In the Matter of the Investigation of: Consiglieri Relocation PLLC

Docket No. TV-240255 - Vol. I

May 30, 2024



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1	APPEARANCES	1	-000-	
2	= = =	2	May 30, 2024	
3	Representative:	3		
4	Jeff Roberson	4	ALJ THOMPSON: Thank you. We are now on the record.	
5	Assistant Attorney General	5	Good morning. Today is Thursday, May 30, 2024, and the	
6	P.O. Box 40128	6	time is 9:40 a.m. This is a hearing in Docket TV-240255.	
7	Olympia, Washington 98504-0128	7	This docket is captioned In the Matter of the	
8		8	Investigation of Consiglieri Relocation PLLC for	
9	Pagnandant:	9 10	compliance with WAC 480-15-560 and -555.	
10 11	Respondent: Mario Consiglieri (not present)	11	This matter was initiated following an investigation by Commission Staff, which was completed on April 11,	
12	Consiglieri Relocation PLLC	12	2024. Commission Staff has filed a Notice of Intent to	
13	17921 10th Avenue NE	13	Cancel. The Notice of Intent to Cancel and Complaint	
14	Shoreline, Washington 98012	14	were sent to the company on April 23, 2024, and an	
15	Onorollio, Washington 66612	15	evidentiary hearing in the matter was set for today,	
16		16	May 30, 2024.	
		17	My name is Connor Thompson, and I am the	
17			administrative law judge presiding over today's brief	
18		19	adjudicative proceeding. Before we move forward, I'll go	
18 19		1 2		
18 19 20		20	ahead and quickly take an appearance from Staff.	
18 19 20 21			ahead and quickly take an appearance from Staff. MR. ROBERSON: Good morning, Judge Thompson. Jeff	
18 19 20 21 22		20	MR. ROBERSON: Good morning, Judge Thompson. Jeff Roberson, AAG, appearing on behalf of Commission Staff.	
18 19 20 21 22 23		20 21 22 23	MR. ROBERSON: Good morning, Judge Thompson. Jeff Roberson, AAG, appearing on behalf of Commission Staff. With me are Len McLaughlin and Jason Sharp who will be	
18 19 20 21 22		20 21 22	MR. ROBERSON: Good morning, Judge Thompson. Jeff Roberson, AAG, appearing on behalf of Commission Staff.	

Page 5 Page 7 Staff like to move for default, or would Staff like to 1 1 your last name for the record? 2 proceed in a different matter? 2 A. Leonard McLaughlin, M-C-L-A-U-G-H-L-I-N. 3 MR. ROBERSON: I think Staff would prefer to move 3 Q. Who employs you? A. Washington State Utilities and Transportation Commission. 4 for default and then present its merits case so that 4 Q. In what capacity does the Commission employ you? 5 there's a basis for any order that you issue to resolve 5 6 the substantive issues in the matter. 6 A. I'm an investigator 3. 7 ALJ THOMPSON: Okay. Having moved for default, I 7 Q. And what are your duties as an investigator 3? 8 will take that under advisement, and then we can go ahead 8 A. As an investigator 3, I perform compliance reviews of 9 9 and proceed with the merits of the case. And I will take carriers required records. They include hours of 10 all of that under consideration as we move forward. 10 service, vehicle maintenance, driver qualifications and Does that work for Staff? 11 vehicle safety inspections. 11 MR. ROBERSON: Yeah, absolutely. 12 Q. Have you received any training that would allow you to 12 13 ALJ THOMPSON: Okay. And just to be clear, since we 13 carry out your duties as an investigator 3? don't have the company here, I did see that there was A. Yes. 14 14 15 also a notice of penalties filed on April 25th. The 15 Q. Would you please describe what those are? 16 company had 15 days to respond. I did not see any 16 A. I've received federal training through the Federal Motor 17 response on the record. And so just to clarify, before 17 Carrier Safety Administration and Commercial Vehicle 18 we get into the merits -- the merits of the case and the 18 Safety Alliance's on how to perform commercial vehicle 19 case presented today is strictly limited to whether or 19 safety inspections and safety investigations. 20 not the authority of the company should be canceled and 20 Q. Are you generally familiar with the state and federal 21 regulations that govern the safe operation of household 21 not any issues on penalties. 22 22 Is that correct? goods carriers? MR. ROBERSON: I'm aware of no requests for 23 23 A. Yes. 24 mitigation or a hearing, so Staff wouldn't be presenting 24 Q. Are you familiar with a company called Consiglieri 25 any recommendation with regard to those things. I think 25 Relocation, PLLC? Page 6 Page 8 1 the penalty would just stand. 1 A. Yes, I am. 2 Q. And how did you become familiar with Consiglieri? 2 ALJ THOMPSON: Okay. Are there any other issues 3 before we go ahead and proceed? 3 A. On March 5, 2024, I was assigned to Consiglieri 4 MR. ROBERSON: Not from Staff. 4 Relocation to perform an investigation, safety 5 ALJ THOMPSON: Okay. At this time, if you would 5 investigation. like to tender your first witness, we can hear from them. 6 Q. Now, when you perform a safety investigation, how do you 6 7 MR. ROBERSON: Staff calls Leonard McLaughlin. 7 go about that? I believe you just mentioned that you 8 ALJ THOMPSON: Wonderful. Good morning, 8 look at some records. Kind of, how do you go about all 9 Mr. McLaughlin. Would you please raise your right hand 9 of that? and I'll swear you in. Do you swear or affirm that the 10 A. We'll contact the carrier when we go do it and generally 10 11 11 testimony you will give today will be the truth, the meet the carrier someplace, whether it be their place of 12 12 whole truth, and nothing but the truth? business or a (inaudible) location where it's comfortable 13 MR. McLAUGHLIN: Yes, Your Honor. 13 for everyone, where we have room to sit and look at the 14 ALJ THOMPSON: Wonderful. Thank you. 14 records. They'll bring in their records to us. We'll 15 look at their driver qualification files, service vehicle 15 LEONARD MCLAUGHLIN, 16 maintenance files, insurance. 16 witness herein, having been 17 first duly sworn on oath, 17 We'll check to see if their periodic inspections are 18 was examined and testified 18 being performed as required. And with household good as follows: 19 19 carriers, we will also make sure their employee criminal 20 20 background checks are being performed. 21 ALJ THOMPSON: The witness is yours for direct. 21 Q. And do you physically inspect the carrier's vehicles at 22 2.2 that time or... 23 DIRECT EXAMINATION 23 A. Yes. 24 BY MR. ROBERSON: 24 Q. Okay. Did you perform all of these steps when you 25 Q. Good morning. Would you please state your name and spell 25 reviewed Consiglieri's operations?

