

**STAFF INVESTIGATION  
INTO THE BUSINESS PRACTICES OF**

**Elite Charters, Inc.  
Docket No. TE-060033**

**Prepared by:  
Betty Young  
Compliance Specialist  
Business Practices Investigations  
January 2006**

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## **PURPOSE, SCOPE, AND AUTHORITY**

### **Purpose**

The purpose of this investigation is to determine if Elite Charters, Inc. (Elite Charters), is operating a passenger charter service in violation of a commission order as evidenced by information obtained by the Washington Utilities and Transportation Commission (commission).

### **Scope**

The scope of the investigation focuses on information obtained by commission staff relating to the business practices of Elite Charters.

### **Authority**

Staff undertakes this investigation under the authority of the Revised Code of Washington (RCW) 81.01.010, which adopts RCW 80.01, which directs the Commission to regulate auto transportation companies in the public interest, and to adopt such rules and regulations as may be necessary to do so. In addition, RCW 81.04.070 makes it clear that the Commission is authorized to conduct such an investigation. Appendix A includes copies of the appropriate laws and rules.

## **EXECUTIVE SUMMARY**

The commission's Business Practices Investigations staff investigated information received indicating that Elite Charters was operating in violation of a commission order.

This investigation finds that Elite Charters transported at least 217 people for compensation after the commission cancelled the company's certificate and advised that Elite was no longer authorized to operate. Elite's certificate was cancelled for failure to provide proof of the required bodily injury and property damage liability insurance to the commission.

Staff recommends a \$100 penalty each for 217 violations, as provided under RCW 81.04.405, for 217 violations of the commission's order in Docket No. TE-050009.

**Total recommended penalties: \$21,700**

## **BACKGROUND**

### **Company information**

In January 2005, the commission issued an order in Docket TE-042200, granting Elite Charters a certificate (CH-467) and authority to operate as a charter party carrier of passengers subject to the provisions of RCW 81.70 and WAC 480-40. Elite Charters is located at 1174 SE Scenic View Drive, College Place, Washington. Calvin Johnston is listed as the company's president.

### **Cancellation of certificate**

On October 3, 2005, the commission received notice from National Interstate Insurance Company that Elite Charters' liability and property damage insurance policy would be canceled effective November 3, 2005. On that same day, commission Licensing Services staff sent a letter to Elite Charters informing the company that acceptable proof of insurance must be filed with the commission.<sup>1</sup>

On October 24, 2005, the commission issued an Order Suspending Certificate No. CH-467, stating that Elite Charters' certificate would be suspended for 30 days effective November 3, 2005, if the company did not provide proof of liability and property damage insurance. The order instructed Elite Charters to cease all operations after November 3, 2005, and stated that to avoid cancellation of the certificate, the company had to file proof of insurance or request a hearing within 30 days.<sup>2</sup> Elite Charters did not respond with the required information.

On December 6, 2005, the commission issued an Order Canceling Operating Authority, stating that Elite Charters' certificate and operating authority were canceled because the company failed to file acceptable proof of insurance.<sup>3</sup>

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<sup>1</sup> See commission's letter at Appendix B

<sup>2</sup> See suspension order at Appendix C

<sup>3</sup> See cancellation order at Appendix D

## **OPERATING WITHOUT AUTHORITY**

The commission's Motor Carrier Safety staff initiated an investigation when it received information that Elite Charters provided passenger charter transportation after the date the commission cancelled the company's permit.

### **Contact regarding possible activity**

On December 21, 2005, Motor Carrier Special Investigator Tom McVaugh received an e-mail from Dan Carter of Genie Service Company, Inc. (Genie Tours), a certificated carrier (CH-391). Mr. Carter stated that on December 19, 2005, while providing a charter bus service for Key Technology in Walla Walla, he observed busses from Elite Charters also providing charter service at the same location. Mr. Carter said he reported the matter to staff because he was under the impression that the commission had cancelled Elite Charters' certificate. Mr. Carter provided contact information for Key Technology and indicated that Steve Dalke, president of Road Runner Express, Inc. (CH-467), could provide additional information.<sup>4</sup>

