

**Docket No. TV-220168 - Vol. I**

**In the Matter of the Investigation of Marsik Movers LLC**

**May 3, 2022**



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<p>BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION</p> <hr/> <p>In the Matter of the ) DOCKET TV-220168 Investigation of ) ) MARSIK MOVERS LLC, ) ) NOTICE OF INTENT TO For Compliance with ) CANCEL PERMIT AS A WAC 480-15-555 and ) HOUSEHOLD GOODS WAC 480-15-570 ) CARRIER</p> <hr/> <p>VIRTUAL BRIEF ADJUDICATIVE PROCEEDING Pages 1-30 ADMINISTRATIVE LAW JUDGE MICHAEL HOWARD</p> <hr/> <p>May 3, 2022 1:33 p.m.</p> <p>Washington Utilities and Transportation Commission 621 Woodland Square Loop Southeast Lacey, Washington 98503</p> <p>(All participants appeared via videoconference.)</p> <p>DATE TAKEN: MAY 3, 2022 REPORTED BY: ROSE DETLOFF, RPR, CCR #21036100</p>	<p>1 EXAMINATION INDEX</p> <p>2 TRACY COBILE PAGE</p> <p>3 By Mr. Teimouri 11</p> <p>4</p> <p>5 JASON SHARP</p> <p>6 By Mr. Teimouri 16</p> <p>7</p> <p>8 EXHIBIT INDEX</p> <p>9 EXHIBITS FOR ADMISSION PAGE</p> <p>10 TC-1 Final Compliance Review 15</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 A P P E A R A N C E S</p> <p>2 ADMINISTRATIVE LAW JUDGE:</p> <p>3 MICHAEL HOWARD</p> <p>4</p> <p>5 FOR COMMISSION STAFF:</p> <p>6 DANIEL J. TEIMOURI</p> <p>7 Assistant Attorney General</p> <p>8 P.O. Box 40128</p> <p>9 Olympia, Washington 98504</p> <p>10 360-664-1189</p> <p>11 daniel.teimouri@utc.wa.gov</p> <p>12</p> <p>13 FOR MARSIK MOVERS LLC:</p> <p>14 MARCEL FILIP</p> <p>15 Marsik Movers LLC</p> <p>16 35810 16th Avenue South</p> <p>17 Apartment G304</p> <p>18 Federal Way, Washington 98003</p> <p>19 302-217-8320</p> <p>20 marsikmovers@gmail.com</p> <p>21</p> <p>22 ALSO PRESENT:</p> <p>23 TRACY COBILE</p> <p>24 KATHY HUNTER</p> <p>25 JASON SHARP</p> <p>RYAN SMITH</p> <p>* * * * *</p>	<p>1 LACEY, WASHINGTON; MAY 3, 2022</p> <p>2 1:33 p.m.</p> <p>3 -o0o-</p> <p>4 P R O C E E D I N G S</p> <p>5</p> <p>6 JUDGE HOWARD: Let's be on the record.</p> <p>7 Good afternoon. Today is Tuesday, May 3rd,</p> <p>8 2022, and the time is 1:33 p.m.</p> <p>9 This is Docket TV-220168. This case is</p> <p>10 captioned, "In the Matter of the Investigation of Marsik</p> <p>11 Movers LLC For Compliance with WAC 480-15-555 and</p> <p>12 WAC 480-15-570."</p> <p>13 The issues in this case are whether the company</p> <p>14 has submitted an acceptable safety management plan, and</p> <p>15 whether there's good cause for the Commission to cancel</p> <p>16 the company's household goods carrier permit due to the</p> <p>17 company's failure to comply with various state and</p> <p>18 federal regulations.</p> <p>19 My name is Michael Howard, and I am an</p> <p>20 administrative law judge presiding over today's brief</p> <p>21 adjudicative proceeding.</p> <p>22 Let's take appearances from both parties, and</p> <p>23 then we will talk about how we're going to proceed this</p> <p>24 morning. Let's start with Commission Staff.</p> <p>25 MR. TEIMOURI: Good afternoon, Your Honor.</p>

