
	US DOT # 3257682	Legal: MARIK MOVERS LLC Operating (DBA):			
MC/MX #:		Federal Tax ID:			
Review Type: Compliance Review (CR)					
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory:	
Operation Types		Interstate	Intrastate		
Carrier:	N/A		Non-HM	Business: Corporation	
Shipper:	N/A		N/A	Gross Revenue: \$130,000.00	
Cargo Tank:	N/A			for year ending: 12/31/2021	
Company Physical Address:					
11205 186th STREET CT E PUYALLUP, WA 98374					
Contact Name: MARCEL FILIP					
Phone numbers: (1) 302- 217-8320		(2)		Fax	
E-Mail Address: MARIKMOVERS@GMAIL.COM					
Company Mailing Address:					
11205 186TH STREET CT E PUYALLUP, WA 98374					
Carrier Classification					
Authorized for Hire					
Cargo Classification					
Household Goods					
Equipment					
	Owned	Term Leased	Trip Leased	Owned	Term Leased
Truck	2	0	0		
Power units used in the U.S.:2					
Percentage of time used in the U.S.:100					
Does carrier transport placardable quantities of HM? No					
Is an HM Permit required? N/A					
Driver Information					
	Inter	Intra	Average trip leased drivers/month: 0		
< 100 Miles:			Total Drivers: 2		
>= 100 Miles:		2	CDL Drivers: 0		



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Part A						
<p>QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:</p> <p style="text-align: center;">Tracy Cobile P.O. Box 47250 Olympia, WA 98504-7250 Phone: (360) 790-0653 Email: tracy.cobile@utc.wa.gov</p>						
This report will be used to assess your safety compliance.						
<u>Person(s) Interviewed</u> <table><tr><td>Name: MARCEL FILIP</td><td>Title: OWNER</td></tr><tr><td>Name:</td><td>Title:</td></tr></table>			Name: MARCEL FILIP	Title: OWNER	Name:	Title:
Name: MARCEL FILIP	Title: OWNER					
Name:	Title:					



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Part B Violations

1 STATE CRITICAL	Primary: 391.51(a) CFR Equivalent: 391.51(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description
 Failing to maintain driver qualification file on each driver employed.

Example
 Driver: Marcel Filip
 Trip Date: January 14, 2022
 Description of violation: The carrier failed to maintain a driver qualification file for each driver employed.

Also in violation:
 Driver: Ernesto Felix
 Trip Date: January 14, 2022

2 STATE CRITICAL	Primary: WAC 480-15-555 Secondary: RCW 81.80.132 CFR Equivalent: 392.2	Discovered 4	Checked 9	Drivers/Vehicles In Violation 4	Checked 9
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Description
 Failing to conduct/retain paperwork containing criminal background checks or hiring an individual with a disqualifying conviction for a household goods carrier in the state of Washington.

Example
 Driver: Ernesto Felix
 Hire date: August 3, 2021
 First day worked: August 3, 2021
 Description of violation: The criminal background check for Ernesto Felix was not conducted by the carrier prior to the August 3, 2021 hire date or the first day of work on August 3, 2021. The criminal background check was initially acquired on August 9, 2021.

Helper/Laborer: John Thomas Meyer
 Hire date: September 6, 2021
 First day worked: September 6, 2021
 Description of violation: The carrier failed to conduct a criminal background check for John Thomas Meyer.

Helper/Laborer: Jayce Moore
 Hire date: January 16, 2022
 First day worked: January 16, 2022
 Description of violation: The carrier used a helper/laborer with a disqualifying felony conviction within the past five years. Hire date and first day of work was January 16, 2022, the carrier conducted the initial background check for Jayce Moore on January 18, 2022. At the time of this investigation Jayce Moore was still employed with the company.

Helper/Laborer: Eugeniu Rodnitchi
 Hire date: January 13, 2022
 Days worked: January 13 and 14, 2022
 Description of violation: The carrier failed to conduct a criminal background check for Eugeniu Rodnitchi prior to allowing him to work for the company on January 13 and 14, 2022 (Customer: Mary Yisulaitas). The criminal background check was initially acquired on March 1, 2022.





