

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the
Investigation of:)
) Docket No. TC-152296
SANI MAHAMA MAUROU d/b/a SEATAC)
AIRPORT 24)
For Compliance with WAC)
480-30-221)

CANCELLATION PROCEEDING
VOLUME I, PAGES 1-101
ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

9:30 A.M.
MARCH 7, 2016

Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive Southwest
Olympia, Washington 98504-7250

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A P P E A R A N C E S

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ALSO PRESENT:
Mathew Perkinson
Dave Pratt
Sani Mahama Maurou

* * * * *

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OLYMPIA, WASHINGTON, MARCH 7, 2016
9:30 A.M.

P R O C E E D I N G S :

JUDGE PEARSON: Then let's be on the record.
Good morning. This is Docket TC-152296,
which is captioned in the matter of the Investigation of
Sani Mahama Maurou d/b/a SeaTac Airport 24 for
Compliance with WAC 480-30-221.
My name is Rayne Pearson. I'm the
administrative law judge presiding over today's brief
adjudicative proceeding.
Today is Monday, March 7, 2016, and the time
is approximately 9:30 a.m.
On February 9th, 2016, the Commission issued
a Notice of Intent to Cancel Certificate as an Auto
Transportation Carrier and Notice of Brief Adjudicative
Proceeding.
That same day, the Commission issued a
penalty assessment in the amount of \$29,200 in the
Docket TC-160187 for violations of vehicle and driver
safety requirements.
On February 20th, the company filed an
application for mitigation of the penalty, which

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1 included a request that these two matters be
 2 consolidated and heard at today's brief adjudicative
 3 proceeding.
 4 And I'm assuming that Staff does not have
 5 any objection to consolidating these two dockets for the
 6 purpose of addressing both matters here today; is that
 7 correct?
 8 MR. O'CONNELL: That's correct, your Honor.
 9 JUDGE PEARSON: Okay. Then those matters
 10 are consolidated, and we will hear from the parties on
 11 both dockets this morning. I will take appearances and
 12 hear from each party in just a moment.
 13 The Commission issued both the Notice of
 14 Intent to Cancel and the penalty assessment following a
 15 compliance review conducted by Commission Staff in
 16 December 2015, which resulted in the proposed
 17 unsatisfactory safety rating. The company had 45 days
 18 from the day it received notice of the proposed
 19 unsatisfactory safety rating on January 22nd, 2016, to
 20 request and receive an upgraded safety rating.
 21 And today, March 7th, is the 45th day. So
 22 at the conclusion of the hearing, I will be issuing a
 23 ruling from the bench with respect to the Commission's
 24 Notice of Intent to Cancel in Docket TC-152296.
 25 And with respect to the penalty assessment,

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1 I will issue a written order within ten days reflecting
 2 my decision.
 3 When I call on each party to testify, I will
 4 swear you in with the oath of witness so that anything
 5 that you tell the Court will be under oath and will be
 6 considered sworn testimony. For the court reporter's
 7 benefit, please speak slowly and clearly and please be
 8 sure to use the microphone on the table in front of you.
 9 And once you are sworn in, you can present your
 10 testimony and you can also introduce any exhibits that
 11 you've pre-filed and I will rule on the admissibility of
 12 each of those.
 13 Because Staff initiated both enforcement
 14 actions, Staff will go first this morning. And then
 15 following Staff's presentation, Mr. Maurou, you will
 16 have the opportunity to ask Staff's witnesses any
 17 questions, and then you may present your testimony after
 18 that. And once you're done testifying, Staff's attorney
 19 will likely have some questions for you. Okay?
 20 Do you have any questions or does that all
 21 make sense?
 22 MR. MAUROU: It makes sense, your Honor.
 23 JUDGE PEARSON: Okay. So first, let's take
 24 an appearance from Commission Staff, Mr. O'Connell.
 25 MR. O'CONNELL: Thank you, your Honor.

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1 My name is Andrew J. O'Connell, Assistant
 2 Attorney General, representing Commission Staff. My
 3 address is 1400 South Evergreen Park Drive SW, P.O.
 4 Box 40128, Olympia, Washington 98504. My telephone
 5 number is area code (360) 664-1192, my fax number is
 6 (360) 586-5522, and my e-mail address is
 7 A-o-c-o-n-n-e-l@UTC.wa.gov.
 8 Thank you, your Honor.
 9 JUDGE PEARSON: And, Mr. Maurou, if you
 10 could state your name and address for the record and
 11 spell your last name for the court reporter.
 12 MR. MAUROU: My name is -- first name is
 13 Sani, S like Sam, A like America, N like Nancy, I like
 14 India; and middle name is Mahama, M like mom, A like
 15 apple, H like home, A like apple, M like mom, A like
 16 apple; and the last name is Maurou, M like mom, A like
 17 apple, U like university, R like row, o-u.
 18 JUDGE PEARSON: Okay. And your address?
 19 MR. MAUROU: My address is 1800 South
 20 Jackson Street, Apartment 211, Seattle, Washington
 21 98144.
 22 JUDGE PEARSON: And your phone number?
 23 MR. MAUROU: My phone number is
 24 (206) 319-7076, and my e-mail address is my first name
 25 and last name, SaniMaurou@yahoo.com.

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1 JUDGE PEARSON: Okay. Thank you.
 2 So Mr. O'Connell, you may proceed when
 3 you're ready.
 4 MR. O'CONNELL: Thank you, your Honor.
 5 I believe we have two matters to address
 6 today: The penalty assessment against SeaTac Airport 24
 7 and the safety rating that you mentioned briefly before.
 8 Both of these issues arise from the critical violations
 9 of WAC 480-30-221 that Staff discovered during its
 10 compliance review of SeaTac Airport 24.
 11 There were six categories of violations, and
 12 four critical violations were discovered. Those four
 13 are: Using a driver not medically certified; failing to
 14 maintain a complete driver qualification file on each
 15 driver; failing to keep minimum records of vehicle
 16 inspection and maintenance; failing to prepare daily
 17 vehicle inspection reports.
 18 In total, Staff found that there were 292
 19 occurrences of these violations, and this resulted in a
 20 penalty assessment against the company.
 21 These critical violations also have an
 22 impact on the Company's safety rating. As a result of
 23 these critical violations, the company received a
 24 proposed safety rating of unsatisfactory.
 25 Any company has 45 days to upgrade its

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1 rating before being put out of service. A company can
 2 upgrade its safety rating by submitting an acceptable
 3 safety management plan to Staff and to the Commission.
 4 SeaTac Airport 24 has submitted a safety
 5 management plan to Staff, but Staff does not find it
 6 acceptable and will present evidence today to explain
 7 why it thinks the Company's authority to operate should
 8 be cancelled.
 9 Briefly, your Honor, WAC 480-30-171,
 10 Subsection 2, states that the Commission may cancel a
 11 certificate for cause. Staff believes the evidence
 12 presented today will establish cause for cancelling
 13 SeaTac Airport 24's authority to operate.
 14 Staff requests at this time that your Honor
 15 take official notice of Exhibits 1 and 2. Thank you,
 16 your Honor.
 17 JUDGE PEARSON: Okay. And those are the
 18 Notice of Intent to Cancel and the Notice Rescheduling
 19 the Brief Adjudicate Proceeding, and I will take
 20 official notice of both of those exhibits.
 21 (Exhibits 1 & 2 noticed.)
 22 MR. O'CONNELL: Thank you, your Honor.
 23 Commission Staff would ask that we proceed
 24 by asking Investigator Matt Perkinson to testify.
 25 JUDGE PEARSON: Okay. Mr. Perkinson, please

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EXAMINATION BY O'CONNELL / PERKINSON
 1 stand and raise your right hand.
 2
 3 MATHEW PERKINSON, witness herein, having been
 4 first duly sworn on oath,
 5 was examined and testified
 6 as follows:
 7
 8 JUDGE PEARSON: Okay. You may be seated.
 9 MR. O'CONNELL: And for the record,
 10 your Honor, I handed a packet of the exhibits to
 11 Mr. Maurou right before this proceeding began. Staff
 12 also has a copy. Are you in need of a copy?
 13 JUDGE PEARSON: I actually have everything.
 14 Thank you.
 15 MR. O'CONNELL: Okay.
 16 DIRECT EXAMINATION
 17 BY MR. O'CONNELL:
 18 **Q. So, Investigator Perkinson, would you please**
 19 **state your name and spell it for the record?**
 20 A. Mathew Perkinson, M-a-t-h-e-w P-e-r-k-i-n-s-o-n.
 21 **Q. And what is your occupation?**
 22 A. Special investigator.
 23 **Q. Who is your employer?**
 24 A. The Utilities and Transportation Commission.
 25 **Q. How long have you been employed by the**

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EXAMINATION BY O'CONNELL / PERKINSON
 1 **Commission?**
 2 A. About five years.
 3 **Q. Do you receive regular training as a special**
 4 **investigator?**
 5 A. Yes.
 6 **Q. And were you, in fact, attending one of those**
 7 **trainings last week from March 2nd through 4th?**
 8 A. Yes, I was.
 9 **Q. I'm sorry. I think I got the day wrong.**
 10 **Was it March 1st through the 3rd?**
 11 A. Yeah, last week. Travel day on Monday.
 12 **Q. So what are your duties as a special**
 13 **investigator?**
 14 A. Conduct compliance reviews and review companies
 15 for safety performance.
 16 **Q. Okay. Did you conduct an investigation of**
 17 **SeaTac Airport 24?**
 18 A. Yes.
 19 **Q. Was that investigation a compliance review?**
 20 A. Yes.
 21 **Q. What authority does SeaTac Airport 24 hold from**
 22 **the Commission?**
 23 A. SeaTac 24 has auto transportation authority and
 24 a charter permit.
 25 **Q. Okay. I'd like to direct your attention to the**

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EXAMINATION BY O'CONNELL / PERKINSON
 1 **document that's been marked as Exhibit MP-3 for**
 2 **identification. Will you please identify that document**
 3 **in that packet in front of you?**
 4 A. Okay. So this is the auto transportation
 5 application submitted by SeaTac Airport 24.
 6 **Q. And have you reviewed this document?**
 7 A. Yes, I have.
 8 **Q. Is this a true and accurate copy of the document**
 9 **that you viewed?**
 10 A. Yes.
 11 **Q. Okay.**
 12 MR. O'CONNELL: Staff offers Exhibit MP-3,
 13 the Company's Application for Authority.
 14 JUDGE PEARSON: Okay. And I will take
 15 official notice of this as a Commission record.
 16 (Exhibit MP-3 noticed.)
 17 MR. O'CONNELL: Okay.
 18 BY MR. O'CONNELL:
 19 **Q. Are there -- so, Investigator Perkinson, are**
 20 **there any limitations to the Company's grant of**
 21 **authority to operate?**
 22 A. Yeah. The Company can only operate from the
 23 west end, downtown Seattle, to Seattle International
 24 Airport, Snoqualmie Casino to the Seattle International
 25 Airport, and from the Best Western Sky Valley Inn in

EXAMINATION BY O'CONNELL / PERKINSON

EXAMINATION BY O'CONNELL / PERKINSON

1 Monroe to the Seattle International Airport.
2 **Q. Does the Company also have authority as a**
3 **charter carrier?**

1 exhibit and mark it as MP-4.
2 (Exhibit MP-4 admitted.)
3 BY MR. O'CONNELL:

4 A. Yes, they do.
5 **Q. So what does this mean?**

4 **Q. What prompted Staff's investigation of this**
5 **company?**

6 A. Basically, they're -- they have a permit that
7 would allow them to transport a group of individuals
8 under a single contract.

6 A. The Commission received complaints regarding the
7 Company's operating authority and where it was operating
8 and determined that a compliance review was appropriate.

9 **Q. Okay. Does Staff have any history with this**
10 **company?**

9 **Q. Okay. Please explain what you did as part of**
10 **your investigation of this company.**

11 A. Yes.
12 **Q. And did you review this history as part of your**
13 **investigation?**

11 A. There's a few stages of our investigations. The
12 first would be pre-investigation, which is basically
13 just reviewing all the Commission records, the history
14 that a company may have with the Commission.

14 A. Yes.
15 **Q. What history does Staff have with the Company?**

15 Next, an appointment was set up through e-mail
16 for November 3rd. A letter was sent that requests
17 several documents be ready for review when we show up.

16 A. Staff has sent several technical assistance
17 letters to the Company regarding its operating
18 authority. SeaTac 24 was also visited for an initial
19 technical assistance visit in October of 2014 by my boss
20 and one of my former colleagues at the time.

18 And then on November 3rd, we met with Mr. Maurou
19 to review his records. And then SeaTac 24 provided
20 additional records November 11th.

21 During the meeting, they went over hours of
22 service, driver qualifications, insurance, vehicle
23 inspections, and provided Mr. Maurou with the safety
24 guide.

21 And then on January 22nd, a closing interview
22 was done, which is when we go over the compliance review
23 and give the Company any additional records that may be
24 needed.

