

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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

JEET SIDHU a/k/a GEETAR SIDHU
d/b/a JJ LIMOUSINE, JJ LIMOUSINE
SERVICES, JJ'S BEST LIMOUSINE
SERVICE, and JJ LIMOUSINE
SERVICES, INC.

DOCKET TE-151982
ORDER 02

INITIAL ORDER CLASSIFYING
RESPONDENT AS A CHARTER PARTY
OR EXCURSION SERVICE CARRIER;
ORDERING RESPONDENT TO CEASE
& DESIST; IMPOSING AND
SUSPENDING PENALTIES ON
CONDITION OF FUTURE
COMPLIANCE

BACKGROUND

- 1 The Washington Utilities and Transportation Commission (Commission) initiated this special proceeding to determine if Jeet Sidhu a/k/a Geetar Sidhu d/b/a JJ Limousine, JJ Limousine Services, JJ's Best Limousine Service, and JJ Limousine Services, Inc. (JJ Limousine or Company) is operating as a charter party or excursion service carrier for transportation of passengers for compensation between points in the state of Washington and on the public highways of Washington state without the necessary certificate required for such operations. The Commission, through its regulatory staff (Staff), also complains against the Company, alleging three violations of RCW 81.70.220, and requests that the Commission impose penalties of up to \$5,000 per violation for a total potential penalty of \$15,000.
- 2 The Commission convened an evidentiary hearing before Administrative Law Judge Rayne Pearson on July 5, 2016, at 9:30 a.m. At the hearing, Staff presented documentary evidence and testimony from compliance investigator Michael Turcott. Jeet Sidhu, owner of JJ Limousine, testified for the Company.
- 3 Staff explained the Commission first granted JJ Limousine authority to operate as a charter party and excursion service carrier in 2006. Since then, the Commission has suspended, canceled, and reinstated the Company's authority a total of 14 times due to the Company's failure to maintain property and liability insurance as required. Most recently, the Company voluntarily cancelled its certificate on July 9, 2015.

4 Mr. Turcott testified that in September 2015, JJ Limousine arranged with a consumer named Michael Hornsby to provide transportation for 20 teenagers to and from a high school homecoming dance. When Mr. Hornsby learned that JJ Limousine did not hold a certificate from the Commission, he requested the Company refund his \$318 deposit, which the Company refused to do. This conduct gave rise to the first violation alleged in the Complaint for offering to provide transportation services without authority from the Commission.

5 Mr. Turcott further testified that Staff contacted the Company via email on June 9, 2016, posing as a consumer, and obtained a quote to transport 30 passengers by bus. This conduct gave rise to the second violation alleged in the Complaint for offering to provide transportation services without authority from the Commission.

6 Mr. Turcott also testified about the contents of the Company's website, www.jjlimo.com, which advertises charter party and excursion carrier service, and specifically advertises seven vehicles that hold between 15 and 40 passengers. As of the morning of the hearing, the Company's website was still active. The contents of the Company's website constitute the third violation alleged in the Complaint for advertising charter party carrier service without authority from the Commission.

7 Finally, Mr. Turcott testified that he observed a large black El Dorado bus engaging in charter bus activity in Seattle on June 4, 2016. Mr. Turcott ran the license plates and confirmed that the vehicle is registered to Mr. Sidhu. Because Mr. Sidhu was not present, Mr. Turcott served the Complaint and Subpoena on Mr. Sidhu's driver. On Monday, June 6, 2016, Mr. Turcott corresponded with Mr. Sidhu via email and confirmed that Mr. Sidhu received the Complaint and Subpoena.

8 On June 10, 2016, Mr. Sidhu filed an application with the Commission for charter party and excursion service carrier authority.

9 Mr. Sidhu testified that between 2010 and 2014, he surrendered each of his vehicles to the respective lien-holders, and was traveling back and forth to Singapore for various eye surgeries because he is losing his vision. When he returned to Washington in 2015, he purchased the black bus that Mr. Turcott observed in Seattle on June 4, 2016. Mr. Sidhu testified that he owns only the large bus and a three passenger Towncar, and that each of the other vehicles advertised on his website belong to other carriers. According to Mr. Sidhu, he "farms out" business to other carriers and takes a portion of the proceeds in return. Mr. Sidhu testified that he only refers business to certificated carriers, such as Brar Airport Towncar Service and Blessed Limousine, Inc.

- 10 Mr. Sidhu acknowledged that his Company violated state law by providing charter party service on June 4, 2016, but claimed he did not recall any interaction with Mr. Hornsby. Mr. Sidhu is, however, amenable to refunding Mr. Hornsby's deposit. Mr. Sidhu also argued that he should not be penalized for offering Staff a move via email on June 9, 2016, because the vehicle he offered for transportation belongs to another carrier.
- 11 Jennifer Cameron-Rulkowski, Assistant Attorney General, Olympia, Washington, represents Staff.¹ Jeet Sidhu, Bellevue, Washington, represents JJ Limousine, *pro se*.