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<p>1 Daniel Teimouri, Assistant Attorney General, 2 here on behalf of Commission Staff. 3 JUDGE HOWARD: Thank you. 4 Could we have an appearance from the company. 5 MR. FILIP: Yes. My name is Marcel Filip. 6 I'm here, like, listening. 7 JUDGE HOWARD: Thank you. And could you, 8 for the record, tell us your position with the company 9 and your contact information. 10 MR. FILIP: Yes. I'm the owner of the 11 company. My contact information -- my phone number is 12 302-217-8320. A good e-mail to reach me is 13 marsikmovers@gmail.com. 14 JUDGE HOWARD: Thank you. 15 Since we are doing this hearing over the phone 16 and over Zoom, I'm going to ask that the parties be 17 aware of background noise and that you mute your 18 microphone when you are not speaking. If you need to 19 object or raise an issue, please identify yourself when 20 you are speaking. And we should make an effort not to 21 talk over each other so the court reporter can make a 22 clear record of our hearing today. 23 I wanted to touch on one issue at the beginning 24 here. I noticed that the Commission has a separate 25 docket where we assessed a penalty of \$700 against the</p>	<p>1 he sent me, like, a new P.O. Box address to send the 2 check there. And I have already resent it, probably 3 last Saturday. I received it on Friday, and I resent it 4 back on Saturday morning. 5 JUDGE HOWARD: Okay. Well, at the moment, 6 all I'm considering is whether I should be addressing 7 both this present -- I know this involves a fair amount 8 of legal jargon, so I apologize. 9 But whether we should take up and consider both 10 this docket, where we have the complaint that alleges 11 that we might need to cancel the company's operating 12 authority -- to combine that with the docket where 13 there's a penalty assessment against the company so that 14 we can consider and address any remaining issues in both 15 cases. 16 Mr. Teimouri, would you like to add to that? 17 MR. TEIMOURI: Yes, thank you. It's just a 18 minor point of clarification. 19 But I believe that the entire envelope was 20 returned to Mr. Filip, not just the check. So it wasn't 21 that the UTC rejected the payment. I think it was a 22 return-to-sender-type situation where the check -- where 23 the entire envelope was returned. Just to clarify. 24 JUDGE HOWARD: Okay. 25 So, Mr. Filip, we can address the issue of</p>
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<p>1 company in Docket TV-220169. So it would appear that 2 these two dockets involve the same underlying facts. 3 Would there be any objection to my 4 consolidating the two dockets at issue? 5 MR. TEIMOURI: Not from Commission Staff, 6 Your Honor. We support consolidation under 7 WAC 480-07-320 and believe it's proper given the 8 similarity of facts and -- between the two dockets. 9 JUDGE HOWARD: All right. Thank you. 10 Mr. Filip, do you have any concerns with that? 11 MR. FILIP: I did not hear very well. What 12 is this regulation about? I was working on assessing 13 the management plan in the past -- past weeks. And I 14 have already, like, sent the penalty amount on the 15 check, but it got returned. I have sent the pictures to 16 Jason Sharp, and he has made a new mailbox address, 17 like, to send the check. 18 JUDGE HOWARD: Okay. You have already paid 19 that? 20 MR. FILIP: Yes. I have already paid it. I 21 have sent the check, like, two weeks ago, and it got 22 returned. I don't know why. 23 JUDGE HOWARD: Oh, the check was returned? 24 MR. FILIP: Yes. And I saw the picture with 25 the return label to Jason Sharp, and he take a look and</p>	<p>1 whether you paid it -- it sounds like you already sent 2 this in. But if there are any remaining issues in that 3 docket, would you object to my considering both of these 4 when I enter my order in this case? 5 MR. FILIP: Like, do I have any -- like, 6 another time I'll have something more to do for -- like, 7 I don't know. 8 JUDGE HOWARD: Well, let's come back to that 9 issue. I think that -- let's just come back to that at 10 the end of our hearing. So with that, let's move on 11 from the issue of whether we should consolidate the two, 12 and we'll return to it. 13 I want to provide a brief roadmap for today's 14 proceeding. So I have received Staff's exhibit list 15 with one exhibit marked TC-1, and I did not receive any 16 exhibits from the company. 17 Because this case began with the Commission's 18 complaint against Marsik Movers, I'm going to ask that 19 Staff present their case first. Staff can move for 20 admission of its exhibit as necessary during its case. 21 I'll then allow Marsik Movers to offer testimony and to 22 present its case. 23 We can then end the hearing by allowing each 24 party a chance to give a closing statement, which is 25 simply a chance to explain what you are asking the</p>

