

Docket No. TV-220133

**In the Matter of the Investigation of: PNW Moving and
Delivery LLC**

April 13, 2022



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the) DOCKET No. TV-220133
Investigation of:)
)
PNW MOVING AND DELIVERY, LLC)
)
For compliance with WAC)
480-15-550, WAC 480-15-555, WAC)
480-15-560, WAC 480-15-570, and)
WAC 480-15-590)
)
)

VIRTUAL BRIEF ADJUDICATIVE PROCEEDING
ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

(All participants appeared remotely via
videoconference.)

Washington Utilities and Transportation Commission
621 Woodland Square Loop Southeast
Lacey, Washington 98503

DATE TAKEN: April 13, 2022
REPORTED BY: Sarah K. Webb, RSR, CCR #5567

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1 A P P E A R A N C E S
2 Administrative Law Judge:
3 RAYNE PEARSON
4 Counsel for the Washington Utilities
 and Transportation Commission:
5
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9 Respondent:
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14 Witness Panel:
15 JASON SHARP
16 Also Present:
17 RYAN SMITH
 TRACY COBILE
18 SAMANTHA DOYLE
 MATHEW PERKINS
19 ANDREW O'CONNELL
20
21 * * * * *
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24
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1 E X A M I N A T I O N I N D E X
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6 E X H I B I T I N D E X
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8 EXHIBIT NO. DESCRIPTION PAGE NO.
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1 LACEY, WASHINGTON
2 1:32 p.m.
3 -oOo-
4 P R O C E E D I N G
5
6 JUDGE PEARSON: Good afternoon. This is
7 Docket TV-220133 which is captioned: In the Matter of
8 the Investigation of PNW Moving and Delivery, LLC; for
9 compliance with WAC 480-15-550, WAC 480-15-555, WAC
10 480-15-560, WAC 480-15-570 and WAC 480-15-590.
11 My name is Rayne Pearson. I use she/her
12 pronouns and I'm the administrative law judge presiding
13 over today's brief adjudicative proceeding. Today is
14 Wednesday, April 13th, 2022 and the time is
15 approximately 1:30 p.m.
16 So on March 10th, 2022, the Commission issued a
17 notice of intent to cancel permit as household goods
18 carrier and a notice of a brief adjudicative proceeding.
19 The Commission issued the notice of intent to cancel
20 following the compliance review conducted by Commission
21 Staff and completed in February, which resulted in a
22 proposed conditional safety rating for PNW Moving. So
23 the Company had until March 30th, 2022 to file a
24 proposed safety management plan that's acceptable to
25 Staff.

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1 And I also want to address the penalty
 2 assessment in Docket TV-220134 in the amount of \$25,600.
 3 The Company filed an application for mitigation in that
 4 docket on March 28th. And so I am assuming that no
 5 party has an objection to consolidating Dockets
 6 TV-220133 and 220134, so we can address all of the
 7 issues here today.
 8 Are there any objections to consolidating these
 9 dockets?
 10 MR. FUKANO: This is Harry Fukano, assistant
 11 attorney general, appearing on behalf of Staff. Staff
 12 does not object to the consolidation of the dockets.
 13 JUDGE PEARSON: Great, thank you.
 14 Is there a representative for the Company on
 15 the line or did I miss that completely?
 16 MR. FUKANO: Based on the participants, it
 17 does not appear the Company is currently in attendance.
 18 JUDGE PEARSON: Okay. So has Staff had an
 19 opportunity to speak with the Company and find out if
 20 they were planning to attend today?
 21 Jason or Tracy, you're free to answer that.
 22 MR. SHARP: Judge Pearson, I have been in
 23 communication with the Company. And as we have been
 24 reviewing their safety management plan, I have alluded
 25 to the hearing and the Company gave me no indication