### **Motor Carrier staff action**

Mr. McVaugh contacted Calvin Johnston of Elite Charters by phone on December 21, 2005. Mr. Johnston admitted providing charter bus service for Key Technology and stated that he was aware that the company's certificate had been cancelled by the commission. Mr. McVaugh advised Mr. Johnston to stop all charter bus operations until proper authority was granted from the commission.<sup>5</sup>

On December 23, 2005, Transportation Specialist Lead Mark Halliday contacted Steve Dalke of Road Runner Express by phone. Mr. Dalke acknowledged that he was present and participated in the December 19, 2005, transportation of Key Technology staff. Mr. Dalke reported that Elite Charters was also there, providing charter bus service at the same location. In addition, Mr. Dalke provided information about the Holiday Inn Express in Walla Walla, indicating that he believed Elite Charters provided service for the hotel during December.<sup>6</sup>

On January 5, 2006, Mr. Halliday spoke with Liz Pierce at the Holiday Inn Express by phone. Ms. Pierce confirmed that Elite Charters provided tours for the hotel on December 12 and 13, 2005. Ms. Pierce provided Mr. Halliday with a copy of the invoice and proof of payment for the tours.<sup>7</sup>

On the same day, Mr. Halliday spoke with Barbara Guth at Key Technology by phone. Ms. Guth confirmed that Elite Charters transported the company's employees to a function on December 19, 2005. (Ms. Guth also confirmed that Genie Tours and Road Runner Express,

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<sup>4</sup> See declaration of Tom McVaugh at Appendix E

<sup>5</sup> Ibid.

<sup>6</sup> See declaration of Mark Halliday at Appendix F

<sup>7</sup> Ibid.

Staff Investigation – Elite Charters, Inc.

Inc., provided transportation service that day.) Ms. Guth provided Mr. Halliday with a copy of the invoice and proof of payment for the service.<sup>8</sup>

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<sup>8</sup> See declaration of Mark Halliday at Appendix F

## INVESTIGATION

This matter was referred to Business Practices Investigations on January 6, 2006. That same day, the commission sent a letter to Calvin Johnston of Elite Charters, stating that the commission had evidence that the company was operating a passenger charter service in violation of a commission order. The letter advised Mr. Johnston that staff was pursuing enforcement action against Elite Charters and that any additional evidence of passenger carriage would be added to the enforcement action taken.<sup>9</sup>

On January 11, 2006, I contacted Liz Pierce at Holiday Inn Express and Barbara Guth at Key Technology to confirm that the commission received the invoices and proof of payment. Ms. Pierce confirmed that on December 12, 2005, Elite Charters transported 73 people from the Walla Walla Holiday Inn Express on a Christmas light tour. On December 13, 2005, Elite Charters transported 69 people from the Holiday Inn Express on a second light tour. Holiday Inn Express paid Elite \$974.70 for their services.<sup>10</sup>

Ms. Guth confirmed that on December 19, 2005, Elite Charters transported 75 people from Key Technology in Walla Walla to a company meeting. Key Technology paid Elite \$483.02 for this service.<sup>11</sup>

### Findings

Based on this information, it is clear that Elite Charters transported at least 217 people for compensation after the commission cancelled the company's certificate and advised that the company was no longer authorized to operate. Elite Charters' certificate was cancelled because of failure to provide proof of the required bodily injury and property damage liability insurance to the commission. Operation of a passenger carrier service without proof of the required insurance is taken very seriously by the commission and its staff.

### Recommendation

Staff recommends the commission issue a \$100 penalty each, as provided under RCW 81.04.405, for Elite Charters' 217 violations of the commission's order in Docket No. TE-050009.

**Total recommended penalties: \$21,700**

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<sup>9</sup> See commission letter at Appendix G

<sup>10</sup> See declaration of Liz Pierce of Holiday Inn Express at Appendix H

<sup>11</sup> See declaration of Barbara Guth of Key Technology at Appendix I



## **APPENDIX A**

### ***RCW 81.01.010***

#### **Adoption of provisions of chapter 80.01 RCW.**

The provisions of chapter 80.01 RCW, as now or hereafter amended, apply to Title 81 RCW as fully as though they were set forth herein. [1961 c 14 § 81.01.010.]