25 **Q. Is there a record of that interaction with the**

25 **Q. Okay. So in general, what does Staff look for**

EXAMINATION BY O'CONNELL / PERKINSON
1 **Company?**

EXAMINATION BY O'CONNELL / PERKINSON
1 **on a compliance review?**

2 A. Yes.
3 **Q. And have you reviewed that record as part of the**
4 **your investigation?**

2 A. Just we're there to make sure that the operation
3 is being performed safely.

5 A. Yes, I have.
6 **Q. Okay. I'd like to direct your attention to the**
7 **document that has been marked as Exhibit MP-4 for**
8 **identification.**

4 **Q. Okay. And you mentioned that the Company**
5 **produced some records for you to view. What records**
6 **were submitted by the Company?**

9 **Will you please identify that document?**

7 A. The Company provided about five or six records,
8 a document that was -- resembled hours of service.
9 However, I couldn't make out -- or John or myself
10 couldn't really make out what was on the record. It was
11 like more like a scratch note, an incomplete application
12 for a driver Mr. Ndow, which was dated June 19th, 2015.

10 A. This is an assignment report completed by John
11 Foster and Aaron Salinas.

13 There was a driving abstract for Mr. Ndow, dated
14 October 21st, 2015, two driving abstracts for
15 Mr. Maurou, one was May 19, 2014, and another June 11th,
16 2015.

12 **Q. Is this the record that you were just speaking**
13 **of that's the record of the interaction on October of**
14 **2014?**

17 There was another driving abstract for Mr. Said,
18 another driver dated from 2013. And then a driver's
19 license for Mr. Maurou issued in 2013.

15 A. Yes, it is.

20 And one more document was -- it was just
21 basically a listing of some oil changes, general
22 maintenance and tire rotations. There was three
23 different dates, March, July and September, like I said,
24 indicating oil change, general maintenance and tire
25 rotation.

16 **Q. Okay. And have you reviewed this document?**

17 A. Yes.

18 **Q. Is this a true and accurate copy of the**
19 **assignment report that you viewed?**

20 A. Yes, it is.

21 MR. O'CONNELL: Staff offers Exhibit MP-4.

22 JUDGE PEARSON: Mr. Maurou, do you have any
23 objection to admitting this exhibit?

24 MR. MAUROU: No, your Honor.

25 JUDGE PEARSON: Okay. I will admit that

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EXAMINATION BY O'CONNELL / PERKINSON

1 Q. Okay. I'd like to direct your attention to the
2 document that has been marked as Exhibit MP-5 for
3 identification.
4 Can you please identify this documentation?
5 A. This appears to be the records that were
6 provided during the review and also the additional
7 driver time records that were submitted later on.
8 **Q. Okay. Does this documentation include
9 everything that was given you by the Company at your
10 visit with Mr. Maurou and afterwards? And by
11 afterwards, I mean as part of your investigation.**
12 A. Yeah. Yes, it appears so.
13 **Q. Okay. Have you reviewed all of these documents?**
14 A. Yes, I have.
15 **Q. Is this a true and accurate copy of all the
16 documents that you viewed?**
17 A. Yes.
18 MR. O'CONNELL: Staff offers Exhibit MP-5.
19 JUDGE PEARSON: Okay. Mr. Maurou, do you
20 have any objection to this exhibit?
21 MR. MAUROU: No, your Honor. Everything are
22 correct.
23 JUDGE PEARSON: Okay. Then I will admit
24 that and mark it as Exhibit MP-5.
25 (Exhibit MP-5 admitted.)

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EXAMINATION BY O'CONNELL / PERKINSON

1 BY MR. O'CONNELL:
2 **Q. Investigator Perkinson, what, if anything, did
3 you find concerning about these records produced by the
4 Company?**
5 A. I guess just a lack of records that were there.
6 The driver qualifications files were incomplete. There
7 was no DVIRs, so no daily vehicle inspection reports,
8 and didn't appear to be any kind of a preventative
9 maintenance plan in place. There wasn't any vehicle
10 inspections being done, as far as I could tell. And
11 probably the biggest concern was the lack of the medical
12 certificates in the files.
13 **Q. Okay. Let me ask you a little bit about those
14 in particular.**
15 **What sort of medical certification is needed for
16 drivers such as are employed by this Company?**
17 A. A driver is required, per the federal
18 regulations, to be examined by a doctor from the
19 national registry. Basically, they ensure that the
20 driver's fit and qualified to operate a commercial motor
21 vehicle.
22 **Q. Okay. And did you determine whether Mr. Ndow
23 and Mr. Sani Maurou were medically examined and
24 certified?**
25 A. Yes.

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EXAMINATION BY O'CONNELL / PERKINSON

1 Q. Were they certified?
2 A. No.
3 **Q. How did you make this determination?**
4 A. Basically, the Company provided no medical
5 certificates, and then I reviewed the driving --
6 drivers' time records.
7 **Q. Okay. And about the driver time records, can
8 you please identify in Exhibit MP-5 what documentation
9 you considered when making that determination? And
10 please identify for us where the driver time records
11 are.**
12 A. Sure.
13 **Q. I believe there are page numbers for your
14 reference.**
15 A. So page 11 looks like the beginning for Ndow
16 Yankuba, and then it goes through to page 25, and that's
17 both Sani Maurou's time records and Ndow Yankuba's.
18 **Q. Okay. How many times did you determine that
19 Mr. Yankuba drove without being medically certified?**
20 A. 114.
21 **Q. And how many times did you determine that
22 Mr. Maurou drove without being medically certified?**
23 A. 133.
24 **Q. Are these critical violations?**
25 A. Yes, they are.

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EXAMINATION BY O'CONNELL / PERKINSON

1 Q. Why?
2 A. For one, the Code of Federal Regulations
3 identifies them as critical. The Commission believes
4 that it's in the public's safety -- or that it's
5 critical to public safety and that it's in the public's
6 best interest to prevent accidents, basically ensuring
7 that drivers are medically examined.
8 **Q. Okay. Does this violate the requirements of WAC
9 480-30-221?**
10 A. Yes.
11 **Q. So how many violations does it constitute that
12 the Company didn't have medical certifications for its
13 drivers?**
14 A. It would be two violations with 247 occurrences.
15 **Q. Did you also request that the Company present
16 its driver qualification files for each driver?**
17 A. Yes, I did.
18 **Q. Did the Company produce these files?**
19 A. A couple of files.
20 **Q. Okay. What does Staff look for when evaluating
21 these files in particular?**
22 A. That the file is complete and accurate.
23 **Q. Okay. What are these files required to contain?**
24 A. The file is required to have a driver
25 application, a driver's initial abstract, annual

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EXAMINATION BY O'CONNELL / PERKINSON

1 driver's certification of violations, a road test,
 2 medical card, and then a note relating that the carrier
 3 ensured that the medical card was issued by a doctor off
 4 of the national registry.

5 **Q. And were these files that the Company submitted**
 6 **complete?**

7 A. No, they weren't.

8 **Q. What was missing in the files that the Company**
 9 **gave to you?**

10 A. The applications were incomplete. There was the
 11 initial abstract missing. The driver review record was
 12 missing. There was no road test, no medical card, and
 13 then also no note verifying that the medical card was
 14 issued by a doctor from the national registry.

15 **Q. Did the Company indicate why these files were**
 16 **incomplete?**

17 A. No, just that that was all of the records that
 18 he had.

19 **Q. So since you -- how many -- how many drivers**
 20 **does this Company have?**

21 A. Two.

22 **Q. And did you determine that the Company had**
 23 **failed to keep driver qualification files for both**
 24 **drivers in this company?**

25 A. Yes.

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EXAMINATION BY O'CONNELL / PERKINSON

1 Q. And are these critical violations?
 2 A. Yes.

3 **Q. Does this violate the requirements of WAC**
 4 **480-30-221?**

5 A. Yes, it does.

6 **Q. So how many violations does the Company's**
 7 **failure to maintain complete driver qualification files**
 8 **constitute?**

9 A. Two.

10 **Q. And we'll move on to another area.**
 11 **Did you also request that the Company present**
 12 **its records of vehicle inspection and maintenance?**

13 A. Yes, I did.

14 **Q. Did the Company produce these records?**
 15 A. Again, just a limited record.

16 **Q. Okay. What does Staff look for generally when**
 17 **evaluating these records?**

18 A. A preventative maintenance plan, receipts
 19 showing repair, and that there's some sort of a system
 20 in place to -- for safety.

21 **Q. And were the records submitted to Staff by this**
 22 **Company satisfactory to Staff?**

23 A. No.

24 **Q. Why not?**
 25 A. Again, there was no -- no preventative

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EXAMINATION BY O'CONNELL / PERKINSON

1 maintenance plan, there was no proof of repairs or
 2 receipts to back up the oil changes or tire changes or
 3 items that had been done, and then no proof of annual
 4 inspections.

5 **Q. Did the Company indicate anything to you about**
 6 **why it could not produce more complete records of**
 7 **vehicle inspection and maintenance?**

8 A. Once again, just that that was all the records
 9 that they had.

10 **Q. How many vehicles does this Company have?**
 11 A. They have four vehicles and operate two of
 12 those.

13 **Q. Okay. Are these critical violations?**
 14 A. Yes.

15 **Q. And does this violate the requirements of WAC**
 16 **480-30-221?**

17 A. Yes.

18 **Q. So how many violations does this constitute?**
 19 A. Two violations.

20 **Q. And did you request that the Company present its**
 21 **daily vehicle inspection reports?**

22 A. Yes, I did.

23 **Q. Did the Company produce these records?**
 24 A. No.

25 **Q. When are such reports expected to be filled out?**

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EXAMINATION BY O'CONNELL / PERKINSON

1 **A. Every day that the vehicle is operated.**
 2 **Q. And did you determine whether Mr. Yankuba or**
 3 **Mr. Maurou operated a company vehicle without preparing**
 4 **a daily vehicle inspection report?**

5 A. Yes, I did.

6 **Q. How did you determine this; what did you look**
 7 **at?**

8 A. I used the drivers' time records.

9 **Q. Are these critical violations?**
 10 A. Yes.

11 **Q. Does this violate the requirements of WAC**
 12 **480-30-221?**

13 A. Yes.

14 **Q. So how many violations did the Staff determine**
 15 **this constitutes?**

16 A. It would be 41 violations.

17 **Q. Okay. So in total, how many critical violations**
 18 **did you find during your investigation of SeaTac Airport**
 19 **24?**

20 A. It would be four violations with 292
 21 occurrences.

22 **Q. Has the Company done anything to remedy these**
 23 **critical violations that Staff discovered?**

24 A. Yes.

25 **Q. What has the Company done?**

EXAMINATION BY O'CONNELL / PERKINSON

EXAMINATION BY O'CONNELL / PERKINSON

A. We received a medical card for Mr. Ndow on December 11th following the compliance review and a couple other things. We have a safety management plan now.

upgraded.

There's been an attempt by Mr. Maurou to get a medical certificate. It appears that they resolved a daily vehicle inspection report issue, but there was about four other items I think we'll address later that were not included.

Q. Okay. I'd like to direct your attention to the document that's been marked as Exhibit MP-6 for identification. Will you please identify that documentation?

Q. Yeah. I would like to come back to the safety management plan in just a moment.

A. This appears to be the documents that were provided to SeaTac Airport 24 during the closing.

A. Sure.

Q. Are these all the documents that you provided to SeaTac Airport 24?

Q. Did you discover any other violations?

A. Yes.

A. Yes.

Q. And is this a true and accurate copy of the documentation that you gave to the Company?

Q. What were those?

A. Yes.

A. There was two other violations, basically 396.17, no periodic inspection for the vehicle; and then in 387 is proof of insurance on file at the principal place of business.

MR. O'CONNELL: Staff offers Exhibit MP-6.

Q. Okay.

JUDGE PEARSON: Okay. Mr. Maurou, do you have any objection to this exhibit?

MR. O'CONNELL: Your Honor, before I continue, Staff asks at this time that your Honor take official notice of WAC 480-30-999, Subsection 2. That's where the Commission adopts by reference Title 49 of Code of Federal Regulations, and Staff would also ask

MR. MAUROU: The only thing I can say regarding medical certificates, we -- I mean, I and my driver have medical certificates. When Mr. Perkinson came back, it was the only thing that was not recent --

JUDGE PEARSON: Okay. Let's save that --

MR. MAUROU: -- but we have one. At least we have -- everybody has it.

JUDGE PEARSON: Let's save that for when you're sworn in and giving testimony. Right now, we're

EXAMINATION BY O'CONNELL / PERKINSON

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that you take official notice of the relevant sections of Title 49.

just talking about this document and whether you object to this.

JUDGE PEARSON: And I will take official notice of both of those things.

MR. MAUROU: Oh, no. Everything is correct, your Honor.

MR. O'CONNELL: Thank you, your Honor. May I continue?

JUDGE PEARSON: Okay. Then I will admit that and mark it as Exhibit MP-6.

JUDGE PEARSON: Yes.

(Exhibit MP-6 admitted.)

BY MR. O'CONNELL:

MR. O'CONNELL: Thank you, your Honor.

Q. Investigator Perkinson, did you have a closing interview with the Company to share the results of your investigation?

BY MR. O'CONNELL:

Q. Investigator Perkinson, does this documentation contain an explanation for calculating the Company's proposed safety rating?

