

December 19, 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. **17231**

HARNEET KUMAR
For-Hire Driver Enforcement Appeal

Permit no.: 17231

Appellant: **Harneet Kumar**
[REDACTED]
Lynnwood, WA 98036
[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) cited Harneet Kumar for ferrying for-hire passengers without the required transportation network company (TNC) endorsement sticker. Mr. Kumar 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 his appeal.

2. The following is not in dispute. On August 14, Mr. Kumar was transporting for-hire passengers without a TNC sticker in his windshield or in the car. A Licensing inspector approached Mr. Kumar and they had a conversation. Licensing subsequently sent Mr. Kumar a \$250 violation notice for failing to have the TNC sticker with him.
3. Per Licensing’s version of events, the inspector noticed that Mr. Kumar’s car was lacking its required TNC sticker, and she tried to contact him. As she approached, Mr. Kumar attempted to drive off, but bumped into another vehicle and had to stop. When she advised Kumar that he did not have a TNC sticker, he told her that he had the car for three months and that his wife had inspected it. Ex. 2 at 003; Ex. 3 at 004.
4. The inspector did not appear at hearing to testify under oath and subject to cross-examination. Her account is thus hearsay. We typically accord little weight to hearsay statements, especially when controverted by credible testimony. The problem is that Mr. Kumar’s story is implausible.
5. Mr. Kumar asserts that it was essentially just a coincidence that he drove off just as the inspector was walking over to him. Per his version, he did not even see her but instead “suddenly remembered I don’t have the TNC sticker, I then canceled my ride and started to head for the exit.” Ex. 4 at 002. That would indeed be an amazing happenstance, that just at the precise moment an inspector was approaching him, he independently remembered he was not allowed to pick up passengers and tried to leave.
6. His story seemingly gets more fanciful because he claims that he *did* have a TNC sticker in his windshield earlier that day but—of all the luck—his “windshield got cracked the day before the ticket and the day I received the ticket was the day I replaced my windshield.” Ex. 4 at 003. In the notice we sent out a month prior to hearing, we advised Mr. Kumar to bring a copy of the windshield repair invoice to the hearing. At hearing he claimed he had paid cash and had forgot to pick up a receipt. The windshield pictured on August 14 shows no tape or other sign of being replaced earlier that day.
7. In the end, we do not accept that Mr. Kumar had the windshield replaced earlier that same day, forgot about the TNC sticker, picked up and dropped off passengers, and then just miraculously remembered he did not have a TNC sticker precisely as an inspector was approaching him. However, even if we did we would still sustain the violation.
8. KCC 6.64.650.A requires:

A driver, before starting each shift, shall check the lights, brakes, tires, steering, seat belts, taximeter seal and other vehicle equipment to see that they are working properly. The driver shall also ensure that the county or city taxicab license or for-hire vehicle license or transportation network company vehicle endorsement certificate, vehicle registration and proof of insurance card are in the vehicle.


Thus, even if Mr. Kumar’s story, as unbelievable as it sounds, is completely accurate, he had *already* violated KCC 6.64.650.A that day by picking up his first for-hire passenger of

the day without ensuring that the TNC sticker was in (or on) his car. We sustain the violation.

DECISION:

1. We DENY Mr. Kumar's appeal.

ORDERED December 19, 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 *January 21, 2020*. 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 DECEMBER 6, 2019, HEARING IN THE APPEAL OF HARNEET KUMAR, KING COUNTY FOR-HIRE LICENSING FILE NO. 17231

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Tyson Taylor and Harneet Kumar. 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 | Driver contact documentation |
| Exhibit no. 3 | Notice and order of violation with proof of service, issued August 27, 2019 |
| Exhibit no. 4 | Appeal, received October 7, 2019 |
| Exhibit no. 5 | Photo of Mr. Kumar's license, December 6, 2019 |

DS/jo

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CERTIFICATE OF SERVICE

SUBJECT: King County For-Hire Licensing file no. **17231**

HARNEET KUMAR
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 December 19, 2019.



Jessica Oscoy
Legislative Secretary

Cantu, Eddie

King County For-Hire Licensing

Kham, Joanna

Finance and Admin Svcs, Consumer Protection Div

Kumar, Harneet

Hardcopy

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