

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT TE-170713

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed. I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

1. **Payment of penalty.** I admit that the violation occurred and enclose \$ _____ in payment of the penalty.

2. **Contest the violation.** I believe that the alleged violation did not occur for the reasons I describe below (if you do not include reasons supporting your contest here, your request will be denied):

a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR b) I ask for a Commission decision based solely on the information I provide above.

3. **Application for mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reasons set out below (if you do not include reasons supporting your application here, your request will be denied):

Please read my reasons + I apologize for not knowing that these things were so important - I cannot pay 1600 I will go out of business

a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: June 21st [month/day/year], at Spokane WA [city, state]

ALCS LLC
Name of Respondent (company) - please print

Rose M Zorn
Signature of Applicant

RECEIVED
REGULATORY MANAGEMENT
2017 JUN 28 AM 8:11
STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION
COMMISSION

Service Date: June 20, 2017

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS OF LAWS AND RULES

PENALTY ASSESSMENT: TE-170713
PENALTY AMOUNT: \$1,600

ALCLS, LLC
1918 South Markwell Court
Spokane, WA 99223

STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION
COMMISSION
RECEIVED
OPERATIONS MANAGEMENT
2017 JUN 28 AM 8:11

The Washington Utilities and Transportation Commission (Commission) believes that ALCLS LLC (ALCLS) has committed violations of Washington Administrative Code (WAC) 480-30-221 Vehicle and Driver Safety Requirements, which requires charter and excursion companies to comply with Title 49 CFR Part 382 – Controlled Substances and Alcohol Use and Testing, and Part 395 – Hours of Service of Drivers.

Revised Code of Washington (RCW) 81.04.530 allows a penalty of \$1,500 for failing to comply with the controlled substances and alcohol use and testing requirements of Title 49 CFR Part 382. RCW 81.04.405 allows penalties of \$100 for each violation of Part 395. In the case of an ongoing violation, every day's continuance is considered a separate and distinct violation.

In April 2017, Commission Motor Carrier Investigator Sandi Yeomans conducted a compliance review of ALCLS and documented the following violations:

- **One violation of Title 49 CFR Part 382.115(a) – Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.** Because ALCLS operates a 20-passenger Hummer, the company must have an alcohol and/or controlled substances testing program. ALCLS had no such program. *I have always had it until last year - I was going to retire so I gave it up - I reinstated quickly*
- **Eleven violations of Title 49 CFR Part 395.8(a) – Failing to require a driver to prepare a record of duty status using appropriate method.** On eleven occasions driver Rose Zaring failed to complete hours of service records with start and stop times and total hours per trip. *see attached drug test / thro. OMA. occupational medicine I am the only driver - I didn't know I had to do this - I do it now.*

The Commission considered the following factors in determining the appropriate penalties for these violations:

1. **How serious or harmful the violation is to the public.** The violations noted are serious and potentially harmful to the public. Companies that fail to provide an alcohol and/or controlled substances testing program when required, or who fail to require its drivers to record hours of service put the traveling public at risk. An impaired or fatigued driver presents serious safety concerns.

2. **Whether the violation is intentional.** Considerations include:

- Whether the company ignored Commission staff's previous technical assistance; and
- Whether there is clear evidence through documentation or other means that shows the company knew of and failed to correct the violation.

I corrected my mistakes immediately & never knew

In its 2004 application for charter and excursion authority, ALCLS owner Rose Zaring affirmed that she had a copy of and understood the applicable motor carrier safety regulations. Commission staff provided new entrant technical assistance to the company. And since 2004, the company has had five compliance review investigations with no similar violations. Staff believes the company knew, or should have known, about these requirements.

All prior inspections were satisfactory

3. **Whether the company self-reported the violation.** The company did not self-report these violations.

I did not know of the importance of these things

4. **Whether the company was cooperative and responsive.** During the compliance review ALCLS was cooperative and responsive, and corrected many of the violations immediately. Ms. Zaring became angry and confrontational toward staff during the closing interview, but later submitted a responsive 15-day letter which outlined steps taken to correct violations.