A. Yes, I did.

A. Yes.

Q. Who did you speak with?

Q. Can you please turn and identify that page in the exhibit?

A. Mr. Maurou.

A. Page 16.

Q. Did you give Mr. Maurou any documentation?

Q. Now, what proposed safety rating did the Company receive?

A. Yes.

A. Unsatisfactory.

Q. And did you explain the documents to him?

Q. Will you please explain how the factors on page 16 calculate or how they -- how the factors reach that proposed safety rating of unsatisfactory?

A. Yes, I did.

A. Sure. There was six different factors. When you do a compliance review, each violation or accident has a weight associated with it or a point value. In

Q. What did you give him?

A. I gave Mr. Maurou a copy of my compliance review, the Capri report is what it's called; fitness safety rating explanation, it breaks down the rating; a table of violations; and then one other document, a safety rating upgrade request, which basically informs SeaTac 24 how they can request to have their rating

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1 this case, there were two factors that became
2 unsatisfactory due to two points of violations. As a
3 result, the entire review becomes unsatisfactory if two
4 or more categories go unsat.

1 **received it?**
2 A. I forwarded it to John Foster, my boss, and Dave
3 Pratt, I believe, got a copy.

5 **Q. Okay. So if a Company has two or more
6 categories that are themselves unsatisfactory, then they
7 would receive an overall proposed safety rating of
8 unsatisfactory; is that correct?**

4 **Q. Okay. I'd like to direct your attention to the
5 document that has been marked as Exhibit MP-7 for
6 identification.**

9 A. That's correct.

7 **Will you please identify that document?**

10 **Q. Okay. And at your closing interview did you
11 inform the Company of its opportunity to upgrade its
12 safety rating?**

8 A. Yeah. That would be an application for
9 mitigation.

13 A. Yes, I did.

10 **Q. And is this the application for mitigation that
11 Mr. Maurou sent to you?**

14 **Q. And did the documentation you gave the Company
15 include a checklist to help guide the Company through
16 this upgrading of their safety rating?**

12 A. Yes.

13 **Q. Is this a true and accurate copy of the document
14 that you received?**

17 A. Yes.

15 A. Yes, it is.

18 **Q. Have you had -- since the time of your closing
19 interview, have you had any further interaction with the
20 Company?**

16 MR. O'CONNELL: Staff offers Exhibit MP-7.

21 A. Yeah. Mr. Maurou and myself have spoke on the
22 phone a couple of times.

17 JUDGE PEARSON: And I will take official

23 **Q. And about when was that?**

18 notice of that as a Commission record.

24 A. The 19 -- February 19th of this year and
25 February 24th.

19 (Exhibit MP-7 noticed.)

20 BY MR. O'CONNELL:

21 **Q. On Mr. Maurou's application for mitigation, what
22 box did he check?**

23 A. Application for mitigation, I admit the
24 violation, but I believe that the penalty should be
25 reduced for the reasons set out below.

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1 Q. And what were those interactions about?

1 Q. Did he include any reasons why he believes that
2 the penalty should be reduced?

2 A. On the 19th, we discussed the hearing today and
3 then how to submit a safety management plan. I informed
4 him that it had to be submitted prior to February 26th,
5 no later.

3 A. No.

6 And then I provided Mr. Maurou with several
7 templates, documents that he could use in his safety
8 management plan that he was going to submit back to the
9 Commission.

4 **Q. Okay. I'd like to direct your attention to the
5 document that has been marked for identification as
6 Exhibit MP-8.**

10 And then February 24th, I received a draft
11 safety management plan from the Company, and I provided
12 feedback via the telephone and informed SeaTac again
13 that the penalty assessment response was due no later
14 than that day.

7 **Will you please identify that document?**

15 **Q. About the safety management plan, in your
16 conversation, did you indicate what supporting
17 documentation he would need to provide?**

8 A. This would be the received e-mail that I got
9 from Sani on the 25th, and then I'm forwarding to the
10 records center asking them to add it to the docket,
11 160187.

18 A. Yes.

12 **Q. Okay. And is this a true and accurate copy of
13 the e-mail trail that you sent?**

19 **Q. And did Mr. Maurou send you his application for
20 mitigation of the Company's penalty assessment?**

14 A. Yes.

21 A. Yes, he did.

15 MR. O'CONNELL: Staff offers Exhibit MP-8.

22 **Q. When did you receive his application for
23 mitigation?**

16 JUDGE PEARSON: Okay. And, Mr. Maurou, do
17 you have any objection to this e-mail being admitted?

24 A. February 25th.

18 MR. MAUROU: No, your Honor.

25 **Q. And what did you do it with it after you**

19 JUDGE PEARSON: Okay. I will admit that.

20 MR. MAUROU: Everything correct.

21 JUDGE PEARSON: Okay. I will admit that and

22 mark it as Exhibit MP-8.

23 (Exhibit MP-8 admitted.)

24 BY MR. O'CONNELL:

25 **Q. Mr. Perkinson, did you receive a proposed safety**

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1 **management plan -- a final proposed safety management**
 2 **plan from the Company?**
 3 A. Yeah, I did.
 4 **Q. And when did you receive it?**
 5 A. It would have been in the evening,
 6 February 29th.
 7 **Q. What did you do with that safety management**
 8 **plan?**
 9 A. Again, it was forwarded to my boss, and Dave
 10 Pratt received a copy.
 11 **Q. And who from Staff reviews the safety management**
 12 **plan?**
 13 A. I did, and Dave Pratt reviewed it.
 14 **Q. Okay. If I could --**
 15 MR. O'CONNELL: Actually, I think I will
 16 stop there. Thank you.
 17 I have no more questions for Investigator
 18 Perkinson, your Honor.
 19 JUDGE PEARSON: Okay. Thank you.
 20 Mr. Maurou, do you have any questions for
 21 Mr. Perkinson?
 22 MR. MAUROU: No, your Honor. Everything is
 23 correct.
 24 JUDGE PEARSON: Okay.
 25 MR. MAUROU: Yeah.

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1 JUDGE PEARSON: All right. Mr. O'Connell,
 2 if you'd like to call your next witness.
 3 MR. O'CONNELL: Yes. If I could, I'd like
 4 to now call Mr. Dave Pratt.
 5 JUDGE PEARSON: All right.
 6 Mr. Pratt, if you will stand and raise your
 7 right hand.
 8
 9 DAVID PRATT, witness herein, having been
 10 first duly sworn on oath,
 11 was examined and testified
 12 as follows:
 13
 14 JUDGE PEARSON: Okay. You may be seated.
 15 **DIRECT EXAMINATION**
 16 **BY MR. O'CONNELL:**
 17 **Q. And would you please spell -- state your name**
 18 **and spell it for the record?**
 19 A. Yes. My name is David Pratt. David, then
 20 Pratt, P-r-a-t-t.
 21 **Q. And what is your occupation?**
 22 A. My title is the Assistant Director for
 23 Transportation Safety.
 24 **Q. And who is your employer?**
 25 A. Washington Utilities and Transportation

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1 Commission.
 2 **Q. How long have you been employed by the**
 3 **Commission?**
 4 A. I've been here 11 years.
 5 **Q. And what are your responsibilities as the**
 6 **assistant director?**
 7 A. I oversee the transportation safety program for
 8 motor carrier safety and rail safety and also the
 9 licensing program for the Agency.
 10 **Q. Are you familiar with the company SeaTac Airport**
 11 **24 and/or its owner, Mr. Sani Maurou?**
 12 A. Yes, I am.
 13 **Q. Do you recall what authority to operate this**
 14 **company has from the Commission?**
 15 A. Yes. They currently have both auto
 16 transportation and then charter and excursion, which is
 17 a permit that comes together.
 18 **Q. Okay. What history does Staff have with this**
 19 **company?**
 20 A. Well, the history, as I have it on record, goes
 21 all the way back to July of 2013. We originally became
 22 aware of this company as a non-permitted carrier. We
 23 received complaints from SeaTac Airport and a couple of
 24 regulated carriers complaining that he was operating in
 25 their territory without the proper authority.

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1 I continued to -- we reached out and contacted
 2 Mr. Maurou back then. He did submit an application in
 3 March of 2014. It took about six months for that to go
 4 through the process.
 5 During that time, we communicated with him
 6 numerous times about what he needed to do or not to do
 7 as far as his permit. We continued working with
 8 Mr. Maurou when he got his permit, which was in early
 9 2014, and we had a technical assistance visit.
 10 When we have a new passenger carrier on board,
 11 we -- we pay the carrier a visit, we inspect the
 12 vehicles they're going to use to transport passengers,
 13 and we provide technical assistance, which means we go
 14 over all the requirements that are required for a
 15 company like this to operate, specifically on the safety
 16 requirements, and we do cover some of the operating
 17 authority as well.
 18 **Q. If I can, I'd like to direct your attention to**
 19 **Exhibit MP-4 for identification -- I'm sorry -- what's**
 20 **been now admitted as Exhibit MP-4.**
 21 A. Okay.
 22 **Q. Do you recognize this document?**
 23 A. Yes. This is the report I mentioned that was --
 24 it's dated October 9th, 2014. It was a report from
 25 Staff, John Foster and Aaron Salinas, when they gave the

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1 initial technical assistance visit and vehicle
 2 inspections.

3 **Q. Okay. Did they pass inspection; did the
 4 Company's vehicles pass inspection?**

5 A. Yes, they did.

6 **Q. What else -- what else does Staff do at these
 7 inspections?**

8 A. Besides doing vehicle inspections, Staff tries
 9 to do their best to help educate the carriers to know
 10 what the basic requirements are for safety. They talk
 11 about the recordkeeping requirements, they talk about
 12 the retention, and specifically in this case, on the
 13 report, Mr. Foster wrote that he provided technical
 14 assistance on hours of service, driver qualifications,
 15 vehicle maintenance, including annual inspections,
 16 insurance requirements, and then the daily vehicle
 17 inspection reports. They show the carrier a copy of our
 18 safety guide, which we provide to all carriers on the
 19 first visit, which also contains all the forms required
 20 for the recordkeeping requirements that the carrier can
 21 use to be in compliance.

22 **Q. And about this document, is your signature on
 23 this document somewhere?**

24 A. Yes, yes, page 4.

25 **Q. So I stopped you briefly, and I'd like to give**

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1 **you an opportunity continue. You were elaborating upon
 2 your familiarity and the Staff's history with this
 3 company.**

4 A. Yes. Staff has a long history with this
 5 company. Besides going back to when we first reached
 6 out to him as a non-permitted carrier and he started, he
 7 came into compliance and got a permit, but we have been
 8 following up with Mr. Maurou probably at least ten times
 9 since that date. I have letters and e-mails explaining
 10 to Mr. Maurou that he's operating way outside of his
 11 authority that was granted by the Commission and asking
 12 him to please comply. And Mr. Maurou has not been
 13 cooperative.

14 He has not corrected any of the issues we talked
 15 to him about. He repeatedly expressed his uncertainty
 16 with the rules and how to comply. So we continued to
 17 give him information. We continued to tell him what he
 18 could and couldn't do. We continued to remind him of
 19 what his auto transportation authority allows him to do,
 20 and what his charter authority allows him to do, and
 21 asked him to please make those changes.

22 We were especially concerned about his website
 23 which advertised trips from all over the state for fares
 24 that did not appear to be within his fare that he has
 25 filed with the Commission. And one of my Staff even had

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1 a conference call with Mr. Maurou back in August of last
 2 year to kind of personally talk to him to help him
 3 understand, and yet we have not -- still not been able
 4 to get him to comply. What we were attempting to do
 5 then was to try and show that he had not been compliant
 6 with his certificate and that he was not coming into
 7 compliance.

8 When we could not get any records from
 9 Mr. Maurou or get any evidence, that's when I decided to
 10 schedule a compliance review. It was already on our
 11 books to be scheduled for the summer of -- earlier this
 12 year -- or I'm sorry, late last year, and because we
 13 couldn't get the other records, we went ahead and moved
 14 up the compliance review earlier, thinking we could go
 15 there and do that, and that would have Staff actually on
 16 premises to gather the records that we could use.

17 **Q. And I want to ask you some more questions about
 18 that review, but first I'd like to ask, have there been
 19 any past cases with this company?**

20 A. Yes. And thank you for reminding me.

21 Mr. Maurou also had a docket in front of the
 22 case -- in front of the Commission last year, TE-152 --
 23 I'm sorry, TE-151029. He did not file his 2014 annual
 24 report as required.

25 I will note that he did file it by August of

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1 2015 that year, and that would be on there. He did only
 2 say that he had one vehicle and only paid for one
 3 vehicle on his regulatory fees. So he did file the
 4 report and pay the required fees, but he did not pay the
 5 penalty, which was a thousand dollars.

6 And in September of 2015, that debt was sent to
 7 collections by the Attorney General's office. As of
 8 today, I have no record of any payments being made.

9 MR. O'CONNELL: So, your Honor, at this
 10 time, Staff would ask that you take official notice of
 11 Commission record regarding Docket TE-151029.

12 JUDGE PEARSON: Okay. And I will take
 13 official notice of that.

14 BY MR. O'CONNELL:

15 **Q. And, Mr. Pratt, returning to the compliance
 16 review that's at issue in this case, how were you
 17 involved in this matter and in the compliance review
 18 concerning this company?**

19 A. Okay. Well, as my role as the manager of this
 20 program, we have a protocol where my staff prepare the
 21 reports. Mr. Perkinson, he provides that to his
 22 supervisor, John Foster, who reviews it for accuracy and
 23 completeness. The two of them work on it to make sure
 24 it's in that condition, and then it is forwarded to me
 25 for review.

