

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In re Penalty Assessment No.)	DOCKET TE-061042
TE-061042)	
)	ORDER 01
)	
CUSTOMIZED TOURS & CHARTER)	
SERVICE, LLC)	ORDER RESCINDING \$500 of \$1,000
)	PENALTY
.....)	

- 1 On July 7, 2006, the commission issued a penalty assessment against Customized Tours & Charter Service, LLC in the amount of \$1,000 for two violations of Revised Code of Washington (RCW) 81.04.530 and Code of Federal Regulations (CFR) 382.301(a), using a driver before receiving a negative pre-employment controlled substance test result. RCW 81.04.530 allows penalties of five hundred dollars for every such violation. The violations were found during the May 17, 2006, compliance review conducted by Investigator Leon Macomber.

- 2 CFR 382.401 requires records of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02 be maintained for a minimum of one year.

- 3 In its July 7, 2006, notice, the commission issued a \$500 penalty for driver Wade Williams.

- 4 At the time of the May 17 inspection, the company did not have a negative pre-employment controlled substance test result on file for Mr. Williams. However, Mr. Williams was hired on April 12, 2004. The company was not required to maintain the pre-employment test result for Mr. Williams after April 12, 2005. Therefore, the \$500 penalty issued against the company for failure to have a pre-employment controlled substance test result for Mr. Williams was issued in error.

ORDER

- 5 The Commission rescinds the \$500 penalty issued in the original order in this docket for driver Wade Williams and reaffirms the \$500 penalty issued for driver Alan Barry. Staff will revise its records to show the amount due from Customized Tours & Charter Service, LLC is \$500 upon service of this order.

DATED at Olympia, Washington and effective July 12, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

A handwritten signature in black ink, appearing to read 'D. Moss', written over a horizontal line.

DENNIS J. MOSS
Administrative Law Judge