

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
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www.kingcounty.gov/independent/hearing-examiner

REPORT AND DECISION

SUBJECT: King County For-Hire Licensing file no. **59081**

SAID SAJADAY

For-Hire Driver Enforcement Appeal

Permit no.: 59081

Appellant: **Said Sajady**

[REDACTED]
Kirkland, WA 98034
[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. On August 8, 2019, a King County For-Hire Licensing (Licensing) inspector observed Said Sajaday operating his transportation network company (TNC) vehicle without a TNC vehicle endorsement sticker. Licensing assessed Mr. Sajaday a \$250 penalty. Mr. Sajaday appealed, not contesting that he was without a sticker when he got the ticket, but responding that he had just learned from Lyft that his endorsement was ready for pickup. After hearing the witnesses' testimony and observing their demeanor, studying

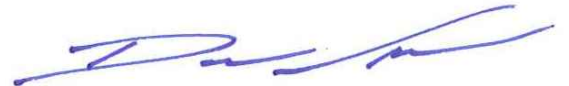
the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we deny his appeal but reduce the applicable penalty by \$200.

2. We went to hearing on October 21. 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. We do not grant substantial weight or otherwise accord deference to agency determinations. Exam. R. XV.F.3.
3. Licensing explained that it approved Mr. Sajaday’s license on June 10. Licensing typically waits 30 days past that point before it starts fining drivers for failing to display the proper endorsement. August 8 was well beyond 30 days.
4. Mr. Sajaday countered that Lyft and Uber have historically taken about six weeks to get him their stickers. He testified that he only learned the afternoon of August 7 that his sticker was ready for pickup. He then accepted a ride request the next morning, a ride which led him to the airport and to the ticket. After getting the August 8 ticket, he went and got the endorsement later that day.
5. Licensing asserted that Mr. Sajaday’s testimony was inconsistent. We do not really see an inconsistency. On the other hand, the onus is on the driver to ensure, “before starting each shift” that the for-hire vehicle endorsement certificate is in the vehicles. KCC 6.64.650.A. Even assuming it was reasonable for Mr. Sajaday to wait to hear from Lyft, he knew the day before that his endorsement was ready, yet he elected to start a shift the next morning without it. He rolled the dice on August 8 and came up short.
6. Licensing has proven a violation KCC 6.64.650.A, although it was not as egregious as many. We will shave \$200 off the violation, leaving Mr. Sajaday to pay the remaining \$50.

DECISION:

1. We deny Mr. Sajaday’s appeal as to the violation.
2. We partially grant Mr. Sajaday’s appeal as to the penalty, reducing the penalty from \$250 to \$50, due 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 21, 2019, HEARING IN THE APPEAL OF SAID SAJADAY, KING COUNTY FOR-HIRE LICENSING FILE NO. 59081

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Tyson Taylor and Said Sajaday. 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 for-hire driver’s permit, issued August 20, 2019
Exhibit no. 4	Appeal, received September 6, 2019
Exhibit no. 5	Settlement offer, dated September 12, 2019

DS/jo

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CERTIFICATE OF SERVICE

SUBJECT: King County For-Hire Licensing file no. **59081**

SAID SAJADAY

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

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

Sajady, Said

Hardcopy

Shapiro, Ken

Finance and Admin Svcs, Consumer Protection Div

Taylor, Tyson

King County For-Hire Licensing