



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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May 25, 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. Americam Movers LLC*
Commission Staff's Response to Application for Mitigation of Penalties
Docket TV-210275

Dear Mr. Johnson:

On May 4, 2021, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Americam Movers LLC (Americam or Company) in the amount of \$2,800 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:

- **Five 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.** Americam failed to conduct criminal background checks for Isaac Salley, Talor Becroft, Mejinta Adams, Kryston Vanuaken, and David Barr prior to employment with the Company.
- **Twenty-three violations of 49 CFR § 391.45(a) – Using a driver not medically examined and certified.** The Company allowed driver Camano Gahagan to operate a commercial motor vehicle without a valid medical certificate on 23 occasions between September 15, 2020, and January 22, 2021.

On May 17, 2021, the Company filed with the Commission its application for mitigation of penalties. In the request for mitigation, Camano Gahagan, owner of Americam, admits the violations, asks that the penalties be reduced, details corrective actions taken, and outlines new policies and procedures the Company implemented to come into compliance with motor carrier safety regulations.

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In response to the request for mitigation, Americam corrected the violations and submitted a corrective action safety plan to staff that: (1) addresses how the violations occurred, (2) the actions taken to remedy the violations, and (3) details on the safety management controls implemented to prevent recurrence.

Staff recommends the penalty of \$2,800 be reduced to \$1,400. Staff further recommends that \$700 of the reduced penalty be suspended for a period of two years before being waived, on the conditions that: (1) Staff conducts a focused safety investigation within two years or as soon thereafter as practicable to review the Company's compliance with criminal background checks and driver medical certification, (2) the Company not incur any repeat violations of these critical regulations, and 3) Americam pays the \$700 portion of the penalty that is not suspended.

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