

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment Against	DOCKET TV-230988
RENORELO WORLDWIDE LLC, d/b/a PRORELO GROUP LLC	ORDER 01
in the amount of \$2,000	GRANTING MITIGATION TO \$1,000

BACKGROUND

- 1 On December 21, 2023, the Washington Utilities and Transportation Commission (Commission) issued a \$2,000 penalty (Penalty Assessment) against RenoRelo Worldwide LLC, d/b/a ProRelo Group LLC, (RenoRelo or Company). The Commission found that RenoRelo violated Washington Administrative Code (WAC) 480-15-555, Criminal Background Checks for Prospective Employees; WAC 480-15-560, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulation (C.F.R.) Part 382 – Controlled Substance and Alcohol Use and Testing, and 49 C.F.R. Part 391 – Qualifications of Drivers. The Penalty Assessment includes:
 - A \$1,400 penalty for 14 violations of WAC 480-15-555 for failing to complete a background check for every person the carrier intends to hire.
 - A \$500 penalty for 1 violation of 49 C.F.R. § 382.301(a) for using a driver before the motor carrier received a negative pre-employment controlled substance test result.
 - A \$100 penalty for 3 violations of 49 C.F.R. § 391.51(b)(2) for failing to maintain inquiries into driver’s driving record in driver’s qualification file.

- 2 On January 2, 2024, RenoRelo submitted to Commission staff (Staff) a corrective action safety plan in which the Company admitted to the violations and described steps taken to prevent future occurrences.

- 3 Also on January 5, 2024, RenoRelo filed an application for mitigation of penalties (Application). In the request for mitigation, Dominic Jackson, general manager of RenoRelo Worldwide, admits to the violations and requests to mitigate the penalty.

4 On January 5, 2024, Staff filed a response to the Company’s request for mitigation recommending the Commission mitigate the total assessed penalty from \$2,000 to \$1,000 based on the immediate and prompt action taken by the Company.

DISCUSSION AND DECISION

5 Washington law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. In some cases, Commission requirements are so fundamental to safe operations that the Commission will issue penalties for first-time violations.¹ Violations defined by federal law as “critical” meet this standard.²

6 Violations classified as “critical” are indicative of a breakdown in a carrier’s management controls. Critical violations are subject to penalties of \$100 per violation.³

7 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 provides other circumstances that convinces the Commission a lesser penalty will be equally or more effective to ensure the company’s compliance.⁴ The Commission will also consider whether the violations were promptly corrected, the seriousness of the violations, whether the violations were intentional, the company’s cooperation and responsiveness, the number of violations, the number of customers affected, a company’s history of compliance, the likelihood the violation will recur, and the size of the company.⁵

8 The Commission assessed a \$1,400 penalty for 14 violations of WAC 480-15-555. RenoRelo states that they have implemented a process to obtain background checks for all future employees. The Company also provided background checks for all current Washington employees. Staff recommends the \$1,400 penalty be reduced to \$700 for these first time critical-type violations.

9 The Commission assessed a penalty of \$500 for 49 C.F.R. § 382.301(a). RenoRelo has provided Staff with evidence that its commercial drivers have taken pre-employment

¹ Docket A-120061, Enforcement Policy for the Washington Utilities and Transportation Commission ¶12 (Jan. 7, 2013) (Enforcement Policy).

² 49 C.F.R. § 385, Appendix B.

³ See RCW 81.04.405.

⁴ Enforcement Policy ¶19.

⁵ Enforcement Policy ¶15.

controlled substances testing. The Company states that it will complete drug and alcohol training for all Washington employees by the first quarter of 2024. The Company states they have fixed a software issue preventing all employees from being added to random drug and alcohol screening. Staff recommends the \$500 penalty be reduced to \$250 for this first time critical-type violation.

10 The Commission assessed a penalty of \$100 for three violations of 49 C.F.R. § 391.51(b)(2). The Company states that it has implemented a checklist for each driver's qualification file for review of the required documents. The Company states they will have physical audits conducted of driver files in March and October of each year. Staff recommends the \$100 penalty be reduced to \$50 for these first time violations.

11 We agree and grant the request to mitigate the total assessed penalty. The Company has no history of penalties for safety violations and has been cooperative throughout the safety investigation. The Company also began making corrections during the investigation. Staff provided the Company with technical assistance to remedy the Company's safety management control to support safe operations and provided guidance as to how to improve its safety performance. A corrective action plan was submitted to Staff within 15 days after the Notice of Penalties was issued to the Company. In the corrective action plan, the Company also provided to Staff the Company's background checks for all existing Washington employees. The Company has also stated to Staff that they have fixed a software issue that prevented all employees from being added to a random drug and alcohol screening and noted that physical audits of driver qualification files will be conducted bi-annually in March and October.

FINDINGS AND CONCLUSIONS

12 (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.

13 (2) RenoRelo is a household goods carrier subject to Commission regulation.

14 (3) RenoRelo violated WAC 480-15-555 for failure to complete a criminal background check for every person the carrier intended to hire.

15 (4) RenoRelo should be penalized \$700 for 14 violations of WAC 480-15-555.

- 16 (5) RenoRelo violated 49 C.F.R. § 382.301(a) for using a driver prior to the motor carrier receiving a negative pre-employment controlled substance test result.
- 17 (6) RenoRelo should be penalized \$250 for 1 violation of 49 C.F.R. § 382.301(a).
- 18 (7) RenoRelo violated 49 C.F.R. § 391.51(b)(2) for failure to maintain inquiries into driver's driving record in driver's qualification file.
- 19 (8) RenoRelo should be penalized \$50 for 3 violations of 49 C.F.R. § 391.51(b)(2).
- 20 (9) The Commission should assess a total penalty of \$1,000 for 18 violations: 14 violations of WAC 480-15-555, 1 violation of 49 C.F.R. § 382.301(a), and 3 violations of 49 C.F.R. § 391.51(b)(2).

ORDER

THE COMMISSION ORDERS:

- 21 (1) RenoRelo Worldwide LLC, d/b/a ProRelo Group LLC's request for mitigation of the \$2,000 penalty is GRANTED and the penalty is reduced to \$1,000.
- 22 (2) RenoRelo Worldwide LLC, d/b/a ProRelo Group LLC, must pay the \$1,000 penalty within 10 days of the effective date of this 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 Olympia, Washington, and effective January 26, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KATHY HUNTER
Acting 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.