Docket No. TV-190294 - Vol. I

In the Matter of: Can't Stop Moving, LLC

June 6, 2019



COURT REPORTING AND LEGAL VIDEO

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Docket No. TV-190294 - Vol. I - 6/6/2019

	Page 1		Page 3
	BEFORE THE WASHINGTON	1	PROCEEDINGS
	UTILITIES AND TRANSPORTATION COMMISSION	2	Thursday, 9:30 a.m.
)	3	00000
	In the Matter of Determining the) Proper Carrier Classification of,)	4	
	and Complaint for Penalties) DOCKET TV-190294	5	JUDGE DOROSHKIN: Let's be on the record.
	against:)	6	This is the brief adjudicative proceeding in docket
)	7	TV-190294 in the matter of determining the proper
	CAN'T STOP MOVING, LLC)	8	classification of and complaint for penalties against
)	9	Can't Stop Moving, LLC.
		10	This proceeding concerns the Commission's complaint
	VERBATIM REPORT OF PROCEEDINGS BEFORE	11	against the company for alleged safety violations and the
	NELLI DOROSHKIN, ADMINISTRATIVE LAW JUDGE	12	consideration of the company's application - (Brief
	June 6, 2019	13	interruption.) And that is the testing of our line here -
	Pages 1 through 34	14	and the consideration of the company's application for
	Held at:	15	reinstatement of its household goods carrier permit.
	Washington Utilities and Transportation Commission 1300 South Evergreen Park Drive SW, Room 206	16	My name is Nellie Doroshkin, and I'm the administrative
	Olympia, Washington	17	law judge presiding over this proceeding.
	APPEARANCES	18	The purpose of this hearing is to determine whether the
	FOR THE COMMISSION: MR. NASH CALLAGHAN	19	Commission should, one, grant or deny Can't Stop Moving,
	Assistant Attorney General	20	LLC's application for reinstatement of a provisional
	FOR THE CARRIER: MR. ERIC MICHELSON	21	household goods carrier permit; and, two, whether to assess
	PRO SE	22	penalties for safety violations alleged in Commission
		23 24	Staff's compliance review concluded March 19th, 2019.
	REPORTED BY: PAMELA J. NELSON, RPR, CCR License No. 2948 2401 Bristol Court SW, Suite C-103	24	By way of background, Can't Stop Moving has previously
	Olympia, WA 98502 PH: 1-800-407-0148	25	held a provisional or permit dating back to 2009, which
	Page 2		Page 4
1 2	EXAMINATION INDEX	1	had been suspended or canceled several times due to
	WITNESSES: PAGE NO.	2	insufficient proof of insurance.
3	WAYNE GILBERT	3	On April 15th, 2019, the company's provisional
4	By Mr. Callaghan 7	4	household goods permit was canceled due to insufficient
5	JASON SHARP By Mr. Callaghan 11	5	proof of insurance. The company applied for reinstatement
6	By Mr. Callaghan 11	6	of the permit on April 22nd, 2019.
7	ERIC MICHELSON	8	Earlier, on March 19th, 2019, Commission Staff completed a compliance review documenting 36 safety
/	Response by Mr. Michelson 17 Cross-Examination by Mr. Callaghan 23	9	violations by Can't Stop Moving.
8	Examination by Judge Doroshkin 27	10	Some instructions for today's proceeding. Because this
9 10	CONCLUDING REMARKS BY MR. CALLAGHAN 30	11	is a Commission-initiated action, Staff will speak first
11	CONCLUDING REMARKS BY MR. MICHELSON 31	12	today. Following Staff's presentation, the company will
12 13		13	have the chance to ask Staff questions and then the company
14		14	can present testimony. Once you are done testifying,
15 16	EX. NO. DESCRIPTION ADMITTED WG-1 UTC Compliance Review Report, 6	15	Staff's attorney may have questions for you.
	Dated 3/19/19 (11 pg.)	16	When I call on each party to testify, I will swear you
17 18	EM-1 TransGuard Insurance Letter, 33	17	in with the oath of witness so that you can tell the court
	Dated 3/12/19; Recording of Payment	18	reporter so that anything that you tell the Court will be
19	to UTC for Installments, Late Payment, \$1350, Dated 4/2;	19	under oath and can be considered sworn testimony. For the
20	Washington UTC Automatic Payment	20	court reporter's benefit, please speak slowly and clearly.
21	Receipt for \$1350, Dated 4/10/19	21	Also, please be sure to use the microphone on the table in
ᆂ	(3 pg.)	22	front of you. Once you are sworn in, you can present your
22		1	
22 23	(REPORTER'S NOTE: Original exhibits	23	testimony.
	(REPORTER'S NOTE: Original exhibits retained by ALJ Doroshkin and are not affixed hereto.)	23 24	testimony. So we'll begin by taking appearances beginning with
23	retained by ALJ Doroshkin and are not		•

