

Staff Investigation
of
Antwan Mason-West
and
Executive Limousine Services, LLC
d/b/a
Executive Limousine Services
TE-161071

Prepared by:
Michael Turcott
Compliance Investigator
Transportation Safety
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PURPOSE, SCOPE, AND AUTHORITY

Purpose

The purpose of this investigation is to determine if Antwan Mason-West and Executive Limousine Services, LLC, doing business as Executive Limousine Services, engaged in the business of a charter party or excursion service carrier by advertising or soliciting, offering, or entering into an agreement to transport passengers for compensation on the public highways of the state of Washington without the necessary certificate for such operations as required by RCW 81.70.220.

Scope

The investigation focuses on information obtained by Washington Utilities and Transportation Commission (Commission or UTC) staff relating to Mr. Mason-West and Executive Limousine Services, LLC.

Authority

Staff undertakes this investigation under the authority of the Revised Code of Washington (RCW) 81.01.010, which adopts RCW 80.01, which directs the Commission to regulate passenger transportation providers in the public interest, and to adopt such rules and regulations as may be necessary to do so. In addition, RCW 81.04.510 directs the Commission to conduct such an investigation. Appendix A includes copies of relevant laws and rules.¹

¹ Applicable laws and rules. Appendix A.

INVESTIGATION

Overview

In March 2016, Commission staff identified a non-certificated company, Executive Limousine Services, which was believed to be operating as a party bus (charter) carrier.

Commission staff investigated Executive Limousine Services and now believes its owner, Antwan Mason-West and Executive Limousine Services, LLC have committed two violations (individual occurrences) of RCW 81.70.220 Operating as a Charter Party Carrier without Certificate from the Commission. Staff alleges that Mr. Mason-West and Executive Limousine Service, LLC doing business as Executive Limousine Services have:

1. Advertised charter services on a company website, and
2. Provided staff with a written quote to provide a 20-passenger party bus for \$150 per hour on October 8, 2016.

In addition, according to Department of Licensing (DOL) records, the company owns several passenger transportation vehicles which, if used for commercial purposes, require charter and excursion authority from the Commission.

Internet Advertising

In March 2016, staff first observed the company website homepage for Executive Limousine Services (www.executivelimoservices.net). Staff continued to observe the website during the course of the investigation, and obtained the screen images provided as appendices on September 15, 2016. It appeared to staff that website content remained consistent throughout the investigation.

The homepage lists the company's Universal Business Identifier (UBI) 603-042-435.² In the "Our Fleet" section of the website, the company advertises the following vehicles which, if used for commercial purposes, fall under Commission authority:³

1. Black 16 passenger party bus
2. White 28 passenger party bus
3. 18-20 passenger stretch Hummer
4. 22 passenger stretch Ford Excursion

In the "Contact Us" section of the website, the company provides an email address of andy@executivelimoservices.net and contact numbers (360) 562-0104 and (503) 358-6809.⁴

² Website Home Page, Appendix B.

³ Website Our Fleet, Appendix C.

⁴ Website Contact Us, Appendix D.

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Business Licensing

According to the Department of Revenue business license database, UBI 603-042-435 is assigned to Executive Limousine Services, LLC, doing business as Executive Limousine Services. The listed governing person is Antwan Mason-West, and the business location and mailing address are 106 Sweet Birch Drive, Longview, WA 98532. Registered trade names are Executive Limousine Services, issued August 25, 2010, and Financial Management Consulting and Pacific Federal Construction, both issued November 12, 2012.^{5 6}

The company registered with the Secretary of State as an LLC on August 25, 2010. Mr. Mason-West is the governing person and the corporation operates from 106 Sweet Birch Drive, Longview, WA 98632.⁷

UTC/USDOT/Limousine Licensing

There is no UTC company history for Executive Limousine Services. The company was issued a USDOT identification number of 2180133. The phone number listed with the USDOT is 360-703-3680. The company's USDOT operating status is "not authorized."⁸ The company does not have a limousine license with the Department of Licensing.

Department of Licensing (DOL) Vehicle and Driver Records

Mr. Mason-West holds a current Washington driver's license. The address on his driving record is 106 Sweet Birch Drive, Longview, WA 98532.⁹

Staff located the following vehicles registered to Executive Limousine Services in the DOL vehicle database:¹⁰

- 1995 Ford E350 van, ABF9499
- 1997 Ford E450 Minibus, AEC8124
- 1993 Chevrolet Van (camper or motorhome), AFH0169
- 2000 Ford Excursion, B52676Y

⁵ Business License Reference, Appendix E.

⁶ Department of Revenue, Appendix F.

⁷ Secretary of State, Appendix G.

⁸ USDOT/FMCSA records, Appendix H.

⁹ Driver Details, Appendix I.

¹⁰ Vehicle Details, Appendix J.

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These vehicles are typically used as chassis for party buses or as stretch limousines. The company website depicts vehicles that could be the same as, or are similar to, those listed above.

