

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper  
Carrier Classification of, and Complaint for  
Penalties Against:

KIM JONES D/B/A DESERT WAVE

DOCKET TE-190052

DECLARATION OF JASON HOXIT IN  
SUPPORT OF STAFF'S REPLY

I, Jason Hoxit, under penalty of perjury under the laws of the state of Washington, declares as follows:

1. I am over 18 years of age, a citizen of the United States, a resident of the state of Washington, and competent to be a witness.
2. I am employed by the Washington Utilities and Transportation Commission (Commission) as a compliance investigator in the Transportation Safety Division. As a compliance investigator, my responsibilities include conducting investigations into the operations of regulated and unregulated transportation companies. As part of those duties, I investigate charter party and excursion service carriers that may be operating without the required Commission-issued certificate.
3. On June 1, 2021, Commission staff (Staff) filed with the Commission a Motion to Impose Suspended Penalty (Motion) in Docket TE-190052, requesting the Commission impose the \$9,000 suspended penalty against Kim Jones d/b/a Desert Wave (Desert Wave or Company).
4. On June 25, 2021, Desert Wave filed its written response to Staff's Motion.<sup>1</sup> In the response, Kim Jones, owner of Desert Wave, states the Company was licensed and operating as a limousine carrier for the past couple of years, the vehicles listed on the Company's website were previously approved as limousine vehicles through the Washington Department of

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<sup>1</sup> See Attachment A for a copy of the Company's narrative response, filed on June 25, 2021.

Licensing (DOL), the Company has a scheduled inspection for “both limousine[s]” on June 28 to renew its limousine license through DOL, and Desert Wave is currently in the process of acquiring records to support that it was “licensed to operate as a limousine carrier with these vehicles in pas[t] years.”

5. On June 29, 2021, I emailed DOL to inquire if Desert Wave had registered its stretch Hummer H2 with license plate B15674L as a limousine vehicle with DOL.<sup>2</sup> That same day, DOL responded that the 1999 Lincoln Town Car is the only limousine vehicle registered to Desert Wave and the only vehicle scheduled for inspection, and that there are no records of the Company submitting documentation to DOL for the stretch Hummer H2.<sup>3</sup>
6. On June 29, 2021, I emailed DOL to find out whether Desert Wave ever had its stretch Hummer H2 with VIN: 5GRGN23U55H100435 registered as a limousine vehicle through DOL.<sup>4</sup> That same afternoon, DOL responded, “I don’t see that vehicle ever being listed on their account.”<sup>5</sup>
7. Staff finds that Desert Wave has not operated its stretch Hummer H2 as a limousine vehicle and maintains its recommendation for the Commission to impose the \$9,000 suspended penalty due to the Company’s failure to comply with the condition to refrain permanently from further operations as a charter party or excursion service carrier in the state of Washington without first obtaining the required certificate from the Commission.

DATED this 2<sup>nd</sup> day of July 2021, at Lacey, Washington.

/s/ Jason Hoxit  
JASON HOXIT

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<sup>2</sup> See Attachment B for a copy of emails with DOL, dated June 29, 2021.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

# Attachment A

Received  
Records Management

06/25/21 16:19:37

State Of WASH.  
UTIL. AND TRANSP.  
COMMISSION

June 25, 2021

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This is in response to docket TE-190052. I don't believe I am operating as a charter to the best of my knowledge. If so, I am not intentionally doing so. I have been licensed and operating as a limousine carrier for the past couple of years since being licensed as a charter with the UTC. The vehicles on the website that are listed, are the same that were listed and approved for limousine carrier prior to being licensed with UTC. They have been approved for use by the State of Washington Licensing and Department of Revenue. I could not operate for the majority of last year due to Covid-19 restrictions. My license for limousine carrier was not been renewed on 9/1/2020 because of shut downs. I had a conversation at that time with a person from licensing that told me I could do it at a later time since state shutdown and restriction were still in place. I have since applied for renewal on 4/27/2021, conformation number 0-019-956-083 for renewal. I had to also back pay retroactive from 9/1/2020 for a total of \$760.83 for renewal. I had a schedule inspection appointment that took a while to get, that schedule on June 23,2021 at 1pm, and was cancelled by Washington State Patrol Officer Paul Auston due to a conflict in scheduling (refer to document supplied). The new inspection date for both limousine is schedule for 6/28/2021 at 11am.

Supplied documentation provided is current insurance for both limousines insured and filed with the State. Refer to insurance coverage schedule of cover autos page 1 of 1 which states the listed vehicles and seating capacity. 1999 Lincoln Towncar is a 10 passenger, and 2005 H2 Hummer is a 15 passenger. I understand, that previously I unintentionally listed the 2005 H2 Hummer as a 24 passenger which it is not. I tried to verbally explain this at my initial hearing. I have removed all listings that stated I can provide service for parties larger than 15 people total in the vehicle. I have not provided any service exceeding this limit. Also, I have supplied pictures supporting the State licensing requirement for SUV stretched wheel bases. This 2005 H2 Hummer has a wheel base of 223 inches. Limousine carrier license requirement is 255 inches or less. This vehicle is within this requirement.

I have currently been trying to get my past years licensing carrier documentation to support these limousines have been approved for use. In doing this I am hoping to show that these vehicles were previously licensed for limousine carrier and now renewing and passing all inspections. Due to the time limitation for this response, I was not able to get the requested passed licensing and vehicles I had listed with the State. I am still in the process requesting passed records to support that I was licensed to operate as a limousine carrier with these vehicles in past years. If I am not operating correctly, I am doing so unknowingly and not intentionally. I have had a hardship this last year due to Covid 19 restrictions and the business has been shut down and not operating. I had to apply for a loan with the SBA to stay afloat, which I have to pay back with interest. A \$9000.00 fine would be an extreme hardship for me on top of the hard ship I am trying to recover from. I do want operate legally and felt like I have been doing so. I would like to request clarification in regards to this manor.