### ***RCW 81.04.070***

#### **Inspection of books, papers, and documents.**

The commission and each commissioner, or any person employed by the commission, shall have the right, at any and all times, to inspect the accounts, books, papers and documents of any public service company, and the commission, or any commissioner, may examine under oath any officer, agent or employee of such public service company in relation thereto, and with reference to the affairs of such company: PROVIDED, That any person other than a commissioner who shall make any such demand shall produce his authority from the commission to make such inspection. [1961 c 14 § 81.04.070. Prior: 1911 c 117 § 77; RRS § 10415.]

### ***RCW 81.04.405***

#### **Additional penalties — Violations by public service companies and officers, agents, and employees.**

In addition to all other penalties provided by law every public service company subject to the provisions of this title and every officer, agent or employee of any such public service company who violates or who procures, aids or abets in the violation of any provision of this title or any order, rule, regulation or decision of the commission, every person or corporation violating the provisions of any cease and desist order issued pursuant to RCW 81.04.510, and every person or entity found in violation pursuant to a complaint under RCW 81.04.110, shall incur a penalty of one hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense and in case of a continuing violation every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

The penalty herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the commission describing such violation with reasonable particularity and advising such person that the penalty is due. The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it in its discretion shall deem proper and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper. If the amount of such penalty is not paid to the commission within fifteen days after receipt of notice imposing the same or application for remission or mitigation has not been made within fifteen days after violator has received notice of the disposition of such application the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of some other county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise herein provided. All penalties recovered under this title shall be paid into the state treasury and credited to the public service revolving fund.

[1994 c 37 § 4; 1973 c 115 § 2; 1963 c 59 § 3.]

**APPENDIX B**

TE-050009

FROM: Washington Utilities and Transportation Commission  
Transportation Operations  
PO Box 47250 Phone: (360) 664-1222  
Olympia, WA 98504-7250 Fax: (360) 586-1181

Date: 10-03-2005 Staff: Tina Leipski

CH000467  
ELITE CHARTERS, INC.  
P.O. BOX 271  
COLLEGE PLACE, WA 99324

You must submit a new insurance filing before 11/03/2005 or the Commission will suspend your operating authority. If your authority is suspended, you must discontinue operations until valid insurance is received and the suspension is lifted.

Please contact this office prior to the cancellation date to ensure that a new insurance filing has been received.

X The Washington Utilities and Transportation Commission has received notice that your "Uniform Motor Carrier Certificate of Insurance (Form E)" will be canceled.

TE-C-0009 42441  
CH467

**FORM K  
UNIFORM NOTICE OF CANCELLATION OF  
MOTOR CARRIER INSURANCE POLICIES**

Check Type Cancelled  
BI and P   
Cargo

Filed with Washington Utilities & Transportation Commission (hereinafter called Commission)

(Name of Commission)

This is to advise that under the terms of a policy or policies issued to:

ELITE CHARTERS, INC.

(Name of Motor Carrier)

of P.O. BOX 271 ,COLLEGE PLACE ,WA ,99324

(Address of Motor Carrier)

by National Interstate Insurance Company

(Name of Company)

of 3250 Interstate Drive ,Richfield ,OH ,44286

(Address)

said policy or policies, including any and all endorsements forming a part thereof or certificates issued in connection therewith, is (are) hereby cancelled effective as of the 27th day of Oct, 2005, 12:01A.M. Standard time at the address of the insured as stated in said policy or policies provided such date is not less than thirty (30) days after the actual receipt of this notice by the Commission.

Insurance Company File No. CAS 0137160-00  
(Policy Number)

Michael Winchell  
(Signature of Authorized Company Representative)  
3250 Interstate Drive ,Richfield ,OH ,44286

**APPENDIX C**

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION  
1-360-664-1222

Regarding suspension of Passenger	)	Docket No. TE-050009
Charter Service Certificate for failure of	)	
holder to file proof of liability and	)	Order Suspending Certificate
property damage insurance covering	)	No. CH-467
equipment.	)	
	)	
.....	)	ELITE CHARTERS, INC.