Technical Assistance and correspondence

On March 14, 2016, Commission staff sent a letter to Mr. Mason-West advising him that his company needed to have charter authority to provide the services advertised on its website.¹¹

Mr. Mason-West responded to staff's letter on April 6 by email. In the response, he forwarded an email and attachments he had previously sent to DOL Limousine Manager Jody Sisk regarding that agency's inquiry into his limousine operation. In his letter to DOL, Mr. Mason-West stated he is not operating as a limousine or charter carrier, but he does provide booking and restoration services. His response came from his email account andy@pacificfederalconstruction.biz and he cc'd himself at andy@executivelimoservices.net. Mr. Mason-West's email signature included the telephone number 503-358-6809, which also appears on the company's website.¹²

Commission staff replied to Mr. Mason-West's email on May 2. Staff explained that advertising, soliciting, offering, or agreeing to provide charter or party bus services requires a charter and excursion certificate of authority. Staff attached the second technical assistance letter to the mail, along with an application for charter and excursion authority.¹³

Mr. Mason-West replied to staff's email the same day, stating that his company is a booking service and does not own or operate vehicles. Mr. Mason-West again cc'd himself at andy@executivelimoservices.net.¹⁴

Agreement to Provide Transportation

On August 24, 2016 staff posed as a consumer and emailed Mr. Mason-West at the contact address listed on the company website, andy@executivelimoservices.net. Staff requested a quote for transportation for an October 8 family event in the 28 passenger party bus depicted on the website.

¹¹ David Pratt TA Letter #1, Appendix K.

¹² Antwan Mason-West reply email April 6, 2016 with attachments, Appendix L.

¹³ Michael Turcott email, David Pratt TA Letter #2 and application May 2, 2016, Appendix M.

¹⁴ Antwan Mason-West reply email May 2, 2016, Appendix N.

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Mr. Mason-West responded to the email the same day offering a 20-passenger bus for \$150 per hour. Mr. Mason-West's email was signed "Andy Mason, Executive Limousine Services, WA 360-703-3680 OR 503-358-6809".¹⁵ These two telephone numbers also appear on the USDOT registration and the company website, respectively.

STAFF FINDINGS AND RECOMMENDATIONS

Staff Findings

Under state law, the definition of "charter party carrier" includes every person "engaged in the transportation over any public highways in this state of a group of persons, who, pursuant to a common purpose and under a single contract, acquire the use of a motor vehicle to travel together as a group to a specified designation or for a particular itinerary, either agreed upon in advance or modified by the chartered group after leaving the place of origin;"

RCW 81.70.020(1). See also WAC 480-30-036.

A party bus is "any motor vehicle whose interior enables passengers to stand and circulate throughout the vehicle because seating is placed around the perimeter of the bus or is nonexistent and in which food, beverages, or entertainment may be provided. A motor vehicle configured in the traditional manner of forward-facing seating with a center aisle is not a party bus."

WAC 480-30-036.

The term "person or persons" means an individual, a corporation, association, joint stock association, and partnership, their lessees, trustees, or receivers.

RCW 81.70.020(9). See also WAC 480-30-036.

The term "common purpose" means that a group of persons is travelling together to achieve a common goal or objective.

WAC 480-30-036.

The term "motor vehicle" or "vehicle" as related to charter and excursion carriers, means every self-propelled vehicle with a manufacturer's seating capacity for eight or more passengers, including the driver, used on the public highways, for the transportation of persons for compensation.

WAC 480-30-036.

¹⁵ Emails between Miguel Torres-Garcia and Antwan Mason-West, August 24, 2016, Appendix O.

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The following types of transportation are exempt from commission regulation as passenger charter carriers:

- Persons or their lessees, receivers, or trustees insofar as they own, control, operate, or manage taxicabs, hotel buses, or school buses, when operated as such.
- Passenger vehicles carrying passengers on a noncommercial enterprise basis.
- Limousine charter party carriers of passengers under chapter 46.72A RCW.

RCW 81.70.030

Charter party carriers are common carriers.

RCW 81.04.010(11).

For the purposes of Title 81 RCW, every common carrier is a public service company.

RCW 81.04.010(16).

No person may engage in the business of a charter party carrier or excursion service carrier of passengers over any public highway without first having obtained a certificate from the commission to do so or having registered as an interstate carrier.

RCW 81.70.220. See also WAC 480-30-086.

When the commission believes that "... any person or corporation is engaged in operations without the necessary approval or authority required by any provision of this title, it may institute a special proceeding requiring such person or corporation to appear before the commission at a location convenient for witnesses and the production of evidence and bring with him books, records, accounts and other memoranda, and give testimony under oath as to his operations or acts, and the burden shall rest upon such person or corporation of proving that his operations or acts are not subject to the provisions of this chapter."

RCW 81.04.510

Every public service company "... shall obey, observe and comply with every order, rule, direction or requirement made by the commission under authority of this title Any public service company which shall violate or fail to comply with any provision of this title, or which fails, omits or neglects to obey, observe or comply with any order, rule, or any direction, demand or requirement of the commission, shall be subject to a penalty of not to exceed the sum of one thousand dollars for each and every offense ..."

RCW 81.04.380

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The Commission is authorized to file a complaint on its own motion setting forth any act or omission by any public service company that violates any law or any order or rule of the Commission.

RCW 81.04.110.

Commission staff finds that Executive Limousine Services, LLC knowingly violated RCW 81.70.220 by engaging in the business of a charter party carrier without first having obtained a certificate from the commission to do so. Specifically, Executive Limousine Services, LLC operated as a charter party carrier of passengers when it:

1. Advertised charter services on a company website.
2. Provided staff with a written quote for transportation of up to 20 passengers on October 8, 2016 for \$150 per hour.

Staff Recommendations

Staff recommends that the commission institute a proceeding under RCW 81.04.110 on its own motion to determine whether Mr. Antwan Mason-West and Executive Limousine Services, LLC doing business as Executive Limousine Services engaged in the business of a charter party or excursion service carrier by advertising or soliciting, offering, or entering into an agreement to transport passengers for compensation on the public highways of the state of Washington without the necessary certificate for such operations as required by RCW 81.70.220.

Staff also recommends that the commission assess penalties, pursuant to its authority under RCW 81.70.220, of up to \$5,000 per violation against Mr. Mason-West.