

Received

Records Management

May 7, 2024

Application for Mitigation

Let's Move LLC

UTC Permit #THG-070281

Dear Micheal Howard (Director, Administrative Law Division) ,

We are seeking mitigation for the following violations. The Violations with adequate reasoning for Mitigation are addressed below:

- **Fifty-six violations of 49 C.F.R. & 391.459(a) - Using a Driver not medically examined and certified. - Let's Move allowed drivers Dominic Benedetto, Vincent Benedetto, and Brian Tyler to operate a commercial Vehicle (CMV) without a valid medical certificate on 56 occasions between August 11th, 2023 , and January 30th, 2024.**

Response: We were unaware that as Non-CDL intrastate household carriers operating within a 100 mile radius that having a medical certificate was a requirement for us. We were first aware of this requirement while we were looking at the documents to have present at our inspection with Sandra Yemens.

To support this claim, we have been pulled over a few times by commercial vehicle enforcement and DOT, and they never asked us for medical certificates, or made it known that this was a requirement for us to have.

Upon preparing for our inspection and noticing that this was a required document to have, we went ahead and immediately got all drivers at Let's Move medically examined and certified before the date of our inspection. This shows that we are diligent and abide by the rules when presented.

We have marked dates on our calendar when our next medical exams are due, so we will remain medically certified.

- **Two violations of 49 C.F.R. & 391.51(a) - Failing to maintain a driver qualification file on each driver employed. The company failed to maintain a driver qualification file for drivers Dominic Benedetto and Vincent Benedetto**

Response: Dominic Benedetto (Myself) and Vincent Benedetto are the owners at Let's Move LLC. We were confused about the violation, as it states "all drivers EMPLOYED by Let's Move" NOT "All drivers at Let's Move" We had a Drivers qualification file for our one employee driver, Brian Tyler at our inspection, as we thought this was the requirement to have.

Upon meeting with Sandra, she made it known that I, Dominic Benedetto and Vincent Benedetto are employed drivers at Let's Move as well. Having now known this, we immediately created and completed drivers qualification files for Vincent Benedetto and myself, and will continue to

update them going forward. We will also create new Drivers qualification files for new employee drivers we hire on, and update them as necessary.

- **Sixty violations of 49 C.F.R. § 395.8(a)(1) - Failing to require driver to make a record of duty status**

Response: Before meeting with Sandra, we were confused about this requirement for the same reasons as the one above. We had planned on waiting until our inspection in order to ask her for clarification, namely on whether or not the owners (Dominic & Vincent Benedetto) still need to follow this requirement. After receiving clarification from Sandra that we did indeed have to do this, we have been creating a record of duty status for each month. We were told by Sandra that “As long as you fill it out accurately, AND continue to do so going forward, everything will be fine.” Because of the confusing discrepancies between what the agents are telling us and what the commission is telling us, we believe these current penalties should be dismissed. Every month going forward we will be subject to the penalty now that we have a clear understanding of the requirement.

1. **Whether the violations were intentional.** Considerations include:
  - Whether the Company ignored Commission staff’s (Staff) previous technical assistance

Response: There was NO technical assistance to us by the commission staff BEFORE the penalty assessment. These penalties were placed on our company prematurely and unfairly. Upon assistance, we went ahead and corrected these issues promptly.

- Whether there is clear evidence through documentation or other means that shows the Company knew of and failed to correct the violations.

Response: There is no clear evidence because we did not know we were committing these violations before meeting with Sandra. After having the requirements clearly verbally explained to us, We succeeded in correcting these violations.

- **Four violations of WAC 480-15-555 - Failure to complete a criminal background check for every person the carrier intends to hire.**

Response: We were required to run background checks for these individuals in the past to be accepted on moving lead and mover labor websites such as Hire a Helper,

Thumbtack, etc. Upon asking these companies for copies of the background reports, they were unfortunately unable to assist. In response to this, I immediately ordered background checks for all of the crew that has worked for us since August of 2023. Everyone's background checks came back clear without a single thing on each of their records. Our whole crew consists of friends we have known for 10+ years. With our relationship with our present crew, plus the evidence of all their background checks coming back clear, they pose absolutely no harmful risk to the public or company. We have yet to hire anyone who we haven't already known previously. When we do, the first thing we will do before conducting an interview will be to run a Background check. We understand how important this is to do, and we would like the peace of mind that we are hiring a good individual more than anybody else.

- **One violation of 49.C.F.R. & 396.17(a) - Using a commercial vehicle not periodically inspected - Let's Move failed to annual inspect it's commercial vehicle**

Response: This violation suggests that we did not annually inspect our Vehicle. We had our Vehicle DOT inspected and approved before a year of operation with it. If we did NOT have our vehicle inspected after a year of use (Annually) , then I would understand why this violation would be presented to us.

To further support this, around only 2 months into ownership of our commercial vehicle, we had a commercial vehicle officer pull us over and he conducted a walk-around inspection of our vehicle. The ONLY remark was that our back mirror was at a slight-tilt, and we immediately corrected this.

We also got our vehicle fully inspected by Sandra Yemens during our inspection, and it passed with high remarks.