1 (Pages 1 to 4)

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	Page 5		Page 7
1	MR. CALLAGHAN: Thank you, Your Honor.	1	EXAMINATION
2	Nash Callaghan, Assistant Attorney General on behalf of	2	BY MR. CALLAGHAN:
3	Commission Staff.	3	Q Good morning, Mr. Gilbert.
4	JUDGE DOROSHKIN: For the company?	4	A Good morning.
5	MR. MICHELSON: Eric Michelson, owner of	5	Q What is your current occupation?
6	Can't Stop Moving.	6	A Currently, motor carrier safety investigator.
7	JUDGE DOROSHKIN: Okay. Can you please provide	7	Q All right. And what are your duties in that position?
8	your business address, phone, and email?	8	A My duties in that position are to investigate companies for
9	MR. MICHELSON: Business address is 4044 23rd	9	safety compliance, is the primary primary reason for my
10	Avenue West, Seattle, Washington 98199. Phone number is	10	Q And how long have you held that position?
11	425/577-1524. Email is Info@Can'tStopMoving.com.	11	A Four years now.
12	JUDGE DOROSHKIN: And could you please also spell	12	Q And were you assigned to conduct a compliance review of
13	your name for the record?	13	Can't Stop Moving in March of this year?
14	MR. MICHELSON: E-R-I-C, M-I-C-H-E-L-S-O-N.	14	A Yes, I was.
15	JUDGE DOROSHKIN: And do we have anyone on the	15	Q Was that compliance review pursuant to a Commission order in
16	line? (No response.) Hearing nothing, then we will begin	16	a previous docket?
17	with Staff.	17	A Yes, it was.
18	Mr. Callaghan, you may proceed when ready.	18	Q And did you write a report summarizing your review?
19	MR. CALLAGHAN: Thank you, Your Honor. I do have	19	A That I did.
20	an exhibit I'd like to pass around. It's the only exhibit.	20	Q All right. I am showing you what has been admitted as
21	It should be Proposed Exhibit WG-1.	21	Exhibit WG-1.
22	JUDGE DOROSHKIN: Okay.	22	A (Perusing.) Yes.
23	MR. CALLAGHAN: May I approach?	23	Q Mr. Gilbert, do you recognize this document?
24	JUDGE DOROSHKIN: Yes.	24	A That I do.
25	MR. CALLAGHAN: (Handing out copies of exhibit.)	25	Q What is this document?
	Page 6		Page 8
1	Thank you, Your Honor.	1	A This is the CAPRI report that is completed upon every motor
2	I do want to clarify that Staff is seeking penalties	2	carrier safety investigation.
3	only in the event that the application for reinstatement is	3	Q And you completed this report?
4	granted. Other than that, Your Honor, I don't feel like an	4	A I did.
5	opening statement is necessary. The complaint lays out the	5	Q What is the information contained in this exhibit true and
6	allegations, and I would just ask to be calling witnesses.	6	correct, to the best of your knowledge?
7	JUDGE DOROSHKIN: Okay. And do you want to move	7	A To the best of my knowledge, yes, it is.
8	for the admission of this exhibit?	8	Q And are there any changes that you would like to make to this
9	MR. CALLAGHAN: Yes, Your Honor.	9	exhibit?
10	JUDGE DOROSHKIN: Okay. Mr. Michelson, do you	10	A No.
11	have any objections to admitting this exhibit?	11	Q Prior to March of 2019, have you ever had an assignment
12	MS. MICHELSON: No, Your Honor.	12	related to Can't Stop Moving?
13	JUDGE DOROSHKIN: Okay. And Exhibit WG-1 is	13	A Yes, I have. I've had two assignments related two
14	admitted.	14	previous assignments related to Can't Stop Moving. One was
15	Go ahead and call your witness.	15	in 2017, was the very first one, and then again in 2018.
16	MR. CALLAGHAN: Thank you, Your Honor. I'd like	16	Q All right. And what do you recall from those assignments?
17	to call Wayne Gilbert.	17	A Both times both assignments resulted in conditional ratings
18	JUDGE DOROSHKIN: Mr. Gilbert, can you please	18	with some critical violations.
19	stand and raise your right hand.	19	Q All right. And when you conducted your compliance review in
20	Do you swear or affirm that the testimony that you give	20	March of 2019, what did you discover?
21	today is the truth, the whole truth, and nothing but the	21 22	A Pretty much the same pattern that I had discovered on both
22 23	truth? THE WITNESS: I affirm.	22	other occasions, one critical violation, some of the same critical violations with additional minor violations.
23 24	JUDGE DOROSHKIN: Go ahead, Mr. Callaghan.	23	Q And these are safety violations; is that correct?
24	MR. CALLAGHAN: Thank you, Your Honor.	24	A Correct.
2.5	WIN ONE CHAR Hain you, Four Honor.		