1 We previously gave notice that the certificate listed above would be suspended if acceptable proof of liability and property damage insurance was not filed with this Commission. Proof of insurance has not been received.

**ORDER**

2 Therefore, this order suspends the certificate listed above for a period of 30 days effective November 3, 2005. As the certificate is suspended, the holder is directed to cease all operations associated with this certificate. To avoid cancellation, the certificate holder must file acceptable proof of insurance or request a hearing within 30 days to show why the certificate should not be canceled.

DATED at Olympia, Washington and effective this 24<sup>th</sup> day of October, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN  
Executive Secretary

**APPENDIX D**

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION  
1-360-664-1222

Regarding cancellation of Passenger Charter	)	
Carrier Certificate No. CH-467 standing in the	)	Docket No. TE-050009
name of:	)	
	)	Order Canceling Operating
ELITE CHARTERS, INC.	)	Authority
.....	)	

- 1 The Commission previously gave notice regarding suspension of the certificate listed above for failure to file acceptable proof of liability and property damage insurance. The order of suspension stated that if acceptable proof of insurance was not filed within 30 days, the Commission would cancel the certificate. No proof of insurance has been received.

**ORDER**

- 2 Therefore, the Commission cancels the certificate and operating authority as identified above. You are directed to immediately return to us the original certificate. **You are no longer authorized to operate under this operating authority.**

Dated at Olympia, Washington, and effective this 6<sup>TH</sup> day of December, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN  
Executive Secretary

## APPENDIX E

### Washington Utilities and Transportation Commission

In the Matter of Determining the Proper  
Carrier Classification of

Elite Charters, Inc.

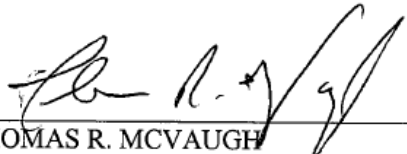
DECLARATION OF  
THOMAS R. MCVAUGH

THOMAS R. MCVAUGH, under penalty of perjury under the laws of the state of Washington, declares as follows:

1. I am over 18 years of age, a citizen of the United States, a resident of the state of Washington, and competent to be a witness.
2. I am employed by the Washington Utilities and Transportation Commission (commission) as Motor Carrier Law Enforcement (MCLE) Special Investigator in the Motor Carrier Safety Section. I have been employed at the commission for approximately 22 years, holding various positions. As an MCLE Special Investigator, my responsibilities include performing safety inspections, economic investigations, and/or other related motor carrier activities in a commission program which regulates transportation activities.
3. On December 21, 2005, I received an email, via my commission network email address, from Mr. Dan Carter, Chief Financial Officer of Genie Service Company, Inc., and holder of commission issued charter bus certificate #CH-391. Mr. Carter's email stated that on December 19, 2005, while conducting a charter bus move for Key Technology in Walla Walla, WA. he observed Elite Charters, Inc. show up with two of their buses and transport Key Technology staff. Mr. Carter was under the impression that the commission had cancelled Elite Charters, Inc. permit #CH-467 for failing to maintain proper insurance on file. The email indicated that Mr. Steve Dalke of Road Runner Express Inc., CH-465, could provide additional information on this matter. A true and accurate copy of this email is attached to this declaration as Attachment A.
4. On December 21, 2005, I emailed my response to Mr. Carter explaining that I have made numerous attempts to contact Mr. Calvin Johnston, President of Elite Charters, Inc., with negative results. I was attempting to contact Mr. Johnston to determine the status of his charter bus operation upon receiving notification that his charter bus permit was cancelled. I also requested from Mr. Carter a list of contacts for Key Technology in Walla Walla, WA. A true and accurate copy of this email is attached to this declaration as Attachment B.

