

November 19, 2018

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

King County Courthouse  
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Seattle, Washington 98104  
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**REPORT AND DECISION**

SUBJECT: King County For-Hire Licensing file no. **79379 (2nd)**

**ALTURQUAN PAIR**

For-Hire Driver Enforcement Appeal

Permit no.: 79379

Appellant: **Alturquan Pair**  
18604 94th Street Court E  
Bonney Lake, WA 98391  
Telephone: (206) 641-4411  
Email: [alturquan.pair@outlook.com](mailto:alturquan.pair@outlook.com)

King County: King County For-Hire Licensing  
*represented by* **Marcia Thomas**  
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Seattle, WA 98104  
Telephone: (206) 263-2909  
Email: [marcia.thomas@kingcounty.gov](mailto:marcia.thomas@kingcounty.gov)

**SUMMARY OF RECOMMENDATIONS/DECISION:**

Department's Preliminary Recommendation:	Deny appeal
Department's Final Recommendation:	Deny appeal
Examiner's Decision:	Deny appeal

**EXAMINER PROCEEDINGS:**

Hearing Opened:	November 2, 2018
Hearing Closed:	November 2, 2018

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

After hearing the witnesses' testimony and observing their demeanor, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, the examiner hereby makes the following findings, conclusions, and decision.

#### FINDINGS AND CONCLUSIONS:

1. Frequently we need to choose between two competing, plausible versions of events. Today's case presents two competing, *implausible* versions of how Alturquan Pair's vehicle registration materials came to be doctored. Because the County's version is less improbable than Mr. Pair's, and because the relevant standard does not require a showing of intent, we deny Mr. Pair's appeal and confirm his suspension. But we conclude by explaining why there is no bar to Mr. Pair applying anew for a permit.
2. Prior to the events in play here, Mr. Pair owned three vehicle registered to him: a 2014 Honda Odyssey passenger van, a 2017 Honda Accord, and a 2011 Hyundai Accent. Ex. 6. He also held a dual, Seattle/King County for-hire driver's permit. Mr. Pair explained that he purchased a 2018 Honda Odyssey on July 31, 2018. He received a temporary registration, A2214120, set to expire September 6, 2018. Ex. 10. He described uploading his temporary vehicle information into the TNC system on August 1, and the permanent information on August 12.
3. The vehicle information Lyft and Uber submitted on his behalf to the County's Records and Licensing Services (RALS) on August 13 did not match the State Department of Licensing's (DOL's) information. As a result, RALS revoked his dual permit.
4. Mr. Pair appealed the Seattle portion of his denial to Seattle's hearing officer. On November 6, she denied his appeal, finding that the invalid and altered vehicle registration information on the application rendered his application incomplete and was a material misstatement and omission in his application. Importantly, she did "not speculate as [to] who created the altered document or to what purpose." It was enough that "it was submitted on his behalf to RALS under both Uber and Lyft as part of his application." Ex. 14.
5. Mr. Pair appealed the County portion of his denial to us. Ex. 3. For those matters or issues raised in an appeal statement, RALS 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 RALS.
6. RALS's bases for denial are:

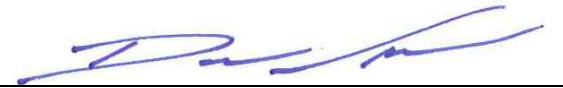
- KCC 6.64.291.A.3, which requires (“shall”) denial of any transportation network company vehicle endorsement application where “the application is incomplete or has a misstatement or omission of material fact.”
  - KCC 6.64.600.A.1, which requires (“shall”) denial of any for-hire driver’s license where the applicant “[h]as made a misstatement or omission of material fact in the application.”
  - KCC 6.64.610.A.2 requires that a for-hire driver’s license “shall be immediately suspended and is null and void” where, after license issuance, “[t]he driver fails to meet the qualifications of a for-hire driver.”
  - KCC 6.64.610.B.2 allows (“may”) suspension or revocation of a for-hire driver’s license where the licensee “[f]ailed to comply with the driver standards.”
7. Not much adds up here. The vehicle information Lyft and Uber submitted on his behalf—Mr. Pair owning a 2018 Honda Odyssey, plate A2214120, tab/decal Z513293, VIN 5FNRL6H90JB05607—did not match the State Department of Licensing’s (DOL’s) initial information, which showed Mr. Pair owning a 2017 Honda with a different license plate (AR10954), old plate A4160158, and VIN (IHMCR6FS3HC022950). Exs. 9, 6 at 004. And neither of them match the current DOL certificate, which shows his wife owning a 2018 Honda Odyssey, with plate BGT3418, tab/decal C587399, and the same VIN number as the initial Lyft/Uber submittals. Ex. 11.
  8. Mr. Pair observed how much he would have had to lose (including his Department of Defense clearance and possibly committing a misdemeanor) and how little he had to gain (especially given that he already had several legally-registered vehicles, including an older Honda Odyssey) from doctoring his materials. However, the alternative hypothesis—that someone unknown to him hacked into his Lyft and Uber accounts and uploaded altered documentation—is even more difficult to swallow.
  9. In the end, we come out where Seattle’s hearing officer did in two respects. First, like Seattle’s codes, the County code cited above require denial where an application contains misstatements of material fact. As we have ruled in many cases, the code does not require any ill motive in those misstatement to trigger denial, and denial is (by code) mandatory. RALS has met its burden of proof. Second, just as Seattle’s hearing officer would “not speculate” as the origin of the altered document or its purpose, we have no definite and firm conviction about who actually did what.
  10. We go beyond the Seattle decision in one respect. We have noted in multiple past decisions that while license denial is mandatory for “a misstatement or omission of material fact in the application,” there is no automatic denial that carries over into future applications. These past decisions have almost all involved an applicant failing—either intentionally or not—to list all traffic tickets or accidents. Today’s case—an allegation of intentionally altering license information—is only a scenario we have entertained once. And that case is instructive.