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1 Commission to do and why.  
 2 Are there any questions before we begin?  
 3 MR. FILIP: No.  
 4 MR. TEIMOURI: I guess just one more  
 5 question about consolidation, not to bring it up again.  
 6 But Staff was planning on moving for  
 7 consolidation on its own, so I don't know if that's  
 8 still available, or if you would like to just hold that  
 9 in abeyance right now until we get there.  
 10 JUDGE HOWARD: If you would like to formally  
 11 move for it, that is perfectly fine.  
 12 MR. TEIMOURI: Yeah, that was our intent.  
 13 So I guess I'll just do that at this time.  
 14 Your Honor, Staff would recommend that we move  
 15 to consolidate the penalties assessed in the docket  
 16 concerning Marsik Movers LLC, which is TV-220169, with  
 17 the safety rating docket concerning Marsik Movers LLC,  
 18 which is docket TV-220168, pursuant to the Commission's  
 19 authority under WAC 480-07-320 for the reason that the  
 20 facts and issues of law between these two dockets are  
 21 closely related. Specifically, both dockets are based  
 22 on the same Staff investigation and safety standards.  
 23 So we believe the standards are met under the  
 24 relevant WAC. So that's what we would move for at this  
 25 time.

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1 JUDGE HOWARD: I agree. And I would -- I do  
 2 grant Staff's motion, and I will address that further in  
 3 the order following this hearing.  
 4 Okay. So were there any other questions or  
 5 concerns before we begin and take testimony from  
 6 witnesses?  
 7 MR. TEIMOURI: Yes. There is one small  
 8 matter from Staff that I wanted to bring up separate  
 9 from the other issues.  
 10 It's that Staff would like to note up front  
 11 that the notice of intent to cancel in this case lists a  
 12 total of 61 violations. It should reflect 60 violations  
 13 and was inaccurately reported as 61. The penalty --  
 14 Staff's penalty assessment and Staff's investigative  
 15 report remain accurate, however.  
 16 So we can get into more detail about that if  
 17 you have questions. But it should read 60 violations,  
 18 not 61.  
 19 JUDGE HOWARD: All right. Thank you. I  
 20 will make a note of that.  
 21 MR. TEIMOURI: Thank you.  
 22 JUDGE HOWARD: So, Mr. Teimouri, since Staff  
 23 will be proceeding with their case first, would you like  
 24 to call your first witness?  
 25 MR. TEIMOURI: Yes, thank you. We'd like to

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1 call Tracy Cobile as our witness.  
 2 JUDGE HOWARD: All right.  
 3 MS. COBILE: Good afternoon.  
 4 MR. TEIMOURI: Good afternoon, Ms. Cobile.  
 5 Would you please state your name and spell your  
 6 last name for the record.  
 7 MS. COBILE: It's Tracy Cobile, C-O-B-I-L-E.  
 8 MR. TEIMOURI: And, Your Honor, did you need  
 9 to -- I apologize -- swear her in?  
 10 JUDGE HOWARD: Yes, I did. I was about to  
 11 say that.  
 12 MR. TEIMOURI: My apologies.  
 13 (Tracy Cobile sworn.)  
 14 JUDGE HOWARD: All right. Thank you. You  
 15 may proceed.  
 16 MR. TEIMOURI: Thank you, Your Honor.  
 17 E X A M I N A T I O N  
 18 BY MR. TEIMOURI:  
 19 **Q. So what is your current position?**  
 20 A. Special investigator with the Motor Carrier  
 21 Safety Program for the Utilities and Transportation  
 22 Commission.  
 23 **Q. And what do your responsibilities entail as**  
 24 **part of that position?**  
 25 A. As a special investigator with the Motor

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1 Carrier Safety Program for the Commission, I conduct  
 2 compliance investigations on regulated transportation  
 3 companies, which includes inspecting the company records  
 4 and commercial vehicles.  
 5 **Q. And what kind of training have you received for**  
 6 **your role as an investigator?**  
 7 A. I obtained my Investigative Safety Analysis  
 8 certification from the Federal Motor Carrier Safety  
 9 Administration, and I am certified through CVSA to  
 10 conduct commercial vehicle inspections.  
 11 Prior to working at the UTC, I served as a  
 12 commercial vehicle enforcement officer with the  
 13 Washington State Patrol for seven years, and four of  
 14 those years included conducting federal safety audits.  
 15 **Q. Thank you. And specifically regarding the UTC,**  
 16 **how long have you been with the Commission in your**  
 17 **current position?**  
 18 A. I've worked as a special investigator with the  
 19 Utilities and Transportation Commission for one year and  
 20 three months.  
 21 **Q. Thank you. So I would now like to move to the**  
 22 **compliance review regarding Marsik Movers LLC.**  
 23 **Are you familiar with Marsik Movers LLC?**  
 24 A. Yes.  
 25 **Q. And how did you become aware of the present**

