

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of  
  
 SANI MAHAMA MAUROU d/b/a  
 SEATAC AIRPORT 24  
  
 For Compliance with WAC 480-30-221  
 .....  
 In the Matter of a Penalty Assessment  
 Against  
  
 SANI MAHAMA MAUROU d/b/a  
 SEATAC AIRPORT 24  
  
 \_\_\_\_\_  
 in the amount of \$29,200

DOCKET TC-152296  
 (*Consolidated*)  
  
 Docket TC-160187  
 (*Consolidated*)  
  
 ORDER 02  
  
 FINAL ORDER

**BACKGROUND**

- 1 On February 9, 2016, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Intent to Cancel Certificate as an Auto Transportation Carrier and Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements In the Matter of the Investigation of Sani Mahama Maurou d/b/a SeaTac Airport 24 (SeaTac Airport 24 or Company) for Compliance with WAC 480-30-221 in Docket TC-152296.
- 2 Also on February 9, 2016, the Commission assessed a penalty of \$29,200 (Penalty Assessment) in Docket TC-160187 against SeaTac Airport 24 for 292 violations of Washington Administrative Code (WAC) 480-30-221, which adopts by reference 49 C.F.R. § 391 related to driver qualifications and 49 C.F.R. § 396 related to vehicle inspection, repair, and maintenance.
- 3 The Commission conducted a brief adjudicative proceeding to address both matters on March 7, 2016, before Administrative Law Judge Rayne Pearson. Following the parties' presentations, Judge Pearson issued a ruling from the bench cancelling the Company's charter, excursion, and auto transportation certificate effective March 8, 2016. On March 15, 2016, the Commission entered Order 01, Order of Consolidation; Initial Order

Cancelling Certificate; Order Imposing and Suspending Penalties (Order 01). Order 01 reiterated the cancellation of the Company's certificate and assessed a \$25,200 penalty against the Company, a \$20,000 portion of which was suspended for a period of two years subject to conditions, including the requirement that SeaTac Airport 24 either pay the \$5,200 portion of the penalty that was not suspended or file jointly with Commission staff (Staff) a proposed payment plan no later than March 25, 2016.

- 4 On March 23, 2016, SeaTac Airport 24 filed an "Application of Financial Hardship," which the Commission construed as a timely-filed petition for review (Petition). In its Petition, the Company argues that the penalty would create a financial hardship and requests that it be dismissed in its entirety. The Company attached account statements showing that payments for all three of its vehicles are past due.
- 5 On April 13, 2016, the Commission issued a Notice of Opportunity to Respond to Petition for Review and Notice Extending Time for Decision on Review (Notice). The Notice requested Staff present its position regarding (1) any further mitigation of the penalty, (2) the establishment of a payment plan, and (3) reinstatement of the Company's certificate concurrent with the approval of a payment plan and its conditions.
- 6 On April 19, 2016, the Company filed a letter with the Commission proposing a payment plan. The Company proposes to pay the \$5,200 unsuspended portion of the penalty in monthly installments of \$100, beginning May 1, 2016, and concluding on December 31, 2020.<sup>1</sup> The Company also claims that it made arrangements with AllianceOne Receivables Management, Inc. (Collections) to pay the \$1,000 penalty owed to the Commission for failing to timely file its 2014 annual report.
- 7 On April 25, 2016, Staff filed a response to the Company's Petition and proposed payment plan (Response). In its Response, Staff states that while it does not support any further mitigation of the penalty, it does support establishing a payment plan for the \$5,200 unsuspended portion of the penalty. Staff also supports the reinstatement of the Company's certificate if the following conditions are met: (1) the Company provides a copy of a written agreement – including a payment schedule – with Collections to address its outstanding penalty; (2) a payment plan with conditions is approved for the unsuspended \$5,200 portion of the penalty; and (3) the Company remains in compliance with Commission rules for the duration of the payment plan, with an accompanying order

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<sup>1</sup> The Company's proposed payment plan incorrectly calculates an end date of December 31, 2020. If the Company made payments of \$100 per month beginning May 1, 2016, the final payment would be due on August 1, 2020.

that the Company's failure to comply with any Commission rule during this time will constitute cause for the cancellation of the Company's charter, excursion, and auto transportation certificate.

- 8 Staff notes in its Response that it contacted Collections and verified that no payment was received for the Commission's account despite the Company's representation that a \$340 payment was made. Because of this discrepancy, Staff requests the Commission require the Company to provide a copy of a payment schedule and written agreement with Collections satisfying the Commission's account as a condition of reinstating the Company's certificate.
- 9 Although Staff supports a payment plan, it does not believe the 52-month term that the Company proposes is justified or acceptable. Instead, Staff proposes a 26-month installment schedule of \$200 per month, beginning on May 28, 2016, and concluding on June 28, 2018. Staff further recommends the Company be allowed to make additional payments in advance of these due dates or pay an increased amount on these due dates, although no additional payment would relieve the Company's obligation to make its timely minimum monthly installment until the entire \$5,200 payment is satisfied.
- 10 Staff also recommends that, should the Company fail to pay any installment by the due date, or fail to pay at least the minimum monthly amount by the due date, the entire remaining balance of the \$5,200 penalty and the entire \$20,000 suspended portion of the penalty would become immediately due and payable without further Commission order.
- 11 Staff further recommends that the suspension period of two years described in Order 01 should be extended to match the length of Staff's proposed payment plan.
- 12 Finally, Staff recommends that, should the Company fail to comply with any condition of Order 01, Paragraph 44<sup>2</sup>, or any other condition prescribed by the Commission in this