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1 that it was not planning on attending.
 2 JUDGE PEARSON: All right.
 3 So then I think what we'll do is we will just
 4 go off the record. And I'm just going to mute myself
 5 and turn my video off.
 6 We will wait until 1:45. If the Company has
 7 not appeared by that time, then I will entertain a
 8 motion for default.
 9 All right. And we will be in recess, thank
 10 you.
 11 (Recess taken 1:35 p.m. to 1:41 p.m.)
 12 (Mr. Satir now present.)
 13 JUDGE PEARSON: So I had just given a brief
 14 overview of why we were here. My name is Rayne Pearson.
 15 I use she/her pronouns and I'm the administrative law
 16 judge that's presiding over the hearing today.
 17 And as you know, you received the notice of
 18 intent to cancel, which was issued to the Company
 19 following a compliance review conducted by Commission
 20 Staff and completed in February. And then I had also
 21 mentioned the penalty assessment in Docket 220134 in the
 22 amount of \$25,600, and we did receive the Company's
 23 application for mitigation on March 28th.
 24 And so the question I have for the parties: Is
 25 whether there are any objections to consolidating those

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1 two dockets so that we can address all of the issues in
 2 both dockets while we're here today.
 3 So is the Company okay with that?
 4 MR. SATIR: Yeah, sorry. I'm okay with
 5 that.
 6 JUDGE PEARSON: Okay. And Staff already
 7 expressed that they had no objection to that, so those
 8 matters are consolidated.
 9 When I call on each party to testify, I will
 10 swear you in with the oath of witness. So that anything
 11 that you tell the Court today will be under oath; it is
 12 considered sworn testimony. So for the court reporter's
 13 benefit, please speak slowly and clearly -- and once
 14 you're sworn in, you can present your testimony.
 15 So what we'll do first is have Staff address
 16 the proposed safety rating. And then after Staff makes
 17 its presentation, the Company will have an opportunity
 18 to ask Staff's witnesses any questions and then you will
 19 have a chance to present testimony.
 20 And at that time, you can address the
 21 violations and the penalty assessment -- we'll walk
 22 through them one by one. And then once you're done
 23 testifying, Staff's attorney, Harry Fukano, may have
 24 some questions for you and then Staff can make a
 25 recommendation on the penalty.

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1 Do you have any questions before we get
 2 started?
 3 MR. SATIR: No, not at the moment.
 4 JUDGE PEARSON: Okay. And have you
 5 submitted a proposed safety management plan to Staff?
 6 MR. SATIR: Yes.
 7 JUDGE PEARSON: All right.
 8 And then I don't know if Jason Sharp or Tracy
 9 want to answer this question, but has Staff had an
 10 opportunity to review the safety management plan?
 11 MR. SHARP: Yes, Your Honor. I have
 12 received a couple of versions of a plan, including one
 13 as recently as this morning. And the plans have not yet
 14 reached the acceptable state.
 15 JUDGE PEARSON: Okay, thank you.
 16 MR. FUKANO: And Judge Pearson, if I may
 17 briefly -- at the beginning here. In the penalty
 18 assessment docket, the Company's request for mitigation
 19 included an admission of all violations from the most
 20 recent Staff investigation. I would ask that the
 21 Commission take judicial notice of that admission. And
 22 with that, Staff does not believe that we'll need to
 23 call Investigator Coble as a witness in this case.
 24 JUDGE PEARSON: Okay. Yes, the Commission
 25 does take official notice of that.

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1 Just confirming with the Company. In your
 2 response, you admitted that the violations occurred, but
 3 want an opportunity to explain, maybe, why they occurred
 4 and ask for a reduced penalty; is that correct?
 5 MR. SATIR: Yes.
 6 JUDGE PEARSON: Okay, all right.
 7 Well, having stipulated to the violations,
 8 let's first take an appearance from Commission Staff.
 9 MR. FUKANO: Good afternoon, Judge Pearson.
 10 I'm Harry Fukano, assistant attorney general, appearing
 11 on behalf of Commission Staff today.
 12 JUDGE PEARSON: All right, thank you.
 13 And for the Company -- if you could provide
 14 your first and last name, spelling your name for the
 15 record. And then also provide your phone number and
 16 email address.
 17 MR. SATIR: That's me, right?
 18 JUDGE PEARSON: Yes.
 19 MR. SATIR: So Dmitriy Satir, representing
 20 PNW Moving and Delivery. And Dmitriy is spelled,
 21 D-M-I-T-R-I-Y and then Satir, S-A-T-I-R. The phone
 22 number is (253) 579-7122 and my email address is first
 23 and last name at gmail, so dmitriysatir@gmail.com.
 24 JUDGE PEARSON: All right, thank you.
 25 So Staff may proceed with the issue of the