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1 I have the final review to determine if I think
2 it's -- it contains all the required elements, it's
3 accurate and it's complete, and then I sign off on the
4 report with recommendations if they're needed.

1 Q. And are you involved in making an evaluation of
2 that safety management plan?

5 **Q. And -- okay. Are you aware that Staff found
6 violations through its investigation of this company?**

3 A. Yes, I am.

7 A. Yes, I am.

4 **Q. Okay. In general, what would be the problem
5 caused by any company failing to keep its drivers with a
6 current medical certification?**

8 **Q. And are you familiar with the penalty assessment
9 related to those violations?**

7 A. Well, without having medical certification, it
8 gives no assurances that the drivers do not have any
9 medical issues which might impact their driving which
10 could cause an accident or an incident that could
11 endanger the passengers on the vehicle or the traveling
12 public that's out there next to them.

10 A. Yes, I am. I instigated the penalty assessment.

11 **Q. And are you aware that the Company received an
12 unsatisfactory safety rating resulting from those
13 violations?**

13 **Q. Investigator Perkinson found other violations.
14 He named the vehicle inspections and maintenance, the
15 driver qualification files and the daily vehicle
16 inspection reports.**

14 A. Yes, I am.

17 **What is the concern with these violations and
18 how does it affect a safety rating?**

15 **Q. Okay. I'd like to start by asking about the
16 Company's unsatisfactory safety rating and the process
17 that is triggered when any company receives this safety
18 rating.**

19 A. I'd say the concerns are that there appears to
20 be very, very little recordkeeping being done, which
21 means the Company really has no idea if they're in
22 compliance with the safety requirements. It has no idea
23 if the vehicles are safe to operate. They do not do any
24 daily checks to make sure that, on a daily basis, those
25 vehicles have not had something occur from the day

19 **We've heard from Investigator Perkinson about
20 his compliance review and the proposed safety rating of
21 unsatisfactory. In general, what do these safety
22 ratings signify; what do they mean?**

23 A. Well, safety rating -- and there are three, I
24 might add. There's satisfactory, conditional or
25 unsatisfactory, and through a formula and an algorithm

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1 that's used in the program that does this, you look at
2 the number of violations, you look at sample sizes that
3 are chosen, and it helps determine the condition of the
4 company's safety program and their operations and helps
5 determine whether or not the company has the proper
6 safety management controls in place to operate safely.

1 before, or whether it should be corrected. And it
2 just -- in a bigger picture, it outlines the fact that
3 this company does not have a safety program in place to
4 ensure that they're operating safely and protecting the
5 passengers and the public.

7 **Q. And in general, what happens or what is the
8 process after a company received a proposed safety
9 rating of unsatisfactory?**

6 **Q. Are you familiar with SeaTac Airport 24's
7 efforts to upgrade its rating from its proposed
8 unsatisfactory safety rating?**

10 A. Okay. Well, as you mentioned earlier, through
11 adoption by reference, the Commission has adopted 49
12 CFR, specifically Part 385, and in that rule, Part 385
13 states that carriers that receive unsatisfactory safety
14 ratings have 45 days to request and receive a change to
15 that proposed unsatisfactory rating. The request also
16 must be based on evidence that the company has taken
17 corrective actions to address the violations identified,
18 and that they currently meet the safety fitness standard
19 as is specified in Part 385.

9 A. Yes. I have reviewed the safety management plan
10 that was submitted.

20 In other words, what the company has to do is
21 they have to prepare a safety plan to us that identifies
22 three basic characteristics; one, how did the violations
23 occur; two, what have they done to correct those
24 violations; and then three, what have they done to
25 ensure they don't occur again in the future.

11 **Q. And you already covered this a little bit, but I
12 want to ask again to make sure we're clear. What did
13 the Company -- what did the Company need to do to
14 upgrade its unsatisfactory safety rating?**

15 A. Okay. Well, as mentioned earlier, in the Part
16 385 process, the Company has 45 days from the day of the
17 proposed unsatisfactory rating, which would have been
18 January 22nd, and in that 45 days, they have to provide
19 a plan to us and give us enough time to review it to
20 ensure that they will meet the standards set in 385,
21 which, again, means that they need to provide a plan
22 that says, here's what allowed these violations to
23 occur, here's what they've done to correct them, and
24 here's what management controls they have in place to
25 ensure that these violations do not occur again in the

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1 future, and it must also provide evidence and
2 documentation.

3 An example I'll use there would be the medical
4 cards. They would need to produce a copy of their valid
5 medical card for each of the two drivers as part of the
6 plan, and it would also need to include a process that
7 they're going to have in place to make sure those cards
8 do not expire in the future and the drivers do not drive
9 without a valid medical card.

10 **Q. Now, the Commission ordered that the Company**
11 **submit a safety management plan for approval by**
12 **February 26th, 2016, correct?**

13 A. Correct.

14 **Q. Did Staff receive a safety management plan from**
15 **the Company on February 26th?**

16 A. No, we did not.

17 **Q. Did Staff at any time receive a safety**
18 **management plan from this Company?**

19 A. Yes. We received a hard copy in the mail on the
20 afternoon of Monday, February 29th.

21 **Q. Okay. I'd like to direct your attention to the**
22 **document that has been marked as Exhibit DP-11 for**
23 **identification.**

24 A. DP-11. Okay. That's a copy of Mr. Maurou's
25 safety management plan.

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1 Q. Have you reviewed this document?

2 A. Extensively, yes.

3 **Q. Is this a true and accurate copy of the document**
4 **that you viewed?**

5 A. Yes.

6 MR. O'CONNELL: Staff offers Exhibit DP-11,
7 your Honor.

8 JUDGE PEARSON: And, Mr. Maurou, do you have
9 any objection to admitting that? It's the proposed
10 safety management plan that you submitted to the
11 Commission.

12 MR. MAUROU: Yes. But --

13 JUDGE PEARSON: I'm just wondering if you're
14 okay with us admitting that into evidence. You can
15 speak to it a little bit later.

16 MR. MAUROU: Okay. I will say yes, and I
17 have some -- a little bit -- I don't know if I can call
18 them changes or amendments.

19 JUDGE PEARSON: Well, we can take that up
20 when it's your turn to testify, but right now, I just am
21 asking if you have any objection to --

22 MR. MAUROU: No. It is correct, your Honor.

23 JUDGE PEARSON: Okay. All right. Then I
24 will go ahead and admit that and mark it Exhibit DP-11.
25 (Exhibit DP-11 admitted.)

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1 BY MR. O'CONNELL:

2 **Q. Mr. Pratt, did Staff make an evaluation of this**
3 **safety management plan?**

4 A. Yes. As per the process I described earlier,
5 Mr. Perkinson took the first review of it. I believe he
6 sat down with his supervisor, they talked about it, and
7 then the three of us sat down together and went over the
8 criteria and went over the plan very detailed and
9 reviewed each of the pieces that were there that were
10 required to be there.

11 **Q. Okay. I'd like to direct your attention to the**
12 **document that has been marked as Exhibit DP-12 for**
13 **identification.**

14 A. Yes. That would be the memo that I submitted on
15 March 4th, 2016, to the judge regarding my review of the
16 safety management plan.

17 **Q. Is this a true and accurate copy of the document**
18 **you wrote?**

19 A. Yes.

20 MR. O'CONNELL: Your Honor, Staff would ask
21 that you take official notice of this document that was
22 submitted in this docket.

23 JUDGE PEARSON: Okay. I will take official
24 notice of that.
25 (Exhibit DP-12 noticed.)

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1 BY MR. O'CONNELL:

2 **Q. And, Mr. Pratt, can you please explain Staff's**
3 **evaluation and recommendation regarding SeaTac Airport**
4 **24's safety management plan?**

5 A. Sure. As mentioned, when we review this plan,
6 we look for three basic things: Were the violations
7 correct or why were the violations allowed to occur?
8 Were they corrected, and do they have a plan in place to
9 prevent them again in the future? And did they provide
10 documentation. So we sat down and we went through each
11 violation and made that assessment based on each one.

12 As you noticed on the other exhibit that we had
13 earlier -- it would be the 385 process, which was
14 included in the packet that Mr. Maurou received at
15 closing process on January 22nd -- it lists seven
16 criteria that Staff reviews in reviewing a safety
17 management plan. So my memo address each of those seven
18 criteria.

19 I can go through those if you'd like.

20 **Q. If you could briefly, please.**

21 A. Okay. So basically the first criteria is: Does
22 the plan address each acute and critical violation and
23 does it also address the other violations that occurred.
24 Now, I would say, yes, Mr. Maurou did address each of
25 the six violation types.

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1 The second piece is: Identify why the
 2 violations were allowed to occur, and this is probably
 3 the one that causes me the most concern. Mr. Maurou
 4 repeatedly stated throughout his safety management plan
 5 that he did not understand the rules and that he had not
 6 received enough training. And I, Staff, take exception
 7 to that.

8 I believe, again, as I've talked earlier, I
 9 can -- I can identify at least ten occasions that we
 10 reached out to Mr. Maurou to explain what he could or
 11 couldn't do. With our original visit, we gave him a
 12 safety manual which had all the forms he needed to use.

13 And so as we went through the plan, we looked at
 14 that. Again, I don't think he accepted ownership that
 15 the violations occurred because he did not learn what
 16 the requirements were and he did not implement the
 17 requirements to be in compliance.

18 I will also say that, on his initial Application
 19 for Authority, under Section 7, he did sign his name 12
 20 times stating that he was responsible for understanding
 21 and complying with all these rules; and in Section 8, he
 22 did sign again declaring that he, as an applicant,
 23 understands the responsibilities of a passenger
 24 transportation carrier and he's in compliance with all
 25 local, state and federal regulations.

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1 I would also state that, as far as why the
 2 violations were permitted to occur, Mr. Maurou, as a
 3 business owner in the state of Washington, is required
 4 to know the rules he's required to follow. And my
 5 assessment of this criteria was that Mr. Maurou has not
 6 taken the time to learn what the safety requirements are
 7 that his company is obligated to follow.

8 **Q. If I can, I want to interrupt you just for a**
 9 **moment. On the spectrum of companies that need little**
 10 **to no assistance from Staff and those companies that**
 11 **require a lot of assistance from Staff, where in your**
 12 **experience does this company lie in that need?**

13 A. I'd say it's at the -- it's high up on the scale
 14 of a company that needs help, and that's why we've tried
 15 to repeatedly help him understand, with many things in
 16 writing, letters, phone calls to try and help him
 17 understand the requirements.

18 **Q. Okay. I want to check -- I apologize for**
 19 **interrupting you. If you could please continue**
 20 **explaining your rating.**

21 A. Okay. I would be moving on to criteria number
 22 3, and that criteria says that you discuss the actions
 23 that were taken to correct the deficiencies that allowed
 24 the violations to occur, and this is where they have the
 25 chance to include the documentation or evidence that

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1 these things have been corrected.

2 I found many gaps in this part of my analysis, I
 3 found many pieces missing from the safety management
 4 plan, and my memo does describe them in detail.
 5 Specifically, of the six violation types, I believe only
 6 two of them showed evidence of correction. Four have
 7 not been corrected completely, if at all.

8 Driver qualifications files, I think, is an
 9 important one, which is the 391.51(a) violation. There
 10 are approximately nine criteria that must be met under
 11 that particular step. What was missing in that file was
 12 a note relating to the annual review of the drivers'
 13 driving record. That's important, so that it means they
 14 have that in their record that they can look to make
 15 sure that the drivers are in compliance.

16 There was not a listing or certificate related
 17 to the violations that were required under 391.27.
 18 There was not a note in the file which required
 19 verification that the medical cards were obtained from a
 20 provider that's on the national registry. That was the
 21 391.51 violation.

22 Regarding the violation for not having medical
 23 cards, there were medical cards for both Mr. Maurou and
 24 his other driver in the plan. I have to say, though,
 25 Mr. Maurou's medical card was not valid. It was not

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1 obtained from a doctor that's on the national registry.
 2 So, therefore, it was not valid and not acceptable.

3 And I will say that again, during the technical
 4 assistance meeting, and in an e-mail that followed up
 5 later, Mr. Maurou was told about the national registry.
 6 He was provided a link in an e-mail note that took him
 7 to the national registry that he could look up and
 8 identify an appropriate doctor he could visit to get his
 9 medical certification.

10 Moving on from there. Regarding the 396.17,
 11 which is the periodic inspection violation, Mr. Maurou
 12 did not include any evidence or documentation that he
 13 had had his vehicles inspected or had a periodic
 14 inspection conducted within the last 12 months.

15 **Q. And what kind of inspection is Staff expecting**
 16 **there to be records of?**

17 A. This would be an inspection that's conducted by
 18 a DOT certified inspector. It's consistent with what we
 19 call CVSA, Commercial Vehicle Safety Alliance,
 20 inspection, which is what our Staff perform. We go
 21 through extensive certification to receive that.

22 Most major automobile companies, dealers and so
 23 forth, have mechanics on staff that have this
 24 certification. They can do an inspection and provide
 25 the documentation for that.

