



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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August 31, 2020

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. Keystone Hauling Services, LLC, d/b/a College Hunks Hauling Junk and Moving*
Commission Staff's Response to Application for Mitigation of Penalties
Docket TV-200730

Dear Mr. Johnson:

On August 18, 2020, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Keystone Hauling Services, LLC, d/b/a College Hunks Hauling Junk and Moving, (Keystone Hauling or Company) in the amount of \$1,300 for violations of Washington Administrative Code (WAC) 480-15-570, Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 CFR) Part 391 – Qualification of Drivers, as follows:

- **Thirteen violations of 49 CFR § 391.45(a) – Using a driver not medically examined and certified.** Keystone Hauling allowed driver Devin Brooks to operate a commercial motor vehicle without a valid medical certificate on 13 occasions between May 23 and June 26, 2020.

On August 13, Keystone Hauling submitted to staff a corrective action safety plan in which the Company acknowledges the violations and describes steps taken to prevent future occurrences. In the safety plan, Price Paramore, managing member of Keystone Hauling, attributes the violations of 49 CFR § 391.45(a) to unwilful oversight and states the Company scheduled an appointment for Devin Brooks to be medically examined and certified and now maintains a current medical certificate in the driver's qualification file.

On August 24, Keystone Hauling filed with the Commission its application for mitigation of penalties. In the request for mitigation, Price Paramore admits the violations, asks that the penalties be reduced, and requests a hearing to present evidence to an administrative law judge

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for a decision. The Company states it had a valid physical examination form on file for Devin Brooks during the safety investigation but did not have the required DOT medical certificate. Keystone Hauling also states that the penalty assessment refers to 13 violations of 49 CFR § 391.45(a), while the compliance review identifies one violation.

In response to the request for a hearing, staff recommends the Commission deny the Company's request. The physical examination form the Company references was reviewed during staff's routine safety investigation and does not satisfy the requirements of 49 CFR § 391.45(a) since it is not a valid DOT medical certificate. In addition, the number of violations for 49 CFR § 391.45(a) is broken down into one violation type and 13 occurrences, as the Company allowed one driver to operate a commercial motor vehicle without a valid medical certificate on 13 occasions between May 23 and June 26, 2020.

In response to the Company's request for mitigation, staff recommends the penalty of \$1,300 be reduced to \$500 since Keystone Hauling corrected these first-time violations.

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,



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Jason (UTC)
Date: 2020.08.31
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Jason Sharp
Motor Carrier Safety Supervisor, Transportation Safety