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1 Company's proposed safety and management plan, the state
 2 of the proposed safety management plan and the safety
 3 rating whenever you're ready.
 4 MR. FUKANO: Thank you, Judge Pearson.
 5 I'd like to call Mr. Sharp to the stand.
 6 JUDGE PEARSON: All right. If you could
 7 please raise your right hand.
 8 Jason, I can't hear you. I don't know if
 9 you're having an audio issue, maybe? Now you're muted.
 10 Okay.
 11 MR. SHARP: Can you hear me now?
 12 JUDGE PEARSON: Yes.
 13 MR. SHARP: Okay. Unfortunately, I'm having
 14 a weird intermittent muting of my computer speakers and
 15 that would affect my mic, so I'll try and get through
 16 this.
 17 JUDGE PEARSON: Okay, sounds good.
 18 (Whereupon witness was duly sworn.)
 19 MR. SHARP: I do.
 20 JUDGE PEARSON: All right, thank you.
 21 Go ahead and proceed when you're ready.
 22 MR. FUKANO: Thank you.
 23 E X A M I N A T I O N
 24 BY MR. FUKANO:
 25 **Q. Mr. Sharp, would you please state your name and**

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1 **spell your last name for the record.**
 2 A. Jason Sharp, S-H-A-R-P.
 3 **Q. What is your current position with the**
 4 **Commission?**
 5 A. Motor carrier safety supervisor.
 6 **Q. And what are your responsibilities in that**
 7 **position?**
 8 A. As the supervisor, I assign investigations, I
 9 review investigator reports and issue recommendations
 10 consistent with federal and state regulations and the
 11 Commission's enforcement policy.
 12 **Q. And what training have you received for your**
 13 **role?**
 14 A. Prior to working in my current role, I was also
 15 a safety investigator with the Commission, receiving
 16 training through the Federal Motor Carrier Safety
 17 Administration and Commercial Vehicle Safety Alliance to
 18 conduct commercial vehicle inspections and perform
 19 safety fitness evaluations.
 20 **Q. And how long have you been in your current**
 21 **position?**
 22 A. A little over four years now.
 23 **Q. I'd like to now turn to the matter involving**
 24 **PNW Moving and Delivery, LLC.**
 25 **Are you familiar with the matters involving**

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1 **PNW?**
 2 A. Yes.
 3 **Q. And how did you become familiar with them?**
 4 A. I initially became familiar with the Company
 5 while serving as the senior investigator on the
 6 Company's initial safety investigation in 2020. And as
 7 it relates to the proceedings today, I assigned the
 8 follow-up investigation to Investigator Cobile and
 9 provided recommendations based on the findings.
 10 **Q. And have you had an opportunity to review the**
 11 **investigation report prepared by Investigator Cobile?**
 12 A. Yes, I have.
 13 MR. FUKANO: At this time, I would like to
 14 move to admit proposed Exhibit TC-1 into evidence.
 15 JUDGE PEARSON: All right.
 16 Does the Company have any objection?
 17 MR. SATIR: No, not at the moment.
 18 JUDGE PEARSON: All right. Then that
 19 exhibit is admitted, thank you.
 20 (Exhibit TC-1 admitted into evidence.)
 21 BY MR. FUKANO:
 22 **Q. Do you agree with Inspector Cobile's findings**
 23 **reflected in the report?**
 24 A. Yes, I do.
 25 The rating that was proposed is consistent with

1 the safety rating methodology that the Commission adopts
2 from the Federal Motor Carrier Safety Administration.

3 **Q. Do you also agree with the proposed safety**
4 **rating for PNW contained in that report?**

5 A. Yes.

6 **Q. And for the record, what is that proposed**
7 **safety rating?**

8 A. The proposed rating is a conditional safety
9 rating.

10 **Q. I'd like to ask some questions about PNW's**
11 **Commission operating authority.**

12 **What type of operating authority does PNW have**
13 **from the Commission?**

14 A. PNW Moving has provisional household goods
15 operating authority.

16 **Q. And what is the significance of provisional**
17 **operating authority?**

18 A. Provisional operating authority is a temporary
19 permit that creates opportunities for new moving
20 companies, to demonstrate their fitness and meeting the
21 criteria for permanent status as a household goods
22 company in the state. And the requirements are defined
23 within the Washington Administrative Code.

