

July 29, 2019

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**  
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**REPORT AND DECISION**

SUBJECT: King County For-Hire Licensing file no. 12322

**ABDI MOHAMED**  
For-Hire Driver Enforcement Appeal

License no.: 12322

Appellant: **Abdi Mohamed**  
[REDACTED]  
Tukwila, WA 98188

Telephone: [REDACTED]  
Email: [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  
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**FINDINGS AND CONCLUSIONS:**

1. King County For-Hire Licensing (Licensing) levied a \$125 penalty against Abdi Mohamed, in connection with a for-hire ride Mr. Mohamed provided on March 10, 2019. Mr. Mohamed 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. Mohamed's appeal.

2. Sherif El-Farahty, a March 10 passenger in Mr. Mohamed’s for-hire vehicle, filed a complaint against Mr. Mohamed. Mr. El-Farahty alleged that Mr. Mohamed became upset when Mr. El-Farahty stated he would pay by credit not cash, and that Mr. Mohamed was hostile, screaming and arguing in front of the El-Farahty family. Mr. El-Farahty further alleged that, at the end of the trip, Mr. Mohamed charged \$75 for a \$59 ride, did not respond to Mr. El-Farahty’s request for a receipt, and did not help them unload their luggage. Ex. 2 at 003.
3. Licensing served Mr. Mohamed with a \$125 penalty for a violation of KCC 6.64.670.E, which states:

A driver shall not ask, demand or collect any rate or fare other than as specified on the meter, permitted by K.C.C. 6.64.760, or according to special rates, unless using an application dispatch system. Contracts for agreement rates must be available for inspection by the director and retained by the taxicab or for-hire licensee or company for one year after the contract expiration date.

Ex. 6 at 003. Mr. Mohamed timely appealed, asserting that he did include a receipt and did not overcharge his customer. Ex. 7 at 002.

4. We went to hearing on July 15. For those matters or issues raised in an appeal statement, Licensing bears “the burden of proving by a preponderance of the evidence both the violation and the appropriateness of the remedy it has imposed.” KCC 20.22.080.G; .210. Unless directed to by law—and no special directive applies here—the examiner does not grant substantial weight or otherwise accord deference to agency determinations. Exam. R. XV.F.3. Ours is a *de novo* hearing, so we sit in the same position as Licensing.
5. There is no dispute that \$59 was the correct fare, and that Mr. Mohamed charged the El-Farahtys \$75. Ex. 6 at 008; Ex. 7 at 004. Mr. Mohamed’s version is that the El-Farahtys volunteered a \$16 tip, and that Mr. Mohamed simply didn’t have his electronic billing system turned on. Mr. El-Farahty’s version is that Mr. Mohamed presented him with a \$75 bill and forced him to sign. Ex. 4 002.
6. We do not make any findings about screaming or luggage unloading. If Licensing was pursuing that customer service angle, they would want a witness available by phone, either live or in person. However, Licensing only asserts a violation of KCC 6.64.670.E, not a violation of other codes related to customer service.
7. Mr. El-Farahty’s complaint is sufficient because Mr. Mohamed’s theory is that the El-Farahtys *volunteered* a \$16 tip. As Mr. El-Farahty wisely responded, “how [would] I pay \$16 i.e. 28% from the fare and I’m complaining?” Ex. 4 at 002. We asked Mr. Mohamed that question at hearing, and he did not have a satisfactory answer. Nor do we.
8. We could concoct some sort of wild hypothetical to explain how passengers could be satisfied enough to offer a generous tip, and then so dramatically switch gears and become irate enough to file a complaint and then to continue following up on that

complaint. However, we decide cases based on a more-probable-than-not standard. We find it far more probable that Mr. Mohamed did not request a \$59 fare and that the El-Farahtys did not voluntarily offer Mr. Mohamed a huge tip.

9. Mr. Mohamed showed a text at hearing from someone who was very angry with him. There is no proof that the texter was Mr. El-Farahty. Even assuming that it was, that only *strengthens* our conclusion. Why would someone so happy with their for-hire ride that they gave a \$16 tip become so enraged later that they would file a complaint, follow up on that complaint, and then harass the driver? We would be grasping at straws to manufacture an explanation.
10. Again, the critical piece here is not whether the El-Farahtys' *perception* of events—that Mr. Mohamed yelled at the family, threatened them, and refused to help with their luggage—is correct. Assume for a moment that maybe Mr. El-Farahty's perception of the ride was skewed, that actually Mr. Mohamed behaved exactly as a driver should, that Mr. Mohamed did not put any pressure on the El-Farahtys, and that Mr. El-Farahty was just overreacting—that still would not explain why the El-Farahtys would volunteer such a generous tip.
11. Moreover, the paper record backs up Mr. El-Farahty's and Licensing's position. When later asked by Licensing to submit his receipt from March 10, Mr. Mohamed submitted not one, but *two* receipts, one from Farah Flatrate Forhire, and one from Yellow Cab. Ex. 4 at 003, Ex. 7 at 004. That is, in its own right, suspicious, looking like the receipt was crafted only *after* March 10 and not a receipt given the El-Farahtys on March 10.
12. Even if there is a credible explanation for how two receipts were generated, allegedly for the same ride, Licensing shows what a proper receipt must look like. Ex. 5 at 002. The driver needs to present the customer with the base rate itself, and then allow the customer to add in a tip. Here both of Mr. Mohamed's receipts showed a single, \$75 entry. As quoted above, a driver "shall not ask, demand or collect any rate or fare other than as specified on the meter." KCC 6.64.670.E (*italics added*). Mr. Mohamed had a duty to present his passengers with \$59 fare, which his receipt does not reflect.

DECISION:

1. We DENY Mr. Mohamed's appeal.
2. Mr. Mohamed shall pay the \$125 penalty by **September 27, 2019**.

ORDERED July 29, 2019.



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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 *August 28, 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 JULY 15, 2019, HEARING IN THE APPEAL OF ABDI MOHAMED, King County For-Hire Licensing FILE NO. 12322**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Tyler Tyson and Abdi Mohamed. 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 | Notice of Complaint 19031, dated March 21, 2019  |
| Exhibit no. 3 | Letter from Abdi Mohamed, sent March 29, 2019  |
| Exhibit no. 4 | Email from complainant, sent March 30, 2019  |
| Exhibit no. 5 | Email, example of square receipt   |
| Exhibit no. 6 | Notice and order of for-hire driver's Flat Rate for Hire, issued 12322, dated March 21, 2019 |
| Exhibit no. 7 | Appeal, received May 17, 2019  |

DS/jo

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**CERTIFICATE OF SERVICE**

SUBJECT: King County For-Hire Licensing file no. **12322**

**ABDI MOHAMED**

For-Hire Driver Enforcement Appeal

I, Jessica Oscoy, 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 July 29, 2019.



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Jessica Oscoy  
Legislative Secretary

**Cantu, Eddie**

King County For-Hire Licensing

**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

**Mohamed, Abdi**

Hardcopy

**Shapiro, Ken**

Finance and Admin Svcs, Consumer Protection Div

**Taylor, Tyson**

King County For-Hire Licensing