DISCUSSION AND DECISION

- 12 **Classification as Charter Party or Excursion Carrier.** RCW 81.04.510 authorizes this special proceeding to determine whether JJ Limousine is engaging in business or operating as a charter party or excursion carrier in Washington without the requisite authority. That statute places the burden of proof on the Respondent to demonstrate that its acts or operations are not subject to the provisions of RCW Chapter 81.
- 13 Under WAC 480-30-036, "motor vehicle," as it relates to charter party and excursion carriers, is defined as "every self-propelled vehicle with a manufacturer's seating capacity for eight or more passengers, including the driver." Limousines and executive party vans with seating capacities of 15 passengers or greater are regulated by the Commission as charter party or excursion carriers. Party buses, defined as 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, are regulated by the Commission regardless of passenger capacity.²
- 14 The record shows that on two occasions, JJ Limousine offered to provide transportation services, and that on one occasion, JJ Limousine advertised, and continues to advertise, as a charter party and excursion service carrier. Moreover, Mr. Sidhu does not deny that he advertises and offers these services. Accordingly, Mr. Sidhu was unable to rebut the inferences reasonably drawn from Mr. Turcott's testimony and exhibits that, doing

¹ In adjudications the Commission's regulatory staff participates like any other party, while an administrative law judge or the Commissioners make the decision. To assure fairness, the Commissioners and the presiding administrative law judge do not discuss the merits of the proceeding with regulatory staff or any other party without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

² RCW 81.70.020(7).

business as JJ Limousine, he has advertised and offered to conduct business as a charter party and excursion service carrier.

- 15 JJ Limousine claims it does not own or operate six of the seven vehicles advertised on its website. The Company, however, holds itself out as a charter party and excursion carrier and offers to provide those services when solicited. Mr. Sidhu's claim that he "farms out" the charter party and excursion carrier services for a fee has no bearing on whether the Company's conduct violates the applicable law. RCW 81.70.220 defines "engaging in business as a charter party or excursion carrier" to include advertising or soliciting, offering, or entering in to an agreement to provide such service, which Mr. Sidhu admits the Company is doing.
- 16 The Commission finds on the basis of this evidence that JJ Limousine is conducting business that requires Commission approval without the necessary operating authority. The Commission accordingly orders Mr. Sidhu and JJ Limousine to cease and desist from such conduct, as required by RCW 81.04.510.
- 17 **Penalty.** At the hearing, Staff recommended the Commission impose penalties of \$5,000 for each of the three violations alleged in the Complaint, for a total penalty of \$15,000. Staff further recommended the Commission suspend a \$10,000 portion of the penalty for a period of one year, and then waive it, subject to the following conditions: 1) the Company must submit a complete application for a certificate to operate as a charter party or excursion carrier within 15 days, or 2) the Company must cease and desist offering, advertising, and providing charter party or excursion carrier services unless and until it obtains the required certificate from the Commission. Staff also requests the Company issue a refund to Michael Hornsby for the deposit he paid in September 2015 for services he later cancelled.
- 18 The Commission may consider a number of factors when determining the level of penalty to impose, including whether the violations were intentional, whether the company was cooperative and responsive in the course of Staff's investigation, and whether the company promptly corrected the violations once notified.³ Here, JJ Limousine received extensive technical assistance prior to the Commission instituting this special proceeding; the Complaint describes multiple technical assistance letters sent to the Company explaining that its operations require a certificate from the Commission. Because Mr.

³ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission (January 7, 2013).

Sidhu knew he was in violation of state laws and Commission rules but failed to take corrective action, we find that the violations are both intentional and ongoing.

- 19 Although Mr. Sidhu submitted an application for a charter party and excursion service carrier certificate following receipt of the Complaint and Subpoena, we are not persuaded that his actions represent a genuine effort to comply with Commission rules given his extensive history of operating without authority from the Commission. Nor has Mr. Sidhu ceased advertising charter party and excursion carrier services on his website pending approval of his application. We find that Mr. Sidhu has failed to make a sincere effort to come into compliance despite the Commission instituting enforcement action, which constitutes a failure to take prompt corrective action.
- 20 Considering the factors discussed above, the Commission determines that Mr. Sidhu and JJ Limousine should be penalized for an amount that will both punish the Company's wrongdoing and encourage Mr. Sidhu to fully comply with state laws and Commission rules going forward. Given the Company's history of disregarding the Commission's authority, we find that the maximum penalty, as proposed by Staff at hearing, is appropriate. Accordingly, we impose the maximum penalty of \$5,000 for each of the three violations alleged in the Complaint, for a total penalty of \$15,000.
- 21 The Commission will, however, exercise its discretion to suspend a \$10,000 portion of the penalty for a period of two years – rather than one – and then waive it, subject to the following conditions: 1) the Company must submit a complete application for a certificate to operate as a charter party or excursion carrier no later than July 26, 2016; 2) the Company must refrain from operating as a charter party or excursion carrier without first obtaining the required permit from the Commission; 3) the Company must issue a refund of \$318 to Michael Hornsby no later than July 26, 2016, and 4) the Company must comply with applicable statutes and Commission rules.