2 (Pages 5 to 8)

	Page 9	Page 11
1	Q And what is a critical violation?	1 right hand.
2	A A critical violation is basically a serious enough violation	2 Do you swear or affirm that the testimony you give
3	that the company needs to raise attention to it or correct it	³ today is the truth, the whole truth, and nothing but the
4	as soon as possible.	4 truth?
5	Q And what's an acute violation?	5 THE WITNESS: Yes, I do.
б	A Acute violation is one step above critical. It is a very	6 JUDGE DOROSHKIN: Have a seat.
7	serious or what the regulations consider a very serious	7
8	safety violation that needs to be corrected ASAP.	8
9	Q And in total, how many violations did you find in your	9 EXAMINATION
10	review?	10 BY MR. CALLAGHAN:
11	A Total number of violations were nine separate state	11 Q Good morning, Mr. Sharp.
12	violations during this one.	12 A Good morning.
13	Q And does that does that include multiple instances of	13 Q Would you please state your name and spell your last name for
14	violations?	14 the record.
15	A Correct, multiple occurrences of each violation.	15 A Jason Sharp, S-H-A-R-P.
16	Q All right. So those are the violations separate types of	16 Q And Mr. Sharp, where do you work?
17	violations?	17 A At the Utilities and Transportation Commission.
18	A Correct.	18 Q What's your position there?
19	Q And based on the violations you found in your review, what	19 A I am a motor carrier safety supervisor.
20	safety rating did Can't Stop Moving receive?	20 Q And how long have you held that position?
21	A Can't Stop Moving received in March of 2019 another	21 A A little over a year and a half.
22	conditional safety rating, proposed safety rating.	22 Q All right. And what are your duties in that position?
23	Q And what was that safety rating based on?	23 A My responsibilities are overseeing the work of the motor
24	A The safety rating is based on several factors. It's based on	24 carrier investigators, reviewing their investigative reports,
25	the number of acute and critical violations, and then it	25 and recommending enforcement actions based off of those
	Dago 10	Dago 12
1	Page 10 could also be based on the number of accidents the company's	Page 12 1 findings.
1 2		
	could also be based on the number of accidents the company's had or the number of out-of-service vehicles the company could have.	 findings. Q During your time at the Commission, have you ever worked on compliance issues for Can't Stop Moving?
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1 Q. And those panalities were based on over 500 safety violations; is that correct? Image: Construction of the consthe construction of the const		Page 13		Page 15
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3 A Cver S00 occurrences of these violations, yes. 9 goods carrier, Staff recommended again a notice of intent to carrel the contribute. 4 A Iright, And di 2018, did Commission impose the suspended panalise based on the finding following the compliance and the contribute opurative solutions? 0 And given the company's history, would any other enforcement mechanism have been sufficient to guarantee compliance with safety regulations? 7 A Yes, Bead on the finding following the compliance and the company. Supended a large prior of the company? 3 O In the 2018 case, did Staff initially recommend cancellation of the company. Supended a large prior of the company? 0 3 O In the 2018 case, did Staff initially recommend cancellation of the company? 0 4 A Yes. Tellowing Staff andice of intent to cancel following the company so priorit cancellator of railure to provide prior to the company? 0 7 A Yes. Tellowing Staff andice of intent to cancel following the company as priorit cancel of railure to provide prior to the same source of the company as priorit cancellator traits on prior to the company so priorit cancellator traits on prior to the company so priorit cancel during the company so priorit cancellator traits on prior to the company so priorit cancellator traits on prior to the company so priorit cancellator traits on prior to the company so priorit c	2	•	2	
