

Staff Investigation
of
Marcus Allen Perkins
d/b/a
Emerald City Party Bus, LLC
and
Ellies Limo Service
TE-160822

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PURPOSE, SCOPE, AND AUTHORITY

Purpose

The purpose of this investigation is to determine if Marcus Allen Perkins, doing business as Emerald City Party Bus LLC and/or Ellies Limo and Luxury Car Service, 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) staff relating to Mr. Perkins.

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 January 2016, Commission staff identified a non-certificated company, Emerald City Party Bus LLC, which was believed to be advertising, offering and providing party bus (charter) services.

Commission staff investigated Emerald City Party Bus LLC and now believes its owner, Marcus Allen Perkins, has committed four violations (individual occurrences) of RCW 81.70.220 Operating as a Charter Party Carrier without Certificate from the Commission. Staff alleges that Mr. Perkins, doing business as Emerald City Party Bus LLC and/or Ellies Limo and Luxury Car Service, has:

1. Advertised charter services on a company website.
2. Provided staff with a written quote to transport a group of 18 passengers on June 11, 2016 for \$40 per person.
3. Advertised charter services on Facebook.
4. Advertised charter services on Craigslist.

Internet Advertising

On January 4, 2016 staff observed the company website for Emerald City Party Bus and Ellie's Limo Service (www.emeraldcitytowncar1.com). The website provides the company's telephone number, 206-571-5363, and offers party bus and hummer limo transportation. The website also provides the company's address as 17431 Ambaum Blvd. S, C-12, "Emerald City", WA 98148.²

Mr. Perkins introduces himself on the website as the company's owner. The company website appeared unchanged when staff observed it again on June 21 and July 13, 2016.³ The website includes images of a white stretch Hummer limousine and a white party bus with Emerald City Party Bus lettering on the side along with the company telephone number as noted above. The interior features perimeter seating, a metal pole and extra speakers. The website indicates the party bus will accommodate 18 passengers.

The web address www.emeraldcitypartybus.com links directly to www.emeraldcitytowncar1.com.

Business Licensing

Mr. Perkins is listed as the Governing Person on two Business Licensing Service registrations: UBI 603263357 and UBI 602947220.

² This address is actually Seattle, WA 98148.

³ Screen capture of company website pages, July 13, 2016. Appendix B.

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UBI 603263357 is assigned to Emerald City Party Bus, LLC. Ellies Limo and Luxury Car Service is listed as a business name (trade name) and Mr. Perkins is the governing person. The business location and mailing address is 20115 32nd Avenue South, Seatac, WA 98198.⁴ Emerald City Party Bus LLC opened its account with the Department of Revenue on January 1, 2013 and the account remains open as of July 28, 2016. Emerald City Party Bus has never held a Department of Licensing limousine endorsement.

UBI 602947220 is assigned to Marcus Allen Perkins as a sole proprietor doing business as Ellies Limo and Luxury Car Service at 17431 Ambaum Blvd S, #C12, Burien, WA 98148.⁵ The associated Department of Revenue account was opened on July 1, 2009 and closed on December 31, 2013. The Department of Licensing limousine endorsement for Ellies Limo and Luxury Car Service was terminated prior to 2014.

UTC Company History

Mr. Perkins applied for a charter/excursion certificate on behalf of Emerald City Towncar Service on July 1, 2011 under docket TE-111259. On the application, Mr. Perkins provided the telephone number 206-571-5363, the Ambaum Bv. Address, and listed one vehicle to be operated: a 1996 Ford with seating capacity of 14 and VIN 1FDKE30G7THB25362.

The Commission granted Charter certificate CH-64426 on September 28, 2011. On November 12, 2012 the Commission issued an order suspending the certificate on because the company failed to maintain required insurance. The company failed to respond and the certificate was cancelled on January 9, 2013.

Department of Licensing Vehicle and Driver Records

Until recently, the 1996 Ford bus listed on the 2011 charter/excursion application was registered with the Department of Licensing to Emerald City Town Car Service and Marcus Perkins at the Ambaum address with license plate 786ZVD. This registration expired January 22, 2016 and the vehicle is currently registered to Kim D. Perkins of Kent, Wa.