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<sup>2</sup> Paragraph 44 in Order 01 provides that, "Sani Mahama Maurou d/b/a SeaTac Airport 24 is assessed a penalty of \$25,200. A \$20,000 portion of the penalty is suspended for a period of two years, and then will be waived, subject to the following conditions: 1) Sani Mahama Maurou d/b/a SeaTac Airport 24 must either maintain a satisfactory safety rating or cease and desist all auto transportation operations, 2) Sani Mahama Maurou d/b/a SeaTac Airport 24 may not incur any repeat violations of WAC 480-30-221, and 3) Sani Mahama Maurou d/b/a SeaTac Airport 24 must either pay the \$5,200 portion of the penalty that is not suspended or file jointly with Staff a proposed payment plan no later than March 25, 2016."

Order, the entire remaining payment plan balance and the entire suspended penalty of \$20,000 should become immediately due and payable without further Commission order. In addition, Staff requests the Commission regard any violation of Commission rules during the period of the payment plan, including failure to timely submit an annual report and regulatory fee, as cause for cancellation of the Company's charter, excursion, and auto transportation certificate under WAC 480-30-171. Staff will conduct a follow-up review before June 28, 2018, and provide a recommendation regarding whether the suspended portion of the penalty should be waived or imposed.

### **DISCUSSION AND DECISION**

- 13 We deny the Company's Petition to dismiss the penalty assessed in the Commission's Initial Order and uphold the findings and conclusions in Order 01, as modified by the payment plan and additional conditions adopted below.<sup>3</sup> We address each issue raised by Staff in turn.

#### **Penalty Amount**

- 14 In its Petition for review, SeaTac Airport 24 requests the Commission waive the entire penalty – including the \$5,200 unsuspended portion – because it would create a financial hardship for the Company. In its April 19, 2016, letter, however, the Company agreed to pay the \$5,200 unsuspended portion of the penalty and proposed a 52-month payment schedule.
- 15 We agree with Staff that no further reduction of the penalty is warranted. Order 01 suspended a significant portion of the \$25,200 penalty on the condition of future compliance, and required only that the Company pay \$5,200 either by the date specified or according to the terms of an agreed payment plan. The penalties in Order 01 were assessed for critical violations of Commission safety rules that led to an unsatisfactory safety rating and cancellation of the Company's auto transportation certificate. Given the seriousness of the violations and the leniency already afforded the Company, we decline to reduce the penalty any further. We also decline to suspend any additional portion of the penalty. The \$5,200 unsuspended penalty is appropriate in light of the seriousness of the violations. It is significant for, yet still sensitive to, the Company's small size and financial position.

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<sup>3</sup> The Company's Petition only requested relief from the \$5,200 penalty due to financial hardship. Because the Company's Petition did not challenge the factual findings in Order 01, we need not address them here.

**Collections Account**

16 In its April 19, 2016, letter, the Company claims it has negotiated a payment arrangement with Collections to remit payments of \$100 per month until the \$1,000 balance owed to the Commission is paid in full. Staff notes that the Company has not yet made a payment towards its Collections account with the Commission, and requests the Commission require a copy of the payment arrangement, in writing, prior to re-issuing the Company's auto transportation certificate. We agree. The Company must produce a copy of a written agreement with Collections demonstrating that Collections has agreed to accept monthly payments until the \$1,000 debt is paid in full. The Commission will not reinstate the Company's auto transportation certificate until it receives documentation confirming that this condition has been met.

**Proposed Payment Plan**

17 The Company proposes to pay the \$5,200 unsuspended portion of the penalty in 52 monthly payments of \$100, while Staff proposes the Company make 26 monthly payments of \$200. We agree with Staff's recommendation and find that the 26-month payment plan, beginning on May 28, 2016, and ending on June 28, 2018, is both a reasonable length of time and a feasible payment amount for the Company. We approve Staff's proposed payment plan subject to the following conditions:

1. As required by Order 01, SeaTac Airport 24 must maintain a satisfactory safety rating or cease and desist all auto transportation operations.
2. As required by Order 01, SeaTac Airport 24 may not incur any repeat violations of WAC 480-30-221.
3. If SeaTac Airport 24 fails to make any payment by the due date or otherwise fails to comply with any of these conditions, the entire remaining payment plan balance and the entire suspended penalty of \$20,000 will become immediately due and payable without further Commission order.

18 We extend the suspension period to June 18, 2018, to reflect the terms of the payment plan. We also require Staff to conduct a follow-up investigation prior to June 28, 2018, and submit its recommendation for waiving or imposing the suspended portion of the penalty.

