



Bob Ferguson

## ATTORNEY GENERAL OF WASHINGTON

Utilities and Transportation Division

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June 20, 2016

Steven V. King, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P. O. Box 47250  
Olympia, Washington 98504-7250

RE: *In the Matter of the Investigation of SANI MAHAMA MAUROU d/b/a SEATAC  
AIRPORT 24 For Compliance with WAC 480-30-221  
Dockets TC-152296 and TC-160187 (consolidated)*

Dear Mr. King:

Enclosed for filing in the above-referenced docket are the original and three copies of Commission Staff's Motion to Impose Suspended Penalty and Motion to Consolidate Proceedings, and a Certificate of Service.

Sincerely,

ANDREW J. O'CONNELL  
Assistant Attorney General

AJO/emd  
Enclosures  
cc: Parties w/enc.

**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

DOCKETS TC-152296 and TC-160187  
(*consolidated*)

COMMISSION STAFF'S MOTION TO  
IMPOSE SUSPENDED PENALTY  
AND MOTION TO CONSOLIDATE  
PROCEEDINGS

**I. RELIEF REQUESTED**

1           The Commission conducted a brief adjudicative proceeding on March 7, 2016. The Administrative Law Judge 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) that confirmed the cancellation of the Company's certificate C-65615 and also required the Company to cease and desist all operations until the Commission reinstated its certificate or granted it a new

certificate.<sup>1</sup> Order 01 assessed a penalty against the Company of \$25,200, with \$20,000 of that suspended for two years subject to certain conditions.<sup>2</sup>

2           On May 12, 2016, the Commission entered Order 02, Final Order in the Consolidated Dockets TC-152296 and TC-160187 (Order 02), which upheld the findings and conclusions of Order 01, but modified Order 01 with the inclusion of a payment plan (permitting the Company to pay its unsuspended \$5,200 penalty via monthly payments ending in June 2018) and additional conditions.<sup>3</sup> Order 02 reaffirmed Order 01's cancellation of the Company's certificate and its order to cease and desist all operations until the Company's certificate is reinstated or the Company is granted a new certificate.<sup>4</sup> Important to this motion, Order 02 ordered Staff to conduct an investigation of the Company before June 2018 and thereafter make a recommendation of whether to waive or impose the \$20,000 suspended portion of the penalty.<sup>5</sup>

3           Staff has reviewed the Company's currently-pending Application for Reinstatement and, due to Staff's investigation of the Company during its evaluation of the Company's Application and pursuant to Order 02 Paragraph 26, Staff recommends that the Commission impose the \$20,000 suspended portion of the penalty in these consolidated dockets for the reasons set forth below. Staff also requests that the Commission consolidate these current dockets (TC-152296 and TC-160187) with the docket for the Company's Application for Reinstatement (Docket TC-160324) and set a hearing to hear oral statements and consider

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<sup>1</sup> Order 01, Docket TC-152296, Order of Consolidation; Initial Order Cancelling Certificate; Order Imposing and Suspending Penalties ¶ 43 (March 15, 2016) [hereinafter "Order 01"].

<sup>2</sup> Order 01 ¶ 44.

<sup>3</sup> Order 02, Consolidated Dockets TC-152296 and TC-160187, Final Order ¶ 13, ¶ 27 (May 12, 2016) [hereinafter "Order 02"].

<sup>4</sup> See Order 02 ¶¶ 13, 20, 22, 24-25, 28-29; see also Order 01 ¶ 43.

<sup>5</sup> Order 02 ¶ 30.

evidence from all parties on both matters – the imposition of suspended penalties and the Company’s Application for Reinstatement.

## II. STATEMENT OF FACTS

4 On March 8, 2016, the Company’s authority to operate as an auto transportation  
company and a charter and excursion carrier was cancelled. From that moment onward, the  
Company has not had authority from the Commission to operate.

5 On March 22, 2016, the Company submitted its Application for Reinstatement.

6 On May 12, 2016, the Commission entered Order 02, its Final Order in these  
consolidated dockets, after considering the Company’s Petition for Administrative Review.

7 On May 24, 2016, Staff was contacted by SeaTac Ground Transportation  
Enforcement, which inquired whether the Company’s authority to operate had been  
reinstated. Staff was informed that all commercial passenger transportation vehicles serving  
SeaTac Airport carry a transponder-type device that records when the vehicle enters the  
passenger drop-off or pick-up areas at SeaTac Airport. The airport’s records show that  
SeaTac Airport 24 vehicles entered the airport on 24 occasions between April 9, 2016, and  
May 24, 2016: on 23 occasions, a SeaTac Airport 24 vehicle entered the passenger drop-off  
area; and, on 1 occasion, a SeaTac Airport 24 vehicle entered, or attempted to enter, the  
commercial-vehicles only lot (South GT Lot) on April 28, 2016.

8 Also reported on May 24, 2016, SeaTac Ground Transportation Enforcement  
informed Staff that an agent witnessed a verbal dispute between a passenger and a driver for  
SeaTac Airport 24 over a fare.

9 After the issuance of Order 01 and Order 02 and as late as May 26, 2016, Staff  
discovered that SeaTac Airport 24 continued to advertise as a Charter or Excursion Carrier

on its website, <http://seatacairport24.com>, stating that it offers “Charter Service” and also an “In-city tour or special occasion trip [that] is \$65/hour, 3 hours minimum.” The website includes a phone number: 206-356-7664.