4 A Air ight. And in 2016, did Commission Staff discover safety 5 Visitions during their compliance review? 6 A Yes, they did. 7 O Air ight. And did the Commission impose the suspended penatics based on those violations? 9 A Yes, based on the indings following the compliance entries. 10 O And gives the company's history. We'le imposed 11 violations, which inggeed the suspended penaty from the 2017 investigation. 12 O In the 2016 case, did Staff instally recommend cancellation of the company's permits? 13 O And did Staff work with the company to develop a safety regulations? Is insurance issue? 14 A Yes. Parelists that have been other review in March, have there been other compliance issues? 14 Commission staff order with the company avoid future safety regulation and have company displayed that it understood the regulations and has company is permit at a fact the company approvement plan that would help the company avoid future safety regulation and have company approvement plan and recommended that the regulations and has company is parked that it understood the regulations and has company is parked that it understood the regulations and has company is parked that that time for good cause. Q And insect and the company approvement approvement plan and recommended that the regulation safet safety regulation for instrate and that company approvement approvement plan that that tithe for good cause. Q And vars the complany cappren	3		3	
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11 violations, which triggered the suspended penalty from the 11 protico of it, still wasn't effective in binging the company 12 2017 investigation. 11 protico of it, still wasn't effective in binging the company 13 0 In the 2018 case, did Staff initially recommend cancellation 0 Ard size the review in March, have there been other 14 0 And did Staff work with the company to develop a safety 13 A Yes. Yes. Yes. Yes. A Yes. Yes. A	9	A Yes, based on the findings following the compliance	9	encourage compliance of the company. We've imposed
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23 regulations and has corrected each violation that Staff 24 discovered during that 2018 investigation. With that, Staff 25 accepted the safety management plan and recommended that the 26 Page 14 1 Commission not cancel the company's permit at that time for 2 godd cause. 3 Q And was the company in agreement with those conditions? 4 A Yes. 5 Q And in the Commission's 2018 order, was Staff directed to 6 conduct a compliance review within one year? 7 A Yes. 9 And pursuant to that order, was a compliance review conducted 9 in March of 2019? 10 A Yes. 11 Conduct a compliance review? 12 A Yes. 13 A Yes. 14 A Yes. 15 A And are you the supervisor of the Commission Staff member who 16 conditional safery raing. 15 A The results of that review? 16 was the appropriate enforcement response? 16 was the appropriate enforcement response? 14 A Iright. And what were the results	21	Can't Stop Moving in developing a safety management plan in	21	Q All right. And was Commission Staff preparing to file a
24 discovered during that 2018 investigation. With that, Staff 24 A Yes. Staff was actually notified the day that we were filing 25 accepted the safety management plan and recommended that the Page 14 Page 16 1 Commission not cancel the company's permit at that time for insurance on file. Page 16 2 good cause. Q All right. And based on all of those considerations, do you believe it would be in the public interest to grant 4 A Yes. Candi the company in agreement with those conditions? A Unfortunately, no. 5 Q And in the Commission's 2018 order, was Staff directed to MR. CALLAGHAN: Nothing further, Your Honor. 6 conduct a compliance review within one year? A Yes. MR. MICHELSON: No, Your Honor. 7 A Yes. JUDGE DOROSHKIN: Okay. Mr. Michelson, do you have any questions for Mr. Sharp based on what he has said 9 in March of 2019? MR. MICHELSON: No, Your Honor. JUDGE DOROSHKIN: So, then, Mr. Sharp, does Staff 11 Q All right. And what were the results of that review? MR. SHARP: Staff would seek the maximum 16 conducted the compliance review? MR. SHARP: Staff would beset, the maximum 12 have a recommended penalty due in the event that the the	22	which the company displayed that it understood the	22	complaint to cancel their certificate prior to the
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25 safety management plan, and yet again we were back at another 25 JUDGE DOROSHKIN: Okay.	24	completed three safety compliance investigations, accepted a	24	MR. SHARP: Yes.
	25	safety management plan, and yet again we were back at another	25	JUDGE DOROSHKIN: Okay.

