



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

January 17, 2023

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. Sound Moving NW LLC d/b/a
Sound Moving NW*
Commission Staff's Response to Application for Mitigation of Penalties
Docket TV-220961

Dear Ms. Maxwell:

On January 4, 2023, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Sound Moving NW LLC d/b/a Sound Moving NW (Sound Moving NW or Company) in the amount of \$15,300 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 C.F.R.) Part 391 – Qualification of Drivers, as follows:

- **Fifteen violations of WAC 480-15-555 – Failure to complete a criminal background check for every person the carrier intends to hire.** Sound Moving NW failed to conduct a criminal background check prior to hiring employees Austin Cundy, Chase Bigger, Patrick Dalton, Nigel Easton, Sean Forrest, David Frisbie, Benjamin Jablonsky, Dawn James, Korey Kemper, Brandon Lamphier, Derrick Lockhart, Andrew Morgan, John Myrick, Noah Ribar, and John Spencer.
- **One hundred thirty-eight violations of 49 C.F.R. § 391.45(a) – Using a driver not medically examined and certified.** The Company allowed drivers Austin Cundy, Dawn James, Noah Ribar, and Jonathan Frisbie to operate a commercial motor vehicle (CMV) without a valid medical certificate on 138 occasions between June 2 and November 30, 2022.

On January 12, 2023, Sound Moving NW filed with the Commission its application for mitigation of penalties. In the request for mitigation, Daniel James, owner of Sound Moving

Amanda Maxwell

January 17, 2023

Page 2

NW, admits the violations, asks that the penalties be reduced, and includes reasons supporting the Company's application for mitigation.

In response to Sound Moving NW's application for mitigation of penalties, the Company corrected the first-time violations and implemented new procedures to prevent recurrence. For these reasons, Commission staff (Staff) recommends the penalty of \$15,300 be reduced to \$7,700, calculated as follows:

- Staff recommends the penalty of \$1,500 for 15 violations of WAC 480-15-555 be reduced to \$800.
- Staff recommends the penalty of \$13,800 for 138 violations of 49 C.F.R. § 391.45(a) be reduced to \$6,900.

Staff further recommends that \$3,700 of the reduced penalty be suspended for a period of two years, and waived thereafter, subject to the conditions that: (1) Staff conducts a focused safety investigation of WAC 480-15-555 and 49 C.F.R. § 391.45(a) within two years or as soon thereafter as practicable to review the Company's compliance, (2) Sound Moving NW does not incur any repeat violations, and (3) the Company pays the \$4,000 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