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1 **matter today involving Marsik Movers LLC?**  
 2 A. As part of my work, on February 22nd, 2022,  
 3 Marsik Movers LLC, a provisional household goods carrier  
 4 company, was assigned to me to conduct a comprehensive  
 5 compliance review. And I met with the carrier for an  
 6 onsite investigation on March 1st, 2022.  
 7 **Q. Okay. And if we were all in person, now would**  
 8 **be the time that I would show you the exhibit that has**  
 9 **been labeled as TC-1.**  
 10 **Since we're doing this remotely, do you have a**  
 11 **copy of that handy?**  
 12 A. I didn't hear you, sir.  
 13 **Q. Do you have a copy of TC-1 handy?**  
 14 A. Yes, sir, I do.  
 15 **Q. Okay. Thank you.**  
 16 **And what is this exhibit?**  
 17 A. The exhibit is the final investigation review,  
 18 the final compliance review reported by me and submitted  
 19 by me.  
 20 **Q. Okay. So it was completed by you, is what it**  
 21 **sounds like?**  
 22 A. Yes.  
 23 **Q. Okay. And what is the review date associated**  
 24 **with your report?**  
 25 A. March 9th, 2022.

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1 **Q. And what does this report document?**  
 2 A. The report documents my investigation of this  
 3 company's regulatory compliance with the Commission's  
 4 rules and standards.  
 5 **Q. And so to that end, during your investigation,**  
 6 **did you find any violations, any safety violations?**  
 7 A. Yes, I did.  
 8 **Q. How many violations did you find?**  
 9 A. I identified 15 types of violations with a  
 10 total of 60 violations counted.  
 11 **Q. And of those total of 60 violations that were**  
 12 **counted, were any particularly concerning for you?**  
 13 A. Yes. The company had four critical violations.  
 14 **Q. And you labeled those violations as**  
 15 **quote-unquote "critical." Could you please explain what**  
 16 **that means.**  
 17 A. Sure. Critical violations are those identified  
 18 as such where noncompliance is indicative of breakdowns  
 19 in a company's safety management controls and  
 20 demonstrated by a pattern of noncompliance.  
 21 **Q. Did your investigation result in a proposed**  
 22 **safety rating?**  
 23 A. Yes.  
 24 **Q. Okay. And what was that rating?**  
 25 A. Proposed -- conditional. Excuse me.

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1 **Q. Thank you. No problem.**  
 2 **So how were the results of your investigation**  
 3 **communicated to Marsik Movers LLC after you completed**  
 4 **it?**  
 5 A. On March 9th, 2022, I held a closing interview  
 6 with Marcel Filip -- I apologize if I'm not saying that  
 7 properly -- the owner of the company, where I provided  
 8 him a copy of the final report. We went over the entire  
 9 report to include Part A, Part B, requirements and  
 10 recommendations, and the safety fitness reading. The  
 11 safety management plan or SMP guidance was also provided  
 12 to Mr. Filip and discussed with him in detail at that  
 13 time.  
 14 **Q. And now that you've had time to review it, do**  
 15 **you have any changes that you would like to make to your**  
 16 **report?**  
 17 A. No, sir.  
 18 MR. TEIMOURI: Your Honor, at this time, I  
 19 would like to move to admit Exhibit TC-1 into evidence.  
 20 JUDGE HOWARD: It is admitted. Thank you.  
 21 (Exhibit TC-1 admitted.)  
 22 MR. TEIMOURI: And then I have no further  
 23 questions at this time for Ms. Cobile.  
 24 JUDGE HOWARD: Mr. Filip, do you have any  
 25 questions for Ms. Cobile?

