never been given an opportunity to the address the violations found by the FMCSA

- Staff argues that the record developed at hearing supports its finding that Mr. Valentinetti's former companies have a history of noncompliance
- avoid compliance, or mask or otherwise conceal non-compliance, or a history of non-compliance
- The undisputed evidence also demonstrates that Go VIP proposes to engage in substantially the same business as that previously conducted by AMI Coaches, under the same management, and using the same vehicles and offices
- Staff argues that Mr. Valentinetti's compliance history – specifically, that companies within his control have twice been placed out-of-service and **prohibited from further operations**
- Demonstrates that Go VIP is unable or unwilling to comply with state safety and insurance requirements.
- Mr. Valentinetti disputed the violations cited by the FMCSA in its 2013 and 2014 safety audits, yet admitted to nearly half of the violations in his testimony
- previously under his control have an extensive history of noncompliance that has yet to be corrected
- Go VIP is unable to adequately demonstrate that it is fit to provide service or able comply with state safety and insurance requirements.
- Indicated that it did not have any relationships involving common ownership, common control, or common management with any FMCSA-regulated entities within three years.
- failed to disclose that Mr. Valentinetti owned and operated an FMCSA-regulated entity in the three years prior to the date of the application
- This conduct, while not alone a basis for denying his Commission Application, speaks to his overall fitness.
- **Mr. Valentinetti demonstrated a fundamental lack of integrity**
- Mr. Valentinetti repeatedly stated he was denied the opportunity to request and receive an upgraded safety rating for either company. Yes, your honor ... You're right. We filed an appeal.....*We just were not granted a hearing or appeal of any sort.*
- **Perhaps most concerning was Mr. Valentinetti's adamant refusal to accept responsibility for the violations** of either prior company. "The violations assessed against AMI Coaches and Airline Shuttle were false and it was an attack by the DOT.....without investigation, hearing, the DOT makes these statements. "Steve Valentinetti stated under oath 'the violations assessed by the DOT (WUTC & FMCSA) are knowingly false against AMI Coaches & Airline Shuttle' who has never been given an opportunity to challenge or dispute, present witnesses, industry professionals or evidence against the false violations in the past 3 years". (Differential Treatment).
- We are ashamed of the WUTC for its selective enforcement, self-serving interpretations of law, continued in 2017, and differential treatment.
- Mr. Valentinetti's refusal to hold himself accountable is the only factor preventing either AMI Coaches or Airline Shuttle from obtaining upgraded safety ratings from the FMCSA.
- 'why don't you admit all violations and we'll turn it on and just move forward?' and I said, 'we're never going to admit things we didn't do.
- Mr. Valentinetti also refuses to accept that Airline Shuttle's operations were subject to FMCSA oversight despite repeatedly being advised that Airline Shuttle was required to follow federal motor carrier safety regulations
- Mr. Valentinetti made numerous demeaning statements about both Commission and FMCSA Staff
- Mr. Valentinetti's statements demonstrate a lack of candor, a fundamental inability to accept responsibility for his conduct, a blatant disregard for safety regulations, **and a profound disrespect for government regulators.**
- Accordingly, we find that he cannot be trusted to provide charter party and excursion carrier services consistent with the public interest
- The Commission finds that the Company is not able or willing to comply with Commission safety requirements
- Mr. Valentinetti does not accept responsibility for the violations committed by AMI Coaches.
- Mr. Valentinetti does not accept responsibility for the violations committed by Airline Shuttle.
- Go VIP proposes to offer service that is substantially similar to the service previously offered by AMI Coaches, under the same management, and using the same vehicles and principal place of business.
- Mr. Valentinetti's compliance history demonstrates a lack of fitness to operate as a charter or excursion carrier.
- Mr. Valentinetti's failure to accept responsibility for the violations committed by AMI Coaches and Airline Shuttle demonstrate an inability or unwillingness to comply with Commission safety regulations.

- The FMCSA application filed by Go VIP contains a false statement - a carrier that was regulated by the FMCSA in the three years prior to the date of the application.
- Mr. Valentinetti's inconsistent and contradictory testimony at hearing demonstrates a lack of candor that makes him unfit to operate as a charter or excursion carrier.
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These statements are the continued false light, retaliation, Differential Treatment and Discrimination etc. by the DOT

Since the DOT never admits they are wrong or investigated claims made we can only assume this is a continued, intentional personal attack against Steve Valentinetti.

- Authority to Operate
- Insurance
- Drug & Alcohol testing
- Definition of a CMV
- Interstate VS Intrastate

If not discrimination what is it? It's not safety because Mr. Valentinetti's companies have the undisputed safest companies in the United States.