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1 Q. Thank you. Please continue, Mr. Pratt.

2 JUDGE PEARSON: Mr. O'Connell, if I could

3 interrupt you for one second. I am missing page 4 of

4 that exhibit, for whatever reason. They didn't print it

5 off or something happened to it. So if you have another

6 copy --

7 MR. O'CONNELL: I do have another copy. If

8 I may, I'll hand it right up to you.

9 JUDGE PEARSON: Sure.

10 MR. MAUROU: I am missing the same thing.

11 MR. O'CONNELL: You're missing page 4 as

12 well?

13 MR. MAUROU: Right.

14 THE WITNESS: So in the interest of

15 double-sided, I'm on page 4. So I am on page 4 of that

16 memo now. Thank you.

17 Then the next violation I looked at was the

18 396.3 violation, which requires carriers to maintain

19 minimum records of inspection of vehicle maintenance.

20 There really was not enough evidence provided to show

21 that this violation was corrected.

22 The plan did have documents that showed he

23 was starting to maintain some vehicle records. He had

24 taken one form out of our safety guide and filled it out

25 that showed some minor repairs, as Mr. Perkinson

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1 testified. Tire rotations, oil changes, some things

2 were in there, but it didn't show anything about a

3 scheduled maintenance plan, which is a specific

4 requirement of 396.3.

5 And it's 396.3(b)(2) requires a means to

6 indicate the nature and due date of various inspection

7 and maintenance operations. And what that means is the

8 carrier has to have something in his files that says, we

9 will have these vehicles looked at on this date. We

10 will have the oil changes done. We will have

11 inspections done on these dates. All those are

12 contained in the file which helps the carrier then stay

13 on top of things. By doing his annual review of the

14 files, he knows the dates that those things are due.

15 The next violation was 397.31, which is

16 proof of insurance. The Company did not have proof of

17 insurance at their home office. Mr. Maurou has

18 corrected that one and did provide a copy of his

19 insurance policy and stated in his plan that he was

20 keeping a copy in his business office.

21 And then finally, the last violation was

22 daily driver vehicle inspection reports. Mr. Maurou did

23 provide a copy of one. We call these DVIRs for short.

24 He did find a copy of a DVIR that was completed by his

25 driver from one day. I will accept that as being

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EXAMINATION BY O'CONNELL / PRATT

1 complete, but I will note that the date that he

2 submitted was different than the date that was on the

3 DVIR by one day.

4 The next criteria -- so we looked at that

5 criteria that talks about were the violations corrected.

6 So in my opinion here, four of the six were not

7 corrected.

8 So then we take the next step, which is we

9 look at criteria 4, which outlines the actions that

10 they're going to take to ensure that similar violations

11 do not occur again in the future. They also must

12 demonstrate here that operations meet safety fitness

13 standard.

14 I believe Mr. Maurou has not demonstrated

15 that he has adequate safety management controls in

16 place. His plan did not provide any documentation that

17 the driver qualifications files were complete, no

18 documentation that he had periodic inspections, he had

19 an invalid medical card, and we have no scheduled

20 maintenance plan.

21 I will say Mr. Maurou did indicate, though,

22 his plan is to set up calendar reminders to ensure these

23 things are done, but he did not provide any

24 documentation to show those calendars reminders, and

25 that would have been a nice benefit to be able to see

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1 those to show that they were set up.

2 The next criteria going down the list is an

3 open-ended question that says, if there's anything else

4 you wanted to talk about, including training,

5 reorganization, purchasing things, that you're going to

6 be doing to help implement these -- these -- these

7 corrections and maintain them in the future, that this

8 is the place to do it. He did not include any

9 references in this and did not address this question.

10 However, Staff believes he should have some

11 kind of training plan in place to ensure that his driver

12 knows these requirements and that, if there's some

13 changes that have occurred in the company, that the

14 driver's aware of what he has to do.

15 Again, I'll give him credit to say he is

16 planning -- indicated that he's created spreadsheets to

17 track the medical card expiration dates and vehicle

18 inspection dates.

19 One other criteria is criteria 6, that he's

20 allowed to provide additional documentation relating to

21 motor carrier safety in the prevention of crashes. He

22 did provide a statement in his plan that stated he's

23 never had an accident or vehicle stall or breakdown on

24 the highways in the state of Washington, and I have no

25 reason to believe otherwise from that.

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EXAMINATION BY O'CONNELL / PRATT

1 BY MR. O'CONNELL:

2 **Q. And Mr. Pratt, I wanted to ask you a question.**

3 **Stepping back for a moment, we've been talking a lot**

4 **about these violations as critical violations, and**

5 **that's what gave rise to a penalty assessment, that's**

6 **what gave rise to the proposed unsatisfactory safety**

7 **rating.**

8 **What makes a violation a critical violation, and**

9 **why is that important for a safety rating?**

10 A. Okay. And I do define this on page 2 of -- I'm

11 sorry. Let me find this under another document I have.

12 Okay. It looks like my memo on page 1. I just want to

13 make sure my page is right.

14 Critical violations, one, they're identified by

15 the federal government, and a violation can be a

16 critical type. And in order for it to rise to critical,

17 it has to be either more than one or a pattern, and

18 that's based on a sample size.

19 So example, if we looked at ten files, you had

20 to have at least more than one violation, or a pattern

21 which would be more than 10 percent of a sample size,

22 which in this case, more than one.

23 But the definition of critical violations is [as

24 read] they're regulations that are identified where

25 noncompliance relates to management or operational

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1 controls lacking, and they're an indicator of a

2 breakdown in the carrier's management, controls, and

3 through data and studies, pattern and noncompliance with

4 critical regulations, they're quantitatively linked to

5 inadequate safety management controls and what can lead

6 to higher than normal average accident rate.

7 **Q. And would that -- if there are more critical**

8 **violations, the more that there are, does that raise**

9 **Staff's concern about the safety of the operations of**

10 **any company?**

11 A. Absolutely, yes.

12 **Q. So, Mr. Pratt, ultimately, what is your**

13 **recommendation regarding SeaTac Airport 24's safety**

14 **rating?**

15 A. Well, I guess I would just summarize by saying

16 the safety management plan that was submitted was not

17 adequate, it did not meet the requirements, and it was

18 lacking substantially in many areas to meet it. Based

19 on that review there, and based on my review of the laws

20 and the rules, I believe the plan, the management plan,

21 was not acceptable by the Commission, and under the

22 rules of 385, after the 45th day, Mr. Maurou should not

23 be allowed to operate.

24 My recommendation is that the Commission cancel

25 SeaTac Airport 24's charter excursions and auto trans

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1 operating authority effective midnight tonight, March 7,

2 2016.

3 **Q. And do you believe there is sufficient cause for**

4 **the Commission to cancel this company's authority to**

5 **operate?**

6 A. Yes, I do.

7 **Q. If cancelled, what options does this company**

8 **have to regain its authority to operate?**

9 A. Mr. Maurou would still be entitled to an

10 opportunity to submit a corrective action plan, but I

11 will note, under his auto trans authority, there's a

12 30-day period that he can be reinstated. If he does not

13 complete this within 30 days, under those rules, he has

14 to go through the whole formal docket process on auto

15 trans, which means it's subject to protest by other

16 carriers and has to come back up in front of the

17 Commission to approve his operating authority again.

18 **Q. Okay. I want to switch gears and ask you about**

19 **the penalty assessment in this case.**

20 A. Okay.

21 **Q. Are you familiar with the penalty assessment**

22 **that SeaTac Airport 24 received?**

23 A. Yes, I am.

24 **Q. Is there a memorandum that Staff prepared**

25 **regarding the penalty assessment?**

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1 **A. Yes.**

2 **Q. Who wrote that, or who is that memorandum from?**

3 A. Okay. The memorandum is from me, but it is

4 created and produced by one of my staff for me.

5 **Q. Okay.**

6 A. It's kind of a -- it's a collaboration of my

7 recommendations, my notes, the investigator's review of

8 the record of the file, of the rules, and then they

9 draft it up, provide it to me, I help make final changes

10 or the final edits, and then I approve the final

11 product, which is sent to the administrative law

12 division.

13 **Q. Okay. I'd like to direct your attention to the**

14 **document that's been marked as Exhibit DP-9 for**

15 **identification. Will you please identify that document?**

16 A. Yes. That is the penalty assessment that was

17 issued to Mr. Maurou under Docket TC-160187, and it was

18 served --

19 **Q. If I -- if I can stop you right there.**

20 **Are you sure you're looking at the right**

21 **document?**

22 A. I'm sorry. The penalty assessment was under --

23 **Q. Can I ask you to look at Exhibit DP-9? I**

24 **apologize if I might have misspoke there and asked the**

25 **wrong question.**

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1 **A. It's all right.**

2 **Q. Can you please identify this document that's**

3 **been marked as Exhibit DP-9?**

4 A. Sure. DP-9 is the memo that I write to the

5 administrative law division which describes my concerns

6 and states why I believe a penalty assessment is

7 appropriate. And so I issued this memo on the same date

8 to the administrative law division, recommending a

9 penalty assessment, which was recommended into the

10 second document, which is my Exhibit DP-10.

11 **Q. Okay. Is this exhibit that's been marked as**

12 **Exhibit DP-9, is it a true and accurate copy of the**

13 **memorandum that you sent?**

14 A. Yes.

15 MR. O'CONNELL: Staff offers Exhibit DP-9,

16 your Honor.

17 JUDGE PEARSON: Okay. Mr. Maurou, do you

18 have any objection to the admission of this exhibit?

19 MR. MAUROU: No, your Honor. It's correct.

20 JUDGE PEARSON: Okay. Then I will admit

21 that and mark it as Exhibit DP-9.

22 (Exhibit DP-9 admitted.)

23 BY MR. O'CONNELL:

24 **Q. And, Mr. Pratt, are you aware that this company**

25 **was assessed a penalty amount of \$29,200 for 292**

1 operations into consideration, and then specifically

2 finish that up with a review of the compliance review

3 that occurred that led to the violations.

4 I also review my enforcement policy. The

5 Commission has an enforcement policy which we use to

6 guide us in penalty cases. Some violations are so

7 serious that they're mandatory penalties. And so I look

8 at those, and then I put it all together and come up

9 with my recommendation based on all those factors and

10 what I believe is an appropriate penalty.

11 **Q. Now, you mentioned that you viewed documentation**

12 **that you received from the Company. Did you view the**

13 **documents that Investigator Perkinson received through**

14 **his investigation that are marked as Exhibit MP-5 in**

15 **this case?**

16 A. Yes, I did.

17 **Q. And did you also consider and view Investigator**

18 **Perkinson's compliance review report, which has been**

19 **marked as Exhibit MP-6 in this case?**

20 A. Yes. That was probably the biggest piece of my

21 review.

22 **Q. Okay. And what, if anything, concerned you**

23 **about this company's operations that would justify this**

24 **penalty assessment?**

25 A. Well, one, just the number of critical

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1 **violations?**

2 A. Yes, I am.

3 **Q. Were these violations regarding the WAC**

4 **480-30-221 violations that Mr. -- Investigator Perkinson**

5 **identified earlier?**

6 A. Yes, they are specifically connected to those

7 violations.

8 **Q. Okay. And does this rule incorporate the safety**

9 **regulations from Title 49 of the Code of Federal**

10 **Regulations?**

11 A. Yes, they do.

12 **Q. Okay. Who from Staff determined that the**

13 **penalty assessment was appropriate?**

14 A. That would be me.

15 **Q. And what information or documentation did you**

16 **consider when assessing this penalty amount?**

17 A. Well, when I reach a case like this, especially

18 with an unsatisfactory safety rating, I try and look at

19 the entire history of the Company. We maintain

20 compliance files on each company. So I go back and I

21 look at their history of any visits we've had with them

22 before, any interactions with them. I check into their

23 licensing files about their permits and their

24 requirements. I look at any communications we've had

25 with them via e-mail or letters, and I take the whole

1 violations. 292 critical violations is substantial,

2 especially for a company this small. But also, my

3 concern was the Company's failure to comply with the

4 repeated times we've talked to them, and their

5 continuing to just state that they don't understand or

6 they're doing what they need to do.

7 And I believe we've given many, many chances to

8 comply with operating within their authority, and many

9 chances to understand the rules and requirements, and I

10 believe they took no ownership in the safety of their

11 company, and no ownership in saying, we need to do

12 something here.

13 And I will state that it also, as I was

14 preparing this, I kept waiting to see what was going to

15 come in from Mr. Maurou regarding his safety plan, and I

16 was pretty disappointed when it took 29 days from the

17 day we issued a rating until Mr. Maurou called and asked

18 for help, when he only had two weeks left after that

19 date to file his safety plan. And so the plan reflected

20 the effort he put into it, from my opinion, that he

21 didn't spend enough time doing it and it's an inadequate

22 plan.