I only questioned the inspector @ closing interview because it was

5. **Whether the company promptly corrected the violations and remedied the impacts.**

After the closing interview, ALCLS submitted its 15-day letter which indicated the company was now enrolled in a drug and alcohol testing consortium and has established procedures to correctly report hours of service.

examination see page report -> satisfactory @ 1st meeting & many @ gm meeting when she had trainee w/ her.

6. **The number of violations.** For a company the size of ALCLS, the number of violations noted in the compliance review investigation is significant.

ALL violations were remedied the same day as was my letter of explanation

7. **The number of customers affected.** The company traveled 5,494 miles and reported \$39,400 in gross revenue for 2016. A small but not insignificant number of customers, as well as the traveling public, were likely affected by these safety violations.

from Jan to June 2017

8. **The likelihood of recurrence.** The Commission does not know if the company is likely to repeat these violations, but the company was cooperative and receptive of staff's assistance.

We have made \$15,000 gross much of which is ins - gas & repair

9. **The company's past performance regarding compliance, violations, and penalties.**

Staff has conducted five compliance review investigations since the company began operations in 2004 and this is the company's first penalty assessment.

Please help us - please take this into consideration.

10. **The company's existing compliance program.** ALCLS has no formal compliance program.

11. **The size of the company.** ALCLS operates one commercial vehicle and has one driver. The company reported \$39,400 in gross revenue and 5,494 miles traveled in 2016.

These are first-time violations, but the Commission's Enforcement Policy provides that some Commission requirements are so fundamental to safe operations that the Commission will issue mandatory penalties for each occurrence of a first-time violation.¹ The Commission generally will assess penalties per type of violation, rather than per occurrence, for other first-time violations of critical regulations that do not meet the criteria for mandatory penalties. The Commission will assess penalties for any repeat violations of critical regulations found in future compliance investigations, including for each occurrence of a repeat violation.

The Commission has considered these factors and determined that it should penalize ALCLS \$1,600 for violations of WAC 480-30-221 Driver Safety Requirements, which adopts CFR Parts 382 and 395, calculated as follows:

- One violation of Title 49 CFR Part 382.115(a) – Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations. The Commission assesses the statutory penalty of \$1,500. *Please! we do not have this \$ we will be forced to sell the Hummer*
- Eleven violations of Title 49 CFR Part 395.8(a) – Failing to require a driver to prepare a record of duty status using appropriate method. As first-time violations, the Commission assesses a penalty of \$100 for one violation of this type. *we canceled this because we were going to retire But couldn't find a Buyer I thought since it was just me - it was OK w/ Trip sheets*

This information, if proven at a hearing and not rebutted or explained, is sufficient to support the penalty assessment. *Please accept my explanations*

Your penalty is due and payable now. If you believe any or all of the violations did not occur, you may deny committing the violation(s) and contest the penalty assessment through evidence presented at a hearing or in writing. The Commission will grant a request for hearing only if material issues of law or fact concerning the violation(s) require consideration of evidence and resolution in a hearing. Any contest of the penalty assessment must include a written statement of the reasons supporting that contest. Failure to provide such a statement will result in denial of the contest.

I have written a statement concerning each violation - Please accept my explanations
If there is a reason for any or all of the violations that you believe should excuse you from the penalty, you may ask for mitigation (reduction) of this penalty through evidence presented at a hearing or in writing. The Commission will grant a request for hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request for mitigation must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. See RCW 81.04.405. *take into consideration that this is the only 30 pass. Limo in Spokane*

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation(s) or application

¹ Docket A-120061 – Enforcement Policy of the Washington Utilities & Transportation Commission – Section V.

