	US DOT # 3257682	Legal: MARIK MOVERS LLC			
		Operating (DBA):			
MC/MX #:		Federal Tax ID:			
Review Type: Compliance Review (CR)					
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.			Territory:
Operation Types	Interstate	Intrastate			
Carrier:	N/A	Non-HM	Business: Corporation		
Shipper:	N/A	N/A	Gross Revenue: \$412,526.00		for year ending: 12/31/2022
Cargo Tank:	N/A				
Company Physical Address:					
7171 MARSHALL AVE SE AUBURN, WA 98092					
Contact Name: Marcel Filip					
Phone numbers: (1) 302-217-8320		(2)		Fax	
E-Mail Address: marsikmovers@gmail.com					
Company Mailing Address:					
7171 MARSHALL AVE SE AUBURN, WA 98092					
Carrier Classification					
Authorized for Hire					
Cargo Classification					
Household Goods					
Equipment					
	Owned	Term Leased	Trip Leased		Owned Term Leased Trip Leased
Truck	2	0	0		
Power units used in the U.S.: 2					
Percentage of time used in the U.S.: 100					
Does carrier transport placardable quantities of HM? No					
Is an HM Permit required? N/A					
Driver Information					
	Inter	Intra	Average trip leased drivers/month: 0		
< 100 Miles:			Total Drivers: 2		
>= 100 Miles:		2	CDL Drivers: 0		





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Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

Tracy Cobile
P.O. Box 47250 Olympia, WA 98504-7250
[Phone: \(360\) 790-0653](tel:(360)790-0653) [Email: tracy.cobile@utc.wa.gov](mailto:tracy.cobile@utc.wa.gov)

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Marcel Filip

Title: Owner

Name:

Title:



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Part B Violations

1 STATE CRITICAL	Primary: 395.8(a)(1)	Discovered 6	Checked 60	Drivers/Vehicles In Violation 2	Checked 2
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Description
Failing to require a driver to prepare a record of duty status using the appropriate method.

Example
Driver: Marcel Filip
Trip Date: October 14, 2023
Description of violation: From October 1 - 30, 2023, Marsik Movers used driver Marcel Filip to drive a commercial motor vehicle in intrastate commerce conducting HHG moves. The carrier failed to require this driver to prepare a record of duty status for the following days:
October 14, 2023 (Job #5967929 Cust: Stephanie Rowe)
October 23, 2023 (Job #5967927 Cust: Patti Brown and Job #5967942 Cust: Kathleen Sanford)
October 30, 2023 (Job #5967948 Cust: Linda Belisch and Job #5967949 Cust: Jeff Asher)

Driver: Stefan Railean
Trip Date: October 28, 2023
Description of violation: From October 1 - 30, 2023, Marsik Movers used driver Stefan Railean to drive a commercial motor vehicle in intrastate commerce conducting HHG moves. The carrier failed to require this driver to prepare a record of duty status for the following days:
October 23, 2023 (Job #5967927 Cust: Patti Brown and Job #5967942 Cust: Kathleen Sanford)
October 28, 2023 (Cust: Michael Hsu)
October 30, 2023 (Job #5967948 Cust: Linda Belisch and Job #5967949 Cust: Jeff Asher)

2 STATE	Primary: 390.15(b) CFR Equivalent: 390.15(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description
Failing to maintain, for a period of three years after an accident occurs, an accident register.

Example
Driver: Stefan Railean
Trip Date: May 19, 2023
Description of violation: The carrier accepted responsibility and submitted a claim for an accident that occurred with a leased vehicle (2019 Hino VIN 5PVNJ8JV8K4S71718 - Enterprise) while leasing the vehicle under Marsik Movers and subleasing the vehicle to Flex Moving Inc. The carrier failed to maintain an accident register for the accident that occurred on May 19, 2023.

3 STATE	Primary: 392.2 Secondary: WAC 480-14-300 CFR Equivalent: 392.2	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description
Operating a commercial motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated - Other.

Example
Driver: Marcel Filip
Trip Date: November 1, 2023
Description of violation: The carrier failed to pay fees as required by the Uniform Carrier Registration program when operating in interstate operations.