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1 MR. FILIP: No, I don't.  
 2 JUDGE HOWARD: All right.  
 3 Mr. Teimouri, would you plan on addressing  
 4 Staff's recommendation at the end of the hearing rather  
 5 than through questioning? Do you anticipate Staff  
 6 making --  
 7 MR. TEIMOURI: We're anticipating going  
 8 through a quick Q&A with Jason Sharp, but we're amenable  
 9 to whatever Your Honor prefers. Jason Sharp is our  
 10 witness as to the safety fitness rating and the penalty  
 11 assessment, and Ms. Cobile is our witness as to the  
 12 investigation itself.  
 13 JUDGE HOWARD: All right. I see. In that  
 14 case, you may call your next witness.  
 15 MR. TEIMOURI: Thank you. We'd like to call  
 16 Jason Sharp, as I said, to explain the safety fitness  
 17 rating and the penalty assessment elements of the now  
 18 consolidated document.  
 19 JUDGE HOWARD: All right.  
 20 (Jason Sharp sworn.)  
 21 JUDGE HOWARD: Thank you. You may proceed.  
 22 E X A M I N A T I O N  
 23 BY MR. TEIMOURI:  
 24 **Q. Good afternoon, Mr. Sharp.**  
 25 **Would you please state your name and spell your**

<p style="text-align: right;">Page 17</p> <p>1 <b>last name for the record.</b></p> <p>2 A. Jason Sharp, S-H-A-R-P.</p> <p>3 <b>Q. And what is your current position with the UTC?</b></p> <p>4 A. I am the motor carrier safety supervisor with</p> <p>5 the Washington Utilities and Transportation Commission.</p> <p>6 <b>Q. And what are your responsibilities in that</b></p> <p>7 <b>position?</b></p> <p>8 A. As supervisor, my responsibilities include</p> <p>9 assigning safety investigations, reviewing the</p> <p>10 investigative reports, and issuing recommendations that</p> <p>11 are consistent with federal and state regulations as</p> <p>12 well as the Commission's enforcement policy.</p> <p>13 <b>Q. And what training have you received for that</b></p> <p>14 <b>role with the Commission?</b></p> <p>15 A. Prior to becoming supervisor of our safety</p> <p>16 investigations unit, I was a safety investigator,</p> <p>17 receiving similar training as Investigator Cobile</p> <p>18 through the Federal Motor Carrier Safety Administration</p> <p>19 as well as certification through the Commercial Vehicle</p> <p>20 Safety Alliance to perform commercial vehicle</p> <p>21 inspections.</p> <p>22 <b>Q. Thank you. And how long have you been in your</b></p> <p>23 <b>position?</b></p> <p>24 A. About four and a half years.</p> <p>25 <b>Q. Okay. Thank you.</b></p>	<p style="text-align: right;">Page 19</p> <p>1 camera, it's because I've got a second monitor with the</p> <p>2 Exhibit 1 on it. And I was just scrolling to get to</p> <p>3 Pages 17 and 18 of that exhibit. That is where the</p> <p>4 safety fitness rating explanation is broken down.</p> <p>5 So it shows the six factors on Page 17, and</p> <p>6 then Page 18 contains the rating explanation or the</p> <p>7 formula. And so in this case, the company had one of</p> <p>8 the six factors calculate to unsatisfactory while two</p> <p>9 additional factors equated to conditional.</p> <p>10 And so when we look at the chart on Page 18,</p> <p>11 that tells us -- when there's one factor that's</p> <p>12 unsatisfactory and two or fewer that are conditional,</p> <p>13 the overall proposed rating is going to be conditional.</p> <p>14 And that's what Marsik Movers received.</p> <p>15 <b>Q. Thank you for that explanation. That's very</b></p> <p>16 <b>helpful.</b></p> <p>17 <b>Since the day the company received the</b></p> <p>18 <b>notification of its proposed safety fitness rating as</b></p> <p>19 <b>was just testified to by Investigator Cobile, has the</b></p> <p>20 <b>company submitted to you an upgrade to its safety</b></p> <p>21 <b>rating -- or requested an upgrade, I apologize -- to its</b></p> <p>22 <b>safety rating by submitting a safety management plan?</b></p> <p>23 A. Yes. I received a couple of drafts of the</p> <p>24 safety management plan from the company. None of the</p> <p>25 drafts have been accepted as of yet, though the company</p>
<p style="text-align: right;">Page 18</p> <p>1 <b>I would like to now turn to the matter at issue</b></p> <p>2 <b>today in the hearing, Marsik Movers LLC.</b></p> <p>3 <b>Are you familiar with Marsik Movers LLC?</b></p> <p>4 A. Yes, I am.</p> <p>5 <b>Q. And how did you become aware of this matter</b></p> <p>6 <b>today?</b></p> <p>7 A. I assigned and reviewed Investigator Cobile's</p> <p>8 safety investigation and provided a recommendation for</p> <p>9 enforcement and following action.</p> <p>10 <b>Q. And similar to what I asked Ms. Cobile, have</b></p> <p>11 <b>you received a copy of what has now been entered as</b></p> <p>12 <b>Exhibit TC-1?</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. Okay. And are you also familiar with how the</b></p> <p>15 <b>safety rating was determined in this case?</b></p> <p>16 A. Yes. The Commission adopts the safety rating</p> <p>17 methodology through the Federal Motor Carrier Safety</p> <p>18 Administration, which is detailed in Title 49, Part 385.</p> <p>19 This formula for determining safety fitness has six</p> <p>20 factors that are used in a calculation to determine the</p> <p>21 overall safety fitness level of a company based on its</p> <p>22 performance during a safety investigation.</p> <p>23 <b>Q. And that was the formula that was followed in</b></p> <p>24 <b>this case, correct?</b></p> <p>25 A. Yes. I'm sorry. If I'm looking away from the</p>	<p style="text-align: right;">Page 20</p> <p>1 is making progress to reaching that status. With each</p> <p>2 review, I've responded to those requests to the company</p> <p>3 with where the plan was deficient and highlighted areas</p> <p>4 that the plan would need to focus on further.</p> <p>5 <b>Q. Thank you. Based on the testimony you just</b></p> <p>6 <b>provided, what is Staff's recommendation as it relates</b></p> <p>7 <b>to the company's permit today?</b></p> <p>8 A. Because Staff has yet to accept the company's</p> <p>9 safety management plan, Staff recommends that we</p> <p>10 continue the cancellation process.</p> <p>11 But with that said, I'd like to add that I</p> <p>12 believe the plan is close to reaching that status, and I</p> <p>13 know that the company has been in communication with me</p> <p>14 over the last week stating that it was getting the</p> <p>15 materials that I determined were needed to reach that</p> <p>16 acceptable status put together. I'm just waiting to see</p> <p>17 those.</p> <p>18 And Staff is willing to continue to work with</p> <p>19 the company up until its cancellation, which I believe</p> <p>20 is dated for May 9th, so this coming Monday.</p> <p>21 <b>Q. Thank you. And I would like to just briefly</b></p> <p>22 <b>touch on the penalty assessment that has now been</b></p> <p>23 <b>consolidated in this docket.</b></p> <p>24 <b>Has the company responded to the penalty</b></p> <p>25 <b>assessment with a request for mitigation at all?</b></p>