The DOT/WUTC doesn't accept SV's evidence, documents, live testimony from industry professionals if they are not on the DOT's side

Does SV have to be nice to the WUTC to operate (after putting us out of business for over 3 years)

AAG of Washington states Mathew Perkinson **Washington State Motor Carrier Safety Unit Supervisor** isn't the expert, so who is? Why did the State of Washington come to the hearing unprepared?

WUTC now openly admits they are trying to stop Steve Valentinetti not GO VIP, AMI or Airline Shuttle from operating

The WUTC or AAG Roberson can't challenge SV in a courtroom setting because they don't know the Law. WAC's RCW's, USC's CFR's

AAG Roberson shares an office with WUTC's David Pratt

Example

History of Compliance with Safety and Insurance Requirements. The undisputed evidence demonstrates

The undisputed evidence also demonstrates that Go VIP proposes to engage in substantially the same business as that previously conducted by AMI Coaches, under the same management, and using the same vehicles and offices

WUTC Closing Statement, p. 11. that Go VIP is unable or unwilling to comply with state safety and insurance requirements.

25 - Mr. Valentinetti disputed the violations cited by the FMCSA in its 2013 and 2014 safety audits, yet admitted to nearly half of the violations in his testimony, as evidenced by the following statements: - below a few examples of Roberson's statement being false;

1. Non-regulated Airline Shuttle (AS) is not required to keep "Driver Qualification Files (DQF's)" Airline Shuttle is a single 14 passenger hotel van, is not a Commercial Motor Vehicle (CMV) as defined by State or Federal law and is not required to keep Driver Qualification Files (DQF's), even though Airline Shuttle did keep DQF's, Mr. Valentinetti Redacted his personal DOB information that could be used to compromise corporate banking and personal files. Because of the redacting the DOT writes a violation stating that AS does not keep or have DQF's. This is clearly intentional "False Light" and an exaggeration that no one but corrupt DOT officials will accept as true.
This violation requires

- FMCSA Authority which it doesn't have. 49 USC 13506(a)(3)(b)(1) Neither the Secretary nor the Board has **jurisdiction (3)** a motor vehicle owned or **operated by or for a hotel (b)** Except to the extent the Secretary or Board, as applicable, finds it necessary to exercise jurisdiction to carry out the transportation policy of section 13101, neither the Secretary nor the Board has jurisdiction **(1)** transportation provided entirely in a municipality, in contiguous municipalities, or in a zone that is adjacent to, and commercially a part of, the municipality or municipalities
- Operating a Commercial Motor Vehicle - CMV
- A Commercial Driver's License Vehicle - CDL
- Operating in Interstate Commerce

This is not an admission. It is a statement that although Airline Shuttle's hotel van did have driver qualification files, it doesn't need them per State or Federal law. The DOT has not allowed this knowingly false violation to be challenged in any type of hearing by SV or Airline Shuttle however after the corrupt DOT Judge BLOCKED all Airline Shuttle's Interrogatories, Requests for Admissions, Industry Professionals (Doug Ferguson - Insurance, Washington State Patrol) – CMV, CDL, D&A testing and Jurisdiction over a hotel van. The DOT was and is **unable to produce any "Case History"** of the FMCSA or the WUTC regarding a hotel van. The corrupt DOT Judge stated "the DOT is using its **"Special Authority"**. No Case Law, No Case history just DOT Judge Sullivan's personal thoughts and **ruled on behind closed doors** disallowing all Evidence, Discovery, Testimony or cross examination

49 CFR 358.54 - Burdon of Proof

Valentinetti provided the WUTC with unchallenged evidence that;