24 **Q. Did the Commission's rules require a**
25 **provisional company to achieve a specific safety rating**

1 **satisfy a criteria for permanent operating authority?**

2 A. In that event, Staff will recommend the
3 Commission cancel the provisional authority.

4 **Q. In your opinion, has PNW demonstrated good**
5 **cause to extend its provisional period?**

6 A. In this case, no.

7 The Company has previously had its provisional
8 period extended by the Commission order following the
9 acceptance of a safety management plan. The Company
10 demonstrated through its performance in the most recent
11 safety investigation that the safety plan was not
12 adhered to and the Company has not submitted a safety
13 management plan that is acceptable to Staff yet.

14 **Q. I'd like to now ask some questions about the**
15 **Company's safety management plan submitted in relation**
16 **to this docket.**

17 **After the Commission filed the notice of this**
18 **proceeding, did PNW submit a safety management plan --**
19 **or SMP, to Staff to review?**

20 A. Yes, the Company submitted a safety plan by the
21 March 30th deadline. It was established in the notice
22 of intent to cancel along with revised plans on April
23 11th. And I received another version of the plan --
24 submitted this morning.

25 **Q. And did you evaluate the Company's SMP?**

1 **in order to be granted permanent operating authority?**

2 A. Yes, the rules required that each provisional
3 company achieve a satisfactory safety rating.

4 **Q. And how long does a provisional company have to**
5 **achieve a satisfactory safety rating?**

6 A. While it can vary -- depending on conditions,
7 the provisional status is designed to be completed
8 within 18 months.

9 **Q. Are you familiar with PNW's permit history with**
10 **the Commission?**

11 A. Yes, I am.

12 **Q. Can you please describe PNW's permit history**
13 **with the Commission?**

14 A. Yes. Initially, the Company received its
15 provisional permit in February of 2017. That permit was
16 cancelled in September of 2017 for lack of insurance on
17 file with the Commission. The Company was later
18 reinstated in April of 2018. The permit was, again,
19 cancelled due to lack of insurance on file with the
20 Commission. In May of 2020 and shortly thereafter, the
21 Company was reinstated on June 2nd of 2020.

22 **Q. Has it been more than 18 months since June 2nd,**
23 **2020?**

24 A. Yes.

25 **Q. What happens if a provisional company fails to**

1 A. I thoroughly evaluated the first two
2 submissions and provided feedback on the plan's
3 deficiencies to Mr. Satir. I was only able to briefly
4 look at the one that I received this morning -- though I
5 haven't had an opportunity to provide any detailed
6 response to Mr. Satir as of yet.

7 **Q. In your opinion, were the SMPs acceptable to**
8 **Staff?**

9 A. No.

10 **Q. Would you please explain?**

11 A. I reviewed the plan and determined that it is
12 not sufficient to justify and upgrade the Company's
13 safety rating. And it fails to demonstrate that
14 adequate corrective actions have taken place to address
15 the violations discovered during this most recent safety
16 investigation.

17 The plan fails to demonstrate that the Company
18 understands all of the safety regulations that it was
19 found to be in violation of or how to ensure future
20 compliance. The plan addressed each violation
21 discovered and it explains why the Company allowed the
22 violation to occur, which are factors in determining
23 acceptability of a plan.

24 However, the plan fails to demonstrate that
25 each violation has been corrected or that the Company

1 has sufficient safety management controls in place to
2 make sure that the violations do not reoccur in the
3 future.

4 **Q. Relatedly, in your opinion, did the SMPs**
5 **indicate that the Company was making substantial**
6 **progress towards the satisfactory safety rating?**

7 A. Well, as I mentioned, the Company has continued
8 to submit revisions of its safety management plan --
9 trying to reach that acceptability. I'm also aware that
10 the owner, Dmitriy Satir, has registered to take the
11 Commission's online household goods training course
12 through the learning management system.

13 With that said -- now, Staff remains concerned
14 about PNW Moving being allowed to continue to operate.
15 The Company's operations were already under a safety
16 management plan and -- you know, had the Company
17 followed its previous commitments to its safety plan, it
18 wouldn't be in this position that it is today.