23 So I kind of take all of those factors in mind

24 to say, under a penalty assessment, we assess penalties

25 of \$100 per violation. And so with 292 violations, it's

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1 \$29,200.
2 **Q. Okay. I'd like to direct your attention to the**
3 **document that has been marked for identification as**
4 **DP-10.**

1 **A. Well, for two reasons. On the technical**
2 **standing, I guess I would say his request for mitigation**
3 **has a statement that he checked the box and signed that**
4 **says, I ask to present evidence on the information I**
5 **provide here, and there's no evidence here. So he gave**
6 **us nothing to prepare for why he believes he has**
7 **mitigation. So that's one factor.**

5 **Will you please identify that document?**
6 A. Yes. This is the actual penalty assessment that
7 was issued by the Commission.
8 **Q. And how are you familiar with this document?**
9 A. Well, I'm familiar because I helped draft one of
10 these up for the administrative law judge, and then once
11 it was issued, it became part of my file and it became
12 the basis for the penalty.

8 **The factor it was late was the second piece, and**
9 **then the third part would simply be that the safety**
10 **management plan did not address the things that led to**
11 **this penalty, and there's a direct correlation.**

13 **Q. Is this a true and accurate copy of the document**
14 **that you viewed?**

12 MR. O'CONNELL: I have no further questions,
13 your Honor.

15 A. Yes.
16 MR. O'CONNELL: Your Honor, Staff offers
17 Exhibit DP-10, but would ask that you take official
18 notice as it's been in the -- submitted in the docket of
19 this case.

14 JUDGE PEARSON: Okay. Mr. Maurou, do you
15 have any questions for Mr. Pratt?

20 JUDGE PEARSON: Yes. I will take official
21 notice.

16 MR. MAUROU: Once again, I'm not sure how
17 the procedure works.

22 (Exhibit DP-10 was noticed.)

18 JUDGE PEARSON: Can you talk a little
19 bit closer to the microphone.

23 MR. O'CONNELL: Thank you, your Honor.

20 MR. MAUROU: Okay. Sorry. Once again, I
21 was saying I'm not sure how the procedure works. But if
22 I have to answer to Mr. Pratt, he's saying it takes me
23 29 days to call for help. I'm sorry. You don't know my
24 problems. He knows a little bit. I came -- I went
25 out -- I went overseas for 60 days, I had --

24 BY MR. O'CONNELL:

25 **Q. Mr. Pratt, if I could ask you about Exhibit**

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JUDGE PEARSON: Can you speak closer to the

1 **DP-10 briefly. Does this document indicate how long the**
2 **Company has in order to request a hearing for mitigation**
3 **of the penalty assessment?**

2 microphone? The court reporter is having trouble
3 hearing you.

4 A. Yes, it does. On page 6 at the top, it does
5 state that you must complete and sign this document and
6 send it to the Commission within 15 days after you
7 receive the penalty assessment. And then it gives him
8 options to choose, whether they just want to pay the
9 penalty or whether they want to request a hearing or
10 whether they want to apply for a mitigation, and then
11 they sign and submit it.

4 MR. MAUROU: I say, I went overseas for
5 60 days. I have family emergency, and Mr. Perkinson
6 knows about it. I came back on January 19th, and Mr. --
7 once again, Mr. Perkinson knows when I will be back, and
8 he called me that day.

12 **Q. Have you also reviewed Exhibit MP-7, the**
13 **Company's application for mitigation in this case?**

9 And I pick up my phone. He told me, can we
10 come 22nd? I say yes.

14 A. Yes.

11 And when you come back after 60 days from
12 overseas, you have too many things --

15 **Q. Do you recall when Mr. Maurou made his request**
16 **for mitigation of the penalty assessment?**

13 JUDGE PEARSON: Okay. Mr. Maurou, I'm going
14 to need to swear you in if you're going to give
15 testimony. Right now, I need to know if you have any
16 questions for Mr. Pratt before we move on to your
17 testimony.

17 A. Yes. I will say that it is dated February 25th
18 and the due date was February 24th.

18 MR. MAUROU: Yes. No. I was talking about
19 the 29th date call for help, and then for -- and there
20 was a confusion. I have received many times letters
21 changing dates and a date and time for the hearing and
22 postpone -- trying to postpone those dates and --

19 **Q. Okay. So setting aside the issue of the timing**
20 **of Mr. Maurou's application for mitigation and the lack**
21 **of any reasons why he believes the penalty should be**
22 **mitigated, do you believe mitigation of the penalty**
23 **assessment is justified in this case?**

23 JUDGE PEARSON: Did you have a question for
24 Mr. Pratt?

24 A. At this time, no.

25 MR. MAUROU: Okay. At this time, I will say

25 **Q. Why not?**

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1 no.

2 JUDGE PEARSON: Okay.

3 MR. MAUROU: I will say no.

4 JUDGE PEARSON: So I will swear you in in

5 just a moment. I do, however, need to take a brief

6 two-minute recess. So we will go off the record for two

7 or three minutes and then come right back.

8 MR. MAUROU: No problem.

9 (A break was taken from

10 10:50 a.m. to 10:54 a.m. p.m.)

11 JUDGE PEARSON: We will go back on the

12 record.

13 And, Mr. Maurou, if you would stand and

14 raise your right hand, I will swear you in and then you

15 can give your testimony.

16

17 SANI MAHAMA MAUROU, witness herein, having been

18 first duly sworn on oath,

19 was examined and testified

20 as follows:

21

22 JUDGE PEARSON: Okay. You may be seated,

23 and I'll remind you to stay close to the microphone so

24 that the court reporter can hear you.

25 I did not receive any exhibits from you in

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1 advance of the hearing today, so I assume that you will

2 just be presenting testimony; is that correct?

3 MR. MAUROU: I have some exhibits to give

4 you.

5 JUDGE PEARSON: But you did not submit those

6 in advance of the hearing, which you were required to

7 do. So I assume Staff doesn't have a copy and hasn't a

8 had a chance to review them.

9 MR. MAUROU: No. It's what they sent. The

10 letter I received yesterday said -- and I'm sorry,

11 Mr. David send that again. He say four -- four things

12 were missing.

13 JUDGE PEARSON: Oh, you're talking about the

14 Staff's memo that was filed on Friday?

15 MR. MAUROU: Right. And I have all those

16 four things that were missing.

17 The first thing is medical -- medical

18 certificates. My doctor called me on Thursday and tell

19 me that he did receive call from UTC, and then he went

20 through, explained to me what was the problem. So I

21 went the next day, which was Friday, and I get my

22 medical certificate. So I have my medical certificate

23 here.

24 I also have national registry examiners for

25 medical certificate also. And also those forms that I

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1 talk about it, I have those forms with me here. So I --

2 I will expect to give all these forms to you and them.

3 I have three copies. If you don't mind, I

4 can pass them and give them to you one by one. But the

5 main thing for me is the medical certificates.

6 JUDGE PEARSON: Mr. O'Connell?

7 MR. O'CONNELL: Your Honor, Staff hasn't

8 viewed these prior to today, but I think what Mr. Maurou

9 is -- I think what Mr. Maurou is saying he is giving out

10 is -- are exhibits that he only got on Friday. So I

11 don't know --

12 JUDGE PEARSON: There's no response to the

13 document that was filed on Friday.

14 MR. O'CONNELL: Correct. So I don't know if

15 there would have been any time for Staff to have

16 reviewed it before today. If I could have a moment

17 to --

18 JUDGE PEARSON: Absolutely, sure.

19 MR. O'CONNELL: -- look at those now.

20 (Brief pause in the proceedings.)

21 MR. O'CONNELL: Your Honor, having briefly

22 looked at this exhibit, and possibly for any other

23 exhibits that Mr. Maurou may offer, Staff would need to

24 evaluate those exhibits. In particular, the exhibit

25 dealing with the medical certificate, Staff would need

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1 to confirm with the national registry whether the doctor

2 is on the national registry and make other evaluations

3 of the exhibits.

4 Staff hasn't had the time to do that at this

5 moment, so Staff is unable to offer a position based

6 upon these things.

7 JUDGE PEARSON: Okay. And that makes sense.

8 And, Mr. Maurou, because we really have

9 reached the 11th hour here with respect to the clock on

10 the 45 days that's been run, I think that if Staff is

11 willing to accept what you have brought, I won't admit

12 those documents into evidence, but perhaps they could go

13 towards your attempt to reinstate your certificate

14 within the 30-day timeframe, if Staff would be willing

15 to accept them for evaluation on that basis.

16 Is that acceptable to Staff?

17 MR. O'CONNELL: It is, your Honor. Staff --

18 within the 30 days, my understanding is that Staff is

19 willing to accept any and all documentation which their

20 company would submit to it for consideration.

21 JUDGE PEARSON: Okay. So, Mr. Maurou, you

22 may give those documents to Staff for further

23 evaluation, but you -- they're not going to be able to

24 evaluate them here today.

25 MR. MAUROU: I have -- I have searched for

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1 them for verification. I have it here with me. I will
 2 give them also right away. It will show that this
 3 coming from a notarized doctor. I have all those
 4 documents with me here. I will hand it to you right now
 5 to verify.
 6 JUDGE PEARSON: Okay. I understand that,
 7 but I just want you to understand that there's no
 8 possible way that Staff is going to be able to complete
 9 a full evaluation of all the documentation that you are
 10 submitting today, and I am going to have to make my
 11 decision on what is in the record before me with respect
 12 to your certificate.
 13 MR. MAUROU: I --
 14 JUDGE PEARSON: But you're welcome to hand
 15 those documents over to Mr. Pratt and Mr. Perkinson.
 16 MR. MAUROU: Okay. Your Honor, I also
 17 have the annual inspection reports for those two
 18 vehicles.
 19 MR. O'CONNELL: Your Honor, before we go any
 20 farther, I want to ask a clarifying question.
 21 JUDGE PEARSON: Sure.
 22 MR. O'CONNELL: Has Mr. Maurou been sworn
 23 in?
 24 JUDGE PEARSON: Yes.
 25 MR. O'CONNELL: Okay. I apologize. I

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1 missed it.
 2 MR. MAUROU: This is my annual vehicle
 3 inspection report.
 4 JUDGE PEARSON: Okay. So I don't want these
 5 documents.
 6 MR. MAUROU: Oh, you don't want them?
 7 JUDGE PEARSON: No. I want you just to give
 8 them to Staff. There's nothing that I can do with these
 9 documents today.
 10 MR. MAUROU: Okay. Okay. So I am giving
 11 them the annual --
 12 JUDGE PEARSON: Here, you can speak into
 13 this microphone on the table.
 14 MR. MAUROU: Sorry. I am giving them the
 15 annual vehicle inspection report for both vehicles.
 16 Once again, I'm giving them the annual inspection for
 17 the two vehicles and the -- my medical -- medical card.
 18 And also I have the statement of my mechanic
 19 who has been working with me for almost ten years, and I
 20 will give them also a copy of that.
 21 Okay. Now, what I have here is national
 22 medical examine minus [sic] -- with -- with their ID.
 23 So I have two doctors here. I will hand them to -- for
 24 myself and then for the driver. Those are verification
 25 that those documents come from a notarized medical

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1 examiner with their ID. So what I just gave you is
 2 mine. For the other driver, they have verified already.
 3 JUDGE PEARSON: Okay. Is that all the
 4 documents that you wish to provide to Staff?
 5 MR. MAUROU: I also have -- I will also
 6 have -- they request document form and rules. I have a
 7 mandatory training document to share that I will hand to
 8 them, and I have also another document, a rule for
 9 driver not respecting UTC regulation and rule.
 10 And then the third document will be the
 11 request for annual review of the driver. You recall, I
 12 have it for myself, Sani Mahama Maurou, and for the --
 13 for the driver, Ndow Yankuba. I will hand them, all
 14 those four documents to them.
 15 JUDGE PEARSON: Okay. Thank you.
 16 MR. MAUROU: I also have driver reminder
 17 file for both driver, myself, Sani Mahama Maurou, and
 18 the second driver, Ndow Yankuba, and what the driver
 19 manual filed as is [sic], we list the items that may be
 20 needed and then the expire dates. That way, we will
 21 follow.
 22 And by the same time that we have mention --
 23 we have mention in the demand document, we went to
 24 electronics, which mean we set up appointment on our
 25 cell phones and that will send us text message three

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1 months before the due dates and then also send us the
 2 e-mails.
 3 And I can show you -- if you want,
 4 your Honor, I can show you one example on the cell phone
 5 that I use for work. If you don't mind, I can come and
 6 show you that --
 7 JUDGE PEARSON: That be would something that
 8 Staff would have to evaluate.
 9 MR. MAUROU: Okay. I can show them.
 10 JUDGE PEARSON: And maybe at a later time.
 11 Why don't you just give them what you have on paper
 12 right now.
 13 MR. MAUROU: Right. Right. So right now, I
 14 have given them the driver reminder file for both
 15 drivers and show them how I can set up electronically.
 16 For example -- for example -- for example, I
 17 will show Mathew and David how I set up the calendar
 18 electronical [sic]. Just for one example -- let me
 19 search for renew.
 20 JUDGE PEARSON: Mr. Maurou.
 21 MR. MAUROU: Yes, your Honor.
 22 JUDGE PEARSON: This might be something that
 23 would be more appropriate to show Staff at a later time
 24 because the evaluation of the items that you're
 25 submitting just isn't going to happen today.

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1 MR. MAUROU: Okay.

2 JUDGE PEARSON: So it's always possible you

3 could take screenshots of that and put it into a

4 document and submit it to Staff at a later time. I'm

5 sure you'll have more contact with Staff after this and

6 more opportunities, but I would like to wrap this up.