5. On December 21, 2005, Mr. Carter again emailed me in response to my request described above in Item #4. His email provided the name and telephone number of a contact at Key Technology in Walla Walla, WA.
6. On December 21, 2005, I telephoned Mr. Calvin Johnston and advised him that I possessed information that he was conducting charter bus operations without the approval and authority granted by the commission. Specifically, I noted the charter bus operation he conducted for Key Technology on December 19, 2005. Mr. Johnston admitted to conducting this charter bus operation and that he was aware his charter bus permit was cancelled by the commission. He further stated that he was attempting to obtain funds to purchase insurance on his buses. I instructed Mr. Johnston to cease and desist for-hire charter bus operations until he obtained the appropriate authority from the commission, and that failure to do so could subject him to commission enforcement action. Mr. Johnston stated that he would cease all bus operations and reapply for a charter bus permit in 2006. I forwarded this information to Mr. Mark Halliday, MCLE Compliance Manager, and Ms. Vicki Elliot, Assistant Director, Transportation Safety, for further action.
7. This is the extent to the involvement of my investigation into this matter.

DATED this 11<sup>th</sup> day of January 2006 at Olympia, Washington.

  
THOMAS R. MCVAUGH



"genie tours"  
<dan.carter@genietours.com>

12/21/2005 02:18 PM

To "Tom McVaugh" <tmcvaugh@wutc.wa.gov>  
cc  
bcc  
Subject OPERATING AUTHORITY

Tom,

On Monday December 19, 2005 we worked a large move for Key Technology in Walla Walla with 4 of our coaches and Road Runner Express. However, we were surprised when Calvin of Elite Charter showed up with his two buses because we were of the understanding that WUTC had cancelled his operating authority due to lack of insurance. He also hauled members of the Key Technology staff. Do you know the status of this situation? If this is accurate, the general public is being subjected to unnecessary risk which could blemish our industry in the event of an accident. Steve Dalke of Road Runner (509 386 4983) can provide additional information of this matter.

Thanks,

Dan Carter



Staff Investigation – Elite Charters, Inc.



"genie tours"  
<dan.carter@genietours.com>

12/21/2005 03:42 PM

To "Tom McVaugh" <tmcvaugh@wutc.wa.gov>  
cc  
bcc  
Subject Re: OPERATING AUTHORITY

Tom,

I have the same problem in getting Calvin to answer my phone calls or FAXs. Neither he nor Jill will respond.

At Key Technology you can reach Jamie Van Ausdle at 509 394 3223 or FAX at 509 522 3361 or email at [jvanausdle@key.net](mailto:jvanausdle@key.net).

Maybe you can get his attention if Jamie holds onto payment for the job.

It is too bad that Calvin refuses to honor commitments to his colleagues and conduct business in a legal and professional manner.

Thanks,

Dan Carter

----- Original Message -----

**From:** Tom McVaugh

**To:** genie tours

**Sent:** Wednesday, December 21, 2005 2:55 PM

**Subject:** Re: OPERATING AUTHORITY

Elite Charters was cancelled on 12-6-05 for failing to file insurance. I left a message on their answering machine about a week ago and neither Calvin nor Jill have returned my call. I tried calling them again today with no success. Would either you or Steve Dalke have a name of a contact person for Key Technology? Looks like we will have to take another approach on Elite Charters. Thanks for the heads up  
Dan.

"genie tours" <dan.carter@genietours.com>

12/21/2005 02:18 PM

To "Tom McVaugh" <tmcvaugh@wutc.wa.gov>  
cc  
Subject OPERATING AUTHORITY

Tom,

**APPENDIX F**

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining the illegal  
Carrier Operations of

ELITE CHARTERS INC.