11. In *Hennings*, the driver's vehicle endorsement on his for-hire driver's license allowed him to pick up passengers only in Seattle. With his girlfriend's help, the driver doctored his license to add an endorsement allowing him to pick up passengers in the County. He re-laminated the license and illegally picked up over four dozen rides outside Seattle, before he was caught. RALS initially revoked his license, but then allowed him to submit new paperwork and pay only a \$250 fine. Notwithstanding the relative slap on the wrist, the driver nonetheless appealed the \$250 fine. We expressed several concerns, and we increased his penalty from \$250 to the maximum \$1,000. Yet we concluded that we did not have the authority to rescind his license, and we observed that (given the procedural posture of the case) his previous forgery would not bar his future reapplication.<sup>1</sup>
12. *Hennings* thus presented the scenario where there was zero question the driver had participated in tampering his license. And while that driver was temporarily prevented from driving, he was allowed to resubmit the correct licensing information and drive again. Here, where we are significantly less confident we know how the improper paperwork came to be, there is no bar to Mr. Pair applying anew, provided that the next round his application materials are materially correct.<sup>2</sup>

DECISION:

1. Mr. Pair's appeal is DENIED.
2. There is no bar to Mr. Pair reapplying in the future.

ORDERED November 19, 2018.



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 19, 2018*. Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

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<sup>1</sup> [https://kingcounty.gov/~media/independent/hearing-examiner/documents/case-digest/appeals/for-hire%20enforcement/2018/82636\\_Hennings\\_REPORT-upd.ashx?la=en](https://kingcounty.gov/~media/independent/hearing-examiner/documents/case-digest/appeals/for-hire%20enforcement/2018/82636_Hennings_REPORT-upd.ashx?la=en).

<sup>2</sup> So long as the new Honda Odyssey remains registered in his wife's name, he would not be allowed to pick up passengers outside Seattle while driving that vehicle. Exs. 11, 13.

**MINUTES OF THE NOVEMBER 2, 2018, HEARING IN THE APPEAL OF  
ALTURQUAN PAIR, KING COUNTY FOR-HIRE LICENSING FILE NO. 79379  
(2ND)**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Marcia Thomas and Alturquan Pair.

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	Amended notice and order of for-hire driver's license denial, issued September 27, 2018
Exhibit no. 3	Appeal, received September 28, 2018
Exhibit no. 4	Altered Washington State Department of Licensing registration certificate, issued July 31, 2018
Exhibit no. 5	Altered WADOL registration certificate, issued July 31, 2018
Exhibit no. 6	WADOL driver and plate search results for Alturquan Pair, dated September 28, 2018
Exhibit no. 7	WADOL vehicle/vessel inquiry request for 2018 Honda Odyssey, dated September 28, 2018
Exhibit no. 8	Copy of driver's license, issued January 26, 2017
Exhibit no. 9	WADOL registration certificates Appellant uploaded with Lyft and Uber, issued July 31, 2018
Exhibit no. 10	Temporary registration, expiration date September 6, 2018
Exhibit no. 11	WADOL registration certificate, issued August 9, 2018
Exhibit no. 12	Email correspondence with Uber, dated October 30, 2018
Exhibit no. 13	For-hire driver brochures

The follow exhibit was entered into the record on November 6, 2018

Exhibit no. 14	City of Seattle decision no. 79379, dated November 6, 2018
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DS/ld

November 19, 2018

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**CERTIFICATE OF SERVICE**

SUBJECT: King County For-Hire Licensing file no. **79379 (2nd)**

**ALTURQUAN PAIR**  
For-Hire Driver Enforcement Appeal

I, Liz Dop, 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 19, 2018.



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Liz Dop  
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

**Pair, Alturquan**

Hardcopy

**Shapiro, Ken**

Finance and Admin Svcs, Consumer Protection Div

**Thomas, Marcia**

King County For-Hire Licensing