



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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October 25, 2024

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

RE: *Washington Utilities and Transportation Commission v. My Brothers Moving and Transportation LLC*  
Commission Staff's Response to Application for Mitigation of Penalties  
Docket TV-240674

Dear Mr. Killip:

On October 7, 2024, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against My Brothers Moving and Transportation LLC d/b/a My Brothers Moving (My Brothers Moving or Company) in the amount of \$8,400 for violations of Washington Administrative Code (WAC) 480-15-555, Criminal Background Checks for Prospective Employees, and WAC 480-15-560, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 391 – Qualification of Drivers and 49 C.F.R. Part 396 – Inspection, Repair, and Maintenance, as follows:

- **Three violations of WAC 480-15-555(1) – Failure to complete a criminal background check for every person the carrier intends to hire.** The Company failed to acquire criminal background checks prior to hiring employees Josue A. Alvarado, Luis Alvarado, and Cristian A. Godinez-Pineda.
- **Eighty violations of 49 C.F.R. § 391.45(a) – Using a driver not medically examined and certified.** My Brothers Moving allowed drivers Jesus Alvarado and Josue Alvarado to operate a motor vehicle without a valid medical certificate on 80 occasions between February 7, 2024, and August 12, 2024.
- **One violation of 49 C.F.R. § 396.17(a) – Using a commercial motor vehicle not periodically inspected in accordance with minimum standards.** My Brothers Moving failed to annually inspect its commercial motor vehicle (CMV).

On October 21, 2024, My Brothers Moving filed with the Commission its application for mitigation of penalties. In the request for mitigation, Jesus Alvarado, owner of My Brothers Moving, admits the

violations, states the violations were caused inadvertently, and that the Company has corrected the violations.

In response to the Company's application for mitigation of penalties, Staff addresses the penalties, as follows:

- The Commission assessed a penalty of \$100 for each occurrence (three) of WAC 480-15-555(1), for a total of \$300. The Company states that all the employees were family members and close family friends, and knew they had clean records. Alvarado admits not getting the background checks was a mistake. The Company submitted state background checks for employees in violation. WAC 480-15-555 requires that companies obtain national background checks on all employees they intend to hire. Because the Company has not demonstrated that it has come into compliance with this regulation, Staff recommend no mitigation of this penalty.
- The Commission assessed a penalty of \$8,000 for 80 violations of 49 C.F.R. § 391.45(a). Alvarado claims that he did not understand that he had to renew his medical certification and that his son, Josue Alvarado, was in training and did not realize they needed to be medically certified. My Brothers Moving provided current medical certificates for its drivers. Because the Company corrected these first-time violations, Staff recommend the penalty be reduced to \$4,000.
- The Commission assessed a penalty of \$100 for one violation of 49 C.F.R. § 396.17(a). My Brothers Moving provided evidence that it has had periodic inspections completed each year, though they were not completed at least once each 12 months as required. The Company claims it will regularly inspect its CMV within the same month every year. Staff recommend that the \$100 penalty be reduced to \$50.

Staff recommend the assessed penalty of \$8,400 be reduced to \$4,350. Staff further recommend that \$2,000 of the reduced penalty be suspended for a period of two years, and then waived, subject to the following conditions:

1. My Brothers Moving must not incur any repeat violations identified in the penalty assessment; and
2. The Company pays the \$2,350 non-suspended portion of the reduced penalty within 10 days of an order or enter into a mutually agreeable payment arrangement with Staff.

If you have any questions, please contact Jason Sharp, Motor Carrier Safety Supervisor, Transportation Safety, at (360) 701-1603, or by email at [jason.sharp@utc.wa.gov](mailto:jason.sharp@utc.wa.gov).

Sincerely,

Jason Sharp  
Motor Carrier Safety Supervisor, Transportation Safety