- Valentinetti proved **AMI Coaches had "Authority to Operate"** \$25,000 Fine and the reason the FMCSA states they shut down AMI Coaches without review. 49 CFR 392.9a(a)(1) This Authority to Operate violation was supposedly found by WUTC's and FMCSA's John Foster MCLE Special Investigator.
- **AMI Coaches is under the jurisdiction** of the FMCSA. (and Operates CMV's in Interstate Commerce)
- **Airline Shuttle is not under the jurisdiction** of the FMCSA or the WUTC (49 CFR 13506(3) and WAC 480-30-011)
- **AMI Coaches had 5 Million** Insurance and proof in the form of a **policy, Certificate and MCS-90b** covering 1-24 passenger bus (Vin #6629) and 4 MCI Motor Coaches.
- AMI Coaches had a **Drug and Alcohol program**
- Airline Shuttle (although proven unneeded because **AS does not drive CMV requiring a CDL**) also had a not needed but extra safety **"Drug & Alcohol program"** and added themselves to AMI Coaches Drug & Alcohol "Random Testing Program" on 10-22-2013. All Airline Shuttle drivers were in other Drug & Alcohol testing programs before 10-22-2017
- Mathew Perkinson stated he is trained in both State law WAC's, RCW's, and Federal Law CFR's, USC's
- Mathew Perkinson stated the State Laws parallel the Federal Laws.
- Mathew Perkinson clearly without question stated the WUTC does not have jurisdiction over Airline Shuttle's hotel van WAC 480-30-011(6)(9)(11)
- Mathew Perkinson stated he is the States expert regarding transportation
- The WUTC, after being shown multiple mistakes made by the DOT, their unwillingness to accept or admit fault with undeniable proof.
- History of non-compliance – the WUTC's false, slanderous statement of non-compliance has never been re-investigated.
- SV fraud- We had never put our new bus (with an Annual Inspection) in service
- Protected class – DOT/FMCSA/WUTC chooses to make fun of Steve Valentinetti's lack of exact heritage because he was adopted
- Airline Shuttle was shut down in **retaliation** for SV and team making Civil Rights violation claims against the WUTC & the FMCSA and including filing with the Washington State Attorney General's Office (Jeff Roberson)
- Jeff James – Director of Washington State Division FMCSA doesn't know if the FMCSA has jurisdiction over Airline Shuttle

- Nolan Rice – FMCSA Investigator doesn't know if the FMCSA has jurisdiction over Airline Shuttle. Rice, after being shown photo's, also doesn't know what vehicle he wrote the violations on.
 - Dishonest, Corrupt Sullivan made statements that are unsupported with any testimony, record, finding about Airline Shuttle's operation in an attempt to gain jurisdiction. When challenged, Sullivan stated she thought Airline Shuttle was Directly Paid, in Advance for transportation service. The truthful fact is there is no record of payment. Sullivan's statement was proven false but she refused to remove or correct the record.
1. Valentinetti provided unchallenged evidence that **AMI Coaches had full "Authority to Operate"** in Interstate Commerce April 7th 2013 during the Emergency 2 Motor Coach rescue of passengers after a mudslide struck a moving passenger train, from Mukilteo to Seattle's Amtrak King Street Station. The FMCSA relied on WUTC's MCLE Special Investigator John Foster who was contracted to do both a "WUTC Safety Compliance Review" and a "FMCSA Safety Audit" (May 20th 2013). Foster was sent to destroy AMI Coaches reputation and ability to obtain an additional Federal Contracts that were currently being vetted. WUTC's David Pratt who 5 days earlier (May 15th 2013) sent an inflammatory, misleading letter to Ron Eaton of Amtrak Corporate stating AMI Coaches does not have authority to operate.

Mathew Perkinson - Washington State Motor Carrier Safety Unit Supervisor

I supervise the motor carrier safety unit for eight months. Can you describe any training that has prepared you to carry out your duties? Answer - Leading up to my current position, I performed compliance reviews for a couple of years previous to that I was an investigator with the Commission in both consumer protection and transportation and **I've received federal training as part of my certification process.**

- And are you familiar with the Federal Motor Carrier Safety Administration's practices? Answer - Yes I am.
- And is it important that documents like this are accurate? Answer – Yes
- Well like in this case the might be used for consideration of a new applicant
- At the end of that document, did you recommend that the 24 Commission offer Go VIP a chance to explain its 25 compliance history? Answer – Yeah
- You've mentioned you've had federal training. Are you familiar with the FMCSA safety audit process Answer – Yes
- Does a carrier also have the opportunity to appeal the unsatisfactory rating if they think it's incorrect? Answer - yes the can request an upgrade.
- Is it important that those safety audit memos be accurate? Answer – Yes, because as I said it impacts the operating status of a company and it can result in monetary penalties that clearly impact companies.
- Just a general overview there would be a failure to have a random controlled substance and alcohol testing program as Mr. Valentinetti already spoke about there was violations of operating a commercial vehicle without the proper endorsements here was also making or casing to made fraudulent or intentional false entry on annual inspection form those particular violations are acute violations. And Before moving on, what is the significance of those violations being acute? Answer - **Acute is the highest level of risk** associated with a violation. **Critical is the second level.** And then no acute or **critical association would be more administrative, maybe paperwork missing.**

Question - When you say "risk," what do you mean? **Risk of what?** Answer - Of **an accident** occurring or potential breakdown within the company's operations that could impact the public.