**Compliance with Order 01 and Commission Rules**

19 Staff requests in its Response that the Commission find cause to cancel the Company's certificate under WAC 480-30-171 if the Company fails to comply with any Commission rule during the suspension period, including failing to timely submit its annual report and

pay its regulatory fee. We decline to adopt this condition. A predetermined finding that any violation of Commission rules is grounds for cancelling the Company's certificate could produce unjust results if the violation is minor or would not similarly affect another regulated company. The Commission's ability to address future violations by imposing the \$20,000 suspended portion of the penalty is the most appropriate enforcement mechanism here because it creates a significant incentive for compliance while preserving the Company's right to due process. In addition, the Commission has the authority to take further enforcement action if subsequent violations are found, up to and including cancelling the Company's certificate for cause.

- 20 As a requirement of reinstatement, however, the Company must file a completed 2015 annual report and pay any regulatory fees owed for 2016. This condition, in addition to the others outlined above, will ensure the Company resumes its operations in good standing with the Commission.

### **FINDINGS AND CONCLUSIONS**

- 21 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, and practices of public service companies, including household goods companies, and has jurisdiction over the parties and subject matter of this proceeding.
- 22 (2) The Commission finds that SeaTac Airport 24 has not presented any grounds on which to reverse or modify the administrative law judge's decision in Order 01, or to further mitigate the penalty for the Company's violations of Commission rules.
- 23 (3) The Commission concludes that the penalty for those violations should remain \$25,200. A \$20,000 portion of the penalty should be suspended until June 28, 2018, and then waived, subject to the following conditions: 1) SeaTac Airport 24 must pay the \$5,200 unsuspended portion of the penalty by making \$200 monthly payments to the Commission beginning on May 28, 2016, and ending on June 28, 2018; 2) SeaTac Airport 24 must either maintain a satisfactory safety rating or cease and desist all auto transportation operations; and 3) SeaTac Airport 24 may not incur any repeat violations of WAC 480-30-221. If SeaTac Airport 24 fails to make a payment by the due date or otherwise fails to comply with any of these conditions, the remaining payment plan balance and the entire suspended penalty of \$20,000 will become immediately due and payable without further Commission order.

- 24 (4) Prior to the Commission reinstating the Company's charter, excursion, and auto transportation certificate, SeaTac Airport 24 should be required file its 2015 annual report and pay any required regulatory fee owed for 2016.
- 25 (5) Prior to the Commission reinstating the Company's charter, excursion, and auto transportation certificate, SeaTac Airport 24 should be required to file with the Commission documentation of a payment agreement with AllianceOne Receivables Management, Inc. to pay the \$1,000 penalty owed to the Commission for failing to timely file its 2014 annual report.
- 26 (6) Commission Staff should conduct a follow-up investigation into SeaTac Airport 24's operations of by June 28, 2018. Based on its findings, Commission Staff should make a recommendation to waive or impose the \$20,000 suspended portion of the penalty.

**ORDER**

THE COMMISSION ORDERS That

- 27 (1) Sani Mahama Maurou d/b/a SeaTac Airport 24 is assessed a penalty of \$25,200. A \$20,000 portion of the penalty will be suspended until June 28, 2018, and then waived, subject to the following conditions:
1. Sani Mahama Maurou d/b/a SeaTac Airport 24 must pay the \$5,200 unsuspended portion of the penalty by making \$200 monthly payments to the Commission beginning on May 28, 2016, and ending on June 28, 2018.
  2. Sani Mahama Maurou d/b/a SeaTac Airport 24 must either maintain a satisfactory safety rating or cease and desist all auto transportation operations.
  3. Sani Mahama Maurou d/b/a SeaTac Airport 24 may not incur any repeat violations of WAC 480-30-221.

If Sani Mahama Maurou d/b/a SeaTac Airport 24 fails to make a payment by the due date or otherwise fails to comply with any of these conditions, the remaining payment plan balance and the entire suspended penalty of \$20,000 will become immediately due and payable without further Commission order.

- 28 (2) Prior to the Commission reinstating Sani Mahama Maurou d/b/a SeaTac Airport 24's charter, excursion, and auto transportation certificate, Sani Mahama Maurou d/b/a SeaTac Airport 24 must file its 2015 annual report and pay any required regulatory fee owed for 2016.
- 29 (3) Prior to the Commission reinstating Sani Mahama Maurou d/b/a SeaTac Airport 24's charter, excursion, and auto transportation certificate, Sani Mahama Maurou d/b/a SeaTac Airport 24 must file with the Commission documentation of a payment agreement with AllianceOne Receivables Management, Inc. to pay the \$1,000 penalty owed to the Commission for failing to timely file its 2014 annual report.
- 30 (4) Commission Staff will conduct a follow-up investigation into the operations of Sani Mahama Maurou d/b/a SeaTac Airport 24 by June 28, 2018. Based on its findings, Commission Staff will make a recommendation to waive or impose the \$20,000 suspended portion of the penalty.

DATED at Olympia, Washington, and effective May 12, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

PHILIP B. JONES, Commissioner

ANN E. RENDAHL, Commissioner

**NOTICE TO PARTIES: This is a final order of the Commission. Parties may seek judicial review pursuant to RCW 34.05.542.**