DOCKET NO. TE-060033

DECLARATION OF  
MARK HALLIDAY

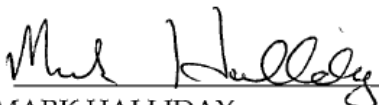
MARK HALLIDAY, under penalty of perjury under the laws of the state of Washington, declares as follows:

1. I am over 18 years of age, a citizen of the United States, a resident of the state of Washington, and competent to be a witness.
2. I am employed by the Washington Utilities and Transportation Commission (Commission) as a Transportation Specialist Lead in the Motor Carrier Safety Section. I have been employed at the Commission for approximately nine years, holding various positions. My current responsibilities include reviewing all safety inspections, complaint investigations, and/or other related motor carrier activities in a Commission program which regulates transportation activities.
3. On December 22, 2005, Special Investigator Tom McVaugh contacted me regarding the e-mail he received from Dan Carter on December 21, 2005. Tom asked if I would contact Mr. Carter and find out who at Key Technology we could contact regarding the large passenger move conducted on December 19, 2005. I told him I would contact Mr. Carter.
4. On December 23, 2005, I attempted to contact Mr. Dan Carter., but was told he was out of town on business and that I should call back next week. On the same day, I called Mr. Steve Dalke, President of Road Runner Express, Inc. He was present and participated with the December 19, 2005 transportation of the Key Technology personnel and observed Elite Charters busses providing the same service. I asked Mr. Dalke if he had a contact name at Key Technology and he said he didn't, but that I should also contact the Holiday Inn Express in Walla Walla, because he knew Elite Charters provided a Christmas tour for the Hotel in December.

Staff Investigation – Elite Charters, Inc.

5. On December 23, 2005, I located the address and telephone number for Key Technology and the Holiday Inn Express on the internet. I called Holiday Inn Express in Walla Walla, (1-800) 654-9453, and asked if there was someone I could speak to regarding a Christmas tour arranged by the hotel. The person who answered the phone said I needed to speak to Leanne in the billing department, but she was out until January 2, 2006. I stated I would call back the following week.
6. On December 23, 2005, I called Key Technology (509) 529-2161 and asked to speak to someone in the billing department. I was transferred, but the call didn't go through. I attempted the call again and was unsuccessful.
7. On January 5, 2006, I contacted the Holiday Inn Express in Walla Walla and asked to speak to Leanne in the billing department. I was told she was out of the office; however, Liz Pierce could assist me. I spoke with Liz and asked if she was aware of a Christmas tour arranged by the hotel, and if so, what date did the tour take place. She said that two tours were arranged with a bus company called Elite Charters and the tour dates were December 12 and 13, 2005. I asked if she could provide a copy of the invoice and the proof of payment. She said she could and faxed me a copy.
8. On January 5, 2006, I contacted Key Technology billing department and spoke with Barbara Guth. I asked if she was aware of a company called Elite Charter. She said Elite Charters and two other bus companies, Genie Tours and Road Runner Express, were hired to transport company employees to a function on December 19, 2005. I asked if she could provide a copy of the invoice and payment for Elite Charters and she said yes.
9. On January 5, 2006, I received faxed copies of the invoices and checks paid to Elite Charters from both Holiday Inn Express in Walla Walla, and Key Technology, Inc. in Walla Walla. True and accurate copies of these invoices and checks from both companies are attached to this declaration.

DATED this 17th day of January, 2006 at Olympia, Washington.

  
MARK HALLIDAY



01/05/2006 01:25 FAX 509 525 6210

HOLIDAY INN

0001



**Fax**

To: <u>Mark</u>	From: <u>Liz Pierce</u>
Fax: <u>1-360-586-2011</u>	Pages: _____
Phone: _____	_____
Re: _____	CC: _____
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle	

Thank you for your interest in the Holiday Inn Express

1433 Pine Street – Walla Walla, Wa. 99152  
Phone (509)525-6200 Fax (509)525-1210

01/05/2006 01:25 FAX 509 525 6210

HOLIDAY INN

002

*Bus Tour (P.R. (advertising))*



# Elite Charters

P.O. BOX 271  
COLLEGE PLACE, WA 99324  
(509) 522-2288

## Invoice

Date	Invoice #
12/13/2005	254

Bill To

Holiday Inn Express  
Attn: Liz Pierce  
1433 W Pine St.  
Walla Walla, WA 99362

Terms

Event

Upon Receipt

CHRISTMAS LIGHTS

Quantity	Item Code	Description	Price Each	Amount
1	Charter Fees	Day Usage for 50 Passenger Bus (Dec. 12)	225.00	225.00T
1	Charter Fees	Day Usage for 25 Passenger Bus (Dec. 12)	150.00	150.00T
1	Charter Fees	Day Usage for Disabled Bus (Dec. 12)	150.00	150.00T
1	Charter Fees	Day Usage for 50 Passenger Bus (Dec. 13)	225.00	225.00T
1	Charter Fees	Day Usage for 25 Passenger Bus (Dec. 13)	150.00	150.00T
		CHRISTMAS LIGHT TOURS		
		Sales Tax	8.30%	74.70

ENTERED  
12/13/05

Thank you for your business.

