

November 4, 2019

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

REPORT AND DECISION

SUBJECT: King County For-Hire Licensing file no. **109426**

EZEKIEL CORLEY

For-Hire Driver Enforcement Appeal

Permit no.: 109426

Appellant: **Ezekiel Corley**

[REDACTED]

Tacoma, WA 98406

[REDACTED]

King County: King County For-Hire Licensing
represented by **Tyson Taylor**
King County For-Hire Licensing
500 Fourth Avenue Room 403
Seattle, WA 98104
Telephone: (206) 263-1373
Email: kcfhinspector@kingcounty.gov

FINDINGS AND CONCLUSIONS:

1. King County For-Hire Licensing (Licensing) served a violation notice asserting that Ezekiel Corley failed to provide professional and courteous service when he accepted, but then dropped, a scheduled Lyft ride at the airport. Mr. Corley timely appealed. After hearing the witnesses' testimony and observing their demeanor, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we deny Mr. Corley's appeal and sustain the \$125 penalty.

2. On June 20, 2019, Licensing was running undercover enforcement at the SeaTac airport. One of Licensing’s points of emphasis is drivers accepting rides from the airport, but then dropping those rides once they learn passengers are only going a short—and thus not very lucrative—distance.
3. At around 8:33 am, Inspector Debbie Linebarger booked a trip on the Lyft app. Lyft indicated that Mr. Corely’s Lexus would arrive around 8:36. When Ms. Linebarger observed that Mr. Corley was headed in the wrong direction, she texted him at 8:38. Having gotten no response, she called at 8:41 but got no answer. As Mr. Corley’s vehicle continued down I-5, Ms. Linebarger texted at 8:44 that she was going to file a complaint. At 8:47, and with Mr. Corley now 25 minutes away, she canceled the trip. Exs. 1 & 2.
4. Mr. Corely explained that he is not supposed to pick up passengers the airport—his car does not meet the airport’s requirements. He said he did not accept Ms. Linebarger’s ride. He argued things were out of his control due to technological issues. He alleged that Licensing filed against him out of spite, was generating false reports, was doing it out of spite (repeat) and was falsely accusing him. Mr. Corley brought a lot of heat, but little light, to the hearing.
5. Things briefly took a promising turn, when Mr. Corely claimed that Lyft had proof that he had not accepted the Linebarger trip. That would have been a game-changer. But his defense started to fall apart almost immediately, because when we stated that such evidence would be great and that we would hold the record open for a week for him to get it to us, he backpedaled and shifted to arguing why it should even matter anyway whether he accepted the ride. He claimed not to understand why Licensing would wait a half an hour to drop the ride.
6. It was difficult to tell if Mr. Corley truly did not understand the point of an undercover operation, or if he was simply trying to distract from the crux of this case. We will take one more shot at trying to explain it. The point of the Licensing inspector requesting a ride was never that she *actually* wanted to get to a destination just outside the airport; if she had been dutifully picked up and dropped off, she would then have had to get herself *back* to the airport to start the next investigation. Instead the entire point was to ferret out the scenario here: a driver accepting a ride, then dropping it.
7. We held the record open a week for the proof Mr. Corley promised—something from Lyft indicating that he never accepted the Linebarger trip. (If Mr. Corley never knew that Lyft had arranged a trip, then he was not responsible either for taking the passenger where the passenger wanted to go or for not promptly letting the passenger know he had to drop the ride.) It has now been three weeks since our hearing, and we have received nothing from Mr. Corely.
8. Licensing has met its burden of proving, by a preponderance of the evidence, that Mr. Corley violated KCC 6.64.680.B., which requires drivers to “provide a customer with professional and courteous service at all times.” We uphold the penalty.

DECISION:

1. We deny Mr. Corely's appeal.
2. Mr. Corley shall pay the \$125 penalty to Licensing by **January 3, 2020**.

ORDERED November 4, 2019.

David Spohr
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

King County Code 20.22.040 directs the Examiner to make the County's final decision for this type of case. This decision shall be final and conclusive unless appealed to superior court by *December 4, 2019*. Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

**MINUTES OF THE OCTOBER 14, 2019, HEARING IN THE APPEAL OF
EZEKIEL CORLEY, KING COUNTY FOR-HIRE LICENSING FILE NO. 109426**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Tyson Tyler and Ezekiel Corley. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

The following exhibits were offered and entered into the record:

- | | |
|---------------|-----------------------------------------------------------------------------------------------------|
| Exhibit no. 1 | King County For-Hire Licensing staff report to the Hearing Examiner |
| Exhibit no. 2 | Trip Documentation, dated June 20, 2019 |
| Exhibit no. 3 | Notice and order of for-hire driver's permit no. 109426, issued June 25, 2019 |
| Exhibit no. 4 | Notice and order of for-hire driver's permit no. 109426 with proof of service, issued July 30, 2019 |
| Exhibit no. 5 | Appeal, received August 27, 2019 |

DS/jo

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CERTIFICATE OF SERVICE

SUBJECT: King County For-Hire Licensing file no. **109426**

EZEKIEL CORLEY

For-Hire Driver Enforcement Appeal

I, Vonetta Mangaoang, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND DECISION** to those listed on the attached page as follows:

- EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.
- placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED November 4, 2019.

Vonetta Mangaoang

Vonetta Mangaoang
Senior Administrator

Cantu, Eddie

King County For-Hire Licensing

Corley, Ezekiel

Hardcopy

Kham, Joanna

Finance and Admin Svcs, Consumer Protection Div

MacLeod, Cherie

Finance and Admin Svcs, Consumer Protection Div

Megow, John

Finance and Admin Svcs, Consumer Protection Div

Shapiro, Ken

Finance and Admin Svcs, Consumer Protection Div

Taylor, Tyson

King County For-Hire Licensing