



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

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December 3, 2018

Mark L. Johnson, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P.O. Box 47250  
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Jose Ibarra Martinez d/b/a Ibarra Moving*  
Commission Staff's Response to Application for Mitigation of Penalties  
Docket TV-180862

Dear Mr. Johnson:

On November 2, 2018, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Jose Ibarra Martinez d/b/a Ibarra Moving (Ibarra Moving or Company) in the amount of \$2,200 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 (CFR) Part 396 – Inspection, Repair, and Maintenance; and WAC 480-15-570, Driver Safety Requirements, which adopt CFR Part 391 – Qualifications of Drivers, and CFR Part 395 – Hours of Service of Drivers, as follows:

- **Sixteen violations of Title 49 CFR Part 391.45(a) – Using a driver not medically examined and certified.** Ibarra Moving allowed employee Jose Ibarra Martinez to drive on 16 separate occasions without having been medically examined and certified. The violations occurred during a six month period between April 2, 2018, and September 11, 2018.
- **One violation of Title 49 CFR Part 391.51(a) – Failing to maintain driver qualification file on each driver employed.** Ibarra Moving failed to maintain a driver qualification file for driver Jose Ibarra Martinez.
- **Thirty violations of Title 49 CFR Part 395.8(a) – Failing to require driver to make a record of duty status.** Ibarra Moving allowed employee Jose Ibarra Martinez to drive