



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY 1-800-833-6384 or 711

RE: **MANDATORY APPEARANCE BEFORE ADMINISTRATIVE LAW JUDGE**
Unlawful Activity as a Charter Party or Excursion Service Carrier in Violation of
RCW 81.70.260
Docket TE-210895

Dear Ryan Madsen:

It has come to the attention of the Washington Utilities and Transportation Commission (Commission) that your company, Northwest Touring LLC d/b/a NW Touring; NW Touring & Concierge; Last Minute Wine Tours; Herding Cats Wine Tours, et al., continues to engage in business requiring a certificate under Washington state law. Revised Code of Washington (RCW) 81.70.260(1) states that “after the cancellation or revocation of a certificate or interstate registration or during the period of its suspension, it is unlawful for a charter party carrier or excursion service carrier of passengers to conduct any operations as such a carrier.”

The Commission is initiating an enforcement action against you and your company. This letter and its attachments are the Commission’s formal demand that you cease operating until you obtain the required certificate for your charter party or excursion carrier service. Until you obtain that certificate, you must also stop all advertising of your company’s charter party or excursion carrier service. Failure to do so may result in a serious financial penalty.

Please be aware that operating as a charter party or excursion service carrier without the required certificate is illegal and subject to a penalty of up to \$5,000 per violation. The penalty for advertising charter party or excursion carrier service without a certificate is also up to \$5,000 per advertisement.

As the attached documents explain, you are now **REQUIRED TO VIRTUALLY APPEAR** before one of the Commission’s Administrative Law Judges **on December 12, 2022, at 10:00 a.m.** The basis for the Commission’s enforcement action is explained in the attached Order and the supporting Declaration of Jason Hoxit. The subpoena details the requirement for you to appear at the hearing to testify about your uncertificated business.

You have the option to work with Commission Staff in advance of the hearing to negotiate an agreed outcome. If you wish to explore this option, please contact Jason Hoxit at (360) 867-8305 or jason.hoxit@utc.wa.gov and schedule a time to meet via telephone or Zoom. Staff will explain the laws and rules governing the charter party and excursion carrier service industry and explain your options to agree to cease and desist unauthorized operations and pay a lesser penalty or to contest the allegations at hearing. If you agree to cease unlawfully operating as a charter party or excursion service carrier unless and until you receive a certificate from the Commission, you will be offered the option to pay a reduced penalty. If you and Staff agree to a penalty amount, you may sign a settlement agreement that explains your commitment to cease and desist unauthorized operations and sets out the terms of any payment plan.

If you fail to contact Staff in advance of the hearing date, you will be expected to appear and take one of the following actions at the hearing:

Option A- Cease Operating as a Charter Party or Excursion Service Carrier

The Administrative Law Judge will allow you to testify, under oath, that you have shut down your business. You should be prepared to explain specific actions you have taken to dissolve your company and to discontinue any advertising you may have previously arranged (websites, phone books, newspapers, etc.). This does not stop you from reapplying for a charter party and excursion service carrier certificate. It simply means that you will cease illegal operations until you do. Should you choose to reapply for a certificate in advance of the hearing and the Commission deems you eligible to receive a certificate, you may present that information at the hearing.

Option B- Contest the Applicability of RCW 81.70.260 to Your Company

The Administrative Law Judge will allow you to testify, under oath, that RCW 81.70.260 does not apply to your company. At that time, you will be required to present proof that your business is *not* within the regulatory jurisdiction of the Commission. If the Judge decides in your favor, the Commission will dismiss the complaint against you. If the Judge rules against you, you will need to proceed under Option A or risk further enforcement action by the Commission.

If you fail to appear at the hearing, you will be held in default, which means the Commission will enter an order classifying you as a charter party or excursion service carrier and imposing the maximum penalty.

As you prepare for your hearing, you may find the Commission's informational handouts included in this packet to be helpful. You might also wish to review the laws and related rules governing your business. These include:

- RCW Chapter 81.70
- Washington Administrative Code (WAC) Chapter 480-30

These legal resources and other helpful items can be found on the Commission's website: www.utc.wa.gov. If you have any questions about the certificate application, the Commission's Licensing Services staff is available at (360) 664-1222.

If you have any questions about your obligations under the law and your mandatory appearance, Jason Hoxit, Compliance Investigator, is available at (360) 867-8305 or jason.hoxit@utc.wa.gov.

Thank you for your cooperation.

Sincerely,

/s/ Amanda Maxwell
AMANDA MAXWELL
Executive Director and Secretary

Attachments:

- 1) Order 01- *Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; Notice of Mandatory Appearance at Hearing (set for December 12, 2022, at 10:00 a.m.)*
- 2) Subpoena
- 3) Declaration of Jason Hoxit
- 4) Application Packet for Charter Party and Excursion Service Carrier Certificate
- 5) UTC Informational Handouts
 - a. Motor Carrier Overview
 - b. Transportation Fact Sheet
 - c. Motor Carrier Insurance Requirements
- 6) Pro Se Litigants Information – Representing Yourself in Proceedings before the Washington Utilities and Transportation Commission