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1 A. I checked the docket prior to this hearing this  
 2 afternoon. I didn't see a response posted there.  
 3 As Mr. Filip noted earlier, he did share with  
 4 me an e-mail with a photo image of his returned envelope  
 5 that was addressed to the Commission headquarters  
 6 building.  
 7 I do not know the company's stance on the  
 8 penalty assessment, whether it was admitting the  
 9 violations and paying it with a check in full or  
 10 contesting or requesting mitigation. So I couldn't  
 11 answer the intent of the company.  
 12 MR. TEIMOURI: Thank you.  
 13 At this time, I don't have any further  
 14 questions for Mr. Sharp, Your Honor.  
 15 JUDGE HOWARD: Mr. Filip, do you have any  
 16 questions for Mr. Sharp?  
 17 MR. FILIP: No, I don't. How I sent him the  
 18 picture of the envelope with the penalty -- I didn't  
 19 want to contest because I know -- like, I saw there is  
 20 my mistakes. I would have then followed the rules and  
 21 then did everything right.  
 22 And on the envelope, I have sent a check with  
 23 the total amount of \$700. But I just got it returned  
 24 back to me. I have sent it again to the P.O. Box, and  
 25 if the check will be, like, in the P.O. Box -- if they

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1 will -- if the UTC will deposit the check, I guess it's  
 2 going to go through and the penalty will be paid.  
 3 JUDGE HOWARD: And, Mr. Filip, I'd like to  
 4 give you a chance to testify as well, and we will do  
 5 that in just a moment. And that way, I can swear you in  
 6 so we're following our normal rules there. But I  
 7 appreciate that clarification.  
 8 I would have a brief question for Mr. Sharp.  
 9 So I just wanted to confirm that Staff is still  
 10 recommending that the Commission require the approval of  
 11 the safety management plan by May 6th and then cancel  
 12 the permit effective May 9th. Is that the current  
 13 timetable you're recommending?  
 14 MR. SHARP: Yes, Your Honor. Whatever  
 15 amount of time is appropriate for Staff to provide a  
 16 final written evaluation of the safety plan. If  
 17 5:00 p.m. on Friday, May 6th works for you, we can  
 18 establish that.  
 19 JUDGE HOWARD: Thank you. I don't have any  
 20 concerns with that timeframe at the moment, but I'll  
 21 allow Mr. Filip to testify here shortly.  
 22 Mr. Teimouri, does Staff have any additional  
 23 witnesses?  
 24 MR. TEIMOURI: We do not. That's all the  
 25 witnesses we have for today. Thank you, Your Honor.