19 The most recent submitted plan states that the
20 reasons for several of the violations occurring was due
21 to the Company being aware of the requirements, but
22 failing to prioritize its safety commitments. And, you
23 know, considering that, this gives Staff little
24 confidence that even if the Company were to submit an
25 acceptable plan on paper, that it would follow up on its

1 regulations. PNW Moving must get current with any
2 regulatory fees and penalties. As a result of late
3 annual report filings, the Company pay its assessed
4 penalty in this case in full or through a mutually
5 agreeable payment arrangement approved by Staff. If the
6 Company enters into a payment arrangement, those
7 payments must be made by the specified date, unless
8 approved by Staff prior to the deadlines.

9 And finally, Staff recommends that should the
10 Company fail to meet any of these conditions, it would
11 constitute grounds for cancellation of the Company's
12 provisional permit.

13 **Q. Thank you. I'd like to now turn to the issue**
14 **involving the penalty assessment in Docket 220134.**

15 **Are you familiar with the penalty assessment**
16 **issued to the Company in that docket?**

17 A. Yes.

18 **Q. Have you reviewed the Company's request for**
19 **mitigation?**

20 A. Yes, I have.

21 **Q. Does Staff have a recommendation regarding**
22 **whether the Commission should mitigate or alter some of**
23 **the penalty?**

24 A. Yes. So taking into account the information
25 provided in the proposed safety management plans and the

1 commitment.

2 **Q. Based on your review in this case, do you have**
3 **a recommendation as to how the Commission should resolve**
4 **the matter involving PNW's operating authority?**

5 A. I actually have two recommendations depending
6 on how the case is resolved. First, because PNW Moving
7 has not submitted a safety management plan that is
8 acceptable to Staff, Staff recommends that the Company's
9 proposed safety rating remain conditional and that the
10 provisional permit be cancelled. Now, however, if the
11 Company were to submit an acceptable safety management
12 plan, Staff would recommend that the Commission impose
13 seven conditions on the moving company moving forward.

14 The first, the Company must send all of its
15 employees to Commission-sponsored household goods
16 training either through the online learning management
17 system or the live, virtual course provided by
18 Commission Staff by no later than June 15th, 2022. The
19 next condition, it would be Staff conduct a follow-up
20 safety investigation in one year from the date of the
21 order -- or soon thereafter is practical. Following
22 that investigation, PNW Moving must obtain a
23 satisfactory safety rating following that investigation.

24 Upon reinspection, PNW Moving may not incur any
25 repeat violations of acute, critical or critical-type

1 application for mitigation that the Company submitted to
2 the docket, Staff recommends that the Commission reduce
3 the assessed penalty of \$25,600 to \$21,500.

4 Now this reduction is taking into account that
5 the 82 violations of Washington Administrative Code
6 480-15-555 were corrected and are first-time violations.
7 Staff recommends no further mitigation as the remaining
8 violations that were penalized were repeat violations
9 that the Company should have been in compliance with
10 following the active safety management plan.

11 Beyond that, there were additional penalties
12 issued of the \$100 variety -- penalized as a per
13 category violation which we would consider an already
14 reduced penalty.

15 **Q. Does Staff also have a recommendation regarding**
16 **whether the Commission should suspend any amount of the**
17 **penalty assessment?**

18 A. So similarly to how I addressed the
19 recommendation earlier, in the event that the Company's
20 permit is cancelled, Staff would recommend that the
21 entire penalty be suspended for two years and then
22 waived, subject to the condition that PNW Moving
23 refrains from operating as a household goods carrier,
24 unless the Company were able to obtain a Commission
25 permit required to conduct such operations within that

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1 two-year period. Should the Company obtain the
 2 household goods permit, the Company must pay the \$21,500
 3 penalty in full or pay the penalty in installments
 4 according to an approved payment plan.
 5 So on the condition that the Commission extends
 6 the provisional authority, yet again, and considering a
 7 suspension of a penalty -- Staff is generally supporting
 8 suspending portions of assessed penalties as a means of
 9 incentivizing future compliance.
 10 Following Staff's initial safety investigation
 11 of PNW Moving in 2020, Staff supported suspending a
 12 portion of that assessed penalty to help ensure the
 13 Company's future compliance. That suspended penalty was
 14 imposed following the discovery of repeat critical
 15 violations during this most recent safety investigation.
 16 Staff does not believe that suspending a
 17 portion of that penalty to incentivize future compliance
 18 was effective for the Company and recommends that if the
 19 Commission does not cancel the Company's permit, the
 20 reduced recommended penalty of 21,500 be imposed.
 21 With that said, Staff also recognizes that this
 22 could create a financial hardship on the Company. And
 23 to minimize the immediate impact of paying such a
 24 penalty would incur on the Company, Staff would be open
 25 to entering into a mutually agreeable payment plan.

