

Docket No. TV-220168 - Vol. I

In the Matter of the Investigation of Marsik Movers LLC

May 3, 2022



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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

VIRTUAL BRIEF ADJUDICATIVE PROCEEDING

Pages 1-30

ADMINISTRATIVE LAW JUDGE MICHAEL HOWARD

May 3, 2022

1:33 p.m.

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

(All participants appeared via videoconference.)

DATE TAKEN: MAY 3, 2022

REPORTED BY: ROSE DETLOFF, RPR, CCR #21036100

Page 2

1 A P P E A R A N C E S

2 ADMINISTRATIVE LAW JUDGE:

3 MICHAEL HOWARD

4

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10 FOR MARIK MOVERS LLC:

11 MARCEL FILIP
12 Marsik Movers LLC
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16 ALSO PRESENT:

17 TRACY COBILE
18 KATHY HUNTER
19 JASON SHARP
20 RYAN SMITH

21 * * * * *

22

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1 EXAMINATION INDEX

2 TRACY COBILE PAGE

3 By Mr. Teimouri 11

4

5 JASON SHARP

6 By Mr. Teimouri 16

7

8 EXHIBIT INDEX

9 EXHIBITS FOR ADMISSION PAGE

10 TC-1 Final Compliance Review 15

11

12

13

14

15

16

17

18

19

20

21

22

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25

Page 4

1 LACEY, WASHINGTON; MAY 3, 2022

2 1:33 p.m.

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4 P R O C E E D I N G S

5

6 JUDGE HOWARD: Let's be on the record.

7 Good afternoon. Today is Tuesday, May 3rd,
8 2022, and the time is 1:33 p.m.

9 This is Docket TV-220168. This case is
10 captioned, "In the Matter of the Investigation of Marsik
11 Movers LLC For Compliance with WAC 480-15-555 and
12 WAC 480-15-570."

13 The issues in this case are whether the company
14 has submitted an acceptable safety management plan, and
15 whether there's good cause for the Commission to cancel
16 the company's household goods carrier permit due to the
17 company's failure to comply with various state and
18 federal regulations.

19 My name is Michael Howard, and I am an
20 administrative law judge presiding over today's brief
21 adjudicative proceeding.

22 Let's take appearances from both parties, and
23 then we will talk about how we're going to proceed this
24 morning. Let's start with Commission Staff.

25 MR. TEIMOURI: Good afternoon, Your Honor.

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

Page 6

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

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

Page 8

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

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.

Page 10

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

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

Page 12

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

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.

Page 14

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.

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?

Page 16

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

1 last name for the record.

2 A. Jason Sharp, S-H-A-R-P.

3 Q. And what is your current position with the UTC?

4 A. I am the motor carrier safety supervisor with
5 the Washington Utilities and Transportation Commission.

6 Q. And what are your responsibilities in that
7 position?

8 A. As supervisor, my responsibilities include
9 assigning safety investigations, reviewing the
10 investigative reports, and issuing recommendations that
11 are consistent with federal and state regulations as
12 well as the Commission's enforcement policy.

13 Q. And what training have you received for that
14 role with the Commission?

15 A. Prior to becoming supervisor of our safety
16 investigations unit, I was a safety investigator,
17 receiving similar training as Investigator Cobble
18 through the Federal Motor Carrier Safety Administration
19 as well as certification through the Commercial Vehicle
20 Safety Alliance to perform commercial vehicle
21 inspections.

22 Q. Thank you. And how long have you been in your
23 position?

24 A. About four and a half years.

25 Q. Okay. Thank you.

Page 18

1 I would like to now turn to the matter at issue
2 today in the hearing, Marsik Movers LLC.

3 Are you familiar with Marsik Movers LLC?

4 A. Yes, I am.

5 Q. And how did you become aware of this matter
6 today?

7 A. I assigned and reviewed Investigator Cobile's
8 safety investigation and provided a recommendation for
9 enforcement and following action.

10 Q. And similar to what I asked Ms. Cobile, have
11 you received a copy of what has now been entered as
12 Exhibit TC-1?

13 A. Yes.

14 Q. Okay. And are you also familiar with how the
15 safety rating was determined in this case?

16 A. Yes. The Commission adopts the safety rating
17 methodology through the Federal Motor Carrier Safety
18 Administration, which is detailed in Title 49, Part 385.
19 This formula for determining safety fitness has six
20 factors that are used in a calculation to determine the
21 overall safety fitness level of a company based on its
22 performance during a safety investigation.

23 Q. And that was the formula that was followed in
24 this case, correct?

25 A. Yes. I'm sorry. If I'm looking away from the

1 camera, it's because I've got a second monitor with the
2 Exhibit 1 on it. And I was just scrolling to get to
3 Pages 17 and 18 of that exhibit. That is where the
4 safety fitness rating explanation is broken down.

5 So it shows the six factors on Page 17, and
6 then Page 18 contains the rating explanation or the
7 formula. And so in this case, the company had one of
8 the six factors calculate to unsatisfactory while two
9 additional factors equated to conditional.

10 And so when we look at the chart on Page 18,
11 that tells us -- when there's one factor that's
12 unsatisfactory and two or fewer that are conditional,
13 the overall proposed rating is going to be conditional.
14 And that's what Marsik Movers received.

15 Q. Thank you for that explanation. That's very
16 helpful.

17 Since the day the company received the
18 notification of its proposed safety fitness rating as
19 was just testified to by Investigator Cobile, has the
20 company submitted to you an upgrade to its safety
21 rating -- or requested an upgrade, I apologize -- to its
22 safety rating by submitting a safety management plan?

23 A. Yes. I received a couple of drafts of the
24 safety management plan from the company. None of the
25 drafts have been accepted as of yet, though the company

Page 20

1 is making progress to reaching that status. With each
2 review, I've responded to those requests to the company
3 with where the plan was deficient and highlighted areas
4 that the plan would need to focus on further.

5 Q. Thank you. Based on the testimony you just
6 provided, what is Staff's recommendation as it relates
7 to the company's permit today?

8 A. Because Staff has yet to accept the company's
9 safety management plan, Staff recommends that we
10 continue the cancellation process.

11 But with that said, I'd like to add that I
12 believe the plan is close to reaching that status, and I
13 know that the company has been in communication with me
14 over the last week stating that it was getting the
15 materials that I determined were needed to reach that
16 acceptable status put together. I'm just waiting to see
17 those.

18 And Staff is willing to continue to work with
19 the company up until its cancellation, which I believe
20 is dated for May 9th, so this coming Monday.

21 Q. Thank you. And I would like to just briefly
22 touch on the penalty assessment that has now been
23 consolidated in this docket.

24 Has the company responded to the penalty
25 assessment with a request for mitigation at all?

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

Page 22

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.

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.

Page 24

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

Page 26

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 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.

Page 28

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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C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF KING

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


ROSE DETLOFF, CCR, RPR



My commission expires:
DECEMBER 6, 2022