Sincerely,

Kim Jones

DBA Desert Wave

# Attachment B

RE: UBI: 601-221-227 - Kim Jones, d/b/a Desert Wave - Limousine Vehicles



Hessler, Tanya (DOL)  
To: Hoxit, Jason (UTC)

You forwarded this message on 6/29/2021 3:04 PM.

[↩ Reply](#) [↩ Reply All](#) [→ Forward](#) [⋮](#)

Tue 6/29/2021 2:52 PM

I don't see that vehicle ever being listed on their account.

The inspection should entail all the details that you listed. We don't really verify the details of the inspection itself; we leave that up to the inspecting officer. What we look for is the pertinent information regarding the vehicle, the date of the inspection and whether or not it passed inspection.

**Tanya Hessler**

Auditor 3 Supervisor  
Transportation Services  
Washington State Department of Licensing  
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**From:** Hoxit, Jason (UTC) <[jason.hoxit@utc.wa.gov](mailto:jason.hoxit@utc.wa.gov)>  
**Sent:** Tuesday, June 29, 2021 2:47 PM  
**To:** Hessler, Tanya (DOL) <[THessler@DOL.WA.GOV](mailto:THessler@DOL.WA.GOV)>  
**Subject:** RE: UBI: 601-221-227 - Kim Jones, d/b/a Desert Wave - Limousine Vehicles

Thank you so much for the information, Tanya! I have a couple other questions based on the company's response to an enforcement action through UTC:

- 1) Has the company ever had the Hummer H2 with VIN: 5GRGN23U55H100435 registered as a limousine vehicle through DOL?
- 2) When WSP conducts vehicle inspections and vehicle renewals for limousine vehicles, do they verify seating capacity to ensure the vehicle qualifies as a limousine vehicle (e.g., seating capacity does not exceed 14-passengers behind the driver)?

Thank you again!

**Jason Hoxit**  
Compliance Investigator  
(360) 867-8305

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This email/letter states the informal opinions of commission staff, offered as technical assistance, and are not intended as legal advice. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions are not binding on the commission.

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**From:** Hessler, Tanya (DOL) <[THessler@DOL.WA.GOV](mailto:THessler@DOL.WA.GOV)>  
**Sent:** Tuesday, June 29, 2021 2:31 PM  
**To:** Hoxit, Jason (UTC) <[jason.hoxit@utc.wa.gov](mailto:jason.hoxit@utc.wa.gov)>  
**Subject:** RE: UBI: 601-221-227 - Kim Jones, d/b/a Desert Wave - Limousine Vehicles

Right now that is the only vehicle under this account. Their renewal has been at DOR since April with an information request for the inspection. They only paid for 1 vehicle on the renewal, the one on their account. I don't see where they have submitted anything to add the H2

**Tanya Hessler**

Auditor 3 Supervisor  
Transportation Services  
Washington State Department of Licensing  
Office: 360-664-6466 | Desk: 360-664-6602  
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**From:** Hoxit, Jason (UTC) <[jason.hoxit@utc.wa.gov](mailto:jason.hoxit@utc.wa.gov)>  
**Sent:** Tuesday, June 29, 2021 11:51 AM

To: Hessler, Tanya (DOL) <THessler@DOL.WA.GOV>  
Subject: RE: UBI: 601-221-227 - Kim Jones, d/b/a Desert Wave - Limousine Vehicles

Hi Tanya,

Is the 1999 Lincoln Town Car with license plate B53185K still the only active limousine vehicle permitted under Desert Wave's limousine endorsement through DOL?

On June 25, Desert Wave stated that there was a WSP inspection scheduled for 6/28/2021 "for both limousine[s]." Has the company filed any paperwork/applications to add its Hummer H2 with license plate B15674L to its limousine license?

Thank you very much!

**Jason Hoxit**  
Compliance Investigator  
(360) 867-8305

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This email/letter states the informal opinions of commission staff, offered as technical assistance, and are not intended as legal advice. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions are not binding on the commission.

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From: Hessler, Tanya (DOL) <THessler@DOL.WA.GOV>  
Sent: Monday, May 17, 2021 8:26 AM  
To: Hoxit, Jason (UTC) <jason.hoxit@utc.wa.gov>  
Subject: RE: UBI: 601-221-227 - Kim Jones, d/b/a Desert Wave - Limousine Vehicles

Good morning,

This is the only active vehicle on this account right now.

VIN	Plate Id	Certificate	Year	WSP Code	Make	Status
<a href="#">1LNHM81W3XY672456</a>	B53185K	<a href="#">Limousine Certificate</a>	1999		LINC	A

**Tanya Hessler**  
Auditor 3 Supervisor  
Transportation Services  
Washington State Department of Licensing  
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From: Hoxit, Jason (UTC)  
Sent: Wednesday, May 12, 2021 12:33 PM  
To: DOL VVO Assignments <VVOHelp@dol.wa.gov>  
Cc: Hessler, Tanya (DOL) <THessler@DOL.WA.GOV>  
Subject: UBI: 601-221-227 - Kim Jones, d/b/a Desert Wave - Limousine Vehicles

Good afternoon,

I'm an investigator with the Washington Utilities and Transportation Commission and conducting a follow-up compliance investigation for Kim Jones, d/b/a Desert Wave. DOR's Business Licensing Service (attached) shows the company has an active limousine endorsement and one vehicle registered as a limousine vehicle through DOL.

Can you please provide me information as to which motor vehicle is registered as a limousine through DOL? The company's website indicates that it operates two motor vehicles.