Page 9 1 A. Yes, I did. 2 C. Okay. When you finish reviewing a carrier's operations, do you produce a report of your findings? 4 A. Yes. 5 C. And do you produce those reports in the ordinary course of business? 6 A. Yes, I do. 8 C. And do you make those reports contemporaneously with the end of your safety review? 9 A. Yes. 11 C. And as it important that those reports accurately reflect your findings? 12 A. Yes. 13 A. Yes. 14 C. Why is that? 15 A. They do the reports because it documents a carrier's operation. It documents any violations that we have, might have found during the investigation. And it also provides recommendations to help a carrier correct their violations. 15 A. Tend did you make that report in the ordinary course of business? 16 C. Did you make that report in the ordinary course of business? 17 Did you make that report in the ordinary course of business? 18 A. Yes. 19 C. Did you make that report in the ordinary course of business? 19 C. Did you make that report in the ordinary course of business? 20 C. Did you make that report in the ordinary course of business? 21 C. And did you make that report in the ordinary course of business? 22 A. Yes, I did. 23 C. And did you make that report in the ordinary course of business? 24 C. Did you make it contemporaneously with the completion of your review? 25 A. Yes, I did. 26 C. At this time, would you please turn to the exhibit marked LIM-1. 28 A. Okay. Yes. 29 C. And do that report accurately reflect what you found? 29 C. Find the admitted to the record. 29 C. Did you make it contemporaneously with the completion of your review? 3 A. Yes. 4 C. Did you make it contemporaneously with the completion of your review? 4 A. Yes. I did. 5 C. And do wou do that? 5 C. Did you find driver qualification files a friver. 6 C. Did you find driver qualification files for all of its drivers? 6 C. Did you find driver qualification files for all of its drivers? 7 A. Yes, I did. 9 C. Did you find driver qualification files for all of its drivers? 8 A. Yes. G. And for the	of tion iner ver's
2 Q. Okay. When you finish reviewing a carrier's operations, do you produce a report of your findings? A. Yes. Q. And do you produce those reports in the ordinary course of business? A. Yes, I do. Q. And do you make those reports contemporaneously with the end of your safety review? A. Yes. Q. And is it important that those reports accurately reflect in your findings? A. Yes. Q. And is it important that those reports accurately reflect in your findings? A. Yes. Q. And is it important that those reports accurately reflect in your findings? A. Yes. Q. Why is that? A. They do the reports because it documents a carrier's operation. It documents any violations that we have, ingirth have found during the investigation. And it also provides recommendations to help a carrier correct their violations. Q. Did you produce a report of your findings at the conclusion of your review of Consiglier's operations? A. Yes, I did. Q. Did you make it contemporaneously with the completion of your review? A. Yes, I did. Q. Did you make it contemporaneously with the completion of your review? A. Yes, I did. Q. Did you make it contemporaneously with the completion of your review? A. Yes, I did. A. Yes. Q. And did you make it contemporaneously with the completion of your review? A. Yes, I did. A. Yes. Q. And did you make it contemporaneously with the completion of your review? A. Yes, I did. A. Ye	of tion iner ver's
do you produce a report of your findings? A. Yes, Q. And do you produce those reports in the ordinary course of business? A. Yes, I do. A. This is admitted to the record. (Exhibit LM-1 is admitted to the record. (Exhibit to NuM; a bus that to you a bit about the result your review. I'd like to begin with driver qualification file? A. Yes, I do. A. Yes, I dol. A. A Yes, I dol. A. Y	of tion iner ver's
4 A. Yes. 5 Q. And do you produce those reports in the ordinary course of business? 7 A. Yes, I do. 8 Q. And lo you make those reports contemporaneously with the end of your safety review? 9 end of your safety review? 10 A. Yes. 11 Q. And is it important that those reports accurately reflect your findings? 12 Q. And is it important that those reports accurately reflect your findings? 13 A. Yes. 14 (Chibit No. LM-1 admitted into evidence.) 15 Q. Now, I'd like to taki to you a bit about the result you review. I'd like to begin with driver qualification file? 16 A. Yes, Lid. 17 A. Yes, Lid. 18 Page 10 1 Q. And oyou look for driver qualification files will perform a safety-sensitive job such driving commercial motor vehicles. 19 Page 10 20 Did you produce a report of your findings at the conclusion of your review of Consiglier's operations? 21 Q. And did you go do that? 22 A. Yes, I did. 23 Q. And did you make that report in the ordinary course of business? 24 A. Yes, I did. 25 A. Yes, I did. 26 Q. And did that report accurately reflect what you found? 27 A. Yes, I did. 28 Page 10 29 A. This ime, would you please turn to the exhibit marked LM-1. 29 Q. Did you make it contemporaneously with the completion of your review? 20 A. A Yes, I did. 21 C. Did you make it contemporaneously with the completion of your review? 22 A. Yes, I did. 23 A. Yes. 24 Q. And did that report accurately reflect what you found? 25 A. Yes, I did. 26 Q. And did that report accurately reflect what you found? 27 A. Yes, I did. 28 Q. And how many drivers did not have a driver qualification file so file your device. 29 Q. Did you find driver qualification file so file your review? 20 Q. Did you find driver qualification file so make such a documents are there. 29 Q. Did you find driver qualification files for all of its drivers? 20 Q. And did that report accurately reflect what you found? 21 A. Yes, I did. 22 Q. Did you find driver qualification file so file your device. 23 A. Yes, I did. 24 Q. And down many drivers did not have a driver qualific	tion iner ver's
G. And do you produce those reports in the ordinary course of business? A. Yes, I do. G. And do you make those reports contemporaneously with the end of your safety review? A. Yes. G. And is it important that those reports accurately reflect your findings? A. Yes. G. And is it important that those reports accurately reflect your findings? A. Yes. G. Why is that? A. They do the reports because it documents a carrier's operation. It documents any violations that we have, might have found during the investigation. And it also provides recommendations to help a carrier correct their violations. G. Did you produce a report of your findings at the conclusion of your review of Consiglier's operations? C. And did you make that report in the ordinary course of business? A. Yes, I did. C. And did you make that report accurately reflect what you found? A. Yes, I did. C. And did that report accurately reflect what you found? A. Yes, I did. C. And for the record, can you explain where you got LM-1? A. This is my investigation findings for the Consiglier's operations or ricical violations? C. And did you get it from anywhere this morning on the web? A. Yes, I glot it from the UTC point where we enter our stuff in the result file with driver qualification files when reviewed Consiglier's operations or circical violations? C. A. Yes, I glot it from the docket? C. A. Yes, I glot it from the docket? C. A. Yes, I glot it from the docket? C. A. Yes, I glot it from the docket? C. A. Yes, I glot it from the docket? C. A. Yes, I glot it from the docket? C. A. Yes, I glot it from the docket? C. A. Yes, I glot it from the docket? C. A. Yes, I glot it from the docket? C. A. Yes, I glot it from the docket? C. A. Yes, I glot it from the docket? C. A. Yes, I glot it from the docket? C. A. Yes, I glot it from the docket? C. A. Yes, I glot it from the docket? C. A. Yes, I glot it from the docket? C. A. Yes, I glot it from the docket? C. A. Yes, I glot it from the docket? C. A. Yes, I glot it from the docket? C. A. Yes, I glot it from the doc	tion iner ver's