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Part B Violations

4 FEDERAL	Primary: 392.9a(a)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description
Operating without the required operating authority.
Driver: Marcel Filip
Commodity: Household Goods (HHG)
Trip Date: May 15, 2023
Origin and Destination: Multiple states outside of WA as the end destination for each 35 HHG moves.
Description of violation: The carrier conducted interstate HHG moves without the required interstate operating authority on 35 occasions during the sample period of May 1, 2023 through November 1, 2023 on the following days:
May (2023) 15, 20, 30 (3 occasions)
June (2023) 3, 6, 13, 27, 30 (5 occasions)
July (2023) 9, 10, 12, 15, 26, 27, 30 (7 occasions)
August (2023) 11, 15, 16, 18, 19, 24 (6 occasions)
September (2023) 2, 11, 12, 20, 26, 27, 29, 30 (8 occasions)
October (2023) 2, 15, 20, 25, 27 (5 occasions)
November (2023) 2

5 FEDERAL	Primary: 395.8(a)(1)	Discovered 14	Checked 60	Drivers/Vehicles In Violation 2	Checked 2
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Description
Failing to require a driver to prepare a record of duty status using the appropriate method.
Example
Driver: Marcel Filip
Trip Date: October 2, 2023
Description of violation: From October 1 - 30, 2023, Marsik Movers used driver Marcel Filip to drive a commercial motor vehicle in interstate commerce conducting HHG moves. The carrier failed to require this driver to prepare a record of duty status for the following days:
October (2023) 2, 6, 8, 15, 20, 25, 27 (7 occasions)

Also in violation:
Driver: Stefan Railean
Description of violation: From October 1 - 30, 2023, Marsik Movers used driver Stefan Railean to drive a commercial motor vehicle in interstate commerce conducting HHG moves. The carrier failed to require this driver to prepare a record of duty status for the following days:
October (2023) 2, 6, 8, 15, 20, 25, 27 (7 occasions)

6 STATE	Primary: 396.17(a) CFR Equivalent: 396.17(a)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
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Description
Using a commercial motor vehicle not periodically inspected.
Example
Driver: Marcel Filip
Trip Date: November 1, 2023
Vehicle: 2001 GMC, VIN 1GDJ7C2C02J510916 Unit #1
Description of violation: The carrier failed to have a valid periodic inspection for review at the time of this investigation and was unable to provide a corrected copy or replacement inspection for review.



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Part B Violations

7 STATE	Primary: WAC 480-15-590	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
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Description
Failing to ensure that all conditions are met when entering into an equipment lease agreement before operating a leased motor vehicle.

Example
Driver: Marcel Filip
Trip Date: April 17, 2023
Vehicle: 2019 Hino VIN: 5PVNJ8JV8K4S71718
Description of violation: The carrier failed to maintain a valid original lease agreement maintained at the principal place of business for review at the time of this investigation.

Safety Fitness Rating Information: Total Miles Operated 45,000 Recordable Accidents 1 Recordable Accidents/Million Miles 22.22	OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 2 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0
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Your proposed safety rating is : <p align="center">CONDITIONAL</p>	Rating Factors	Acute	Critical
	Factor 1: S Factor 2: S Factor 3: U Factor 4: S Factor 5: N Factor 6: S	0 0 0 0 0 -	0 0 2 0 0 -





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Part B Requirements and/or Recommendations

1. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Owner, Marcel Filip failed to have management systems in place requiring drivers to prepare a record of duty status using the appropriate method.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a policy and procedure describing how management will monitor and track logs for falsification.
- Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time.
- Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
- Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls.
- Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip.
- Establish a policy stating that drivers are required to check with their supervisor, manager, or dispatcher to review their "fit-for-duty" status before starting a job, and that drivers who are ill to the extent that their ability and/or alertness is impaired are prohibited from working on safety-sensitive assignments.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Hours-of-Service (HOS) violations.

2. Leasing vehicles.

A carrier must enter into an equipment lease agreement before operating a leased motor vehicle. The carrier must ensure that all of the following conditions are met:

