



Mark D. Kimball, J.D., LL.M., LL.M.  
United States Supreme Court  
United States Tax Court  
New York; Texas

Mark G. Niehoff, B.A.B.A.  
Corporate Paralegal

Gregory F. Dumond, M.B.A.  
I.P. Paralegal

Paulo Alves  
Legal Assistant

James P. Ware, J.D.  
United States Tax Court

Nahal Nabavinejad, J.D.

Farnoosh Faryabi, J.D. LL.M.  
California

Dennis Kasimov, J.D.

Christina Shin, J.D.

June 17, 2020

Administrative Law Judge Michael Howard  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250  
Via e-mail to: [michael.howard@ut.wa.gov](mailto:michael.howard@ut.wa.gov)

Received  
Records Management  
06/17/20 16:41  
State Of WASH.  
UTIL. AND TRANSP.  
COMMISSION

RE: Dockets TE-200016 & TE-200272 (Consolidated)  
Blessed Limousine, Inc.  
**REQUEST FOR RECONSIDERATION**

Dear Judge Howard:

Through its counsel of record, Blessed Limousine, Inc., hereby request reconsideration for the Initial Order Cancelling Certificate dated May 27, 2020 (Initial Order). The Utilities and Transportation Commission (Commission) cancelled Blessed Limo's certificate to operate as a charter party and excursion service carrier in the state of Washington based on the: (1) Federal motor Carrier Safety Administration (FMCSA) out-of-service order; (2) Acute and critical safety regulation violations; and (3) Failure to maintain proof of insurance.

We respectfully submit that reconsideration is warranted in this case as Blessed Limousine has taken substantial measures to correct all three bases for cancellation. All three bases for reconsideration are addressed in turn below.

**(1) Blessed Limo's request to address the FMCSA's out-of-service order has been updated to satisfactory**

The Commission allowed Blessed Limo to submit evidence of an upgraded safety rating by May 15, 2020. Thereafter, the Commission held the record open for two weeks after the hearing for Blessed Limo to obtain an upgraded safety rating from the FMCSA. The Commission cancelled Blessed Limo's certificate because our client had not obtained an upgraded safety rating from the FMCSA by the deadline.

However, on June 11, 2020 the FMCSA **granted** Blessed Limo’s request to change its safety fitness rating based on evidence of corrective action to comply with FMCSA regulations. A copy of the satisfactory rating is attached hereto as “**Attachment 1**”. As such, Blessed Limo’s safety rating has been changed to **satisfactory** and the FMCSA rescinded its Order to Cease all Transportation in Interstate and Intrastate Commerce and Revocation of Registration that became effective January 2020. Provided that Blessed Limo has overcome an unsatisfactory safety fitness rating, we ask that the FMCSA issue active operating authority to Blessed Limo.

**(2) Blessed Limo sufficiently addressed the acute and critical safety regulation violations**

Initially, the Commission agreed with the recommendation that Blessed Limo’s certificate should be cancelled due to the safety violations documented by the FMCSA. In the Initial Order, the Commission determined that Blessed Limo had taken required action to correct its violations of 49 C.F.R. § 391.51(b)(2) and 49 C.F.R. § 396.9(c)(2). However, the FMCSA found that Blessed Limo had not sufficiently addressed its violations of: (1) 49 C.F.R. § 383.37(a) for allowing a driver to operate a commercial motor vehicle without the required license or permit, (2) 49 C.F.R. § 395.8(a)(1) for failing to require a driver to prepare a record of duty status, and (3) 49 C.F.R. § 396.17(a) for using a commercial motor vehicle not periodically inspected.

In response, Blessed Limo submitted an additional request to change its safety and fitness rating on May 13, 2020. The request addressed all comments in the May 8, 2020 refusal. While Blessed Limo’s detailed responses can be found in the response letter, some of Blessed Limo’s key steps for compliance are described here:

(1) Regarding a violation of 49 C.F.R. § 383.37(a), Blessed Limo has invested significant time and money for proper training. Clussie Bagby (Bagby), president of Blessed Limo, has completed training by the Department of Transportation Compliance Help. Furthermore, in the Initial Order, the Commission found that Blessed Limo’s plan to run MVRs every 90 days was inadequate. In response, Blessed Limo contacted Foley Services to sign up for their monthly MVR monitoring to sufficiently address this acute violation.

(2) Regarding a violation of 49 C.F.R. § 395.8(a)(1), Blessed Limo will have continuous Record of Duty Status (RODS) through Keep Truckin when a driver has been continuously driving for Blessed Limo. Where a driver has not been driving continuously, Blessed Limo will have the driver complete a “7-day sheet” to keep a record of duty status. Blessed Limo has updated its company policy to instruct drivers to fill out the form and why it is important to do so. Furthermore, Blessed Limo is working with ADP Time and Attendance to create a digital time-card system to supplement the Keep Truckin RODS.

(3) Regarding a violation of 49 C.F.R. § 396.17(a), Blessed Limo will not dispatch buses with maintenance violations. Additionally, Blessed Limo created new procedures to periodically inspect the commercial motor vehicles. For example, drivers will be trained to properly conduct

pre-trip inspections, Keep Truckin will provide a Driver Vehicle Inspection Report (DVIR), and Gary Miller will conduct inspections every 90 days.