10           On June 8, 2016, Staff contacted SeaTac Airport 24 at its 206-356-7664 phone number found on the Company’s website posing as a customer to inquire about arranging transportation from the Westin Hotel in downtown Seattle to SeaTac Airport. When the phone was answered, Staff requested a quote for transportation of four persons on June 12, 2016, at 11:30 a.m. for a 2:05 p.m. departure flight from SeaTac Airport. Staff was provided a quote of \$60 and a confirmation number of 2424100.

11           Shortly after receiving the quote, Staff received a return phone call from SeaTac Airport 24, inquiring about Staff’s room number at the Westin Hotel and confirming information about Staff’s departing flight from SeaTac Airport. The Company also confirmed the quoted price of \$60 for four persons on June 12, 2016, at 11:30 a.m. from the Westin Hotel to SeaTac Airport. For this second phone call, multiple members of Commission Staff were present and witnessed the phone conversation.

### **III. STATEMENT OF ISSUES**

12           The issues in this matter are: (1) whether the Commission should schedule a brief adjudicative proceeding in consolidated Dockets TC-152296 and TC-160187 to allow receipt of evidence necessary to determine whether to impose the \$20,000.00 suspended penalty on SeaTac Airport 24 for failing to comply with the terms of Order 01 and Order 02; and, (2) whether the Commission should consolidate Dockets TC-152296 and TC-160187 with Docket TC-160324 (the Company’s Application for Reinstatement) because the proceedings present questions of fact and law arising from the same actions and evidence.

Staff requests that a hearing on this motion to impose the suspended penalty amount be addressed at the same brief adjudicative proceeding already scheduled for July 11, 2016, at 1:30 p.m. in Docket TC-160324 regarding the Company's Application for Reinstatement.

#### IV. ARGUMENT

##### A. **The Commission Should Schedule a Brief Adjudicative Proceeding in Docket TG-143802**

13 The Commission should schedule a brief adjudicative proceeding in these dockets to allow receipt of evidence necessary to determine whether to impose the suspended penalty of \$20,000.00 on SeaTac Airport 24 for failing to comply with the terms of Order 01 and Order 02. In Order 01, the Company was directed to cease and desist its operations until it received a reinstatement of its authority to operate from the Commission, or was granted a new authorization to operate.<sup>6</sup> Order 02 confirmed the findings and conclusions of Order 01, but also ordered Staff to conduct an investigation before June 2018 of the Company and to make a recommendation of whether to waive or impose the \$20,000.00 suspended penalty.<sup>7</sup> Staff makes this motion in compliance with that direction from the Commission: as part of Staff's evaluation of the Company's Application for Reinstatement, Staff discovered information relevant to both the Application and the Commission's order that the Company cease and desist operations until granted a reinstatement or granted new authority. Staff discovered that the Company had not ceased its operations but instead had made 24 trips to SeaTac Airport, continued to advertise its services on its website, and also offered Staff – posing as a customer – transportation of a 4-person group to the airport from a hotel in downtown Seattle. Staff thus requests that the Commission schedule a brief adjudicative

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<sup>6</sup> Order 01, ¶ 43.

<sup>7</sup> See Order 02 ¶¶ 13, 20, 22, 24-25, 28-29; see also Order 01 ¶ 43.

proceeding to allow receipt of evidence necessary to determine whether to impose the suspended penalties against the Company.

**B. The Commission Should Consolidate Dockets TC-152296 and TC-160187 with Docket TC-160324**

14 Under WAC 480-07-320, the Commission may consolidate two or more proceedings in which the facts or principles of law are related. Staff requests consolidation of Dockets TC-152296 and TC-160187 with Docket TC-160324 because the proceedings present common questions of fact and law. Specifically, the proceedings concern whether SeaTac Airport 24 continued to operate after Order 01's cease and desist order was in effect and before the Company received a reinstatement of its authority by the Commission. Staff's resulting concern that the Company is unable or unwilling to abide by Commission rules and orders directly affects its recommendation to deny the Company's Application for Reinstatement. Consolidation of these proceedings will promote judicial efficiency by enabling the Commission to resolve all dockets by means of the brief adjudicative proceeding already set for July 11, 2016, at 1:30 p.m. in Docket TC-160324.

**V. CONCLUSION**

15 In conclusion, Staff requests the Commission schedule a brief adjudicative proceeding to determine whether to impose the suspended penalties against SeaTac Airport 24. Staff further requests that the Commission consolidate these proceedings with Docket TC-160324 so that the Commission can resolve the common questions of fact and

law presented by the dockets in a single hearing at the brief adjudicative proceeding set for July 11, 2016, at 1:30 p.m.

DATED this 20th day of June 2016.

Respectfully submitted,

ROBERT W. FERGUSON  
Attorney General

A handwritten signature in black ink, appearing to read "A.J. O'Connell", written over a horizontal line. The number "45887" is written in the bottom right corner of the signature.

ANDREW J. O'CONNELL  
Assistant Attorney General  
Counsel for Utilities and  
Transportation Commission Staff



Dockets TC-152296/TC-160187  
CERTIFICATE OF SERVICE

I hereby certify that I have this day served the enclosed Motion to Impose Suspended Penalty and Motion to Consolidate upon the persons and entities listed on the Service List below via United States mail, addressed as shown below.

DATED at Olympia, Washington this 20th day of June 2016.



ELIZABETH M. DEMARCO

***For Seatac Airport 24:***

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