- (1) The carrier signs the form and ensures the lessor signs the form.
- (2) The carrier marks "master lease" if the carrier intends to use a master lease instead of individual leases.
- (3) A copy of the lease is carried in all leased motor vehicles.
- (4) Copies of all leases are kept in the carrier's permanent files for at least one year after the lease expires.
- (5) The carrier gives a copy of the lease to the owner of the leased motor vehicle.
- (6) The carrier takes possession, control and use of the motor vehicle during the period of the lease agreement.
- (7) The leased motor vehicle is properly insured as specified in WAC 480-15-530 and 480-15-550.
- (8) The carrier properly identifies the motor vehicle as specified in RCW 81.80.305.
- (9) The carrier charges appropriate tariff rates and charges.
- (10) The driver of the leased motor vehicle is on the carrier's payroll during the leased period.
- (11) The leased motor vehicle is operated in compliance with laws and rules as specified in WAC 480-15-560 and 480-15-570.
- (12) The driver of the leased motor vehicle is subject to the company's alcohol and controlled substance policies.
- (13) The carrier and the owner of the leased motor vehicle specify on the lease form who is responsible for all expenses relating to the leased motor vehicles.
- (14) The carrier complies with the terms of the lease.

3. Motor carriers must maintain an accident register for three years after the date of each accident. Information placed in the accident register must contain at least the following:

- (1) A list of accidents as defined at §390.5 containing for each accident:
 - (i) Date of accident.





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- (ii) City or town, or most near, where the accident occurred and the State where the accident occurred.
- (iii) Driver Name.
- (iv) Number of injuries.
- (v) Number of fatalities.
- (vi) Whether hazardous materials, other than fuel spilled from the fuel tanks of motor vehicle involved in the accident, were released.
- (2) Copies of all accident reports required by State or other governmental entities or insurers.

4. Ensure that the persons or entities that perform preventative maintenance inspections on your equipment are abiding by agreed time or mileage intervals. Ensure that records are kept of such periodic preventative maintenance inspections. Take corrective action, if schedules are not being adhered to.
5. WAC 480-14-300 Interstate carrier fees.
A carrier operating under interstate authority issued by the United States Department of Transportation (USDOT) or its successor agency must register with the commission and pay fees as required by the Uniform Carrier Registration (UCR) program or any successor program as required by the laws and rules of USDOT.
6. Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal and during any eligible investigation. Repeated violations mean violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six-year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six-year period.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website or more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

7. "Have you reviewed your data?
The SMS results are based on your State-reported crash or inspection data. Be sure to review your data in SMS for accuracy. If you think there is an error, request a data review (RDR) by registering for DataQs through the FMCSA Portal at <https://portal.fmcsa.dot.gov> or through the DataQs system directly at <http://dataqs.fmcsa.dot.gov/>."





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8. Safety Management Plan (SMP) Requirement

You have been assessed a proposed safety rating of **CONDITIONAL**, within 60 days, send and have approved, a safety management plan to the UTC describing what actions you have taken in response to this review to ensure that you are complying with the Motor Carrier Safety Regulations.

The Washington Utilities and Transportation Commission (UTC) allows motor carriers to request an upgrade of its safety rating based on corrective action as defined in 49 CFR, section 385.17. The request for an upgrade must include a written description of correction actions taken, documentation of these corrective actions, and an explanation of how its operations meet the safety standards and factors specified in 49 CFR sections 385.5 and 385.7.

Within 60 days from the receipt of your proposed rating, you may request, in writing, a change to your safety rating based on corrective actions. You should do so as soon as possible so the UTC has the opportunity to review and evaluate your safety management plan before the effective date of the final safety rating. If you fail to obtain an improved rating within 60 days from the receipt of your proposed rating, the unsatisfactory rating will become final and you must cease operations.

You must develop a safety management plan:

1. The plan must address all violations on the most recent Compliance Review. Corrective actions to address other violations noted on your review must also be included.
2. Identify why the violations were permitted to occur.
3. Discuss the actions taken to correct the deficiency or deficiencies that allowed the violations to occur. Include actual documentation of this corrective action. (For example: documentation may include items such as new policies and procedures, training programs and sign-in lists, or copies of new forms.
4. Outline actions taken to ensure that similar violations do not reoccur in the future. **YOU MUST DEMONSTRATE THAT YOUR OPERATIONS CURRENTLY MEET THE SAFETY STANDARD AND FACTORS SPECIFIED IN 49 CFR 385.5 and 385.7.** To do so, you must demonstrate that you now have adequate safety management controls in place which function effectively to ensure acceptable compliance with applicable safety requirements.
5. If your request includes actions that will be conducted in the near future, such as training, reorganization of departments, purchasing of computer programs, etc, include a detailed description of the activity or training and a schedule of when that activity will commence and when it will be completed.
6. Include any additional documentation relating to motor carrier safety and the prevention of crashes that you believe supports your request.
7. Include a written statement certifying the carrier will operate within federal and state regulations and the carrier's operation currently meets the safety standard and factors specific in 49 CFR 385.5 and 385.7. A corporate officer; partner, or the owner of the company must sign the statement.