4 (Pages 13 to 16)

	Page 17		Page 19
1	If nothing further, Mr. Michelson, are you ready to	1	point forward and ever since this had happened our payments
2	speak?	2	have been made in a timely fashion and will continue to do
3	, MR. MICHELSON: Yes, I am.	3	so if we are given the opportunity.
4	JUDGE DOROSHKIN: Okay. Would you please stand	4	JUDGE DOROSHKIN: That's April 10th of this year?
5	and raise your right hand and I'll swear you in.	5	MR. MICHELSON: April 10th of 2019, yes,
6	Do you swear or affirm that the testimony that you'll	6	Your Honor.
7	give today is the truth, the whole truth, and nothing but	7	To address the violations, the one and only acute
8	the truth?	8	violation that did occur is something that I will take
9	MR. MICHELSON: Yes, I do, Your Honor.	9	direct responsibility for. We had our insurance renewal and
10	JUDGE DOROSHKIN: You may sit.	10	I made a mistake; I did not renew it. It went through the
11	So you may proceed with responding to Staff's complaint	11	weekend and it took me two days. It was something that was
12	or the Commission's complaint whenever you are ready.	12	immediately rectified as soon as I realized it, but that is
13		13	something that has been taken care of immediately.
14		14	As far as the second violation of appropriately
15	RESPONSE BY MR. ERIC MICHELSON	15	preparing the record of duty statuses, it was something
16		16	and we had gone over this, we had been incorrectly filling
17	MR. MICHELSON: Okay. I do apologize, this isn't	17	out our drivers' timecards and not showing a start and end
18	something that I'm comfortable with, so I hope that I don't	18	time, just their total hours worked. At our last compliance
19	ramble with anything here.	19	review, it was something that was brought to my attention.
20	First off, regarding the lack of insurance on file,	20	I did approach it with my employees. I thought that it was
21	that is something that personally I do take responsibility	21	fixed. And again I will take this upon myself. I did not
22	for, for not following up. I do have an insurance binder	22	follow up and do a good enough job of watching for these,
23	documenting that we did have proof of insurance. We	23	and there was one employee who was not filling out his
24	switched carriers, and after we signed on with this company,	24	timecards properly.
25	our agent on file at that company left and did not pass on	25	I did find after the fact some records where he was
1 2 3 4 5 6	the task of filing with the state or federal government anything. I do have the documented proof that we did have continuous insurance as of March 12th. Also, in regards to Mr. Sharp with the missed payments, we were extended an option for making a lump sum payment within 10 days of receiving an updated payment plan. Three	1 2 3 4 5 6	filling them out. According to Mr. Gilbert, they didn't match up perfectly with his timecards that I had shown as evidence or as his proof of time and were inadmissible. It is something again I do take responsibility for, and in the future this is something that should never happen again, and it is something that I have been following up with with our
7	of the four payments were made, and I do have a check	7	employees and hasn't happened since.
8	receipt for a fourth payment that I show was never cleared.	8	The third critical violation with the DOT inspections
9	It was sent in. And I do have that here.	9	has been probably the most difficult one for us. We were
10	JUDGE DOROSHKIN: Okay. Mr. Michelson, do you	10	working with a mechanic who we can no longer use anymore
11	have copies of any of these documents that you brought with	11	because they became unresponsive to our needs and being able
12	you?	12	to take care of our issues. We have since switched
13	MR. MICHELSON: I do not. I can provide you with	13	mechanics. We have gotten two of our four trucks through
14	these, if you'd like.	14	the shop and are in the process of getting the other two
15	JUDGE DOROSHKIN: Okay. I would like to make	15	done. We have also been using rental trucks in the meantime
16	copies for Staff, as well. But please continue. We can do	16	to ensure that we are using compliant vehicles.
17	that later.	17	Going beyond that, the majority of the rest of these
18	MR. MICHELSON: I do apologize.	18	involve clerical tasks, and it was something that
19	And then, furthermore, something that I discussed with	19	Mr. Gilbert and I had discussed is not my strong suit. We
20	Mr. Gilbert at the time of our last compliance visit, I	20	started this business with, honestly, zero knowledge and
21	unsuccessfully tried to set up an automatic bill pay for	21 22	just trying to do the right thing, and it has taken us a lot
22 23	these monthly payments, which I did make as of April 10th,	22	of time to get to where we are in this process.
23 24	was the first payment. So, moving forward, and this is	23	I hired a human resource manager, which in hindsight was not the person that should have been doing this job. I
24	something that I did explain as well when we had the discussion about making our payments, is that from this	25	thought that by bringing her to the UTC training and going
2.5	discussion about making our payments, is that norm this		

5 (Pages 17 to 20)

