

October, 2024

Received
Records Management
Oct 21, 2024

Dear UTC Commission,

My name is Jesus E. Alvarado, and I am the founder and owner of *My Brothers Moving & Transportation LLC*. I am writing this letter with the purpose of requesting mitigation of penalties incurred by myself. While I admit to the violations listed, I respectfully believe that the penalty should be reduced for the reasons set out below.

Before addressing the specific violations, I would like to begin by formally apologizing for my negligence and lack of better judgment. I understand the gravity of the penalties committed, and have made it a point to address them in a thorough and efficient manner. This is my first business as a first generation immigrant, and I take every step as a learning opportunity. I have learned from my mistakes in the past and have done my best to fix any prior issues. I can assure you that these issues are not taken lightly. They have been addressed and dealt with.

In addition, I should mention that English is not my first language. I am able to understand most basic speech, but struggle when it comes to reading and writing in English. I have found that often information spoken or written to me is difficult to understand. I do my best to translate anything I do not fully understand using Google Translate. Many times though, there is information that I cannot fully understand or that is lost in translation. I am only made aware of the fact that I missed information when mistakes or penalties have already occurred and I have received a notice. Such as the notice for which I am requesting mitigation.

In regards to the three violations of WAC 480-15-555(1) - Failing to complete a criminal background check for every person the carrier intends to hire:

I understand the risk involved when hiring a new employee and not completing a background check. As a business owner, I can assure you that I would never hire someone who may pose a risk to my clients or the broader public. We are a very small family owned and operated company. To this day, I have only employed family members and a close family friend, as I do not have sufficient business to support hiring additional employees who I would consider to be strangers at the point of hiring. If this was the case, a thorough background check would be completed. I plan on hiring more employees once I am able to grow my business. I can assure you that all employees hired will be subject to a complete background check from this point on.

Josue A. Alvarado is my son. He is 22 years old. He is and has always been a good kid. He is not a felon, nor has he ever committed a crime. To say that I trust my own son would be an understatement. He has a clean record and began working with me some time after graduating

High School here in Washington State. I apologize, as I felt no need to complete a background check for my own son. This is my mistake.

Luis Alvarado is my younger brother. He is not a felon, nor has he ever committed a crime. I have known him my whole life. He has never given me reason to believe he would pose risk to any of my clients. He has never given me a reason not to trust him. I know my brother well enough to assure you that he poses no risk to any person, especially not a client. I apologize, as I felt no need to complete a background check for my younger brother. This was my mistake.

Cristian A. Godinez-Pineda is a very close family friend, whom I consider to be family. He is also a good kid. I have known him for many years. He has never given me reason not to trust him. He works to provide for his family. He no longer works for me, as I could not provide sufficient work for him to be able to maintain his family. I apologize, as I felt no need to complete a background check for a close family friend. This was my mistake.

It is worth mentioning that the employee file had the corresponding background but dated 2019.

In regards to the eighty violations of 49 C.F.R § 391.45(a) - Using a driver not medically examined and certified.

I was the only driver for my business at the time of the inspection. Because of the language barrier, I failed to understand that medical exams were something that needed to be renewed after I completed my first one. My first physical exam came back satisfactory and I believed it was an issue I would not have to worry about again. This was my mistake as well. I know that I am in good health both mentally and physically. I would never operate my truck if I felt I wasn't in proper health to do so. I understand the risk involved with doing otherwise. I apologize for this lapse of judgment on my behalf. I have since renewed my physical/medical exam and certification.

My son Josue A. Alvarado has driven my truck only as part of training, and never unsupervised by me. He has never driven my truck while we conduct business. My son is in great health both physically and mentally. He has a clean driving record. He practices safe driving and has done very well while training. He has never driven distances exceeding 5 miles from the point of where we store my truck, except for 2 times I took him to practice on Interstate 5. Since he was still in training and not operating my truck while conducting business, I felt no need for him to complete a medical exam until we felt he was ready to work as a driver full time. He has since completed a physical/medical exam and certification.

I will attach copies of both my son's and I's certificates.

In regards to the one violation of 49 C.F.R § 396.17(a) - Using a commercial motor vehicle not periodically inspected in accordance with minimum standards.

I regularly inspect my truck every year. The issue was that I failed to understand that each inspection must be conducted within the same month every year. My truck was inspected, but not within that time frame. Regardless, I apologize for misunderstanding. I can assure you that from this point forward my trucks will be inspected regularly and within a constant time frame.

I would also like to mention that my recent audit with Tracy was determined to be satisfactory. Additionally, in the *Notice of Penalties Incurred* it is mentioned that Staff believes the likelihood of recurrence is low. I have worked with Staff to ensure my business is kept up to standards and my improvement is up 90% from the date of my last audit. I can assure you that these penalties will not occur again. We are fully committed to complying with UTC regulations. Being a small company, a reduction in our penalty would more than help us on our journey to keep our business running.

Thank you.

Jesus E. Alvarado
Founder & Owner of *My Brothers Moving & Transportation LLC*.
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