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1 **Q. Thank you.**
 2 MR. FUKANO: No further questions.
 3 JUDGE PEARSON: All right, thank you.
 4 Does the Company have any questions for
 5 Mr. Sharp?
 6 MR. SATIR: No, not at the moment.
 7 JUDGE PEARSON: Thank you.
 8 All right. So I didn't receive any exhibits
 9 from the Company in advance of the hearing, so we can
 10 just go ahead and proceed with your testimony.
 11 If you would raise your right hand.
 12 (Whereupon the witness was duly sworn.)
 13 MR. SATIR: Yes.
 14 JUDGE PEARSON: All right, thank you.
 15 So let's just kind of go through the
 16 violations, and you can provide your explanation for why
 17 they occurred and why you believe that the penalty
 18 should be reduced.
 19 So the first violation is for WAC 480-15-550,
 20 operating a commercial motor vehicle without adequate
 21 cargo insurance coverage. That happened on 82 occasions
 22 between July and January.
 23 So if you would like to just speak to that
 24 violation and let us know what you've done to correct
 25 it.

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1 MR. SATIR: So the violation happened
 2 because I lease my trucks through Enterprise and they
 3 have their insurance -- and I didn't realize that the
 4 cars' insurance needed to be on each of the trucks that
 5 the Company has leased from them. So we corrected that
 6 immediately on -- I don't have the exact date, but it
 7 was around the date that the audit was getting done.
 8 I sent it to Progressive to get the cargo
 9 insurance and I think it's in the -- I don't know if
 10 it's in the safety management plan, but it's in there
 11 somewhere.
 12 JUDGE PEARSON: All right, thank you. The
 13 next violation is WAC 480-15-555, failing to conduct or
 14 retain paperwork containing criminal background checks
 15 prior to hiring each employee.
 16 MR. SATIR: So that happened -- it's because
 17 it's my fault. With the whole 2020 year of work and
 18 everything, I just fell behind on that.
 19 JUDGE PEARSON: All right. And then there
 20 were the 109 violations for 49 CFR, Section 391.45,
 21 Subsection A, using a driver medically -- that's for
 22 failing to have the driver be medically examined and
 23 certified prior to driving company vehicles.
 24 Do you want to speak to that violation?
 25 MR. SATIR: What happened with -- my -- I

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1 was one of the drivers that was not medically qualified.
 2 It happened -- I thought it was for two years, but it
 3 happened to be only active for one year. And that's how
 4 I made that happen -- without having repeated checks on
 5 making sure everything is, you know, correct.
 6 And then for Paul, it's -- I just promoted him
 7 within the Company and I didn't take the day to sit down
 8 and make sure everything is done correctly.
 9 JUDGE PEARSON: Has that violation been
 10 corrected?
 11 MR. SATIR: So the medical card, yes, I have
 12 his medical card and everything. But I had to let go of
 13 him because he was not being a team player or just not
 14 showing up to work on time and doing the job.
 15 JUDGE PEARSON: So everyone who needs a
 16 medical card has one now?
 17 MR. SATIR: Yes.
 18 JUDGE PEARSON: Okay. And I forgot to ask
 19 that about the background checks too; has that been
 20 corrected?
 21 MR. SATIR: Yes.
 22 JUDGE PEARSON: Okay. And then the next
 23 violation is for 49 CFR, Section 395.8(a)(1) for failing
 24 to require drivers to make a record of duty status.
 25 This happened on 60 occasions.