	Page 21		Page 23
1	through and trying to teach all of these things I could, the	1 Mr. Michelson?	
2	majority of these issues happened prior to her arrival, but	2 MR. CALLAGHAN:	I have a few, Your Honor.
3	even then it was something that we have struggled with and	3 Thank you.	
4	we are working very diligently to fix.	4 JUDGE DOROSH	(IN: Please proceed.
5	In the meantime, what we have done is try to rectify	5	
6	the situation and take it out of human control. We are in	6	
7	the process of signing on with a new payroll company and	7 CROSS-EXA	MINATION
8	using a human resources suite, which does allow for the	8 BY MR. CALLAGHAN:	
9	automatic tracking of any driver qualifications, employee	9 Q Mr. Michelson, how long	have you been in business as a
10	records, medical cards. All of those things would be	0 household goods carrier	?
11	automated and we would receive alerts to know when all of	1 A Just over 10 years.	
12	these things are coming due and again take any of the human	2 Q All right. And in May 20 ⁴	17, were you penalized for safety
13	error out of it.	3 violations by the Commis	sion?
14	Again, this is not one of my strengths, and I am trying	4 A Yes, we were.	
15	to delegate to the best of my ability for that.	5 Q All right. And what were	those violations?
16	And I believe lastly was the preventative maintenance,	•	op of my head, but there were a
17	which falls into the same category of the clerical work, not	7 number of them that had b	•
18	having a clear and concise written plan for our maintenance	8 Q All right. And did the co	mpany what was the penalty
19	records, something that we had done just after our last	9 amount, if you remember	?
20	compliance meeting. We did sign up for GPS tracking	0 A The penalty amount was j	ust north of \$50,000, if I recall.
21	location in our trucks, which does come with maintenance	1 Q All right. And after that	penalty was assessed, what did you
22	schedules built into the program, as well as maintenance	•	with the safety regulations?
23	logs and recordkeeping for that.	3 A After that we worked with	Mr. Gilbert on doing what we could
24	One thing and I understand everything that the prior	4 to fix them. Some of them	were fixed; some of them were not.
25	two witnesses have stated is true and accurate. I would	5 And there were a number	of different issues. And if I had
2 3 4 5 6 7	to continue to operate. Everything that we have done since we have been in business is for the greater good. We have tried everything in our power to please every customer that we have. We try to make every one of our employees' lives better on a day-to-day basis, whether it's paying above industry averages. We offer benefits to these employees.	 not fix all of them, clearly. Q And what's your underst violations that you had? A I'm sorry, I don't understa Q Do you what were you 	a little more detail, but we did tanding of the nature of the safety nd. failing to do at that time? What
8	We do truly treat them like family.	8 were the violations for?	
9	JUDGE DOROSHKIN: Okay. Are you done? And I'll		n were on the clerical end, as far
10	give you an opportunity to speak on any concluding		bloyee files, hours of service
11	statements that you have.	•	ture, and then a couple of them
12	MR. MICHELSON: Yes, Your Honor.		and also mainly clerical but
13	JUDGE DOROSHKIN: Okay. So one thing to note is	1 8	The one critical that I can recall
14	that the Commission rules do require us to receive exhibits		not having the vehicles DOT
15	in advance of the hearing, but I will allow it this time.	5 inspected.	
16	MR. MICHELSON: Thank you.	•	ations, you characterized them as
17	JUDGE DOROSHKIN: However, we will take a brief	7 clerical. What do you me 8 A lot of them were in received.	-
18	recess to make copies prior to the Staff's cross-examination	0	ards to recordkeeping. So we did
19 20	so they can take a look at the documents that you brought		r many of our employees, which was
20	with you.		I believe on the first one that
21 22	So we'll be off the record.	•	ve it was Mr. Sharp was over 500 er 400 of those were in regards
22	MR. CALLAGHAN: Thank you, Your Honor. (Off the record.)	 3 to timecards. 	Too or mose were in regards
23	JUDGE DOROSHKIN: We'll be back on the record.		ed in the Commission's household
25	Mr. Callaghan, do you have any questions for	5 goods training?	
22			

6 (Pages 21 to 24)

