

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 17G-0870EC

Civil Penalty Assessment Notice No. 120267

PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO,

COMPLAINANT,

V.

ABM LIMOUSINE, INC.,

RESPONDENT.

STIPULATION AND SETTLEMENT AGREEMENT

Staff of the Public Utilities Commission (Staff) and Respondent ABM Limousine, Inc., (Respondent) (collectively, the Parties) enter into this Stipulation and Settlement Agreement (Agreement) in the above-referenced proceeding as a complete and final resolution of all issues that were or could have been raised in this proceeding. Michael Belachew Haileselasie has authority to enter this Agreement on behalf of Respondent.

Background

1. On December 11, 2017, Staff issued Respondent Civil Penalty Assessment Notice No. 120267 (the CPAN) seeking civil penalties of \$1,466.25 (or \$733.13 if paid within 10 days). The CPAN alleged two violations of 4 C.C.R. 723-6-6103(c)(II)(D) and one violation of 4 C.C.R. 723-6-6105(i)(III). The CPAN was served via certified mail on December 26, 2017.

Settlement Agreement

2. Staff and Respondent hereby stipulate and agree as follows:
3. Respondent admits liability to all CPAN violations.
4. Respondent agrees to comply with all Colorado and federal statutes and rules concerning luxury limousine carriers.

5. 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 public interest is served by requiring the payment by Respondent of a civil penalty in the amount of \$880.00 under the terms in this Agreement. In reducing the penalty, Staff considered the following mitigating factors pursuant to Commission Rule 1302(b):

- a. Respondent currently operates a small business with one car and two drivers.
- b. Payment of the full amount of the CPAN would cause Respondent a financial hardship.
- c. Respondent contacted Staff within ten (10) days of the CPAN's issuance.
- d. Respondent understands and corrected the violations immediately after the Safety and Compliance Review was conducted.

6. In consideration of Respondent's admission of liability, and for the reasons expressed above, Staff agrees reducing the amount of the civil penalty from \$1,466.25

to \$880.00 is appropriate and in the public interest. This \$880.00 settlement amount consists of a \$765.22 penalty, plus a fifteen-percent surcharge of \$114.78 pursuant to § 24-34-108(2), C.R.S.

7. Respondent shall pay the total amount of \$880.00 in two (2) equal payments. The first payment of \$440.00 is due within ten (10) days of the date a recommended decision in this case becomes an order of the Commission due to the Commission's inaction for twenty (20) days following the recommended decision; OR upon being adopted as the Commission's final order approving this Agreement.

8. The second payment of \$440.00 shall be due thirty (30) days from the due date of the first payment.

9. If Respondent fails to make any of the installment payments when due, Respondent shall be liable for the full civil penalty amount of \$1,466.25 less any payments made, which amount will be due immediately.

10. Respondent further agrees that if, during any investigation(s) conducted by Staff within twelve months of the date of a final order in this proceeding, the Commission finds any violations of rules or statutes concerning any of the admitted violations, Respondent shall be liable for the full civil penalty, less payments made. In this event, the remaining full civil penalty will be due immediately. Respondent and Staff agree that the specific intent of this provision is to prevent further violations of the Public Utilities Laws and Commission Rules, both federal and state.

11. All matters that were raised or could have been raised in this proceeding 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.

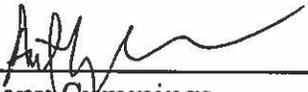
12. Respondent's failure to complete its payment obligations as set forth in this Agreement shall also be deemed a waiver by Respondent of any and all rights to file exceptions and/or a request for rehearing, reargument, and reconsideration, or to file any other form of appeal.

13. 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 proceeding within seven days of entry of such Order. In that event, this Agreement shall be void and this matter shall be set for hearing.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

Executed this 22 day of February, 2018.

STAFF OF THE COLORADO
PUBLIC UTILITIES COMMISSION

By: 
Anthony Cummings
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Approved as to form:

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*Counsel for Staff of the
Public Utilities Commission*

Executed this 22 day of February, 2018.

STAFF OF THE COLORADO
PUBLIC UTILITIES COMMISSION

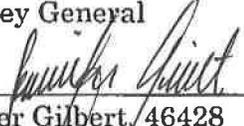
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