1 If you want to just speak to that violation and
 2 what the Company has done to correct it.
 3 MR. SATIR: So this is the two owners --
 4 they are the ones who are at fault here because we
 5 didn't track our on-duty status. And so the way that
 6 we're correcting it now is we have timekeeping that is
 7 done through time -- Paychex. And so right now I'm on
 8 the clock for -- I don't know, a visible six hours and
 9 one minute or ten -- one minute. And that collects the
 10 hours throughout the day.
 11 JUDGE PEARSON: Okay. So what you were just
 12 showing me was the form that you now use?
 13 MR. SATIR: So the app that we use to track
 14 my hours.
 15 JUDGE PEARSON: Okay. And you're now using
 16 those forms?
 17 MR. SATIR: Yeah.
 18 JUDGE PEARSON: Okay. And then the next
 19 violation is 49 CFR, Section 396.3(b)(2), which is
 20 failing to have a means of indicating the nature and due
 21 date of the various inspection and maintenance
 22 operations to be performed on your two commercial motor
 23 vehicles.
 24 MR. SATIR: So the way that I corrected
 25 it -- if I can grab a piece of paper right now -- is to

1 JUDGE PEARSON: Okay, great, all right.
 2 Did you have anything else you wanted to add or
 3 explain why you're here today?
 4 MR. SATIR: Say that again?
 5 JUDGE PEARSON: Did you have anything else
 6 that you would like to add or explain? Any, like,
 7 financial circumstances that you would like us to
 8 consider related to the penalty amount?
 9 MR. SATIR: Not necessarily. We're working
 10 hard to make sure -- the one thing that I do want to
 11 consider -- for consideration is, that I might fall
 12 short on the paperwork document stuff -- but if we pull
 13 up the representation of the Company and the customers
 14 that we serviced in the last few months and just call
 15 them and ask how we do -- we provide good service for
 16 them.
 17 And the shortcoming of paperwork is on my
 18 behalf. And I'll be working on getting that -- myself
 19 trained up. And just the same way as I figured out how
 20 to do marketing for the Company, I can figure out how to
 21 do the compliance part for the Company as well.
 22 JUDGE PEARSON: Great, thank you.
 23 And does Staff have any questions for the
 24 Company?
 25 MR. FUKANO: I have a few questions here,

1 go with what's in the book, which is the compliance
 2 book. By having inspection repair maintenance record
 3 and vehicle service due dates filled out and to stay on
 4 top of that.
 5 And also, that is one of the bigger things that
 6 I wanted to get trained on with the training that UTC
 7 provides. Because when I did do the test on the
 8 training, it was done in Eastern Washington and we drove
 9 up -- me and my brother drove out there and I don't
 10 remember this being touched on. So this is one thing
 11 that I'll be working on to make sure that I understand
 12 it correctly.
 13 JUDGE PEARSON: Okay, great, thank you.
 14 And then the final violation was 49 CFR,
 15 Section 396.5(b), which was a wheel hub seal leaking.
 16 There was a commercial motor vehicle with a leaking
 17 wheel hub seal and contamination of the brake lining;
 18 has that been addressed?
 19 MR. SATIR: Yes. And I can grab the
 20 paperwork for that one.
 21 JUDGE PEARSON: It's okay; you don't have to
 22 show me the paperwork.
 23 I guess my question is: Have you provided that
 24 to Staff?
 25 MR. SATIR: Yes, it's in the truck file.

1 Judge.
 2 JUDGE PEARSON: All right, go ahead.
 3 E X A M I N A T I O N
 4 BY MR. FUKANO:
 5 **Q. Good afternoon, Mr. Satir.**
 6 A. Hello.
 7 **Q. Do you agree that the Commission safety**
 8 **regulations are intended to protect customers and the**
 9 **traveling public?**
 10 A. Yes.
 11 **Q. And do you agree that failing to comply with**
 12 **the Commission's safety regulations places customers and**
 13 **the traveling public at risk?**
 14 A. Yes.
 15 **Q. You mentioned in your application for**
 16 **mitigation that you're working with motor carrier safety**
 17 **staff to develop a safety management plan; is that**
 18 **correct?**
 19 A. Yes.
 20 **Q. Has the Company previously submitted a safety**
 21 **management plan?**
 22 A. Yes.
 23 **Q. Was the safety management plan related to the**
 24 **Commission's prior enforcement in consolidated Dockets**
 25 **TV-200421 and TV-200419?**