	Page 25	Page 27
1	A Yes, I have.	1 sure the Commission has documented proof of insurance?
2	Q All right. And in that training, do you learn about the	2 A Yes.
3	importance of keeping these records?	3 Q All right.
4	A Yes, you do.	4 MR. CALLAGHAN: No further questions, Your Honor.
5	Q All right. And what's your understanding of why these	5 JUDGE DOROSHKIN: Okay. I have a few questions
6	records are important for maintaining safety?	6 for you, Mr. Michelson.
7	A Well, in essence, it's to show that we are I guess complying	7
8	with safety in the ways that were set out by the state in	8
9	regards to hours of service, making sure that the trucks are	9 EXAMINATION
10	safe to be on the roads, making sure that our drivers are	10 BY JUDGE DOROSHKIN:
11	safe to be in a customer's home, and also legally allowed to	11 Q One, you mentioned that you had switched mechanics. When did
12	work not only in the United States but also for us as a	12 that happen?
13	household goods moving company.	 A That would have been about four months ago.
14	Q All right. So is it fair to say these records document that	14 Q So
15	the company is doing things in order to maintain the bare	15 A Or three months ago. I'm sorry.
16	minimum safety requirements?	16 Q March? February?
17	A I'm sorry, could you repeat that?	17 A I would say around March.
18	Q These records document that the company is doing what it	18 Q Okay. And then you also switched to rental trucks, I believe
19	needs to do to maintain the bare minimum safety requirements?	 I heard. And when did that happen?
20	A Yes.	20 A We have been using rental trucks off and on just while we
21	Q All right. And Mr. Michelson, do you remember the 2018 case,	 have a truck in the shop and we were also during our slow
22	in which the Commission Staff found again a significant	22 season. Basically, it was on an as-needed basis while we're
23	number of violations?	 trying to get our other trucks run through for the DOT
24	A Yes.	24 inspection.
25	Q All right. And the company was again fined a substantial	25 Q Okay. So – and since what time period, approximately, have
	Page 26	Page 28
1		
1	amount: is that correct?	1 you been using rental trucks?
1 2	amount; is that correct? A Yes, it is.	,
	A Yes, it is.	
2	A Yes, it is.Q All right. At that point what actions did you and your	2 A I would say that that started probably the middle of March.
2 3	 A Yes, it is. Q All right. At that point what actions did you and your company take to remedy those compliance issues? 	 A I would say that that started probably the middle of March. Q Okay. And then you said that you had intended to bring your HR manager to the UTC training. Did you in fact do so?
2 3 4	 A Yes, it is. Q All right. At that point what actions did you and your company take to remedy those compliance issues? A At that point we hired two new staff members who were ideally 	 A I would say that that started probably the middle of March. Q Okay. And then you said that you had intended to bring your HR manager to the UTC training. Did you in fact do so? A I did bring our HR manager to the UTC training. She is no
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7 (Pages 25 to 28)

	Page 29		Page 31
1	Don't answer that yet.	1	these safety regulations and, unfortunately, that hasn't
2	(Off the record.)	2	happened.
3	JUDGE DOROSHKIN: We can be back on the record.	3	The reality here is that there is no condition, there
4	Q (By Judge Doroshkin) All right. So I had asked you the	4	is no penalty that would give the Commission Staff
5	question, what have you done to stay informed of the	5	confidence that the company will come into compliance with
б	Commission's safety and insurance requirements since you are	6	these bare minimum requirements, and so, for that reason,
7	the person currently responsible for that?	7	Your Honor, we believe it would not be in the public
8	A I also attended with our previous HR and safety manager the	8	interest to grant reinstatement. Thank you.
9	UTC training period.	9	JUDGE DOROSHKIN: And does Staff have any changes
10	Q And that was at that time the end of 2018?	10	to its penalty recommendations in light of the testimony?
11	A I believe so.	11	MR. SHARP: No, Your Honor.
12	Q Okay. Have you done anything else to ensure compliance, the	12	JUDGE DOROSHKIN: Okay. Mr. Michelson, is there
13	company's compliance with safety regulations, insurance	13	anything that you'd like to say in conclusion?
14	requirements?	14	MS. MICHELSON: Yes, Your Honor.
15	A I have been working to fix the issues that have come up in	15	I don't deny anything that has been said, and I do
16	this last compliance investigation.	16	understand that it comes off as either myself lying or
17	Q Okay. And then I see that the insurance document says the	17	paying lip service to the fact or coming across that we do
18	effective date of coverage is March 12th, 2019. Did the	18	not care. I also don't want to downplay the seriousness of
19	company have effective insurance prior to that date?	19	any of these violations that we've had. They have been
20	A Yes, we did.	20	lowered each and every time. I understand that with the
21	Q Okay. Continuously up to that date?	21	last review that we had I was supposed to come in here and
22	A That is correct, yes, we did switch carriers on that date.	22	there should not have been the book this thick with the
23	Q Okay. Then I don't have any more questions.	23	violations that have occurred.
24	JUDGE DOROSHKIN: Mr. Callaghan, do you have any	24	I can assure you we are working on this. This company
25	concluding remarks?	25	means the absolute world to myself and my business partner,
	Page 30		Page 32
1			
	MR. CALLAGHAN: I do, Your Honor. Thank you.	1	and we have worked to build this and done whatever we could
2	MR. CALLAGHAN: I do, Your Honor. Thank you. I think it's important when evaluating the public	1 2	and we have worked to build this and done whatever we could to do this the right way. I understand that that hasn't
2 3			
	I think it's important when evaluating the public	2	to do this the right way. I understand that that hasn't
3	I think it's important when evaluating the public interest in this case to look at the history and in particular the last case, the order 04/02 in docket 170293 and 180319. This is essentially the same kinds of things	2 3	to do this the right way. I understand that that hasn't been the case and that with all the efforts that we've made we have made mistakes. We have tried to bring in somebody that can help us resolve these. We have tried to do these
3 4	I think it's important when evaluating the public interest in this case to look at the history and in particular the last case, the order 04/02 in docket 170293 and 180319. This is essentially the same kinds of things that the Commission has heard from this company a year ago,	2 3 4 5 6	to do this the right way. I understand that that hasn't been the case and that with all the efforts that we've made we have made mistakes. We have tried to bring in somebody
3 4 5 6 7	I think it's important when evaluating the public interest in this case to look at the history and in particular the last case, the order 04/02 in docket 170293 and 180319. This is essentially the same kinds of things that the Commission has heard from this company a year ago, essentially that they were working on resolving these	2 3 4 5 6 7	to do this the right way. I understand that that hasn't been the case and that with all the efforts that we've made we have made mistakes. We have tried to bring in somebody that can help us resolve these. We have tried to do these things on our own. We went to the last UTC training review. What I'm asking for is one more chance.
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8 (Pages 29 to 32)