of business? A. Yes, I do. Q. And do you make those reports contemporaneously with the end of your safety review? A. Yes. Q. And do you make those reports accurately reflect your findings? A. Yes. A. Yes, I did. Why is that? A. They do the reports because it documents a carrier's operation. It documents any violations that we have, more provides recommendations to help a carrier correct their violations. D. Did you produce a report of your findings at the conclusion of your review of Consiglier's operations? A. Yes, I did. D. Ar Yes, I did. D. Ar Yes, I did. D. Did you make that report in the ordinary course of business? A. Yes, I did. D. Did you make that report in the ordinary course of Q. And did that report accurately reflect what you found? A. Yes, I did. D. Did you make it contemporaneously with the completion of your review? A. Yes, I did. D. Ar Yes, I did. D. Ar Yes, I did. D. Did you make it contemporaneously with the completion of Q. Did you make it contemporaneously with the completion of Q. And did that report accurately reflect what you found? A. Yes, I did. D. Ar Yes, I did. D. A	tion iner ver's
7 A. Yes, I did. 8 Q. And do you make those reports contemporaneously with the end of your safety review? 9 end of your safety review? 10 A. Yes. 11 Q. And is it important that those reports accurately reflect 2 your findings? 12 your findings? 13 A. Yes. 14 Q. Why is that? 15 A. They do the reports because it documents a carrier's 2 operation. It documents any violations that we have, 2 in might have found during the investigation. And it also 2 in the your documents are report of your findings at the 2 in the your documents of your review of Consiglier's operations? 16 provides recommendations to help a carrier correct their 2 your documents are report of your findings at the 2 in the your documents are the your review of Consiglier's operations? 18 A. Yes, I did. 19 A. Yes, I did. 20 And did you make that report in the ordinary course of 2 your review? 21 Q. Did you make it contemporaneously with the completion of 2 your review? 22 A. Yes, I did. 23 Q. Did you make it contemporaneously with the completion of 2 your review? 24 Dusiness? 25 A. Yes, I did. 26 Q. Did you make it contemporaneously with the completion of 2 your review? 27 A. Yes, I did. 28 Q. And did that report accurately reflect what you found? 29 A. Yes, I did. 20 Q. Did you make it contemporaneously with the completion of 3 your review? 30 A. Yes, I did. 40 Q. And did that report accurately reflect what you found? 41 A. No, I didn't. 42 Q. And down wany drivers did not have a driver qualification file so the your your your your your your your your	iner ver's
8 Q. And do you make those reports contemporaneously with the 9 end of your safety review? 9 A. Yes. 11 Q. And is it important that those reports accurately reflect 12 your findings? 13 A. Yes. 14 Q. Why is that? 15 A. They do the reports because it documents a carrier's 16 operation. It documents any violations that we have, 17 might have found during the investigation. And it also 18 provides recommendations to help a carrier correct their 19 violations. 19 Violations. 10 Lid you produce a report of your findings at the 20 conclusion of your review of Consiglier's operations? 21 A. Yes, I did. 22 A. Yes, I did. 23 Q. And did you make that report in the ordinary course of 24 business? 25 A. Yes, I did. 26 Q. Did you make it contemporaneously with the completion of 27 your review? 28 Q. And did that report accurately reflect what you found? 29 A. Yes, it did. 20 Q. And did that report accurately reflect what you found? 20 A. A Yes, it did. 21 Q. And did that report accurately reflect what you found? 22 A. Yes, it did. 23 Q. And did that report accurately reflect what you found? 24 A. Yes, and did that report accurately reflect what you found? 25 A. Yes, it did. 26 Q. And did you pelase turn to the exhibit marked 27 LiM-1. 28 A. Okay. Yes. 9 Q. And did that report accurately reflect what you found? 19 A. This is my investigation findings for the Consiglieri. 10 Q. And lody ou get it from anywhere this morning on the web? 11 Q. And lod you get it from anywhere this morning on the web? 12 A. Yes, I got it from the UTC point where we enter our stuff 13 in. 14 Q. You accessed it from the docket? 15 A. Yes, it is. 16 What is a driver qualification file is a file which conteins the accurately reflect with the carrier flee of this drivers and in there; all the required heads of the period of the record, can you explain where you got LM-1? 16 A. Yes, I did. 17 Q. And did you get it from anywhere this morning on the web? 18 A. Yes, I did. 19 Q. And store federal Motor Carrier Safety Administra functions? 10 A. Yes, I got	er's
end of your safety review? A. Yes. Q. And is it important that those reports accurately reflect your findings? 3. A. Yes. 4. Q. Why is that? 5. A. They do the reports because it documents a carrier's operation. It documents any violations that we have, might have found during the investigation. And it also provides recommendations to help a carrier correct their violations. 4. Q. Did you produce a report of your findings at the conclusion of your review of Consiglier's operations? 4. Yes, I did. 4. Yes, I did. 4. Yes, I did. 5. A. Yes, I did. 6. Q. And did you make it contemporaneously with the completion of your review? 4. Q. And did that report accurately reflect what you found? 5. A. Yes, I did. 6. Q. And for the record, can you explain where you got LM-1? 6. A. This is my investigation findings for the Consiglier. 9. Q. And for the record, can you explain where you got LM-1? 10. A. Yes, I gid it from the UTC point where we enter our stuff in. 10. Q. You accessed it from the docket? 9. A. Yes, I did it report accurately replact where you got LM-1? 10. A. Yes, I gid it from the UTC point where we enter our stuff in. 10. Q. You accessed it from the docket? 9. A. Yes, I did it report accurately replact where you got LM-1? 10. A. Yes, I gid it from the UTC point where we enter our stuff in. 10. Q. You accessed it from the docket? 10. A. Yes, It did. 11. C. And they accessed it from the docket? 9. A. Yes, I gid it from the UTC point where we enter our stuff in. 10. A. Yes, I gid it from the UTC point where we enter our stuff in. 11. A. Yes, It did. 12. A. Yes, I gid it from the UTC point where we enter our stuff in. 13. In. 14. A. Yes, It did. 15. A. The driver qualification file is a file which contains the picture qualification file is a file which contains the application. So a fill the file and I'll review the file in the file and I'll review the file on the transmitted in the application. So I'll take a look that life. We'll look through it with the carrier there and see what	er's
10 A. Yes. 11 Q. And is it important that those reports accurately reflect 2 your findings? 12 A. Yes. 13 A. Yes. 14 Q. Why is that? 15 A. They do the reports because it documents a carrier's operation. It documents any violations that we have, 16 operation. It documents any violations that we have, 17 might have found during the investigation. And it also 18 provides recommendations to help a carrier correct their violations. 19 violations. 20 Q. Did you produce a report of your findings at the conclusion of your review of Consiglier's operations? 21 A. Yes, I did. 22 A. Yes, I did. 23 Q. And did you make that report in the ordinary course of business? 24 business? 25 A. Yes, I did. 26 Q. And did that report accurately reflect what you found? 27 A. Yes, it did. 28 Q. And did that report accurately reflect what you found? 29 A. Yes, I did. 20 Q. And did that report accurately reflect what you found? 20 A. Yes, it did. 21 C. And for the record, can you explain where you got LM-1? 22 A. Yes, it me, would you please turn to the exhibit marked LM-1. 29 Q. And for the record, can you explain where you got LM-1? 30 Q. And did you get it from anywhere this morning on the web? 31 Q. And sit the application, background checks, medical exertificates, driving record checks to determine diffitness for performing a safety review driving commercial motor vehicles. 31 A. Yes, I did. 32 Q. How do you look for driver qualification files with perform a safety review? 32 A. Yes, I did. 33 A. Yes, I did. 44 Q. Did you got look that? 45 A. Yes, I did. 56 Q. And did that report in the ordinary course of your review of Consiglier's operations? 57 A. Yes, I did. 58 Q. And how many drivers did not have a driver qualification? 59 Q. And for the record, can you explain where you got LM-1? 50 A. This is my investigation findings for the Consiglier. 50 Q. And for the record, can you explain where you got LM-1? 51 Q. And for the record, can you explain where you got LM-1? 52 Q. And for the record, can you explain where we enter our stuff in	er's
