



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

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November 30, 2016

Steven V. King, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P. O. Box 47250  
Olympia, Washington 98504-7250

RE: *Washington Utilities and Transportation Commission v. Marcus Perkins  
d/b/a Emerald City Party Bus, LLC and Ellie's Limo and Luxury Car Service*  
Commission Staff's Response to Proposed Payment Schedule  
Docket TE-160822

Dear Mr. King:

On October 10, 2016, the Washington Utilities and Transportation Commission issued Order 02 in docket TE-160822 which classified Marcus Allen Perkins, d/b/a Emerald City Party Bus, LLC and Ellie's Limo and Luxury Car Service as a charter party or excursion service carrier, ordered the company to cease and desist operations and imposed and suspended penalties.

The order assessed a penalty of \$20,000 for four violations of RCW 81.70.220, and suspended \$16,000 of the penalty for two years provided the company: 1) refrained from operating as a charter carrier without a permit; 2) complied with statutes and Commission rules governing charter and excursion service; and 3) paid the remaining \$4,000 portion of the penalty no later than 10 days from the effective date of the order, October 10, 2016.

Order 02 allowed the company to work with Staff to establish mutually agreeable payment arrangements to pay the non-suspended \$4,000 portion of the penalty.

On November 26, 2016 Mr. Perkins emailed Commission staff and proposed payments of \$200 per month beginning December 15, 2016 with a monthly payment on the 15<sup>th</sup> of each month until the \$4,000 penalty is paid. The 20<sup>th</sup> and final payment would be July 15, 2018, as depicted in the attached table.

A timeline of correspondence and technical assistance follows, along with staff's recommendation regarding the proposed payment schedule.

**Timeline:**

- October 5, 2016 Evidentiary hearing before Judge Rayne Pearson
- October 10, 2016 Order 02 issued
- October 26, 2016 Commission Compliance Investigator Michael Turcott spoke with Mr. Perkins by telephone. Mr. Perkins stated he had called the Commission the previous week regarding making payment arrangements, was transferred and left a message which was not returned. Mr. Turcott instructed Mr. Perkins to submit his proposed payment plan to the Commission in writing. The payment plan should include the proposed monthly payment amount, the number of monthly payments, the date of the first payment, and date each month of recurring payments.
- October 27, 2016 Mr. Perkins emailed Commission staff regarding his attempts to contact Commission staff regarding his payment plan. The email contained no information on how he intended to pay his penalty.
- October 31, 2016 Staff replied to Mr. Perkins' email and reiterated the requirements of a payment plan. Staff also provided a copy of Order 02 and reminded Mr. Perkins of the terms of the order. Staff reminded Mr. Perkins that time was of the essence and suggested he submit his proposed payment plan by email. Finally, staff reminded Mr. Perkins that the order required him to cease and desist operating as a charter, including advertising, until he obtained a charter certificate. Staff provided a charter application.
- November 4, 2016 Order 02 became final.
- November 8, 2016 Mr. Perkins email staff and inquired if he was to call the Records Center to set up his payment plan. Staff replied to Mr. Perkins' email and reiterated the procedure for submitting his proposed payment plan.
- November 26, 2016 Mr. Perkins emailed Commission staff, proposing payments of \$200 per month beginning December 15, 2016, and continuing monthly until the \$4,000 penalty is paid in full. Staff replied to Mr. Perkins' email advising that the Commission would review his proposed payment plan.

**Recommendation:**

Staff recommends the Commission approve Mr. Perkins proposed payment plan.

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**Discussion:**

Mr. Perkins failed to comply with the terms of Order 02. Mr. Perkins failed to submit his proposed payment plan in a timely manner, and Mr. Perkins continues to advertise charter services on his company website and on Facebook. (Staff did not observe any advertising on Craigslist.) Because Mr. Perkins failed to comply with the terms of the order, the Commission would be within its authority to require the entire \$20,000 penalty to become immediately due and payable.

However, the goal of the Commission is voluntary compliance. By approving Mr. Perkins' payment plan, the Commission will provide an incentive for Mr. Perkins to remove his advertising and pay his penalty. If he fails to make monthly payments, the remaining \$16,000 would eventually be imposed anyway, however staff is optimistic that Mr. Perkins will remove his charter advertising and make his monthly payments.

If you have any questions, please contact Mike Turcott, Compliance Investigator, Transportation Safety, at 360-664-1174, or by e-mail at [miturcot@utc.wa.gov](mailto:miturcot@utc.wa.gov).

Sincerely,



David Pratt  
Assistant Director, Transportation Safety

Enclosures

TE-160822

**PAYMENT PLAN**

Installment:

December 15, 2016	\$200
January 15, 2017	\$200
February 15, 2017	\$200
March 15, 2017	\$200
April 15, 2017	\$200
May 15, 2017	\$200
June 15, 2017	\$200
July 15, 2017	\$200
August 15, 2017	\$200
September 15, 2017	\$200
October 15, 2017	\$200
November 15, 2017	\$200
December 15, 2017	\$200
January 15, 2018	\$200
February 15, 2018	\$200
March 15, 2018	\$200
April 15, 2018	\$200
May 15, 2018	\$200
June 15, 2018	\$200
July 15, 2018	\$200

**\$4,000**