You must submit your request to:

Washington Utilities and Transportation Commission
Attention: Jason Sharp, Motor Carrier Safety Supervisor
jason.sharp@utc.wa.gov



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Part C

Reason for Review: Compliance Review
Planned Action: Compliance Monitoring

Parts Reviewed Certification:

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
	✓	✓	✓	✓	✓	✓	✓	✓	✓									

Prior Reviews

1/25/2023
3/22/2022

Prior Prosecutions

Unsat/Unfit Information

Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule: Not Applicable

Corporate Contact: Marcel Filip
Corporate Contact Title: Owner

Special Study Information:

Remarks:

INVESTIGATIVE REPORT RECEIVED BY:

Name: Marcel Filip
Title: Owner
Carrier Name: Marsik Movers LLC
USDOT: 3257682
UTC Assignment: 123036
Date: December 14, 2023

REASON FOR THE INVESTIGATION:

As part of the 2023 Motor Carrier Safety routine work plan, this investigation was assigned to Tracy Cobile, Special Investigator of the Washington Utilities and Transportation Commission (commission). The carrier operates in intrastate commerce. This is the carrier's second recheck review with the commission.

SCOPE OF THE INVESTIGATION:


Per Order 01 in Docket TV-230061, this is a follow-up comprehensive investigation and was assigned to Special Investigator Tracy Cobile on November 1, 2023. The carrier was contacted on November 1, 2023, via email and telephone, and a full investigation was set to begin November 16, 2023, as an on-site investigation. Investigator Cobile corresponded with Marcel Filip (Owner) via email (marsikmovers@gmail.com) and telephone (302-217-8320) during this investigation. Present at the start of the review was Special Investigator Cobile along with Filip.

SMS was checked on November 13, and it was noted that no BASICS were in alert status.

CARRIER OPERATION DESCRIPTION:

Marsik Movers LLC (carrier) is a household goods carrier operating out of Auburn, Washington. The carrier is a provisional household goods company that began operations in March 2019, and received temporary operating authority on May 23, 2019. The carrier currently operates two straight trucks classified as commercial motor vehicles (CMV) operating under the UTC permit. The carrier currently employs two drivers operating within the state of Washington in the previous 365 days.



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Marsik Movers LLC recorded a gross revenue of \$412,526 for the calendar year ending December 31, 2022. The carrier is not and has not been involved in any emergency relief efforts in the last 365 days. Filip is responsible for the carrier's safety program.

During the onsite investigation, it was discovered that Marsik Movers LLC was driving and making HHG deliveries for a Florida moving company Flex Moving Inc. (USDOT 3872440) and an Arizona moving company Crystal Movers (USDOT 3880625). Filip states that Marsik Movers LLC will be dispatched jobs from the two out of state HHG moving companies to load Washington customers household goods and take the contents to a local storage unit (Supreme Self Storage in Federal Way, WA) using Marsik Movers LLC trucks, drivers, USDOT number and operating authority, a different moving company is dispatched to pick up the stored household goods and deliver them out of state, which would still constitute an interstate move for Marsik Movers LLC.

PRE-INVESTIGATION:

On November 1, a carrier information packet was emailed to the carrier requesting investigation information, the records that would need to be reviewed, and the information the carrier would need to make available. The carrier was requested to fill-out and return the carrier information packet with a list of all commercial motor vehicle drivers utilized in the past 12 months, a list of all commercial motor vehicles utilized in the last 12 months and an all-employee list prior to the start of this investigation. The carrier packet was returned via email on November 8. The documents requested at the time of review were a list of all accidents for the past 365 days from the date of review, driver qualification files for all drivers used within the past 12 months, proof of insurance coverage documentation, all records of duty status (logbooks/timecards) for the previous six months with supporting documents, all maintenance files and records for each commission regulated CMV. A copy of the carrier's profile and MCS-150 were originally obtained through MCMIS on November 13.

Commission records show that Filip attended the initial Household Goods Training provided by commission staff on August 8, 2019. This is an in-depth training that covers compliance responsibilities and requirements of household goods carriers for consumer protection and safety.