7 MR. MAUROU: Okay.

8 JUDGE PEARSON: So is that all of the

9 documentation that you have today?

10 MR. MAUROU: No. I have -- I have all that

11 document. I have also the spreadsheet for vehicle

12 reminder file. What vehicle reminder file does is we

13 put -- we write down the items and then the due dates,

14 and make some special notes.

15 JUDGE PEARSON: Okay.

16 MR. MAUROU: So I have for both vehicle that

17 I will hand it to Mathew.

18 JUDGE PEARSON: Mr. Pratt, did you have a

19 comment?

20 MR. PRATT: Yes. I guess I was just going

21 to suggest that, if we're going to be making a ruling

22 today on what we have, that it might be a better

23 approach to give these documents back to Mr. Maurou and

24 have him formally submit them as his addendum to his

25 safety management plan so we know what they are and we

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1 can evaluate the packet as it comes in compared to what

2 we have.

3 JUDGE PEARSON: Okay. If that's your

4 preference and that's your process, that makes sense.

5 MR. PRATT: That would probably make it --

6 that would make it -- I think, that way, we'd know what

7 he was giving us. Just a short cover letter that says,

8 I'm sending you the rest of this information. Here it

9 is.

10 JUDGE PEARSON: Okay.

11 MR. MAUROU: Can I say something,

12 your Honor?

13 JUDGE PEARSON: Sure.

14 MR. MAUROU: The problem we have here is I'm

15 trying to do my best to give them the documents they

16 need, and I have them here. And if I can give --

17 because I have those documents with me here. They have

18 changed the date of, what it's called, hearing many

19 times.

20 JUDGE PEARSON: That was only changed one

21 time. I'm the one who wrote the notice.

22 MR. MAUROU: I've seen too many letters, to

23 be honest, so it's a little bit confusing.

24 So I'm trying to do my best. All documents

25 you asked, I have them here, and I will give them, or

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1 what I have here and --

2 JUDGE PEARSON: Okay. So I want to -- I

3 want to move on to the penalty assessment mitigation.

4 So what I'm going to suggest is, if you have more things

5 that you want to give to Staff, you can do that at the

6 conclusion of the hearing. And if Staff has feedback

7 about a preferred way that they'd like to receive those

8 documents, then you should get that feedback from Staff,

9 and then I suggest that you follow whatever advice they

10 give you.

11 But we're taking up a lot of time right now

12 on things that, like I said, Staff simply will not be

13 able to evaluate today. And so I'd rather address that

14 outside the hearing. You can give them the documents

15 when we're done.

16 MR. MAUROU: Yes, your Honor. You're right.

17 What -- as I said, what I'm trying to do is at least

18 give them what I have here --

19 JUDGE PEARSON: And I appreciate that.

20 MR. MAUROU: -- and then later send them,

21 probably during the week, and make sure my license not

22 be suspended because of hardship I have on my vehicle.

23 And it has -- Mathew said -- Mathew knows a

24 little bit about me for the few times when he visit me.

25 I have two vehicle right now. I left for the family

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1 emergency for 60 days, came back, too many things.

2 And right now, I am on hardship, and I have

3 ordered two brand new vehicles waiting, not moving. So

4 all those -- all those charges are very, very, very

5 heavy on me. It was very, very difficult to explain.

6 So what I'm trying to do today is beg the

7 Commission, give them the minimum document I have today,

8 and make sure my license not be suspended, and then give

9 me an extra time to give them all the document. But

10 anything I have here, I give them.

11 And I think that's just what they need, from

12 what I read the last letter they send me on Friday. I

13 did get it on Saturday. And what is needed, I have them

14 here, and I am handing them today.

15 JUDGE PEARSON: So I understand that, and I

16 appreciate you making the effort. The bottom line is,

17 we have a 45-day requirement that is federal law. The

18 Commission has no authority to be flexible with that

19 timeframe. And so your best bet now is to attempt to

20 get your certificate reinstated within that 30-day

21 period.

22 MR. MAUROU: Yes. I do understand what the

23 general -- attorney general said. I think he has

24 explained, and I asked questions to David about

25 one-month period, but the problem is, once again,

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1 looking at the circumstances of where I stand right now,
 2 I have my bank account here that I will hand -- hand to
 3 you right now, your Honor, and my -- all my vehicles are
 4 in mint condition. They are very good.
 5 And I am healthy, my drivers are healthy.
 6 The problem is medical certificate, and we are not -- I
 7 was not really -- I said I was not really -- I was not
 8 really trained with enough.
 9 JUDGE PEARSON: Okay.
 10 MR. MAUROU: And most of my problem were --
 11 I didn't write it in my memorandum. Most of my problem
 12 were -- we didn't keep the minimum receipts.
 13 Now we start asking when they fix, we start
 14 asking them, give us a receipt. And when Mathew and
 15 John went to -- I assume -- they are brand new,
 16 your Honor. They are brand new. Why I spend a lot of
 17 money? I don't want those vehicles to be breaking down.
 18 JUDGE PEARSON: I understand.
 19 MR. MAUROU: That's why I spend a lot of
 20 money. And right now, I am financial in struggle. So
 21 if my license is cancelled today, honestly, that would
 22 be a big catastrophic on my life.
 23 JUDGE PEARSON: I understand that.
 24 MR. MAUROU: So --
 25 JUDGE PEARSON: I am going to go ahead and

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1 issue a ruling on that right now. I want to dispose of
 2 this issue so we can turn to the mitigation of the
 3 penalty assessment.
 4 MR. MAUROU: Yes, your Honor.
 5 JUDGE PEARSON: But the bottom line is that
 6 Staff reviewed your proposed safety management plan.
 7 That's all that I have in front of me today to make a
 8 decision on.
 9 Staff's recommending that the Commission
 10 cancel the Company's auto transportation certificate,
 11 including its charter and excursion authority, effective
 12 tonight at midnight.
 13 And based on the testimony and evidence
 14 presented today, I'm left with no alternative but to
 15 find that the Company has failed to provide an
 16 acceptable safety management plan.
 17 According to the evidence that Staff
 18 presented and Staff's testimony today, the Company has
 19 corrected only two of the six violations identified
 20 during the Staff's compliance review. And although,
 21 Mr. Maurou, you attempted to introduce additional
 22 evidence today, Staff simply does not have an
 23 opportunity to evaluate that before the 45 days is up.
 24 And again, that is a federal law. The
 25 Commission has no authority to extend it or alter it in

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1 any way. So the Commission will cancel your auto
 2 transportation and charter and excursion certificate,
 3 which is certificate No. C-65615, effective at midnight
 4 tonight, which means that you may no longer operate as
 5 an auto transportation or charter and excursion carrier,
 6 which includes offering or advertising auto
 7 transportation or charter and excursion services.
 8 So you are ordered to cease and desist all
 9 operations until such time that you are either able to
 10 get your certificate reinstated within the 30-day
 11 period, or if that doesn't happen, you'll have to
 12 reapply and obtain a new certificate from the Commission
 13 like Mr. Pratt explained earlier.
 14 Do you have any questions about any of that?
 15 MR. MAUROU: Yes. Yes, your Honor.
 16 JUDGE PEARSON: You have a question?
 17 MR. MAUROU: Yes, your Honor.
 18 JUDGE PEARSON: What's your question? And
 19 just about what I just told you. We're not going to
 20 argue anymore about whether or not this is happening.
 21 I've issued my ruling, and that's final.
 22 MR. MAUROU: I --
 23 JUDGE PEARSON: But do you have any
 24 logistical questions about what you can and can't do now
 25 that your certificate is cancelled effective at midnight

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1 tonight?
 2 If you don't have any questions, I'd like to
 3 move on to the mitigation request for the penalty
 4 assessment.
 5 MR. MAUROU: Okay, your Honor. I have a
 6 question.
 7 I -- once again, I don't know how your
 8 procedure works. I was trying to give them all the
 9 documents and then come to have a chance to talk about
 10 what's called -- about those sanctions they gave to me.
 11 JUDGE PEARSON: I understand that, but I've
 12 explained to you multiple times today that we've simply
 13 run out of time.
 14 MR. MAUROU: Okay.
 15 JUDGE PEARSON: So after today, your best
 16 bet is to work on getting your certificate reinstated
 17 within the next 30 days. It looks like you are on a
 18 good path to make that happen. So you'll just want to
 19 work at that as quickly as possible so you can get your
 20 certificate reinstated.
 21 MR. MAUROU: I know. I know that,
 22 your Honor, and I appreciate it. The problem we having
 23 from -- they say -- they say when they visit you they
 24 will come back after three years, two or three years.
 25 So I was visited in 2014, and then they supposed to come

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1 to me in 2017. So I don't know why they came to me in
 2 2014, 2015. So that's another question I'm having.
 3 JUDGE PEARSON: Okay. Well --
 4 MR. MAUROU: I feel like I am being treated
 5 unfairly.
 6 JUDGE PEARSON: Mr. Pratt said to you
 7 earlier, Mr. Maurou, it had to do with the fact that you
 8 were provided technical assistance about operating
 9 outside of your authority, and that raised a lot of red
 10 flags for Staff. And that is kind of outside the scope
 11 of what we're talking about right now.
 12 Because the fact remains that these
 13 violations occurred, they are critical violations, you
 14 received an unsatisfactory safety rating, and you failed
 15 to provide a proposed safety management plan that would
 16 give Staff any cause to update that safety rating -- or
 17 upgrade it, excuse me. So I'd like to move on to the
 18 penalty assessment at this time.
 19 If you have evidence that you would like to
 20 provide that would support what you believe should be --
 21 whatever reduced penalty you believe you should be for
 22 the \$29,200, you requested a hearing to present evidence
 23 about why you believe the penalty should be lower or
 24 waived. So I will give you the opportunity to do that
 25 now.

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1 MR. MAUROU: Okay. I have these for you.
 2 JUDGE PEARSON: Wait. What is that before
 3 you come up here?
 4 MR. MAUROU: This is a statement. This is a
 5 statement.
 6 JUDGE PEARSON: From?
 7 MR. MAUROU: From the Company.
 8 JUDGE PEARSON: Like a written statement?
 9 MR. MAUROU: Yes.
 10 JUDGE PEARSON: In response to the
 11 penalty --
 12 MR. MAUROU: Yes.
 13 JUDGE PEARSON: -- assessment?
 14 Well, you'll have to show it to Staff first
 15 and see if Staff has any objections to me accepting it.
 16 MR. O'CONNELL: Your Honor, this appears to
 17 Staff to be a written restatement of Mr. Maurou's
 18 testimony about the financial hardship that the Company
 19 is undergoing. So Staff doesn't have a problem as a
 20 written record, just -- Staff would just note it is
 21 repetitive of what has already been testified.
 22 JUDGE PEARSON: Okay. You can bring that to
 23 me then, Mr. Maurou.
 24 MR. O'CONNELL: And it is also a written
 25 record of the bank account amount that Mr. Maurou

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1 previously testified to.
 2 JUDGE PEARSON: Okay. So this is a written
 3 statement that talks about how the Company is having
 4 financial hardship and would like the penalty dismissed,
 5 and it looks like a copy of Mr. Maurou's online banking
 6 account; is that correct?
 7 MR. MAUROU: Yes, ma'am.
 8 JUDGE PEARSON: Okay. Showing the balance
 9 in your bank account -- I don't know that you want this
 10 admitted into evidence. It will become a public record.
 11 MR. MAUROU: Yeah. That's fine. That's
 12 fine. I cannot hide. I cannot hide.
 13 MR. O'CONNELL: And, your Honor, if I may --
 14 JUDGE PEARSON: Sure.
 15 MR. O'CONNELL: You know, it is Staff's
 16 position that these are things that Mr. Maurou has
 17 previously testified to, but --
 18 JUDGE PEARSON: I agree.
 19 MR. O'CONNELL: -- as far as the
 20 authenticity of all of this, Staff takes no -- can take
 21 no position.
 22 JUDGE PEARSON: Okay. And I don't see any
 23 reason to admit it into the record because it is -- it
 24 is duplicative of the testimony that you've already
 25 given. So your position on the penalty, then, is that

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1 your Company is experiencing financial hardship and
 2 you're requesting that the penalty be waived because of
 3 that hardship?
 4 MR. MAUROU: Yes, your Honor.
 5 JUDGE PEARSON: Okay. Is there any
 6 additional information that you'd like to provide with
 7 respect to the financial hardship, any additional
 8 explanation or --
 9 MR. MAUROU: Yes. I was trying also -- I
 10 told you I have two vehicles. And Matt and John have
 11 seen them. I have a picture of them here, but I don't
 12 have -- I'm missing the registration. I don't know if
 13 that would work. I have the picture here.
 14 Those vehicles are seen right there. And
 15 all those things have been put on my credit -- on my
 16 credit card. So there's too many things going on now.
 17 JUDGE PEARSON: Okay.
 18 MR. MAUROU: Yeah. I'm sorry. That's the
 19 true story. There's not I can do.
 20 JUDGE PEARSON: Okay.
 21 MR. MAUROU: And it's very, very tough,
 22 difficult. And then comes another 30 days, not -- and
 23 since I came, I was most concentrated on this, on this
 24 hearing, because I came back, as I said, on
 25 January 19th, and then Matt called me the same day. He