11 Q. And is it important that those reports accurately reflect your findings? 12 A. Yes. 13 A. Yes. 14 Q. Why is that? 15 A. They do the reports because it documents a carrier's operation. It documents any violations that we have, might have found during the investigation. And it also provides recommendations to help a carrier correct their violations. 19 provides recommendations to help a carrier correct their violations. 20 Q. Did you produce a report of your findings at the conclusion of your review of Consiglier's operations? 21 conclusion of your review of Consiglier's operations? 22 A. Yes, I did. 23 Q. And did you make that report in the ordinary course of business? 24 business? 25 A. Yes, I did. 26 Q. Did you make it contemporaneously with the completion of your review? 27 Q. Did you make it contemporaneously with the completion of your review? 28 Q. And did that report accurately reflect what you found? 29 Q. And did that report accurately reflect what you found? 30 A. Yes, I did. 31 A. Yes, It did. 42 Q. And for the record, can you explain where you got LM-1? 32 A. This is my investigation findings for the Consiglier. 33 A. Yes, I did. Yes, It did. 44 Q. And for the record, can you explain where you got LM-1? 45 A. This is my investigation findings for the Consiglier. 46 Q. And for the record, can you explain where you got LM-1? 47 A. Two. 48 A. Yes, It did the federal Motor Carrier Safety Administration. 49 Q. And did you get it from anywhere this morning on the web? 40 A. This is my investigation findings for the Consiglier. 41 A. Yes, It did. 42 Yes. 43 C. And is the failure to maintain driver qualifications? 44 A. Yes, It did. 55 C. And how many drivers did not have a driver qualifications? 56 C. And for the record, can you explain where you got LM-1? 57 A. Two. 58 C. And for the record, can you explain where you got LM-1? 59 Q. And did you get it from anywhere this morning on the web? 50 A. Yes, It did. 51 A. Yes, It did. 52 A. Yes, It did. 53 A. Yes, It did. 54 A. Yes, It did. 55 A. And is the	er's
12 your findings? 12 fitness for performing a safety-sensitive job such driving commercial motor vehicles. 13 driving commercial motor vehicles. 14 Q. And do you look for driver qualification files will perform a safety review? 15 A. They do the reports because it documents a carrier's operation. It documents any violations that we have, might have found during the investigation. And it also provides recommendations to help a carrier correct their violations. 16 A. Yes, yes. 17 Q. How do you do that? A. I'll take the file and I'll review the file to make sur that all the requirement all the required docume are in there, all the things I mentioned above, the medical certificate, application. So I'll take a look that file. We'll look through it with the carrier there and see what documents are there. Q. Did you look for driver qualification files when reviewed Consiglieri's operations? 24 Q. Did you look for driver qualification files when reviewed Consiglieri's operations? 25 A. Yes, I did. 25 Page 10 P	
A. Yes. A. Yes. Why is that? A. They do the reports because it documents a carrier's operation. It documents any violations that we have, might have found during the investigation. And it also provides recommendations to help a carrier correct their violations. D. Did you produce a report of your findings at the conclusion of your review of Consiglier's operations? A. Yes, I did. D. And did you make that report in the ordinary course of business? A. Yes, I did. D. Did you make it contemporaneously with the completion of your review? A. Yes, I did. D. Did you make it contemporaneously with the completion of your review? A. Yes, I did. D. Did you make it contemporaneously with the completion of your review? A. Yes, I did. D. Did you make it contemporaneously with the completion of your review? A. Yes, I did. D. Did you make it contemporaneously with the completion of your review? A. Yes, I did. D. Did you find driver qualification files when reviewed Consiglier's operations? Page 10 Page 10 Page 10 A. Yes, I did. D. Did you find driver qualification files for all of its drivers? A. No, I didn't. A. No, I didn't. A. No, I didn't. A. No, I didn't. A. No, O didn't proview and see what occuments are there. A. No, I didn't. A. Two. A. Two. A. Two. A. Two. A. Two. A. Yes, I did now many drivers did not have a driver qualification file file? A. Two. A. Two. A. Two. A. Yes, I did now many drivers did not have a driver qualification file file? A. Two. A. Obes the Federal Motor Carrier Safety Administra Federal violations? FMCSA, classify some violations of its regulations or critical violations? A. Yes, I did.	•
14 Q. Mhy is that? A. They do the reports because it documents a carrier's operation. It documents any violations that we have, might have found during the investigation. And it also provides recommendations to help a carrier correct their violations. Q. Did you produce a report of your findings at the conclusion of your review of Consiglieri's operations? A. Yes, I did. Q. Did you make that report in the ordinary course of business? A. Yes, I did. Q. Did you make it contemporaneously with the completion of your review? A. Yes, I did. Q. Did you make it contemporaneously with the completion of your review? A. Yes, I did. Q. Did you make it contemporaneously with the completion of your review? A. Yes, I did. Q. And did that report accurately reflect what you found? A. Yes, it did. Q. And how many drivers did not have a driver qualification files for all of its drivers? A. Yes, it did. Q. And for the record, can you explain where you got LM-1? A. This is my investigation findings for the Consiglieri. A. Yes, I git if from the UTC point where we enter our stuff in. A. Yes, It is.	
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14 Q. You accessed it from the docket?	
	ne
15 A Yes 15 Q What does it mean for a violation to be considere	one
1 100.	one
16 Q. Okay. Would you please identify that document? 16 critical violation?	
A. That's the investigation findings. That's actually the	
report that we turn in I turn in. 18 such where a noncompliance of it is indicative of	
19 Q. And is that a true and accurate copy of the report that 19 breakdowns in the company's safety management of	
you produced after your review of Consiglieri's 20 And it's also demonstrated by a pattern of noncomp	a
operations? 21 Q. Okay. Moving on, I'd like to talk about criminal	a ntrols.
22 A. Yes, it is. 22 background checks. You earlier testified that you	a ntrols.
MR. ROBERSON: Judge Thompson, at this point, Staff 23 for criminal background checks, but what is a crim	a ntrols. ance.
would move to admit LM-1. 24 background check?	antrols.
25 ALJ THOMPSON: Okay. Because there's no party to 25 A. It's a check to see if employees have any criminal	antrols.

