



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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February 26, 2021

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. Whidbey Logistics LLC, d/b/a Whidbey Moving and Storage*
Commission Staff's Response to Contest of Violations
Docket TV-210040

Dear Mr. Johnson:

On February 4, 2021, the Washington Utilities and Transportation Commission (commission) issued a penalty assessment against Whidbey Logistics LLC, d/b/a Whidbey Moving and Storage, (Whidbey Moving or company) in the amount of \$300 for violations of Washington Administrative Code (WAC) 480-15-555, Criminal Background Checks for Prospective Employees and WAC 480-15-570, Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 CFR) Part 391 – Qualification of Drivers, as follows:

- **Two violations of WAC 480-15-555 – Failing to conduct or retain paperwork containing criminal background check for a household goods carrier in the state of Washington as required.** Whidbey Moving failed to conduct criminal background checks for employees Jared Wooley and Ryan Fortuna. Both employees were convicted of assault within the past five years.
- **One violation of 49 CFR § 391.45(a) – Using a driver not medically examined and certified.** The Company allowed driver Jared Wooley to operate a commercial motor vehicle without a valid medical certificate.

On February 8, 2021, Whidbey Moving filed a response contesting the violations in the penalty assessment. In the response, the company states it had not received an official notice detailing the alleged violations and requested the documentation be mailed to the company's physical address on file with the commission. Whidbey Moving did not identify in its response whether it

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sought a commission decision based on the information provided or was requesting a hearing to present evidence before an administrative law judge.

On February 9, 2021, staff mailed the safety investigation report to Whidbey Moving's physical address on file with the commission. On February 20, Whidbey Moving paid the \$300 penalty in full. On February 25, staff contacted Matthew Freeborn, owner of Whidbey Moving, to inquire if the company was still contesting the violations. In the conversation, the company stated it paid the penalty and is no longer contesting that the violations occurred.

Because the company failed to provide evidence refuting the violations, is no longer contesting that the violations occurred, and paid the \$300 penalty in full, staff recommends the commission withdraw the company's contest and close the docket.

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,

Jason Sharp
Motor Carrier Safety Supervisor, Transportation Safety