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1 called -- he called me and requested to see me on the
 2 22nd, which meant within two or three days I have to see
 3 him, I have to sit down with him, and those things
 4 called that David -- David says they were called
 5 regarding my website. They were -- they were not called
 6 for training, it was just for a website problem.
 7 And the training, when Mathew visit me, they
 8 visit me like two-hour visits. So I don't think even --
 9 even eight hours will not be enough to cover this book.
 10 It's -- and which is not my first -- I'm
 11 sorry. English is not my -- that's another problem I'm
 12 having, English is not my first -- I speak French as
 13 first language, and the English comes as my second
 14 language. It's very difficult. I'm sorry. It's very
 15 tough. It's very tough.
 16 I cannot explain everything. I am the only
 17 person to know how I resent, how I feel. It is -- and
 18 David, I said that already. David talk about the
 19 29 days to call for help. He's right. I know he
 20 doesn't under -- he doesn't know -- he doesn't know all
 21 my problems. Okay?
 22 And I am to go back to this book, take them
 23 part by part, go to the Internet, Google, and explain --
 24 have it translated in French, and then read it. I have
 25 to do that all the -- all this book since I came back,

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EXAMINATION BY O'CONNELL / PRATT
 1 and that's too many things going on. It's very hard.
 2 And I'm very, very sorry, you know. There's
 3 nothing I can do. There's nothing I can do, to be
 4 honest.
 5 JUDGE PEARSON: Okay. Thank you.
 6 Mr. O'Connell, do you have any questions for
 7 Mr. Maurou?
 8 MR. O'CONNELL: Regarding the penalty
 9 assessment, which I believe is the issue that we're
 10 addressing at this moment --
 11 JUDGE PEARSON: Correct.
 12 MR. O'CONNELL: -- I have no questions for
 13 Mr. Maurou. However, given his testimony about the
 14 financial hardship of the Company, I believe I am
 15 obligated to ask a follow-up question of Mr. Pratt
 16 regarding the financial -- reported financial situation
 17 of the Company.
 18 JUDGE PEARSON: Okay.
 19 MR. O'CONNELL: And if I'm correct,
 20 Mr. Pratt is still -- remains under oath.
 21 JUDGE PEARSON: That's correct.
 22 DIRECT EXAMINATION
 23 BY MR. O'CONNELL:
 24 **Q. Mr. Pratt, you testified earlier that you had**
 25 **viewed the compliance review report written by**

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EXAMINATION BY O'CONNELL / PRATT
 1 **Investigator Perkinson that is Exhibit MP-6; is that**
 2 **correct?**
 3 A. Correct.
 4 **Q. Are you aware of the reported gross revenue for**
 5 **this company from the year 2014 -- 2014?**
 6 A. Yes. As part of our compliance review, one of
 7 the pieces of data we collect is the gross revenue for
 8 the year ending prior to the year that we did the review
 9 in. In this case, it would have been the year ending
 10 December 31st, 2014.
 11 Mr. Maurou reported a gross revenue of \$90,000.
 12 That was just -- we do not get previous years'
 13 financial. We only look at the current year.
 14 MR. O'CONNELL: Okay. I don't have any more
 15 questions, your Honor.
 16 JUDGE PEARSON: Okay.
 17 Mr. Maurou?
 18 MR. MAUROU: Can I say something? Yes.
 19 That's true that attorney general, we reported making
 20 90,000, but we also have to buy gas, 45,000; we also
 21 have to pay insurance for 16,000, for both car; we also
 22 have to pay what's called the driver; I have to pay
 23 myself; I have a family of four people. Okay?
 24 And those -- my wife is stay-at-home mom.
 25 She's going to school. She's in college. She has three

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1 kids. She's not working. I am the only provider.
 2 My rent, I don't have my check -- my book
 3 check now. I pay 2,000. I live in downtown. Matt
 4 knows that. It's very expensive. I pay 2,000 for my --
 5 for my -- what it's called -- my rent.
 6 So how much I have left? I have to pay the
 7 other driver, 45 to buy gas, 16 for insurance, and then
 8 another amount for fixing -- fixing the car, like tires
 9 or oil change, all that things during the year, but I'm
 10 lucky. They are brand new car. And I also have to
 11 pay -- what it's called -- I have a loan that I pay to
 12 those cars. That's too many things. How much I have
 13 left? Nothing.
 14 I have zero left in all the year, but I'm
 15 glad I'm helping people move on fuel in the state of
 16 Washington. I'm doing my best. I have never received
 17 one penny from the state of Washington. I have never
 18 received one penny from the federal government for
 19 help -- to help me with my business.
 20 I start this business from scratch, and I'm
 21 doing my best. I don't want to see traffic on fuel.
 22 That's one of my -- one of my -- I don't like seeing
 23 traffic on -- and my -- my dad was a transporter. So
 24 when I do this, I feel really happy to help people. I
 25 feel happy.

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1 I'm not making nothing on this business.
 2 I'm not making million in this business. That's the
 3 true story. But I'm glad I'm helping people get around,
 4 see them, their face, they're happy.
 5 We take them to the airport. You take them
 6 to the -- you take them to see -- what's called, dinner.
 7 I get around them, they're happy. I am very glad for
 8 that, and this my report, and I stick with that report.
 9 So I am not making nothing.
 10 But I'm glad you brought 90,000 revenue.
 11 That is the gross revenue. It's absolutely nothing when
 12 you take -- as I said, when you take out all those
 13 things. How much I have left? Nothing. Nothing.
 14 And I also have had emergency. I have a
 15 copy of my travel. If you request it, I will give it to
 16 you. And Mathew knows about it.
 17 And for I left -- I went over there for --
 18 what's called -- I left for emergency to overseas for
 19 60 days. My mom, this is my mom, I went to see her.
 20 She's sick. I cannot let her down for what she did to
 21 me. So I went to -- I didn't work for 60 days.
 22 So honestly, I just tell him what is true.
 23 There's nothing to hide. Thank you so much.
 24 JUDGE PEARSON: Thank you, Mr. Maurou.
 25 Mr. O'Connell, does Staff have anything

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1 further?
 2 MR. O'CONNELL: Your Honor, if I could,
 3 Staff would like -- I would like to defer to Staff to
 4 make a final comment on the penalty assessment.
 5 JUDGE PEARSON: Sure.
 6 MR. PRATT: I guess I'd like to start by
 7 saying, one, I'm sympathetic to Mr. Maurou's plight. I
 8 understand and I'm sorry for that, what you're dealing
 9 with, but I'm concerned with the long pattern of
 10 noncompliance. And so I'd just like to make a few
 11 points for the judge to consider as we're moving
 12 forward.
 13 Mr. Maurou did state that he'd never been
 14 late on a payment to the State, and yet in Docket 151029
 15 there was a thousand dollar penalty that was never paid.
 16 It has gone to collections.
 17 And more of my concern is that Mr. Maurou's
 18 pattern to us has been continually asking for more time
 19 to do things, and continually asking for an extension,
 20 but never really providing us what we need. With at
 21 least ten times that we contacted him since October of
 22 2014 to try and get him to come into compliance with
 23 what his certificate says he can do, operating only from
 24 the three hotels, Mr. Maurou, to the airport, we've
 25 clarified that to him that that's all he's allowed to

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1 do, and yet, he has failed to change his behavior. His
 2 advertisements are still showing that he goes all over
 3 the state with trips to the airport.
 4 I would also like to comment that we could
 5 have been on this much, much sooner. Your review was
 6 done in November of 2015. We called the week after the
 7 review to try and set up the final to get this moving
 8 on, and you had left the country for approximately two
 9 months. And so we weren't able to complete the review
 10 and finish that for a two-month period in there, or
 11 we've been way past this time there.
 12 And I guess, just besides the pattern of
 13 being late and with just continued failure to come into
 14 compliance with our rules, and the continued -- what I
 15 consider failure to attempt to come into compliance, and
 16 today would be a good example of where he had 45 days to
 17 get these documents to us, and it took three quarters of
 18 that time before he even asked us what he should do to
 19 get these in, and then still didn't get them in to us on
 20 time.
 21 And so based on all that, I -- while I'm
 22 sympathetic to his plight with where he's at with his
 23 family, you know, we all have problems, we all have
 24 issues we're dealing with every day, and I do not think
 25 that forgiving this penalty will bring him into

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1 compliance. And that's my goal, is to have him in
 2 compliance in following the rules.
 3 And I believe that a penalty that is upheld
 4 will be further incentive to maybe come into compliance,
 5 if he can do what he needs to do to get his permit back.
 6 I hope Mr. Maurou understands that and that he still
 7 does have a chance to get his permit back, but I believe
 8 the penalty should hold his -- over his head as an
 9 incentive. Thank you.
 10 JUDGE PEARSON: Okay. Thank you.
 11 Mr. Maurou, do you have a brief comment
 12 before we close?
 13 MR. MAUROU: Yeah. I heard what the
 14 Director David says. Director, they sent -- for annual
 15 reports, they send me thousand dollars for sanction
 16 and --
 17 JUDGE PEARSON: Can you speak closer to the
 18 microphone, please?
 19 MR. MAUROU: Once again, Director David, I
 20 heard what you said, and I had a ticket for thousand
 21 dollars for not -- for being late to apply for annual --
 22 annual -- annual reports, and I did send a letter to
 23 solve this problem, and then they ask me to pay 250. I
 24 did pay.
 25 And then later, they send me another bill

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1 again for a thousand saying that I have to do the annual
 2 report again. I said, I did it already. What annual
 3 report are you asking me?
 4 And they just say, no, you have to do
 5 separately because you have two different certificates.
 6 JUDGE PEARSON: Okay. Mr. Maurou, this is
 7 kind of outside the scope of what we're doing.
 8 MR. MAUROU: Yeah. I'm answering to what
 9 David just said. I need to tell him. That way, you
 10 know as a judge.
 11 So -- and they said they send me again
 12 another thousand. That thousand, I asked them why, and
 13 they told me I have two different certificates.
 14 I say, no, I have only one certificate,
 15 under one certificate and this same business. And then
 16 I did apply. I did -- I did -- I did my annual report
 17 already.
 18 And then they say, no, I need to pay.
 19 And then I sent a letter -- what's called --
 20 I send a letter for that explaining. They never got
 21 back to me. The only thing I heard is they sent to the
 22 collection. It's -- it's -- it's disgusting. They sent
 23 to collection. Right now, it is in collection.
 24 So when I get out here, I need to go and
 25 call them. And when I saw that, I have to send another

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1 letter to UTC. They never got back to me.
 2 So I love to follow rules. Rules are rules.
 3 Everybody has to follow rules. Without the rules, where
 4 would we be? I love follow rules, but the problem is a
 5 lack of understanding. You know what, I'm having
 6 problem understanding.
 7 I remember when John came to me first time.
 8 He say, this book, just take look, but mostly you're not
 9 in trouble. Those -- those would take more than 16 --
 10 15 passenger and more, plus truck driver, than the one
 11 more in problem.
 12 So -- and I had only one -- one vehicle, and
 13 in this book, I just read in this book last time, it say
 14 when you have one vehicle, you're exempt of all those
 15 things.
 16 JUDGE PEARSON: Okay. Mr. Maurou, I get
 17 what you're saying.
 18 MR. MAUROU: Yeah. So it's -- it's --
 19 honestly, I love following rules. I do.
 20 JUDGE PEARSON: Okay. Let's wrap this up,
 21 Mr. Maurou. Mr. Maurou --
 22 MR. MAUROU: It's a little confused.
 23 JUDGE PEARSON: Mr. Maurou, I'm speaking to
 24 you. I'd like to wrap this up.
 25 I understand what you're saying. I

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1 understand that you are stating that you have financial
 2 hardship, and that for many different reasons you
 3 haven't been given the help that you need. I completely
 4 get those points. So unless you have anything further
 5 to add, I would like to wrap this up.
 6 MR. MAUROU: No. I think I am done, your
 7 Honor.
 8 JUDGE PEARSON: Okay. All right. So I just
 9 want to reiterate that I did cancel your auto
 10 transportation charter and excursion certificate
 11 effective at midnight tonight. So you do need to cease
 12 and desist all operations until you either get your
 13 permit reinstated within the 30-day time frame or you
 14 reapply and obtain a new permit from the Commission.
 15 Okay?
 16 MR. MAUROU: (Nods head.)
 17 JUDGE PEARSON: All right. So if there's
 18 nothing further from Staff --
 19 MR. O'CONNELL: No, your Honor.
 20 JUDGE PEARSON: Okay. Then thank you all
 21 for coming here today.
 22 And as I stated earlier, I will be issuing
 23 an order within ten days reflecting the Commission's
 24 decision related to the penalty assessment. Okay?
 25 MR. MAUROU: Okay.

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1 JUDGE PEARSON: All right. Then we are
 2 adjourned. Thank you.
 3 (Hearing adjourned at 11:45 a.m.)
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CERTIFICATE

STATE OF WASHINGTON)
)SS
COUNTY OF KING)

I, ANITA W. SELF, a Certified Shorthand Reporter
in and for the State of Washington, do hereby certify
that the foregoing transcript is true and accurate to
the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand
and seal this 17th day of March, 2016.

ANITA W. SELF, RPR, CCR #3032