Question - So are you familiar with the federal regulations? Answer - Yeah absolutely I've spent a couple of years going through training and certification throughout the country specific to the code of federal regulations.

Q Does state law incorporate those federal regulations? Answer - Yes Question - So would the conduct constituting these violations also constitute violations of state law? Answer – Yes

Q And given that Mr. Valentinetti is going to be the owner and operator of Go VIP coaches, do you think that history is relevant here? Answer Yes I do. And so given that safety history, do you recommend that the Commission deny Mr. Valentinetti's application for operating authority? Answer – Yes

S. Valentinetti Cross Examination of Mathew Perkinson - Washington State Motor Carrier Safety Supervisor

Q - Mr. Perkinson, you are familiar with the CFRs and USCs because you had training in federal law as well as you worked for the state? Answer - yes sir

Q - And the state law and the federal law is meant to parallel, you said? Answer - Yes the Washington state adopts federal law.

Q - Does the UTC work for the FMCSA? Answer - We have investigators that **are trained to perform federal investigations operate under a grant.**

Q So sometimes the Washington State Utilities and Transportation Commission (WUTC) **investigator does the investigation for the FMCSA?** Answer Yes

Q - Airline Shuttle's been in operation for 24 years, you think that that is a history of noncompliance? Assuming those were true, assuming the violations were true, nine violations in 24 years is a history of noncompliance? Answer - I think given the recent nature of the violations that they were discovered a few years ago Yes.

Q - And has Go VIP or Airline Shuttle sufficiently shown you what the evidence that you have in the book in front of you, that violation No. 1 that's acute, failing to implement a random controlled alcohol and substance testing, that that violation is not true? Do you understand that? AAG MR. ROBERSON: Objection, I think this is decided by the federal courts. JUDGE PEARSON: I agree. I'm going to sustain the objection. Move on to your next question.

Q And what does "MCLE special investigator" mean? Answer - I'm not exactly sure. It's motor carrier similar to what the title is.

Q - So John Foster was a contract worker for the FMCSA? Answer – No MR. VALENTINETTI: He doesn't work for the FMCSA? JUDGE PEARSON: Correct. He is performing a safety audit, in accordance with the FMCSA requirements, which are adopted by the Commission. VALENTINETTI: So my point is that Foster works -- he is a contract worker for the Feds. MR. ROBERSON: Objection, relevance. JUDGE PEARSON: **Yeah, I'm going to sustain the objection.** MR. VALENTINETTI: He's not then? JUDGE PEARSON: No JUDGE PEARSON: He was not a contract worker for the FMCSA. You need to drop that - MR. VALENTINETTI: He was not? JUDGE PEARSON: -- and move on

Q I guess I didn't get the answer, Mr. Perkinson. The nine violations in 24 years is a history of noncompliance? Answer - Again, considering 2013/2014 violations and the severity of those violations.

Q And with the evidence in front of you in the book that the violations are false, since you don't want to revisit it, do you still stand behind that statement? Answer - I'm not clear on the question. Q What I'm saying is: One of the violations was we didn't have the effective -- since we have Mr. Ferguson here, I'll use that one -- we didn't have the effective required amount of insurance, and Mr. Ferguson, he is here in person, telling you that's not true. MR. ROBERSON: Objection. This is decided by the Feds. JUDGE PEARSON: **Right. Okay. So I'm going to sustain the objection.** MR. VALENTINETTI: Your Honor, Mr. Foster, your employee, wrote that violation and the Feds adopted it. So when you do that, I get what you're saying, that was done by the Feds. No, it was done by the UTC, then the Feds said, Well, that's what they said, and now you're saying that's what they said. You're pointing your fingers and trying to dance out of it. Foster wrote it, it's your guy, and we're proving it wrong.

Q Mr. Perkinson, can you tell me the date on your exhibit -- I'm not sure what exhibit number it is your exhibit where the safety audit was done on Airline Shuttle? Answer - I can tell you the closing date was March 7th, 2014.

Q - Okay. Then could you turn to Exhibit 1 in our book, please, to the second page. "Statement of drug and alcohol testing"? Q Yes. Can you tell me the date on the top of that? Answer - October 22nd, 2013.

Q And to the left where it says "this certifies that," what two companies are there? Answer - AMI Coaches and Airline Shuttle.

