

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF
COLORADO

Proceeding No. 14G-0023EC

Civil Penalty Assessment Notice No. 108351

STIPULATION AND SETTLEMENT AGREEMENT

COLORADO PUBLIC UTILITIES COMMISSION,

Complainant,

v.

REZA MAHLOUJI D/B/A/ SUPERIOR TOWNCAR SERVICES,

Respondent.

Staff of the Public Utilities Commission (“Staff”) and Respondent Reza Mahlouji d/b/a Superior Towncar Services (“Respondent”) (collectively, the “Parties”) enter into this Stipulation and Settlement Agreement (“Agreement”) in the above-referenced Docket as a complete and final resolution of all issues that were or could have been raised in this proceeding.

Background

1. On December 12, 2013, the Commission issued Respondent Civil Penalty Assessment Notice No. 108351 (the “CPAN”) seeking civil penalties of \$1,705.00 (or \$852.50 if paid within 10 days). The CPAN alleged two violations of 4 *Code of Colorado Regulations* (“CCR”) § 723-6-6103(d)(II)(C), and two violations of 4 CCR § 723-6-6105(g)(III).

Settlement Agreement

Staff and Respondent hereby stipulate and agree as follows:

1. Respondent admits liability to all the violations in the CPAN.
2. Respondent agrees to comply with the Colorado and federal statutes and rules concerning luxury limousine and limited regulation carriers, including the need to monitor driver hours and to maintain true and accurate time records, and to prevent drivers to drive when their qualification status has expired.
3. The Agreement herein has been reached in the spirit of compromise and in light of the uncertainties of trial. The Agreement has also been reached to avoid the costly expense of litigation. The Agreement promotes administrative efficiency by avoiding the time and expense that would be necessarily devoted to hearing this matter. The Parties submit the public interest is served by assessing Respondent a reduced civil penalty of \$1,023.00 under the terms herein. In reducing the penalty, the Parties considered the following mitigating factors pursuant to Commission Rule 1302(b):
 - a. Respondent acknowledges wrongdoing.
 - b. Respondent admits the maximum level of culpability for all the violations in the CPAN.
 - c. Respondent actively and timely contacted Staff to resolve the issue, and has fully cooperated with Staff in resolving this matter without the need for a litigated evidentiary proceeding.
 - d. Respondent has paid in full a prior penalty, which had been ordered in Proceeding 12G-104EC.

- e. Respondent is the only driver for his business, and operates only one vehicle, and the full amount of the CPAN would cause financial hardship.
- f. Assessing Respondent a civil penalty of \$1,023 under the terms herein is sufficient to motivate Respondent to remain compliant with the Public Utilities Laws and Commission Rules on a going-forward basis.

4. In consideration of Respondent's admission of liability, and for the reasons expressed in paragraph 3, Staff agrees reducing the amount of the civil penalty from \$1,705 to 1,023 is appropriate and in the public interest. This \$1,023 settlement amount consists of a \$930.00 penalty, plus a ten-percent surcharge of \$93.00 pursuant to section 24-34-108, C.R.S.

5. Respondent shall pay the total amount of \$1,031 in three installments of \$341. The first installment is due within 20 days of the Commission's final order approving the settlement agreement. The second installment is due no later than 30 days after the first installment payment (50 days after the Commission's final order), and the third installment shall be due no later than the second installment payment (80 days after the Commission's final order).

6. If Respondent fails to make any of the installment payments when due, Respondent shall be liable for the full civil penalty less payments made, which full amount will be due immediately.

7. Respondent agrees that if, during any investigation(s) conducted by Staff within twelve months of the date of a Commission final order in this Docket, any violations for any of the Counts in which Respondent admitted liability is found,

Respondent shall be liable for the full civil penalty less payments made, which will be due immediately. Respondent and Staff agree the specific intent of this provision is to prevent further violations of the Public Utilities Laws and Commission Rules.

8. Respondent's failure to complete its payment obligations as set forth in this Agreement shall also be deemed a waiver by Respondent of any and all rights to file exceptions and/or a request for rehearing, reargument, and reconsideration, or to file any other form of appeal.


9. The Parties agree all matters that were raised or could have been raised in this Docket relating to the issues specifically identified and addressed herein have been resolved by this Agreement. This Agreement may be executed in counterparts, each of which when taken together shall constitute the entire Agreement of the Parties, and no further modification of this Agreement is allowed, except in writing by the parties, and further agreed to in an order issued by the Commission.

10. In the event that this Agreement is modified or not approved in its entirety, either Party, at that Party's option, may withdraw from this Agreement by filing a notice with the Commission in this Docket within seven (7) days of entry of such Order. In that event, this Agreement shall be void and this matter shall be set for hearing.

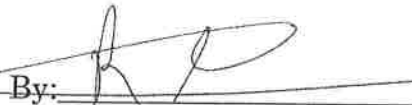
[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

EXECUTED this 19 day of February, 2014.

STAFF OF THE COLORADO
PUBLIC UTILITIES COMMISSION


By: 
Cliff Hinson
Manager, Investigations and Compliance
Colorado Public Utilities Commission
1560 Broadway Suite 250
Denver, Colorado 80202

REZA MAHLOUJI D/B/A/ SUPERIOR
TOWNCAR SERVICES

By: 
423 Blackfoot Street
Superior, Colorado 800027
Telephone: (303) 725-7795

approved as to form:

JOHN W. SUTHERS,
ATTORNEY GENERAL

By: 
Michael J. Axelrad, #24460*
Assistant Attorney General
Revenue and Utilities Section
1300 Broadway, 8th Floor
Denver, Colorado 80203
Telephone: (720) 508-6359
Facsimile: (720) 508-6038
michael.axelrad@state.co.us

COUNSEL FOR STAFF OF THE
PUBLIC UTILITIES COMMISSION

*Counsel of Record