Page 13 Page 15 1 convictions nationally that would prohibit them from 1 What is a record of duty status? 2 working in the household goods industry. 2 A. It's a record of how many hours a driver has been on 3 Q. And when you review a carrier's operations, do you look 3 duty, driving and rest periods. 4 for criminal background checks for all employees or all 4 Q. When you review a carrier's operational records, do you 5 drivers, or none of the above? 5 look for records of duty status? 6 A. All employees. 6 A. Yes, we do. 7 Q. All employees. And how do you do that? 7 Q. And did you look for those records here when you reviewed 8 A. Basically they'll -- the carrier will go, they'll get the 8 Consiglieri's operations? 9 9 background check done. And then -- it's actually on a A. Yes. 10 form and it's in their file, so I can actually look at 10 Q. And did you find them, or all that you expected to find? 11 the paperwork that's given to them. And they'll say, A. No. Pardon me. Did we find -- we looked at them, and he 11 12 "Clear." It'll basically say what was checked and all 12 was missing two. So we looked at them, but he was 13 that, it was done on a national basis, if they had any 13 missing two records. violations. 14 14 Q. Okay. And does FMCSA consider the failure to maintain 15 Q. Did you look for criminal background checks for all of 15 records of duty status a critical violation? 16 Consiglieri's employees? 16 A. Yeah, it's a critical type violation. 17 17 Q. I believe the last topic I would like to cover with you is periodic vehicle inspections. What is a periodic 18 Q. And did it have criminal background checks for all of its 18 19 employees? 19 vehicle inspection? 20 A. No. 20 A. It's an annual safety inspection required by a certified 21 Q. How many employees did it lack criminal background checks 21 mechanic. So federal regulations say it needs to be 22 22 inspected every year annually, and it has to be done by a 23 A. Three employees, they did not have them for. 23 qualified mechanic to do that. And it checks all the 24 Q. Is the failure to perform criminal background checks 24 safety issues, required equipment that's supposed to be 25 treated as a critical violation? 25 in a commercial motor vehicle. Page 14 Page 16 A. Yes, it is. Q. And so when you review a carrier's operations, you're 1 1 2 2 looking for these records? Q. Moving on again, I'd like to talk about maintenance 3 records. When you review a carrier's files, I believe 3 A. Yes, I am. 4 you testified that you look at maintenance records. What 4 Q. And did you find records of periodic vehicle inspections do you look for? 5 5 6 A. When we're looking in their maintenance files, again, 6 A. He had one completed, and he was required to have two. when the documents are done -- I mean, when the 7 7 Q. So Consiglieri had not completed the periodic vehicle 8 inspections are done, what vehicle maintenance is 8 inspections for one of those two vehicles, or one of its 9 performed, what vehicles they have. There are certain 9 two vehicles? things that are required to be on it. Tire size on the 10 A. Correct. 10 MR. ROBERSON: That is all I have for Investigator 11 vehicles, things like that. The maintenance being done, 11 things such as that. Make sure it's all being done 12 12 McLaughlin, Judge Thompson. 13 13 ALJ THOMPSON: Okay. Thank you. 14 Q. And did you look to make sure that Consiglieri had these 14 Investigator McLaughlin, I have just a couple of minimum maintenance records for all of its vehicles? 15 15 follow up questions for you. A. Yes. 16 16 Q. And did it? EXAMINATION 17 17 18 BY ALJ THOMPSON: 18 A. No. Q. Regarding the violations for periodic inspections and 19 Q. How many vehicles did it lack the minimum maintenance 19 20 records for? 20 maintenance, specifically referring to parts 396.17(a) 21 A. Two vehicles. 21 and 396.3(b), do you have your report in front of you, a 22 Q. Does FMCSA consider the failure to maintain minimum 22 copy of your report? 23 maintenance records a critical violation? 23 A. I'm grabbing it right now, Your Honor. I have it in 24 A. Yes. it does. 24 front of me, but I need to get down to that portion of 25 Q. And next I'd like to talk about records of duty status. 25