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17

Washington State Patrol
Commercial Vehicle Enforcement Section
P.O. Box 42614
Olympia, WA 98504-2614
(360) 596-3815 safetynet@wsp.wa.gov

Report Number: WAU008000179
Inspection Date: 04/11/2017
Start: 10:15 AM PT End: 10:36:00 AM PT
Inspection Level: V - Terminal
HM Inspection Type: None



ALCLS LLC
1918 SOUTH MARKWELL CT
SPOKANE, WA 99223
USDOT#: [REDACTED]
MC/MX#: 470199
State#:

Phone#: (509)535-5524
Fax#:

Driver:
License#: State:
Date of Birth:
CoDriver:
License#: State:
Date of Birth:

Location: 1918 S MARKWELL CT, SPOKANE WA MilePost:
Highway:
County: SPOKANE, WA

Origin: SPOKANE, WA
Destination: SPOKANE, WA
Shipper:
Bill of Lading:
Cargo: EMPTY

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
1	LM	HUMR	2003	WA	SUNAMI		5GRGN23U23H129534	6,400	18361453	24383878	

BRAKE ADJUSTMENTS

Axle #	1	2
Right	N/A	N/A
Left	N/A	N/A
Chamber	HYDR	HYDR

VIOLATIONS: No Violations Were Discovered.

HazMat: No HM Transported.

Placard: No Cargo Tank:

Special Checks: No Data for Special Checks.

I was surprised that when sandi came back that she wrote all violations down & held them against me even tho I was quick to fix all she told me too the very next day. And stated on this paper No violations



Sandi Yeomans
Special Investigator
Motor Carrier Safety

Utilities and Transportation Commission
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PO Box 47250
Olympia, WA 98504-7250
http://www.utc.wa.gov
360/664-1237
Cell: 360/701-1602
FAX: 360/586-1150
syeomans@utc.wa.gov

Report Prepared By:
YEOMANS, S.

Badge #:
WAU586

Copy Received By:

Page 1 of 1

x *Sandi Yeomans*

x *Rosam Zarany*



01172895 WA WAU008000179



Paula A. Lantsberger, MD, MPH, MRO, FACOEM
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 Royce F. Van Gerpen, MD, MPH, MRO

323 East Second Avenue, Suite 102
 Spokane, WA 99202

509.455.5555 Toll Free 855-676-9482
 509.455.4114 FAX
 www.omaspokane.org

DOT Result

Rosie Zaring
 A Little Class Limousine Service, LLC
 1918 S Markwell Ct
 Spokane, WA 99223

Customer ID: 279
Loc Code: A LITTLE CLASS LIMO-D
Lab Account: 4102-8-D
Desc:

Donor Info: *SSN/ID:* [REDACTED]
Donor Name: Zaring, Rose

Reason: Pre-Employment
Industry: FMCSA

Test Info: *Specimen ID:* [REDACTED]
Collected: 5/5/2017

Lab: PAML
Coll Site Name: OMA

MRO Comments: [REDACTED]

Lab Comments: QNS @ 0924
 PAML Laboratories Department of
 Toxicology
 Collector: KAJUANA DANIELS 5094555555

Overall Result: Negative

Test Performed: DOT

Substance Tested	Result	Screen	Confirm
Marijuana	Negative	50 ng/mL	50 ng/mL
Cocaine	Negative	150 ng/mL	150 ng/mL
Amphetamines	Negative	500 ng/mL	500 ng/mL
Opiates	Negative	2000 ng/mL	2000 ng/mL
PCP	Negative	25 ng/mL	25 ng/mL

****This panel includes tests for specimen validity.****

I have reviewed the laboratory results for the specimen identified by this form in accordance with DHHS guidelines and CFR Part 40.

PA Lantsberger, MD, MPH, MRO
 Paula Lantsberger, MD, MPH, MRO

Dr Paula Lantsberger

Date Verified: 5/8/2017

Date MRO CCF Received: 5/5/2017
Report Sent By: CarrJ
Report Released: 5/8/2017



Random selections and MRO services provided by Occupational Medicine Associates 323 E Second Ave Suite 102 Spokane, WA 99202 509-455-5555
 Toll free 855-676-9482 ext. 224