

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TV-250071
MTMOVERS LLC	ORDER 01
in the amount of \$6,600.	GRANTING MITIGATION, IN PART; IMPOSING AND SUSPENDING PENALTIES

BACKGROUND

1 On February 24, 2025, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against MTMOVERS LLC (MTMOVERS or Company) in the amount of \$6,600 for violations of Washington Administrative Code (WAC) 480-15-555, Criminal Background Checks for Prospective Employees, and WAC 480-15-560, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 391 – Qualification of Drivers and 49 C.F.R. Part 396 – Inspection, Repair, and Maintenance, as follows:

- Two violations of WAC 480-15-555(1) - Failure to complete a criminal background check for every person the carrier intends to hire. The Company failed to acquire criminal background checks prior to hiring employees Elias Castro and Mario Duran. The Commission assessed a penalty of \$100 for each occurrence of this first-time critical-type violation, for a total of \$200.
- Sixty-three violations of 49 C.F.R. § 391.45(a) - Using a driver not medically examined and certified. The Company allowed driver Mario Duran to operate a motor vehicle without a valid medical certificate on 63 occasions between August 1, 2024, and December 27, 2024. The Commission assessed a penalty of \$100 for each occurrence of this first-time critical-type violation, for a total of \$6,300.
- One violation of 49 C.F.R. § 396.17(a) - Using a commercial motor vehicle not periodically inspected. The Company failed to annually inspect its commercial motor vehicle. The Commission assessed a penalty of \$100 for this first-time critical-type violation.

- 2 On March 6, 2025, MTMOVERS filed with the Commission its application for mitigation of penalties. In the request for mitigation, David Kravchenko, owner of MTMOVERS, admits the violations, states the Company misunderstood the medical certification requirements, and that the Company has provided Commission staff (Staff) with evidence that it has corrected the violations.
- 3 On March 18, 2025, Staff filed a response recommending the Commission grant the request for mitigation, in part, and assess a reduced total penalty of \$3,350. Staff further recommends that the Commission suspend a \$1,575 portion of the reduced penalty for two years, and then waive it, subject to the following conditions: (1) The Company must not incur repeat violations during the two year period from the date of this order; (2) the Company must pay the \$1,775 portion of the penalty that is not suspended, within 10 days of this order or enter into a mutually agreeable payment arrangement with Staff; and (3) Staff conduct a focused review of the Company's driver medical certification two years from the date of this order or as soon thereafter as practicable.

DISCUSSION AND DECISION

- 4 The Commission considers several factors when entertaining a request for mitigation, including whether the company introduces new information that may not have been considered in setting the assessed penalty amount, or explains other circumstances that convince the Commission that a lesser penalty will be equally or more effective in ensuring the company's compliance.¹ The Commission also considers whether the violations were promptly corrected, a company's history of compliance, and the likelihood the violation will reoccur. We address each violation category below.
- 5 **WAC 480-15-555(1).** The Penalty Assessment includes a \$100 penalty for two violations of WAC 480-15- 555(1) for failing to complete a criminal background check for every person the carrier intends to hire. At the time of inspection, MTMOVERS had state background checks on its employees but did not have the required national background checks. On February 27, 2025, the Company provided Staff with national background checks for employees Elias Castro and Mario Duran. MTMOVERS had a system in place to run criminal background checks on its potential employees and has corrected its error in using state background checks.
- 6 Staff recommends the Commission reduce this portion of the penalty to \$100. We agree. Accordingly, we grant the Company's request to mitigate this portion of the penalty and assess a \$100 penalty for two violations of WAC 480-15- 555(1).

¹ Enforcement Policy ¶19.

7 **49 C.F.R. § 391.45(a).** The Penalty Assessment includes a \$6,300 penalty for 63
violations of 49 C.F.R. § 391.45(a) for using a driver not medically examined and
certified. Kravchenko claims that he believed medical certificates were only required for
commercial driver license (CDL) drivers. The Company has since provided a current
medical certificate for Duran.

8 Staff recommends the Commission reduce this portion of the penalty to \$3,150. We
agree. Accordingly, we grant the Company's request to mitigate this portion of the
penalty and assess a \$3,150 penalty for 63 violations of 49 C.F.R. § 391.45(a).

9 **49 C.F.R. § 396.17(a).** The Penalty Assessment includes a \$100 penalty for one violation
of 49 C.F.R. § 396.17(a) for using a commercial motor vehicle not periodically inspected.
The Company has not provided Staff with evidence that it has corrected this violation.

10 Staff recommends the Commission grant no reduction of this portion of the penalty. We
agree that no reduction of this portion of the penalty is warranted. Accordingly, we deny
the Company's request to mitigate this portion of the penalty

FINDINGS AND CONCLUSIONS

- 11 (1) The Commission is an agency of the state of Washington, vested by statute with
authority to regulate rates, rules, regulations, and practices of public service
companies, including household goods carriers, and has jurisdiction over the
parties and subject matter of this proceeding.
- 12 (2) MTMOVERS LLC is a household goods carrier subject to Commission
regulation.
- 13 (3) MTMOVERS LLC violated WAC 480-15-555(1) when it failed to acquire
criminal background checks prior to hiring employees Elias Castro and Mario
Duran.
- 14 (4) The Commission should penalize MTMOVERS LLC \$100 for two violations of
WAC 480-15-555(1).
- 15 (5) MTMOVERS LLC violated 49 C.F.R. § 391.45(a) when it allowed driver Mario
Duran to operate a motor vehicle without a valid medical certificate on 63
occasions between August 1, 2024, and December 27, 2024.
- 16 (6) The Commission should penalize MTMOVERS LLC \$3,150 for 63 violations of
49 C.F.R. § 391.45(a).

- 17 (7) MTMOVERS LLC violated 49 C.F.R. § 396.17(a) when it failed to annually inspect its commercial motor vehicle.
- 18 (8) The Commission should penalize MTMOVERS LLC \$100 for one violation of 49 C.F.R. § 396.17(a).
- 19 (9) The Commission should suspend a \$1,575 portion of the mitigated \$3,350 penalty for a period of two years, and then waive it, subject to the conditions outlined in paragraph 3 of this order.

ORDER

THE COMMISSION ORDERS:

- 20 (1) MTMOVERS LLC's request for mitigation of the \$6,600 penalty is GRANTED, in part, and the penalty is reduced to \$3,350.
- 21 (2) The Commission suspends a \$1,575 portion of the penalty for a period of two years, and then waives it, subject to the conditions outlined in paragraph 3 of this order.
- 22 (3) If MTMOVERS LLC fails to satisfy the conditions in paragraph 3 of this order, the suspended portion of the penalty will become immediately due and payable without further Commission order.
- 23 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Lacey, Washington, and effective March 20, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



JEFF KILLIP
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.