Page 17 Page 19 Q. Okay, great. And I'm specifically looking at page 15 or 1 1 your last name for the record. 2 page 4 of 5, for part C of the report. I just want to 2 A. Yes. My name is Jason Sharp, S-H-A-R-P. 3 make sure I have this straight. So for failure to 3 Q. Who employs you? A. The Washington Utilities and Transportation Commission. 4 maintain the minimum records of inspection and vehicle 4 5 5 maintenance, it looks like up above we have two Q. And what position do you hold at the Commission? 6 discovered violations. Do both of those pertain to the 6 A. My job title is the motor carrier safety supervisor. 7 one truck? It sounds like one truck was not available 7 Q. And how long have you held the title of Motor Carrier 8 8 Safety Supervisor? because it was broken down in New Mexico, and the other 9 9 was present. A. Since 2017. 10 A. That would be -- one of them didn't have the maintenance 10 Q. What are your duties as the motor carrier safety records in there. And the other one, I'm going to scroll 11 11 supervisor? back up, just make sure, but I believe that the other 12 A. I assign the compliance investigations, such as the one 12 13 truck didn't have the required maintenance records 13 in this case to Investigator McLaughlin. I review the either. One didn't have them at all. There was no 14 14 investigation reports and provide recommendations to the 15 paperwork. And the other one didn't have enough in there 15 Commission in alignment with our enforcement policy, that would have been considered a true maintenance 16 16 based on the findings of the investigator. Q. Have you had any training to enable you to carry out your 17 17 18 18 duties? Q. Okay. And so the violations were not just simply 19 violations due to retention because one truck was in New 19 A. Yes. Similar to Investigator McLaughlin, prior to being 20 Mexico. In fact, there weren't records for either truck, 20 in my current role, I was a safety investigator at the Commission, receiving training through the FMCSA and the 21 including the truck that was present at the location? 21 22 A. Right. They weren't sufficient records for the one that 22 Commercial Vehicle Safety Alliance. 23 was at the location or the other one. 23 Q. Are you familiar with the state and federal regulations 24 Q. Okay. Okay. Thank you for clarifying that for me. 24 that govern the safe operation of household goods 25 ALJ THOMPSON: I don't think I have any further 25 carriers? Page 20 Page 18 1 1 questions. A. Yes, I am. 2 2 And, with that, Staff, I will give you an Q. Are you familiar with the company we've been discussing 3 opportunity for redirect in case that arose any questions 3 this morning, Consiglieri Relocation, PLLC? 4 for you. 4 A. Yes, I am. MR. ROBERSON: It did not. 5 Q. And I believe you just testified that you assigned 5 ALJ THOMPSON: Okay. Thank you. You may step down, 6 Investigator McLaughlin to do the safety review? 6 7 7 Mr. McLaughlin. Thank you. A. Correct. And I reviewed his investigation report. 8 MR. McLAUGHLIN: Thank you, Your Honor. 8 Q. So when an investigator completes a review and completes 9 MR. ROBERSON: And at this time, then, Staff will 9 his or her report, what does Staff do? What are the next call Jason Sharp. 10 10 steps in kind of the compliance review process? 11 11 ALJ THOMPSON: Good morning. If you would please A. Upon completion with the carrier, depending on what the 12 12 raise your right hand. Do you swear or affirm that the proposed rating of the carrier would be, Staff looks at 13 testimony you will give today will be the truth, the 13 what our enforcement policy would call for, what the 14 whole truth and nothing but the truth? 14 federal requirements call for. In this case, we have a 15 MR. SHARP: Yes, I do. 15 provisional household goods carrier that's required to ALJ THOMPSON: Thank you. 16 16 achieve a satisfactory rating prior to receiving 17 17 permanent authority. The proposed rating in this 18 JASON SHARP, witness herein, having been 18 investigation resulted in a conditional safety rating, 19 19 first duly sworn on oath, which led Staff to issue the notice of intent to cancel 20 was examined and testified 20 based on the lack of the company achieving that 21 as follows: 21 satisfactory requirement. 2.2 2.2 Q. Okay. So to parse that out, the safety rating, could you 23 DIRECT EXAMINATION 23 explain how that is calculated?