As identified in the previous Marsik Movers, LLC investigation, an affiliation with another motor carrier operation was discovered at that time with Tacoma Movers LLC. An MCS-150 for Tacoma Movers LLC dated June 3, 2022, identified Marcel Filip as the owner. Filip states that he and a partner out of Orlando, Florida applied for a new USDOT #3872269 (MC #1418083) to operate as a household goods mover in intrastate and interstate commerce. As stated by Filip in the previous review, Tacoma Movers LLC had conducted Washington to Washington moves. Tacoma Movers LLC is not permitted through the UTC and 37 household goods moves were identified being completed by Tacoma Movers LLC from July 18, 2022 through January 18, 2023. At the time of this investigation Filip states that as of February 2023, Tacoma Movers LLC (USDOT 3872269) is no longer operating. Filip also indicated an affiliation with Door to Door Van Lines, as a broker, (USDOT 3961692) and states that Door to Door Van Lines is no longer in business. Investigator Cobile emailed a link to Filip to the FMCSA website to go out of business/deactivate the USDOT numbers for Tacoma Movers LLC and Door to Door Van Lines that are no longer in business/operation.

CDLIS (DRIVER LICENSE) CHECK:

In accordance with the eFOTM, all driver license status/histories were required to be checked based on the current number of drivers. The driver license statuses were checked through CDLIS on January 16, 2023. Secure Access Washington (SAW) was checked for Washington licensed driver Marcel Filip and Raul Ortiz. See Part 383 below for details.


AUTHORITY:

Marsik Movers LLC is an authorized for-hire carrier of household goods operating in intrastate commerce and is required to have operating authority. The carrier operates under the USDOT number 3257682. The carrier has intrastate authority through the commission under provisional permit number THG-068754.

Investigator Cobile identified 43 interstate household goods moves conducted by Marsik Movers LLC using the carrier's trucks, USDOT number and drivers. See Part 392.

INSURANCE:



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Marsik Movers LLC is required to maintain a minimum level of public liability insurance coverage of \$750,000. A check with the carrier's insurance shows a \$1,000,000 Auto Liability policy (02050305-7) with Progressive Commercial and \$30,000 Cargo coverage (IMG-64726656) with Liberty Mutual Insurance. See Part 387 for details.

RED FLAG DRIVERS:

A&I (SMS) was checked through Portal on November 13, and the carrier has had no drivers with red flag violations in the last 365 days.

DRUG AND ALCOHOL SUPPLEMENTAL REVIEW:

This is a full comprehensive investigation therefore a Drug and Alcohol Supplemental Review was not required.

HAZARDOUS MATERIALS SUPPLEMENTAL REVIEW:

Marsik Movers LLC does not transport any hazardous materials that require placarding. A Hazardous Materials Supplemental Review is not required.

INVESTIGATION:

This is a full comprehensive investigation that checked Parts 376, 380, 382, 383, 387, 390, 391, 392, 393, 395 and 396.

Part 376 Lease and Interchange of Vehicles:

The carrier has trip leased two CMVs (2019 Hino VIN 5PVNJ8JV8K4S71718 - Enterprise) and (Unit #398953 - Penske) in the previous 365 days.

One violation of WAC 480-15-590 occurred when the carrier failed to maintain the original lease agreement with Enterprise for the trip leased vehicle the company operated within the last 365 days.

During this investigation it was discovered that the 2019 Hino VIN 5PVNJ8JV8K4S71718 was leased by Marsik Movers LLC (driver was Marcel Filip) on April 17, 2023, from Enterprise (RA# 9GWHXB). Filip states that he subleased the vehicle to Flex Moving (USDOT 3872440) and while driver, Stefan Railean (Marsik Movers driver) was driving the truck for Flex Moving on a long-distance household goods move, he had an accident in the leased vehicle and overturned the truck while driving in Colorado. Filip states the damage claim on the leased truck went through Marsik Movers, not Flex Moving and that he did not disclose to Enterprise that he subleased the vehicle to Flex Moving.

On November 29, Investigator Cobile contacted Enterprise, they confirmed that subleasing their vehicles to other companies by the Lessee would not be allowed.

