



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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December 23, 2019

Mark L. Johnson, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Spokane Professional Movers LLC d/b/a Spokane Pro Movers*  
Commission Staff's Response to Application for Mitigation of Penalties  
Docket TV-190984

Dear Mr. Johnson:

On December 13, 2019, the Washington Utilities and Transportation Commission (commission) issued a penalty assessment against Spokane Professional Movers LLC, d/b/a Spokane Pro Movers (Spokane Pro Movers or company), in the amount of \$700 for violations of Washington Administrative Code (WAC) 480-15-555, Criminal Background Checks for Prospective Employees, and WAC 480-15-560, Equipment Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 CFR) Part 396 – Inspection, Repair and Maintenance, as follows:

- **One violation of 49 CFR § 396.5(b) – Oil and/or grease leaking from wheel hub.** Commission staff (Staff) discovered a commercial motor vehicle with oil and/or grease leaking from the wheel hub onto the brakes and tire. This commercial motor vehicle was placed out-of-service.<sup>1</sup>
- **Six violations of WAC 480-15-555 – Failure to complete background check for every person the carrier intends to hire.** Spokane Pro Movers failed to complete a criminal background check for employees Robert Dickey, Jourdan Schroeder, James Perkins, Chad Porter, Arturo Benavidez, and Connor Crower.

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<sup>1</sup>Equipment Identification Number 4.

On December 10, 2019, Spokane Pro Movers submitted to staff a corrective action safety plan in which the company acknowledges the violations and describes steps it took to prevent future occurrences.

On December 18, 2019, Spokane Pro Movers filed with the commission its application for mitigation of penalties. In the request for mitigation, Kyle Parr, owner of Spokane Pro Movers, admits the violations, states the company has corrected the violations and implemented new procedures, and asks that the penalties be reduced for reasons set out in the company's response. Staff addresses the company's request for mitigation, as follows:

- **Mitigation Request: 49 CFR § 396.5(b) – Oil and/or grease leaking from wheel hub.** Spokane Pro Movers states that its commercial motor vehicle was at the repair shop to fix the leak prior to staff placing the commercial motor vehicle out-of-service.
- **Staff response:** The company immediately corrected this out-of-service violation by repairing the leak from the wheel hub; however, it is the company's responsibility to ensure that its commercial motor vehicle is free of defects that may potentially put the traveling public at risk. The assessed penalty is \$100 for this out-of-service violation. Staff recommends no mitigation of this penalty.
- **Mitigation Request: WAC 480-15-555 – Failure to complete background check for every person the carrier intends to hire.** Spokane Pro Movers states it has completed background checks on both current and former employees. The company also states it has implemented a new hiring process that includes acquiring criminal background checks for all prospective employees.
- **Staff response:** Spokane Pro Movers immediately corrected these first-time violations during the routine safety investigation, and provided staff with supporting documentation. The assessed penalty is \$600 for six occurrences of this violation. Staff recommends the penalty be reduced to \$300.

Spokane Pro Movers is a small company that operates two commercial motor vehicles and employs six drivers. The company reported \$329,023 in gross revenue for 2018. Staff recommends the penalty of \$700 be reduced to \$400.

If you have any questions, please contact Jason Hoxit, Compliance Investigator, Transportation Safety, at (360) 867-8305, or by email at Jason.Hoxit@utc.wa.gov.

Sincerely,

*/s/ Jason Sharp*  
Jason Sharp  
Motor Carrier Safety Supervisor, Transportation Safety