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1 JUDGE HOWARD: Mr. Filip, do you have any  
 2 witnesses that you would like to call other than  
 3 yourself?  
 4 MR. FILIP: No, I don't.  
 5 JUDGE HOWARD: Okay. Would you like to  
 6 testify on your own behalf? And I can swear you in  
 7 first.  
 8 MR. FILIP: Yes. I would like to notify --  
 9 like, I have the safety management plan. It's almost  
 10 done. I'm just working to make it right.  
 11 JUDGE HOWARD: Let me just swear you in for  
 12 a moment, and then you can continue that explanation.  
 13 (Marcel Filip sworn.)  
 14 JUDGE HOWARD: Thank you. So feel free to  
 15 proceed. And you can just testify -- you can just  
 16 explain in sort of a conversational, everyday way since  
 17 you don't have someone to pose questions to you. So  
 18 feel free to proceed.  
 19 MR. FILIP: Thank you. I'm still working on  
 20 the safety management plan. I'm going to try to do my  
 21 best. But since it's something new for me -- like, I  
 22 didn't know -- like, I have the book with the regulatory  
 23 satisfactory, like, driving record and all this stuff.  
 24 I then checked very well, and all these mistakes -- I  
 25 didn't have time to fix them yet.

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1 But I'm willing to do everything and get this  
 2 permit and don't get it canceled because it's my -- all  
 3 the years of my life. The best years of my life, I  
 4 spent it in there working.  
 5 And it was hard for me because, like, I do all  
 6 the work. It's not an excuse. But being a manager and  
 7 at the same time working and lifting stuff when you are  
 8 getting home, you cannot -- I'm not staying, like, in an  
 9 office all day to take care of all these things.  
 10 And it's not just me. There is customers and  
 11 all the reviews, and if you don't have time for  
 12 everything -- like, if work gets you in this  
 13 situation -- but I still have time until Friday,  
 14 6:00 p.m., and I will take care of the rest with what I  
 15 have to add in the safety management plan, and it's  
 16 going to be sent before Friday -- before Thursday.  
 17 JUDGE HOWARD: All right. Thank you. Is  
 18 there anything else you would like to comment on before  
 19 I let Mr. Teimouri have a chance to ask you any  
 20 questions he has?  
 21 MR. FILIP: No, I don't have anything. Feel  
 22 free to ask me.  
 23 JUDGE HOWARD: All right.  
 24 Mr. Teimouri, do you have any questions for  
 25 Mr. Filip?



1 MR. TEIMOURI: I don't have any questions  
2 directly. I just want to clarify Mr. Filip's  
3 understanding that it was 5:00 p.m. and not 6:00 p.m. on  
4 Friday that would be the deadline for Staff to submit an  
5 evaluation of any new safety management plan.

6 I just didn't want him to have an  
7 understanding -- so, Mr. Filip, do you understand that  
8 it would be by 5:00 p.m. on Friday rather than 6:00?

9 MR. FILIP: Yes, I do.

10 MR. TEIMOURI: Okay. Thank you.  
11 That's just the only question I have at this  
12 time.

13 JUDGE HOWARD: All right.

14 And, Mr. Filip, would you -- I apologize if I  
15 missed this. But do you admit the violations discussed  
16 in the inspection report?

17 MR. FILIP: I tried, like, to follow all the  
18 guidance for the safety management plan. And I tried to  
19 discuss, like, in a brief message why this occurred and  
20 happened, like, during the time.

21 And right now -- like, I know more than before  
22 how it's supposed to be, how it's supposed to look, and  
23 how it's supposed to keep all the files and the  
24 maintenance. I didn't have a moving company before, and  
25 I didn't know how it's working. Like, I was working

1 receipt of the next safety management plan. So if I may  
2 offer that now.