Q And if you skim that document real quickly for the court, and I think you've looked at it before, would you say that that is a document that states that both AMI Coaches and Airline Shuttle had a random drug and alcohol testing program on October 22nd, 2013? Answer - I would not. I mean, I know in the course of my work, we would contact whatever the consortium is if there is a document like this to verify the carrier had drug and alcohol

Q And to the left where it says "this certifies that," what two companies are there? Answer AMI Coaches and Airline Shuttle.

Q And if you skim that document real quickly for the court, and I think you've looked at it before, would you say that that is a document that states that both AMI Coaches and Airline Shuttle had a random drug and alcohol testing program on October 22nd, 2013? Answer = I would not. I mean, I know in the course of my work, we would contact whatever the consortium is if there is a document like this to verify the carrier had drug and alcohol.

Q So there is a possibility that this was falsified like the exhaust pipe? Answer - I did not say that.

Q Well, it's a possibility? JUDGE PEARSON: **Yeah, so I think what Mr. Perkinson is saying is that's not enough.** If he were doing the audit, he would follow up and require additional information. JUDGE PEARSON: And I understand -- **you've already explained at length that you believed that you were in compliance and had a drug and alcohol testing program in place.** MR. VALENTINETTI: This is real evidence. JUDGE PEARSON: You need to move on to the next point. MR. VALENTINETTI: Your Honor, for ten seconds, this is real evidence. A phone call could be made to these guys in one second, and these could run out of the room and say, did they have it? Yes or no.

What I'm trying to say is, I know in a perfect world you guys stand around the water heater and say, we do a good job. We put bad operators out of business. That's not what's going on here. With two hours of time, you're not allowing me to address it. This is real evidence. Can I show you -

JUDGE PEARSON: I don't think -- I'm going to stop you right there. I don't think that anyone has asserted that Mr. Perkinson is an expert on federal jurisdiction of various motor carriers.

Q **Have we sufficiently established that Airline Shuttle does not need a random drug and alcohol or any testing program whatsoever?** MR. ROBERSON: Objection. JUDGE PEARSON: **I'm going to sustain your objection. I don't think that Mr. Perkinson, again, is qualified or should have to answer questions about the federal jurisdiction.** And this has already been decided by the FMCSA. We've already been down that road. So we're not –

Issues Not Addressed that will be addressed at the FORMAL HEARING

UFA 4.0 Uniform Fine Assessment –

Emergency Service

All statements in Roberson's letter to the Commission

Collateral Estoppel

Differential Treatment

Reluctance of the WUTC to accept evidence

WUTC, pressure to admit false violations or remain "Out of Business"

Race, color, protected class

2 Staff notes that Mr. Valentineti's companies had, independent of any appeal of the proposed safety rating, the chance to improve their unsatisfactory safety ratings by submitting an acceptable safety plan. (denying petition for administrative review based on Mr. Valentineti's failure to submit an acceptable corrective action plan).

Mr. Valentineti fails to make any evidentiary showing on the basic elements of a discrimination claim.

Mr. Valentineti fails to make any credible showing of impropriety with regard to the involvement of David Pratt, John Foster

Mr. Valentineti's history of regulatory non-compliance was established at the time of hearing.

AAG properly invoked the doctrine of collateral estoppel to prevent the impermissible re-litigation

Mr. Perkinson determined that Staff should recommend denying Go VIP's application after his investigation

Mr. Valentineti's previous companies unquestionably have a history of non-compliance with relevant safety regulations

AMI Coaches never challenged the violations or the unsatisfactory safety rating

Staff recommends denying a household goods permit because the applicant has a criminal history

Staff simply needed to show that Mr. Valentinetti's companies had a history of non-compliance

He simply could not credibly do so in light of the record at hearing.

Mr. Valentinetti also contends that he has "never been given an opportunity" to dispute the violations found by FMCSA.

The safety audits in the record prove this allegation false: they provide that Mr. Valentinetti had the opportunity to challenge the violations by submitting evidence to FMCSA. Mr. Valentinetti simply failed to do so.

Airline Shuttle - denying review of unsatisfactory safety rating for failure to make a timely challenge

(denying petition for administrative review based on Mr. Valentinetti's failure to submit an acceptable corrective action plan).

+ Etc.

Steve Valentinetti

GO VIP

steve@GO-VIP.us

Certificate of Service

STEVEN V. KING Executive Director and Secretary

RAYNE PEARSON Administrative Law Judge

Mathew Perkinson - Washington State Motor Carrier Safety Unit Supervisor

Jeff Roberson – Washington State AAG

Steve Valentinetti – GO VIP

WUTC Commission

5-22-2017 @ 13:30