5 (Pages 17 to 20)

BY MR. ROBERSON:

Q. Good morning. Would you please say your name and spell

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A. Yes. Looking at the Exhibit LM-1, starting on page 10 is

a safety fitness rating explanation. But in general,

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companies receive negative points for violations that are discovered based on acute or critical violations. Also calculated in there is the out-of-service rate of the vehicle inspections and any accident or crash ratio that the company has in association with its similar-sized peer carriers.

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In this particular case, these factors are broken into six different categories. The carrier received critical violations in three separate factors. So on page 10, factor 2 highlights 1 point, which equals a conditional for that factor for the company not maintaining driver qualification files for each driver employed.

The next factor, factor 3, also received 1 point calculating two conditional for that factor for failing to obtain criminal background checks for every employee that it intends to hire.

And then additionally, factor 4 received 1 point calculating two conditional for that factor for failing to maintain vehicle maintenance files.

What you don't see here is the critical type violations because they didn't demonstrate a pattern. So Investigator McLaughlin just testified to the company missing one periodic inspection because it wasn't more than one violation of that per the sample size that he

Q. What is a safety management plan?

A. A safety management plan is a response to violations by the carrier which identify why each violation was allowed to occur in the first place. It demonstrates what a carrier has done to correct those violations or is in the process of correcting in the event that it's, you know, bringing on additional resources such as a safety consultant or something to help out its program, while also providing actual documentation of the corrections. And also identifying what measures have been put in place so that the company doesn't have recurring violations in

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Page 24

And these safety plans are also requiring a carrier certification that they -- that their safety program meets the safety standards set in Title 49 CFR part 385.5 and 385.7, and that they will continue to operate in accordance with those regulations.