3 JUDGE HOWARD: Certainly.

4 MR. TEIMOURI: So I said Friday at  
5 5:00 p.m. -- just to clarify, the close of business on  
6 Friday at 5:00 p.m. -- but that did not acknowledge the  
7 fact that Staff would have to evaluate that and provide  
8 its response to Your Honor and the court by 5:00 p.m.  
9 that day for it to be useful to perform the  
10 cancellation.

11 So it would be better if Mr. Filip, just from a  
12 purely administrative perspective, could have that done  
13 by 5:00 p.m. on Thursday. That would allow Staff time  
14 to evaluate it and provide a written assessment that  
15 would be more usable during business hours by the court.

16 JUDGE HOWARD: Thank you.

17 Mr. Filip, do you have any questions or  
18 concerns after hearing what Mr. Teimouri just said?

19 MR. FILIP: No, no. I can do it before  
20 Thursday. I will take care of everything with what I  
21 have to add when I get home, and I can send -- if there  
22 will be something to change, I will change it to  
23 Thursday. Like, I'll have one more day. But I will  
24 proceed with that -- with the safety management plan,  
25 like, today to finish everything.

1 before just doing labor in a moving company, but when  
2 it's about the paper, that's something different. And  
3 since it's different, I need to work more on this.

4 And I will -- for the future, I will know for  
5 sure what -- and for how long I need to keep files and  
6 what kind of maintenance I need to provide and keep the  
7 safety management for -- not just for me, but for the  
8 entire company, trucks, and people who work with me.

9 JUDGE HOWARD: And thank you, Mr. Filip. I  
10 can appreciate that. And I can also -- I'm also aware  
11 that these are -- from what I can tell from looking at  
12 the dockets, these are first-time issues with the  
13 company.

14 But just to clarify, do you disagree with any  
15 of the violations described by Cobile's inspection  
16 report?

17 MR. FILIP: No. No, I don't. You've shared  
18 all this. I'm pretty sure she's an expert on what she's  
19 doing, and she's right. Like, there is no "but" or  
20 something. She's right. I have to just accept all the  
21 violations because they are there.

22 JUDGE HOWARD: All right. Thank you.

23 Mr. Teimouri, I see you have your hand raised.

24 MR. TEIMOURI: It's not a question, though.  
25 So if it's okay, it's a clarification on timing for the

1 JUDGE HOWARD: All right. Thank you.

2 Mr. Teimouri, would you like to provide a brief  
3 closing statement?

4 MR. TEIMOURI: Yes. Just a very brief one,  
5 Your Honor.

6 I think that Staff has presented sufficient  
7 evidence today for the allegations contained in the  
8 notice of intent to cancel and -- as well as in the  
9 investigative report and the penalty assessment.

10 We believe that on the basis of the facts and  
11 the admittance of the company today that they did commit  
12 the violations, that you should grant the relief that's  
13 sought in the notice of intent to cancel subject to the  
14 company working with Staff to continue working on a  
15 safety management plan before cancellation.

16 JUDGE HOWARD: All right.

17 Mr. Filip, would you like to provide any  
18 closing remarks?

19 MR. FILIP: No, sir.

20 JUDGE HOWARD: All right.

21 Thank you all for your testimony today. I will  
22 take this all under advisement and issue an order soon.

23 Before we adjourn, I'd like to -- well, I'm  
24 sorry. I have this statement in my script here. I'm  
25 going to cross that out.

1 I am aware that the parties have set forth a  
2 specific timeframe for reviewing the safety management  
3 plan, so I will be planning to issue my order within  
4 that timeframe so it's actually of use in this  
5 proceeding.

6 Does either party have anything further before  
7 we go off the record?

8 MR. TEIMOURI: Not at this time, Your Honor,  
9 from Staff's perspective.

10 JUDGE HOWARD: All right.

11 Thank you all for your participation in this  
12 proceeding today, and we are off the record.

13 (Proceedings adjourned at 2:06 p.m.)  
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1 CERTIFICATE  
2

3 STATE OF WASHINGTON  
4 COUNTY OF KING  
5

6 I, Rose Detloff, a Certified Court Reporter in  
7 and for the State of Washington, do hereby certify that  
8 the foregoing transcript is true and accurate to the  
9 best of my knowledge, skill and ability.  
10

11  
12   
13 \_\_\_\_\_  
14 ROSE DETLOFF, CCR, RPR



15 My commission expires:  
16 DECEMBER 6, 2022  
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<b>40128</b> 2:7			