During the investigation it was discovered that an Enterprise lease by Marsik Movers occurred on September 16, 2023, and was picked up by driver, Ernesto Felix. Investigator Cobile questioned the termination date of driver Felix provided by Filip as April 15, 2023. Filip provided an explanation that Felix was terminated on April 15, 2023, but that Filip had agreed to rent Felix a truck in September 2023 through Enterprise at the carrier's discounted rate under Marsik Movers so that Felix could move out of his apartment.

Part 380 Special Training:


Marsik Movers LLC does not operate long combination vehicles (LCVs). The carrier has not employed drivers that meet the definition of entry level driver.

Part 40 and Part 382

Marsik Movers LLC does not operate vehicles with a GVWR of 26,001 lbs. or more and is not required to have a controlled substance and alcohol testing program.

Part 383 Commercial Drivers' License:



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The carrier employed two drivers that operated in the state of Washington in the previous 365 days. Per eFOTM guidelines, a sample size of two drivers was required to be checked. The carrier does not use commercial vehicles with a GVWR of 26,001 lbs. or more and the driver is not required to have a CDL. Drivers, Marcel Filip, and Stefan Railean were checked through Secured Access Washington (SAW) and the driver license statuses were current and valid at the time of this investigation.

Part 387 Financial Responsibility:

The carrier's vehicles are insured through Progressive Commercial, Investigator Coble verified the carrier did maintain \$1,000,000 in Auto Liability coverage, policy number 02050305-7 and did not have a lapse in coverage in the last 365. The carrier also maintains \$30,000 in cargo coverage insurance with Liberty Mutual Insurance, policy number IMG64726656. Investigator Coble spoke with Bob from All Pro Risk Management Inc., an underwriter for Liberty Mutual Insurance (206-230-0111) and verified the carrier did not have a lapse in cargo coverage in the last 365 days.

Part 390 General FMCSR:

The carrier has taken responsibility and processed a claim for one Department of Transportation recordable accident under Marsik Movers LLC in the last 365 days.

One violation of 390.15(b) occurred when the carrier failed to maintain an accident register.

Part 391 Qualification of Drivers:

The carrier currently employs a total of two drivers that operated in intrastate commerce during the previous 365 days. Per eFOTM guidelines, a sample size of two Driver Qualification Files were to be inspected. The driver files requested to be reviewed were for drivers Marcel Filip and Stefan Railean.

In accordance with FMCSA Memorandum MC-ECS-2012-0004 medical certificates for 25 percent of the driver qualification file sample size (one) were to be selected for verification.

Driver Name: Stefan Railean
Date of Birth: June 21, 2000
ME's License/Certificate Number: MD60437379
Date of Issuance of the MEC: May 16, 2023
MEC Expiration: May 16, 2025
National Registry Identification Number: 1504268379
Phone Number: 425-291-3300
Date and Time Contacted: November 30, 2023 @11:16 a.m.
Person Contacted: Diana
Results: MEC Check Confirmed

Part 392 - Driving of Commercial Motor Vehicles:

Marsik Movers LLC is an intrastate carrier and at the time of this investigation the carrier is current on its annual regulatory fees.


The carrier's principal place of business (PPOB) is located at 7171 Marshall Avenue; Apt. 207, Auburn, Washington 98092, and all household goods moves start and stop from the carrier's truck storage lot located at 1443 Thorton Avenue SW, Pacific, WA 98047.

Marcel Filip was informed that using radar detectors and handheld devices while driving is prohibited. The carrier operates in intrastate and interstate commerce and is required to pay the UCR fee.

One violation of CFR 392.2 occurred when the carrier operated in interstate commerce and failed to pay the UCR fee.

One federal violation of CFR 392.9a(a)(1) occurred when the carrier conducted interstate HHG moves on 35 occasions without having proper interstate operating authority.



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Part 395 - Hours of Service:

Marsik Movers LLC employed four drivers during the previous 365 days, two drivers have driven during the last six months. In accordance with eFOTM procedures, a sample size of two Record of Duty Status (RODS) were required to be checked for a 30-day period. Marsik Movers LLC operated most services under the short-haul exemption in Part 395.1(e) within the last 365 days and operations did not require an ELD.

For this investigation, a 30-day period was requested to be reviewed for October 1-30, 2023, for drivers Marcel Filip and Stefan Railean. This required that 60 RODS be checked. As part of the investigation, supporting documents were requested to be reviewed.