1 A. To my best knowledge, yes.
 2 **Q. Relatedly, are the criminal background check**
 3 **violations, WAC 480-15-555, repeat violations for the**
 4 **Company?**
 5 A. Yes. Because in the first one, I did not do
 6 them at all, I believe. And then the second one,
 7 partially -- half of the Company had them and the other
 8 half didn't. And it was partially my fault that I
 9 didn't do them from day one of starting -- hiring
 10 someone into the Company to work with us.
 11 **Q. Are the medical certification violations under**
 12 **49 CFR 391.45(a) repeat violations?**
 13 A. Yes.
 14 **Q. And are the record of duty status violations**
 15 **under 49 CFR 395.8(a)(1) also repeat violations?**
 16 A. Yes.
 17 **Q. Did the Company's prior safety management plan**
 18 **address these violations?**
 19 A. Yes.
 20 **Q. Given that the Company has previously submitted**
 21 **a safety management plan that addressed these**
 22 **violations, what assurances does the Commission have**
 23 **that the Company will comply with the future safety**
 24 **management plan if the Commission finds it acceptable?**
 25 A. The assurance is -- the only assurance that I

1 JUDGE PEARSON: Okay. And the 22nd is a
 2 Friday, correct?
 3 MR. SHARP: Yes.
 4 JUDGE PEARSON: Okay, all right. And so I
 5 assume that's how we're going to resolve this, then, is
 6 just to allow Staff and the Company additional time to
 7 work together. And then I can expect to see a written
 8 evaluation preferably before the 22nd.
 9 If the permit is to be cancelled at the end of
 10 the day on the 25th, I would probably need more than one
 11 day to write an order. So ideally, I would need to have
 12 the evaluation by a week from today on the 20th.
 13 So does that sound acceptable to Staff and the
 14 Company? Another week to get this straightened out and
 15 get the evaluation filed?
 16 MR. FUKANO: No objection from Staff.
 17 MR. SATIR: (Moves head from side to side.)
 18 JUDGE PEARSON: All right. Is there
 19 anything else that we need to discuss today?
 20 MR. FUKANO: Nothing further from Staff,
 21 Judge.
 22 JUDGE PEARSON: Go ahead.
 23 MR. SATIR: So for the penalty -- since I am
 24 going to be -- have to pay the penalty, are we able to
 25 make a -- some plan on payment because 25- is -- 21- --

1 have to give is that I do want to stay in business. I
 2 don't really have another career option right now that's
 3 on the table. And I'm going to do everything in my
 4 power to keep the Company going.
 5 There's a goal for me to achieve a Company
 6 status of a certain point just so I can have a -- it
 7 provides an income for my family, so that's what the
 8 other thing is. I can say everything else, but at the
 9 end of the day, it's what provides income to my family.
 10 My wife is a stay-at-home mom with the two boys; I can't
 11 afford not to comply with it.
 12 **Q. Thank you.**
 13 MR. FUKANO: No further questions.
 14 JUDGE PEARSON: All right, thank you. And I
 15 know that Mr. Sharp already gave his recommendation.
 16 So I'm guessing that at this point what Staff
 17 will want to do is kind of continue to work with the
 18 Company to see if the safety management plan can be
 19 perfected to Staff's satisfaction -- and I do believe we
 20 have some time. I'm trying to -- I can't recall; does
 21 Staff know what the cancellation date is that we've set?
 22 MR. SHARP: The permanent cancellation date
 23 is set for April 25th. So any recommendation would need
 24 to be submitted prior to -- either on or prior to the
 25 22nd of April.



1 the time would be pretty hard to pay.
 2 JUDGE PEARSON: Yes. I think when Mr. Sharp
 3 was giving his recommendation, he said that Staff would
 4 be amenable to working out a payment plan. And I think
 5 that would probably be contained in the evaluation that
 6 Staff will submit to me for my consideration.
 7 So that's one of the things that you and Staff
 8 should continue to have discussions about as you work
 9 through this process --
 10 MR. SATIR: Okay.
 11 JUDGE PEARSON: -- okay?
 12 MR. SATIR: Yep.
 13 JUDGE PEARSON: All right. Well, thank you
 14 all for being here today. And if there is nothing else,
 15 then I will just await hearing from Staff and its
 16 evaluation and issue an order shortly thereafter.
 17 MR. SATIR: Okay.
 18 JUDGE PEARSON: All right, thank you.
 19 We are adjourned.
 20 (Hearing adjourned at 2:16 p.m.)
 21 -o0o-
 22
 23
 24
 25

1 C E R T I F I C A T E
2 STATE OF WASHINGTON
3 COUNTY OF KING
4

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

9 IN WITNESS WHEREOF, I have hereunto set my hand
10 and seal this April 18th, 2022.

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Sarah K. Webb, RSR, CCR #5567

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