At the time of the Initial Order, the Commission concluded that Blessed Limo's failure to obtain an upgraded safety rating from the FMCSA indicated that our client's compliance program was "not sufficient" and that the "violations were likely to recur". However, Blessed Limo's repeated requests for change in safety rating under 49 C.F.R. § 385.17 indicates that Blessed Limo is dedicated to complying with the safety standards set forth by the FMCSA. The upgraded safety rating from the FMCSA as evidenced in the June 11, 2020 letter further indicates that Blessed Limo has taken sufficient action to address each of the acute and critical violations previously identified in the FMCSA's safety inspection. Compliance with FMCSA regulations are a priority for Blessed Limo and safety violations will not recur. Therefore, we ask the commission to reconsider the cancellation of Blessed Limo's operating authority and reinstate Blessed Limo's certificate.

### **(3) Blessed Limo has reinstated proof of insurance**

On March 24, 2020, Blessed Limo's insurance was cancelled after the FMCSA placed our client out-of-service. Accordingly, the Commission cancelled Blessed Limo's certificate because of its failure to maintain insurance as required by WAC 480-30-191.

However, given the latest circumstances, we ask that the Commission rescind Blessed Limo's certification cancellation. The FMCSA upgraded Blessed Limo's safety rating to satisfactory, Blessed Limo sufficiently addressed the previous safety violations, and Blessed Limo requested quotes to reinstate its insurance. A copy of the email related to its insurance request is attached hereto as "**Attachment 2**". As such, we assert that a failure to maintain proof of insurance is no longer a sufficient basis to cancel Blessed Limo's operating authority.

In conclusion, we respectfully ask that the Commission exercise its discretion to accept this request for reconsideration of the Initial Order and reinstate Blessed Limo's active operating authority. Blessed Limo has sufficiently and properly addressed each of the three bases for cancellation and as such, there is no longer good cause for the Commission to cancel Blessed Limo's operating authority. Blessed Limo is committed to public safety and abiding by the FMCSA's safety regulations.

With Regard,

*/s/ James P. Ware*

James P. Ware

# **ATTACHMENT 1**



U.S. Department of  
Transportation

**Federal Motor Carrier  
Safety Administration**

**Western Service Center**

Golden Hill Office Centre  
12600 W. Colfax Ave. Suite B-300  
Lakewood, CO 80215

Phone: (303) 407-2350

Fax: (303) 407-2339

FAX # 2062746252

June 11, 2020

CLUSSIE BAGBY, PRESIDENT  
BLESSED LIMOUSINE INC  
3932 62ND AVE CRT E  
FIFE, WA, 98424

Re: Request for Change in Safety Rating under 49 CFR § 385.17  
Safety Rating Case Number WA-2020-5004-UNFIT

Dear CLUSSIE BAGBY:

This is in response to your request to upgrade the safety fitness rating of BLESSED LIMOUSINE INC, USDOT Number 2822783, based on corrective actions.

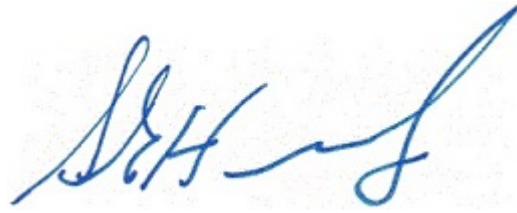
A Compliance Review conducted at BLESSED LIMOUSINE INC on October 31, 2019, resulted in a proposed Safety Fitness Rating of **Unsatisfactory**.

In accordance with 49 CFR § 385.17, BLESSED LIMOUSINE INC requested a change in its safety fitness rating on May 13, 2020. Based upon review of the evidence of corrective action submitted on June 11, 2020, the request is **granted**, and the safety rating of BLESSED LIMOUSINE INC is changed to **SATISFACTORY**.

The Order to Cease All Transportation in Interstate and Intrastate Commerce and Revocation of Registration served December 23, 2019, effective January 4, 2020 is rescinded. In order to resume operations as a motor carrier, you must reinstate your operating authority. You must not engage in transportation requiring registration until you have active operating authority issued by the Federal Motor Carrier Safety Administration. Violation(s) of registration requirements, including providing transportation requiring registration during any period of revocation, may result in penalties of not less than \$650 for each separate violation. If the registration violation involves providing transportation of passengers, the penalty shall be not less than \$2,200 for each separate violation; if the registration violation involves the transportation of household goods, the penalty shall not be less than \$25,000 for each separate violation. (49 USC § 14901).

If you have any questions, you may contact the Western Service Center and ask for the Enforcement Team representative at (303) 407-2350.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. G. Hernandez', is positioned above the typed name.

Scott G. Hernandez, Regional Field Administrator  
Federal Motor Carrier Safety Administration  
Western Service Center

cc: Jeffrey James, Division Administrator

## **ATTACHMENT 2**

## James Ware

---

**From:** Clussie <info@blessedlimo.net>  
**Sent:** Tuesday, June 16, 2020 10:22 AM  
**To:** James Ware  
**Subject:** Fwd: 2822783.pdf

Agent

Sent from my iPhone

Begin forwarded message:

**From:** Amy Perkins <APerkins.FERGU08@insuremail.net>  
**Date:** June 12, 2020 at 11:25:00 AM PDT  
**To:** Clussie Bagby <info@blessedlimo.net>  
**Subject: RE: 2822783.pdf**

Thank you! We have sent it all on and are waiting to hear back! We will be in touch!

Amy

---

**From:** Clussie Bagby <info@blessedlimo.net>  
**Sent:** Friday, June 12, 2020 7:27 AM  
**To:** Amy Perkins <APerkins.FERGU08@insuremail.net>  
**Subject:** 2822783.pdf

Finally got this cleared up  
We can pursue insurance now please

Sent from my iPhone