	Page 33	
1	MR. MICHELSON: Yes, please, Your Honor.	
2	JUDGE DOROSHKIN: Okay. Does Staff have any	
3	objection to that?	
4	MR. CALLAGHAN: No objection, Your Honor.	
5	JUDGE DOROSHKIN: Then I will enter in these	
б	three documents, the insurance document and the payment	
7	document, and designate them as EM-1.	
8	In conclusion, I will take this matter under advisement	
9	and issue an order. I do want the parties to be aware that	
10	I may need to wait until the transcript is available to	
11	issue the order, and so the order may be issued in more than	
12	10 calendar days.	
13	Is there anything else?	
14	MR. SHARP: No.	
15	JUDGE DOROSHKIN: Okay. Then we are adjourned.	
16	MR. CALLAGHAN: Thank you, Your Honor.	
17 18	MR. MICHELSON: Thank you, Your Honor.	
18 19	(Concluded at 10:20 a.m.)	
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23		
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	5 24	
	Page 34	
1	CERTIFICATE	
2		
3 4	I, PAMELA J. NELSON, the undersigned Washington Court Reporter pursuant to RCW 5.28.010 authorized to administer oaths	
5	and affirmations in and for the State of Washington, do hereby	
6	certify that the foregoing proceedings were reported by me and	
7	thereafter transcribed by me by means of computer-aided	
8	transcription;	
9	I further certify that the said transcript of proceedings,	
10 11	pages 1 to 34, as above transcribed, is a full, true and correct transcript of the aforementioned matter and prepared pursuant to	
12	Washington Administrative Code 308-14-135, the transcript	
13	preparation format guideline;	
14	I further advise you that as a matter of firm	
15	policy, the stenographic notes of this transcript will be	
16	destroyed three years from the date appearing on this Certificate	
17 18	unless notice is received otherwise from any party or counsel hereto on or before said date;	
19	DATED and SIGNED this 14th day of June 2019.	
20		
21		
22		
23	PAMELA J. NELSON	
24	Certified Court Reporter License No. 2948 in and for the	
	State of Washington, residing	
25	at Lacey, WA	
25	• •	

9 (Pages 33 to 34)

age 21:13,13 20:10 8:14,16,17 26:20 32:11 carrier 1:4,21 3:15 22:14 23:13 2 agreement 14:3 assist 26:11 better 22:6 3:21 7:6 8:2 26:18 27:1 30 ahead 6:15,24 assistance 14:23 beyond 20:17 11:19,24 12:9 30:16,17,17,2 10:21 assure 31:24 bill 18:21 15:3 23:10 26:17 30:24 31:4 32 beyok 31:22 beyok 31:22 30:14 Commission's 26:25					Page 35
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