



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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September 20, 2021

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

RE: *Washington Utilities and Transportation Commission v. Simba Movers LLC*  
Commission Staff's Response to Application for Mitigation of Penalties  
Docket TV-210157

Dear Mr. Johnson:

On March 17, 2021, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Simba Movers LLC (Simba Movers or Company) in the amount of \$3,500 for violations of Washington Administrative Code (WAC) 480-15-560, Equipment Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 CFR) Part 396 – Inspection, Repair and Maintenance, and WAC 480-15-570, Driver Safety Requirements, which adopts 49 CFR Part 391 – Qualification of Drivers, as follows:

- **Thirty-four violations of 49 CFR § 391.15(a) – Using a disqualified driver.** The Company allowed driver John Wagura to operate a commercial motor vehicle without a valid driver's license on 34 occasions between September 2, 2020, and February 15, 2021. John Wagura's license only permitted the use of vehicles with ignition interlock systems, which neither commercial motor vehicle had equipped.
- **Two violations of 49 CFR § 396.3(b) – Failing to keep minimum records of inspection and vehicle maintenance.** The Company failed to maintain vehicle maintenance files for its two commercial motor vehicles.

The penalty assessment required Simba Movers to: (1) pay the amount due, (2) contest the occurrence of the violation(s), or (3) admit the violations but request mitigation of the penalty amount within 15 days after receiving the notice.

On September 17, 2021, the Company filed with the Commission its application for mitigation of penalties. In the request for mitigation, John Wagura, owner of Simba Movers, admits the

violations and asks that the penalties be reduced, but fails to include reasons supporting the Company's request for mitigation of the \$3,500 penalty.

Staff recommends the Commission deny the Company's request for mitigation due to Simba Movers' failure to file a timely response and failure to provide supporting reasons why the Commission should reduce the assessed penalty. Staff does, however, recommend the Commission grant payment arrangements on the \$3,500 penalty, as follows:

Payment Plan		
Installment	Due Date	Amount
1	October 15, 2021	\$200
2	November 15, 2021	\$200
3	December 15, 2021	\$200
4	January 18, 2022	\$200
5	February 15, 2022	\$200
6	March 15, 2022	\$200
7	April 15, 2022	\$200
8	May 16, 2022	\$200
9	June 15, 2022	\$200
10	July 15, 2022	\$200
11	August 15, 2022	\$200
12	September 15, 2022	\$200
13	October 17, 2022	\$200
14	November 15, 2022	\$200
15	December 15, 2022	\$200
16	January 17, 2023	\$200
17	February 15, 2023	\$200
18	March 15, 2023	\$100

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](mailto:Jason.Hoxit@utc.wa.gov).

Sincerely,

Jason Sharp  
Motor Carrier Safety Supervisor, Transportation Safety