

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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

BLACK TIE LIMOUSINES, INC.,
D/B/A BLACK TIE WINE TOURS,
BLACK TIE TRANSPORTATION,
AND WALLA WALLA WINE TOURS,

DOCKET TE-190303

ORDER 03

GRANTING COMMISSION STAFF'S
MOTION TO IMPOSE SUSPENDED
PENALTY; DENYING MITIGATION;
AUTHORIZING PAYMENT
ARRANGEMENT

BACKGROUND

- 1 On May 1, 2019, the Commission entered Order 01, Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; and Notice of Mandatory Appearance at Hearing (Complaint), pursuant to RCW 81.04.510, initiating this docket on its own motion. The Complaint alleged that Black Tie Limousines, Inc., d/b/a Black Tie Wine Tours, Black Tie, Black Tie Transportation, and Walla Walla Wine Tours (Black Tie or Company) violated RCW 81.70.220 by advertising and offering to provide charter party or excursion service in the state of Washington without the required certificate for such operations.
- 2 On June 4, 2019, the Commission held a special proceeding and subsequently issued Order 02, Stipulated Initial Order Classifying Respondent as Charter Party or Excursion Service Carrier; Ordering Respondent to Cease and Desist; Imposing and Suspending Penalties on Condition of Future Compliance (Order 02). Order 02, among other things, assessed a penalty of \$10,000, a \$9,500 portion of which was suspended for a period of two years subject to the condition that Black Tie permanently refrain from further operations as a charter party or excursion service carrier in the state of Washington without first obtaining the required certificate from the Commission.
- 3 On May 7, 2021, Commission staff (Staff) filed a Motion to Impose Suspended Penalties (Motion) in this Docket. In its Motion, Staff alleges that while conducting a follow-up investigation, Staff found evidence that the Company continued to operate as a charter

party or excursion service carrier in the state of Washington without first obtaining the required certificate from the Commission.

- 4 On May 19, 2021, the Company sent a letter to the Commission explaining that the Company had thought that it had complied with licensing requirements and requesting leniency regarding the penalty, which the Commission interpreted as a request for mitigation of the penalty.
- 5 On June 11, 2021, the Commission issued a Notice Requiring Staff Response, and on June 17, 2021, Staff filed a response to the Company's request for mitigation, maintaining its position that the suspended penalty should be imposed in full.

DISCUSSION AND DECISION

- 6 **Suspended Penalty.** Staff provided evidence that Black Tie is engaging in the business of a charter party and excursion service carrier by advertising and offering those services. The Company concedes that it violated Order 02 by operating as a charter party and excursion carrier without a certificate. Because the Company has failed to fulfill the conditions under which the Commission suspended \$9,500 of the assessed penalty, that penalty amount is now due and payable.
- 7 **Mitigation Request.** The Commission considers several factors when entertaining a request for mitigation, including whether a company introduces new information that may not have been considered in setting the assessed penalty amount, or explains other circumstances that convince the Commission that a lesser penalty will be equally or more effective in ensuring a company's compliance.¹ In this instance, we find that the Company failed to provide any new information that would justify a reduced penalty amount.
- 8 In light of the pandemic-related economic downturn, and its heavy impact on charter and excursion companies, however, we exercise our discretion to allow Black Tie to pay the penalty in 38 monthly installments of \$250 each, the first of which will be due on December 1, 2021. Black Tie must make its monthly payment on the first day of each month, or the first business day thereafter, until the entire \$9,500 penalty is paid in full, according to the following schedule:

¹ Enforcement Policy ¶ 19.

Installment	Due Date	Amount
1	December 1, 2021	\$250
2	January 3, 2022	\$250
3	February 1, 2022	\$250
4	March 1, 2022	\$250
5	April 1, 2022	\$250
6	May 2, 2022	\$250
7	June 1, 2022	\$250
8	July 1, 2022	\$250
9	August 1, 2022	\$250
10	September 1, 2022	\$250
11	October 3, 2022	\$250
12	November 1, 2022	\$250
13	December 1, 2022	\$250
14	January 2, 2023	\$250
15	February 1, 2023	\$250
16	March 1, 2023	\$250
17	April 3, 2023	\$250
18	May 1, 2023	\$250
19	June 1, 2023	\$250
20	July 3, 2023	\$250
21	August 1, 2023	\$250
22	September 1, 2023	\$250
23	October 2, 2023	\$250
24	November 1, 2023	\$250
25	December 1, 2023	\$250
26	January 2, 2024	\$250
27	February 1, 2024	\$250
28	March 1, 2024	\$250
29	April 1, 2024	\$250
30	May 1, 2024	\$250
31	June 3, 2024	\$250
32	July 1, 2024	\$250
33	August 1, 2024	\$250
34	September 3, 2024	\$250
35	October 1, 2024	\$250
36	November 1, 2024	\$250

Installment	Due Date	Amount
37	December 2, 2024	\$250
38	January 2, 2025	\$250

- 9 If Black Tie fails to pay any installment by the due date, the entire balance will immediately become due and payable. Black Tie may make additional payments in advance of the payment due dates or may pay an increased amount on the due date, but no additional payment or increased amount will relieve the Company of its obligation to make its timely monthly installment until the full amount of \$9,500 is satisfied. Black Tie may apply for a certificate to operate at any time. The payment arrangement approved by this Order will not impact the Commission's evaluation of the Company's application provided the Company is complying with the terms of the payment arrangement.

ORDER

THE COMMISSION ORDERS:

- 10 (1) The Commission grants Commission staff's motion to impose the suspended \$9,500 penalty.
- 11 (2) The Commission denies Black Tie Limousines, Inc., d/b/a Black Tie Wine Tours, Black Tie, Black Tie Transportation, and Walla Walla Wine Tours' request to mitigate the \$9,500 penalty.
- 12 (2) The full \$9,500 suspended penalty is now due and payable according to the payment schedule approved by this Order and the terms described in paragraph 9, above.

DATED at Olympia, Washington, and effective November 17, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Rayne Pearson
RAYNE PEARSON
Administrative Law Judge