**Total** \$974.70

**Document Withheld**

**Financially Sensitive Information**



**Document Withheld**

**Financially Sensitive Information**

## APPENDIX G



STATE OF WASHINGTON  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250  
(360) 664-1160 • TTY (360) 586-8203

January 6, 2006

Calvin Johnston  
Elite Charters, Inc.  
PO Box 271  
College Place, WA 99324

**RE: Operating passenger charter service without authority**

Dear Mr. Johnston:

The commission has evidence that you are operating a passenger charter service in violation of a December 6, 2005, commission order (enclosed). That order cancelled your certificate and provided that you are no longer authorized to operate under your prior passenger charter carrier certificate because of your failure to provide proof of the required bodily injury and property damage liability insurance to the commission. We take very seriously any instance of a passenger carrier operating without proof of the required insurance.

Commission staff is pursuing enforcement action against you. If we receive any additional evidence of passenger charter carriage, it will be added to any enforcement action taken against you.

If you have questions regarding this matter, contact Betty Young, Compliance Specialist with the Business Practices Investigations section. Ms. Young may be contacted at (360) 664-1202 or by e-mail at [byoung@wutc.wa.gov](mailto:byoung@wutc.wa.gov).

Sincerely,

Carole J. Washburn  
Executive Secretary

Enclosure



BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION  
1-360-664-1222

Regarding cancellation of Passenger Charter )  
Carrier Certificate No. CH-467 standing in the ) Docket No. TE-050009  
name of: )  
ELITE CHARTERS, INC. ) Order Canceling Operating  
 ) Authority  
 )  
..... )

1 The Commission previously gave notice regarding suspension of the certificate listed above for failure to file acceptable proof of liability and property damage insurance. The order of suspension stated that if acceptable proof of insurance was not filed within 30 days, the Commission would cancel the certificate. No proof of insurance has been received.

**ORDER**

2 Therefore, the Commission cancels the certificate and operating authority as identified above. You are directed to immediately return to us the original certificate. **You are no longer authorized to operate under this operating authority.**

Dated at Olympia, Washington, and effective this 6<sup>TH</sup> day of December, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN  
Executive Secretary

## APPENDIX H

01/11/2006 00:56 FAX 509 525 6210  
01/11/2006 08:17 FAX 360 684 4291

HOLIDAY INN  
WOLFE CONS. ASSOCIATES

002

January 11, 2006

### Declaration of Liz Pierce of Holiday Inn Express

I hereby declare that on December 12, 2005, Elite Charters, Inc., transported 73 people from our facility on a Christmas light tour. On December 13, 2005, Elite Charters, Inc., transported 69 people from our facility on a second light tour. Holiday Inn Express paid Elite Charters, Inc., \$974.70 for their services.

*Liz Pierce*  
Signed

*Jan 11, 2006*  
Dated

**APPENDIX I**

01/10/2006 14:48 5095223355  
01/10/2006 13:30 FAX 360 664 4291

ACCOUNTING  
WUTC CONS AFFAIRS

PAGE 02  
002

January 10, 2006

**Declaration of Barbara Guth of Key Technology**

I hereby declare that on December 19, 2005, Elite Charters, Inc. transported members of our staff to a company meeting offsite. Elite Charters, Inc. provided one 50-passenger bus and one 25-passenger shuttle bus for the transport of our staff. To my knowledge, both busses were filled to capacity. Key Technology paid Elite Charters, Inc. \$483.02 for the service.

*Barbara A. Guth*  
Signed

*1/10/06*  
Dated