



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY 1-800-833-6384 or 711

September 7, 2022

Amanda Maxwell, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Established Moving & Storage of Seattle, Inc., d/b/a Established Moving & Storage*
Commission Staff's Response to Application for Mitigation of Penalties
Docket TV-220592

Dear Ms. Maxwell:

On August 17, 2022, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Established Moving & Storage of Seattle, Inc., d/b/a Established Moving & Storage (Established Moving Seattle or Company) in the amount of \$1,600 for violations of Washington Administrative Code (WAC) 480-15-555, Criminal Background Checks for Prospective Employees; WAC 480-15-560, Equipment Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 390 – Federal Motor Carrier Safety Regulations, General, and 49 C.F.R. Part 396 – Inspection, Repair, and Maintenance; and WAC 480-15-570, Driver Safety Requirements, which adopts 49 C.F.R. Part 391 – Qualification of Drivers and 49 C.F.R. Part 395 – Hours of Service of Drivers, as follows:

- **Two violations of WAC 480-15-555 – Failing to conduct or retain paperwork containing criminal background checks.** Established Moving Seattle failed to conduct a criminal background check for prospective employees Jose Padilla and Jose Tello.
- **One violation of 49 C.F.R. § 390.19(b)(2) – Failing to file the MCS-150 registration form each 24 months according to the schedule.** The Company failed to file the required MCS-150 registration form with current driver and vehicle count information.
- **One violation of 49 C.F.R. § 391.21(a) – Using a driver who has not completed and furnished an employment application.** Established Moving Seattle failed to furnish a complete employment application for driver Jose Salvador Diaz Sandoval.

- **Eleven violations of 49 C.F.R. § 395.8(a)(1) – Failing to require driver to make a record of duty status.** The Company failed to require Brian Contreras, Jose Salvador Diaz Sandoval, Erick Alvarez, and Juan Valdez to complete a record of duty status on 11 occasions between March 1 and June 30, 2022.
- **One violation of 49 C.F.R. § 396.9(d)(3) – Failing to maintain completed inspection form for 12 months from the date of inspection at the carrier’s principal place of business or where the vehicle is housed.** Established Moving Seattle failed to maintain completed roadside inspection forms for 12 months from the date of inspection.

On August 31, 2022, Established Moving Seattle filed with the Commission its application for mitigation of penalties. In the request for mitigation, Jason Crossen, owner of Established Moving Seattle, admits the violations, states the Company corrected the violations and implemented new procedures, asks that the penalties be reduced or suspended, and asks for a delayed payment plan that includes the \$10,000 imposed penalty from consolidated Dockets TV-210741 and TV-210742.

Previously, on October 28, 2021, Established Moving Seattle submitted to Commission staff (Staff) a safety management plan (SMP) as part of the Company’s safety rating upgrade request in consolidated Dockets TV-210741 and TV-210742. Included in the Company’s SMP were details of how Established Moving Seattle implemented a system to prevent future violations of WAC 480-15-555.

In response to the Company’s application for mitigation of penalties, had the Company followed its acting SMP, these repeat violations should not have occurred. As a result, Staff recommends no mitigation of the \$1,600 penalty. Pending the Commission’s decision in this matter and consolidated Dockets TV-210741 and TV-210742, Staff is willing to work with Established Moving Seattle on jointly filing a proposed payment arrangement that includes the \$10,000 imposed penalty.

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