- Q. You mentioned the submission of a safety management plan. Who does the carrier submit that to?
- 20 A. They submit that to me.
- 21 Q. And do you work with carriers to provide them with 22 feedback on their -
- 23 A Yes
 - Q. -- drafts? So if a carrier submits a safety management plan and it's not acceptable, you work with them to make

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looked at. That doesn't factor into the safety calculation. So that's -- it would be a reason why you don't see that or the failing to maintain a record of duty status in here because it didn't calculate to 10 percent of the sample or more than one, depending on that. So hopefully that was explained clearly.

If you go to page 11, the next page it gives you the breakdown. The company's performance was here. The company had three factors that calculated two conditional, and then zero, that reached the unsatisfactory mark. And so the next table down shows that if a company has zero unsatisfactory factors and three or more conditional -- or three or more conditional, then the overall proposed rating would be conditional. And so that's what the company calculated.

And this is based off of our adoption of the Federal Motor Carrier Safety Administration's safety rating methodology.

- Q. Okay. So just to confirm, I guess, the calculated safety rating here was conditional?
- A. Correct.
- 22 Q. As you testified. Okay. So can a carrier upgrade its 23 safety rating?
 - A. Yes. It would do that through the submittal and acceptance of a safety management plan.

it acceptable, I guess, to bring it up to meeting the standards?

- A. Yes. Each time a carrier submits a draft, I'll review it and I'll respond to that carrier official who submitted the plan and let them know whether it has been accepted or not accepted, and I identify areas where the plan is deficient.
- Q. Did Consiglieri submit a safety management plan?
- A. The carrier did, and I responded twice to the carrier that their plan did not meet the requirements. I shared with them the requirements, as well as provided feedback 12 on where their plan could use further work.
 - Q. So at this point, has Consiglieri submitted a safety management plan that addresses your concern and meets the qualifications of 49 CFR part 385?
- 17 Q. So do you have a recommendation as to what the Commission 18 should do with Consiglieri's safety rating?
- 19 A. The recommendation would be that they -- that the safety 20 rating remained conditional.
 - Q. And the consequence for that, as you've mentioned, is that under the Commission's rules, because this is a provisional carrier, the Commission would cancel -- you recommend the commission cancel the carrier's certificate?

6 (Pages 21 to 24)

Page 25 Page 27 A. Yes. 1 1 One last matter, the transcript from today's 2 MR. ROBERSON: I have no further questions for 2 proceeding, if it is needed, will come in after June 3 Mr. Sharp. 3 11th. And so if we don't see a safety management plan 4 ALJ THOMPSON: Thank you. Just one quick follow-up 4 from the company -- or if we do see a safety management 5 question. 5 plan from the company that comes in that is satisfactory, 6 6 an order might take until after the 11th. 7 EXAMINATION 7 But with that notice, I don't think we have anything 8 BY ALJ THOMPSON: 8 further for today. And so thank you all for appearing 9 9 Q. Does the company still have time for submission of the today and we can go ahead and go off the record. 10 safety management plan? 10 (Conclusion of hearing) A. Yes, they do. I believe the cancellation date is set for 11 11 June 11th, which is a Tuesday. So the company would need 12 12 13 to come into compliance by no later than June 10th, per 13 14 our procedures to have a plan accepted. 14 15 Q. Okay. And I said one more question, but I've got a 15 16 couple more. 16 17 17 18 Q. And if the company does submit a safety management plan 18 19 that satisfies the requirements, will you please notify 19 20 me before June 11th of that so we can proceed 20 21 accordingly? 21 22 A. Yes, I'd be happy to issue a valuation to the docket for 22 23 you. 23 24 24 Q. Okay. 25 ALJ THOMPSON: I have no further questions for you 25 Page 26 Page 28 at this time. So I think at this time, Mr. Sharp, you CERTIFICATE 1 1 2 STATE OF WASHINGTON 2 can go ahead and step down. 3 MR. SHARP: Thank you. 3 **COUNTY OF KING** 4 MR. ROBERSON: Staff has nothing further. 4 ALJ THOMPSON: Okay. Any willingness or eagerness I, the undersigned, do hereby certify under penalty 5 5 to give a closing statement? 6 of perjury that the foregoing court proceedings or legal 6 7 7 MR. ROBERSON: I guess the former, yes; the latter, recordings were transcribed under my direction as a certified 8 no. If you want a closing statement, I'm happy to give 8 transcriptionist; and that the transcript is true and accurate 9 it, but I don't need to. 9 to the best of my knowledge and ability, including changes, if ALJ THOMPSON: No. any, made by the trial judge reviewing the transcript; that I 10 10 11 MR. ROBERSON: If you're fine, I'm fine skipping the 11 received the electronic recording in the proprietary court closing statement. 12 format; that I am not a relative or employee of any attorney or 12 13 ALJ THOMPSON: Yeah, we can go ahead and waive 13 counsel employed by the parties hereto, nor financially 14 closing statements. I would ask that, because we do have 14 interested in its outcome. IN WITNESS WHEREOF, I have hereunto set my hand 15 until June 11th until the cancellation date for the 15 company to submit a safety management plan, that if it is 16 16 this 13th day of June, 2024. okay with Staff, that we waive the requirement to issue 17 17 an order within ten days? 18 18 MR. ROBERSON: Absolutely. 19 19 ALJ THOMPSON: Okay. We will go ahead and proceed 20 20 21 then. And we do have the motion for default on record, 21 22 22 as well as I think a well-established record of what s/ Marjorie Jackson, CET 23 occurred and an explanation of the violations that 23 24 occurred. And so I think that we can go ahead and 24 25 proceed at this time. 25

7 (Pages 25 to 28)

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