FINDINGS AND CONCLUSIONS

- 22 (1) The Commission is an agency of the state of Washington vested by statute with authority to regulate persons engaged in the business of providing auto transportation services, including charter party and excursion carrier services, over public roads in Washington.
- 23 (2) The Commission has jurisdiction over the subject matter of this proceeding and over JJ Limousine.

- 24 (3) On at least two occasions, JJ Limousine offered to provide charter party and excursion carrier services within the state of Washington without first having obtained a certificate from the Commission, in violation of RCW 81.70.220. On one of those occasions, JJ Limousine failed to refund a \$318 deposit for a trip that was arranged but later cancelled.
- 25 (4) On at least one occasion, JJ Limousine advertised to provide charter party and excursion carrier services without first having obtained a certificate from the Commission, in violation of RCW 81.70.220.
- 26 (5) JJ Limousine should be directed to cease and desist from providing charter party and excursion carrier services over public roads in Washington as required by RCW 81.04.510.
- 27 (6) JJ Limousine should be penalized \$15,000 for three violations of RCW 81.70.220, a \$10,000 portion of which should be suspended for a period of two years, and then waived, provided the Company: 1) submits a complete application for a certificate to operate as a charter party or excursion carrier no later than July 26, 2016; 2) refrains from operating as a charter party or excursion service carrier without first obtaining the required permit from the Commission; 3) issues a refund of \$318 to Michael Hornsby no later than July 26, 2016; and 4) complies with all applicable statutes and Commission rules. The Company should pay the remaining \$5,000 portion of the penalty no later than 10 days from the effective date of this Order.

ORDER

THE COMMISSION ORDERS:

- 28 (1) Jeet Sidhu a/k/a Geetar Sidhu d/b/a JJ Limousine, JJ Limousine Services, JJ's Best Limousine Service, and JJ Limousine Services, Inc. is classified as a charter party and excursion service carrier within the state of Washington.
- 29 (2) Jeet Sidhu a/k/a Geetar Sidhu d/b/a JJ Limousine, JJ Limousine Services, JJ's Best Limousine Service, and JJ Limousine Services, Inc. is ordered to immediately cease and desist operations as a charter party and excursion service carrier within the state of Washington without first obtaining a permit from the Commission.

- 30 (3) Jeet Sidhu a/k/a Geetar Sidhu d/b/a JJ Limousine, JJ Limousine Services, JJ's Best Limousine Service, and JJ Limousine Services, Inc. is assessed a penalty of \$15,000. A \$10,000 portion of the penalty is suspended for a period of two years from the date of this Initial Order, and waived thereafter, provided:
- a) Jeet Sidhu a/k/a Geetar Sidhu d/b/a JJ Limousine, JJ Limousine Services, JJ's Best Limousine Service, and JJ Limousine Services, Inc. submits a complete application for a certificate to operate as a charter party or excursion carrier no later than July 26, 2016;
 - b) Jeet Sidhu a/k/a Geetar Sidhu d/b/a JJ Limousine, JJ Limousine Services, JJ's Best Limousine Service, and JJ Limousine Services, Inc. refrains permanently from further operations as a charter party and excursion service carrier in the state of Washington without first obtaining the required certificate from the Commission;
 - c) Jeet Sidhu a/k/a Geetar Sidhu d/b/a JJ Limousine, JJ Limousine Services, JJ's Best Limousine Service, and JJ Limousine Services, Inc. refunds \$318 to Michael Hornsby no later than July 26, 2016; and
 - d) Jeet Sidhu a/k/a Geetar Sidhu d/b/a JJ Limousine, JJ Limousine Services, JJ's Best Limousine Service, and JJ Limousine Services, Inc. complies with all applicable statutes and Commission rules.
- 31 (4) Jeet Sidhu a/k/a Geetar Sidhu d/b/a JJ Limousine, JJ Limousine Services, JJ's Best Limousine Service, and JJ Limousine Services, Inc. must pay the remaining \$5,000 penalty no later than 10 days from the effective date of this Order.
- 32 (5) The Commission retains jurisdiction over the subject matter and the parties to this proceeding to effectuate the terms of this Order.

DATED at Olympia, Washington, and effective July 11, 2016.

RAYNE PEARSON
Administrative Law Judge

Service Date: July 11, 2016

NOTICE TO THE PARTIES

This is an initial order. The action proposed in this initial order is not yet effective. If you disagree with this initial order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this initial order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this initial order to file a *Petition for Administrative Review*. Section (3) of the rule identifies what you must include in any petition as well as other requirements for a petition. WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within (10) days after service of the petition.

WAC 480-07-830 provides that before the Commission enters a final order any party may file a petition to reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. The Commission will not accept answers to a petition to reopen unless the Commission requests answers by written notice.

RCW 80.01.060(3), as amended in the 2006 legislative session, provides that an initial order will become final without further Commission action if no party seeks administrative review of the initial order and if the Commission fails to exercise administrative review on its own motion.

You must serve on each party of record one copy of any Petition or Answer filed with the commission, including proof of service as required by WAC 480-07-150(8) and (9). To file a Petition or Answer with the Commission, you must file an original and **two (2)** copies of your Petition or Answer by mail delivery to:

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