



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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May 19, 2022

Amanda Maxwell, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. PMC Moving, LLC*  
Commission Staff's Response to Application for Mitigation of Penalties  
Docket TV-220303

Dear Ms. Maxwell:

On May 9, 2022, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against PMC Moving, LLC, (PMC Moving or Company) in the amount of \$41,400 for violations of Washington Administrative Code (WAC) 480-15-555, Criminal Background Checks for Prospective Employees; WAC 480-15-560, Equipment Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 393 – Parts and Accessories Necessary for Safe Operation and 49 C.F.R. Part 396 – Inspection, Repair and Maintenance; and WAC 480-15-570, Driver Safety Requirements, which adopts 49 C.F.R. Part 391 – Qualification of Drivers, as follows:

- **Twenty-one violations of WAC 480-15-555 – Failure to complete a criminal background check for every person the carrier intends to hire.** PMC Moving failed to conduct a criminal background check for employees Tyler Prall, Nickolas Urbach, Paul Freeman, John Mitchell, James Furtado, Brady Dickinson, Guillermo Barragan, Max Menacher, Richard Ried, Oscar Rodriguez, Will Strong, Draisil Helzer, Spencer, Brandan, Alex, Brian, Stephen, Matt, Isaac, Brendan, and Ceaser.<sup>1</sup>
- **Three hundred ninety violations of 49 C.F.R. § 391.45(a) – Using a driver not medically examined and certified.** The Company allowed drivers Tyler Prall, Nickolas Urbach, Paul Freeman, John Mitchell, and James Furtado to operate a commercial motor vehicle (CMV) without a valid medical certificate on 390 occasions between September 1, 2021, and February 28, 2022.

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<sup>1</sup> The Company was unable to provide the last names of all employees.

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- **Five violations of 49 C.F.R. § 391.51(a) – Failing to maintain driver qualification file on each driver employed.** PMC Moving failed to maintain driver qualification files for Tyler Prall, Nickolas Urbach, Paul Freeman, John Mitchell, and James Furtado.
- **One violation of 49 C.F.R. § 393.48(a) – Inoperative/defective brakes.** Commission staff (Staff) discovered a CMV with both rear brake pushrods inoperable when applying the brakes.<sup>2</sup> This CMV was placed out-of-service.
- **Four violations of 49 C.F.R. § 396.3(b) – Failing to keep minimum records of inspection and vehicle maintenance.** PMC Moving failed to maintain a vehicle maintenance file on four CMVs.

On May 13, 2022, PMC Moving filed with the Commission its application for mitigation of penalties. In the request for mitigation, John Lutz, owner of PMC Moving, admits the violations, describes corrective actions PMC Moving implemented to prevent recurrence, provides copies of valid medical certificates and annual vehicle inspection reports, asks that the penalties be reduced, and requests a hearing to present evidence before an administrative law judge for a decision.

In response to PMC Moving's request for a hearing, Commission staff (Staff) recommends the request be denied. The Company does not contest that the violations occurred and PMC Moving's "primary reason" for the filing is a reduction of the penalty amount. Staff believes there is sufficient evidence in the docket for an administrative law judge to decide without further expense and delay.

In response to PMC Moving's application for mitigation of penalties, the Company corrected violations, provided supporting documentation, and implemented new procedures to prevent recurrence.

For these reasons, Staff recommends the penalty of \$41,400 be reduced to \$21,000. Staff further recommends that \$10,000 of the reduced penalty be suspended for a period of two years before being waived, subject to the conditions that: (1) Staff conducts a safety investigation within two years or as soon thereafter as practicable to review the Company's compliance, (2) PMC Moving not incur any repeat violations of critical regulations, and (3) the Company pays the \$11,000 portion of the penalty that is not suspended.

If you have any questions, please contact Jason Hoxit, Compliance Investigator, Transportation Safety, at (360) 867-8305, or by email at [Jason.Hoxit@utc.wa.gov](mailto:Jason.Hoxit@utc.wa.gov).

Sincerely,

Jason Sharp  
Motor Carrier Safety Supervisor, Transportation Safety

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<sup>2</sup> Vehicle Identification Number 1HTMMAAL97H484186.