A similar 1996 Ford bus (VIN/1FDLE40GXTHB52016) is currently registered to Ellie's Limo and Luxury Car Service and Emerald City Party Bus LLC, at the 32nd Avenue address. The license plate is B88787P with a January 28, 2017 expiration.⁶

⁴ BLS record for UBI 603263357. Appendix C.

⁵ BLS record for UBI 602947220. Appendix D.

⁶ Bus Registration. Appendix E.

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Mr. Perkins holds a current Washington driver's license. The address on his driving record is 21005 32nd Avenue South, Seatac, WA 98198.⁷

Technical Assistance

In May 2014, Commission Compliance Investigator Betty Young contacted Emerald City Party Bus by email, advising the company that it needed to have charter authority to provide the services advertised on its website. Mr. Perkins responded to the email stating he was physically disabled and not driving. He uses his bus (and website) for advertising and refers customers to his UTC-licensed partners. He did not identify the partner companies in his response. Ms. Young concluded by advising Perkins that staff would pursue enforcement action if it was learned that he was operating as a charter/excursion carrier.⁸

On January 5, 2016 Compliance Investigator Michael Turcott mailed a technical assistance letter to Mr. Perkins at the address of record for his driver's license and business license.⁹ Staff received no response. Turcott mailed a second technical assistance letter via certified mail on March 7, 2016.¹⁰ The certified letter was returned unclaimed.

Agreement to Provide Transportation

On April 29, 2016 staff emailed Mr. Perkins at reservations@emeraldcitytaxi.com to request a quote for transportation of 18 people in the Hummer or white bus depicted on the company's website. The proposed trip was going to be June 11 from 6pm to midnight with pickup and drop off in Des Moines, WA.

Staff received a reply on May 3 confirming availability of a bus for 15-20 passengers as requested. The email was signed "Marcus Prkins CEO 206-571-5363".¹¹

Facebook Advertising

Emerald City Party Bus advertises its services on Facebook.¹² The company displays its address and phone number (21005 32nd Ave S, Seattle, WA and 206-571-5363) and a link to the company website (www.emeraldcitypartybus.com).

⁷ Driver Details. Appendix F.

⁸ Betty Young email. Appendix G.

⁹ Michael Turcott first letter. Appendix H.

¹⁰ Michael Turcott second letter. Appendix I.

¹¹ Email confirmation of trip arrangements. Appendix J.

¹² <https://www.facebook.com/Emerald-City-Party-Bus-568506699969896/?fref=nf>

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There is a post dated March 27, 2016 on the Facebook page which states: “Its that time of my friends for, proms, concerts, bar crawls, nites on the town, And never forget Yearly Seahawks tailgates. So get at me for fun and safe times on the Party Bus and Limo needs. 206-571-5363”¹³

Craigslist Advertising

On July 13, 2016 staff observed a Craigslist advertisement posted by Markus Perkins for “Ellies Limo and Party Bus.” The advertisement promotes party bus and hummer limo transportation and states “I have a party buses, hummer limo, chrysler 300 limo, and lincoln stretch's.” The advertisement provides the phone number for Emerald City Party Bus, 206-571-5363, and web address www.emeraldcitypartybus.com.¹⁴

¹³ Screen capture of Facebook page. Appendix K.

¹⁴ Craigslist advertisement. Appendix L.

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.

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

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- 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

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 Emerald City Party Bus 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, Emerald City Party Bus 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 to transport a group of 18 passengers on June 11, 2016 for \$40 per person.
3. Advertised charter services on Facebook.
4. Advertised charter services on Craigslist.

Staff Recommendations

Staff recommends that the commission institute a proceeding under RCW 81.04.110 on its own motion to determine whether Mr. Perkins dba Emerald City Party Bus LLC and/or Ellies Limo Service operated as a charter party or excursion service carrier for transportation of passengers for compensation between points in the state of Washington and on the public highways of Washington State without the necessary certificate required for such operations 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. Perkins.