Six critical state violations of 395.8(a)(1) occurred when the carrier used drivers in intrastate commerce and failed to require the drivers to prepare a record of duty status using the proper method.

Fourteen federal violations of 395.8(a)(1) occurred when the carrier used drivers in interstate commerce and failed to require the drivers to prepare a record of duty status using the proper method.

Part 393 & 396 - Maintenance and Inspection:

The carrier owns and operates two straight trucks that are classified as commercial motor vehicles in intrastate commerce during in the previous 365 days. The carrier states the major vehicle maintenance is conducted primarily with Nova Equipment Services, Auburn, WA, and the annual vehicle inspections are conducted primarily with The Truck Shop in Auburn, WA.

Vehicle Maintenance Records:

In accordance with the eFOTM, a sample size of two vehicle maintenance files were to be reviewed.

Investigator Cobile requested the maintenance files for vehicle VIN: J8DF5C13X17700265 (Unit 004), 1GDJ7C2C02J510916 (Unit 001).

One critical-type violation of 396.17(a) occurred when the carrier failed to have the 2001 GMC, VIN 1GDJ7C2C02J510916 Unit #1 periodically inspected. The annual inspection form (D8367738) presented for review was completed using Green State Transportation's carrier name and address and the inspector's name is Gherasim Borta, the owner of Green State Transportation (USDOT 2578318). Filip states the inspection form was filled out incorrectly and the truck is now scheduled for a periodic inspection appointment with a required repair to the ABS system.

Driver Vehicle Inspection Reports (DVIRs):

Investigator Cobile inquired about the carrier's DVIR process as part of this investigation. Filip was unable to demonstrate compliance with the DVIR process and stated when defects occur, he will get the vehicles fixed. The DVIR documentation and reporting requirements outlined in CFR 396.11 were discussed in detail with Filip. The carrier was not in compliance with the DVIR reporting and documentation requirements, however no violations were recorded due to a lack of documentation as proof that a DVIR was required.

Vehicle Inspections:


In accordance with eFOTM, a sample size of two vehicles was to be inspected. The vehicles were inspected where the carrier parks the trucks, 1449 Thorton Avenue SW, Pacific, WA, with no out of service violations were discovered.

The vehicles inspected are as follows:

2001 GMC, VIN: J8DF5C13X17700265
2001 GMC, VIN: 1GDJ7C2C02J510916
See attached Aspen reports.

CLOSING INTERVIEW:



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The closing interview was conducted on December 14, 2023, via telephone. Present at the closing interview was Investigator Coble and company owner Filip. This investigation resulted in a proposed conditional safety rating.

During the on-site interview Filip was mostly forthcoming and cooperative with the information being requested but there were times that Filip chose to talk around the questions and provide excuses and/or confusing information to justify a situation or non-compliance issue instead of initially taking responsibility for the facts being presented. Eventually, Filip will come around to accepting the requirement and admit to the non-compliance. Filip does demonstrate the desire to come into compliance, however there is an element of Filip wanting to do it an easier way or a way that competes against regulatory compliance. Detailed and thorough technical assistance was provided to the carrier during the process of this recheck investigation.

DOCUMENTS PROVIDED TO THE CARRIER:

The carrier was provided with one copy of the review, Parts A and B with requirements and recommendations to include the Safety Management Plan (SMP) guidance and Safety Fitness Rating. The carrier was also provided with an electronic copy of the guide "Achieving a Satisfactory Motor Carrier Safety Record".

FOLLOW-ON ACTION:

Continued compliance monitoring. Recommend imposing administrative penalties for critical violation 395.8(a)(1) and critical-type violation 396.17(a) consistent with the enforcement policy. Recommend prior to the issuance of permanent authority the carrier complete and have approved a safety management plan (SMP) and perform compliance inspections within six months to one year after SMP is approved. Recommend no issuance of permanent HHG permit until penalties are satisfied and the carrier achieves a satisfactory safety rating. Work with AAG to issue Notice of Intent to Cancel (NOIC).

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Authorized by:			Date:
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Safety Fitness Rating Explanation

FORMULA TO CALCULATE THE OVERALL SAFETY FITNESS RATING

Number of Factors			OVERALL RATING
Unsatisfactory	Conditional		
0	2 or fewer		Satisfactory
0	3 or more		Conditional
1	2 or fewer	û	Conditional
1	3 or more		Unsatisfactory
2	0 or more		Unsatisfactory