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Part B Violations

3 STATE CRITICAL	Primary: 395.8(a)(1)	Discovered 37	Checked 60	Drivers/Vehicles	
	CFR Equivalent: 395.8(a)(1)			In Violation 2	Checked 2

Description

Failing to require driver to make a record of duty status.

Driver: Marcel Filip

Trip Date: January 14, 2022

Description of violation: The carrier failed to maintain accurate and true time records for driver Marcel Filip for January (2022) 2, 9, 14, 18, 19, and 30 and failed to require driver to make a ROD for January 25, 2022.

Driver: Ernesto Felix

Trip Date: January 14, 2022

Description of violation: The company failed to require driver Ernesto Felix to make a RODS for January 1 through January 30, 2022.

4 STATE CRITICAL	Primary: 396.17(a)	Discovered 2	Checked 3	Drivers/Vehicles	
	CFR Equivalent: 396.17(a)			In Violation 2	Checked 3

Description

Using a commercial motor vehicle not periodically inspected.

Example

Vehicle: J8DF5C13X17700265

Trip Date: January 14, 2022

Description of violation: The carrier operated a commercial motor vehicle not periodically inspected.

Also in violation:

Vehicle: JALF5C13X37701502 (Operated within the previous 365 days, sold in October 2021)

Trip Date: October 22, 2021

5 STATE	Primary: WAC 480-15-590	Discovered 3	Checked 3	Drivers/Vehicles	
	CFR Equivalent: 376.12(l)			In Violation 3	Checked 3

Description

The carrier must ensure that all of the conditions of WAC 480-15-590 are met when leasing vehicles.

Example

Vehicle: JALC4W169H7K00030

Trip Date: October 5, 2021

Description of violation: The carrier failed to maintain a valid original lease agreement maintained at the principal place of business for review at the time of this investigation. The carrier trip leased three vehicles in the previous 365 days.

Also in violation:


Vehicle: Indiana License Plate 3126223, Unit #91613473 (no VIN provided)

Trip Date: October 2, 2021

Vehicle: Indiana License Plate 3117546 Unit #91607818 (no VIN provided)

Trip Date: September 30, 2021



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	Part B Violations	

6 STATE	Primary: 390.19(b)(2) CFR Equivalent: 390.19(b)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1 Checked 1
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Description
 Failing to file the appropriate form under 390.19(a) (MCS-150, 150B, or 150C) each 24 months according to the schedule.

Example
 Driver name: Marcel Filip
 Trip Date: January 14, 2022
 Description of violation: The motor carrier failed to update the MCS-150 registration form with the current principal place of business address, business email, vehicle miles travelled, correct number of drivers and vehicles, and the correct company official's name.

7 STATE	Primary: 391.51(c) CFR Equivalent: 391.51(c)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1 Checked 1
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Description
 Failing to keep driver qualification file for at least 3 years after termination of driver's employment.

Example
 Driver: Dustin Winter
 Trip Date: July 15, 2021 (Customer: Danielle Dumontier)
 Description of violation: The carrier failed to maintain the driver qualification file for the retention period required after the termination of driver's employment (term date July 16, 2021).

8 STATE	Primary: 396.3(b) CFR Equivalent: 396.3(b)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1 Checked 3
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Description
 Failing to keep minimum records of inspection and vehicle maintenance.

Example
 Vehicle: JALF5C13X37701502
 Trip Date: October 22, 2021
 Description of violation: The carrier failed to provide a vehicle maintenance file for review at the time of this investigation. The vehicle was operated and used for HHG moves in the previous 365 days.

9 STATE	Primary: 396.3(b)(1) CFR Equivalent: 396.3(b)(1)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2 Checked 2
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Description
 Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.

Example
 Vehicle: J8DF5C13X17700265
 Trip Date: January 14, 2022
 Description of violation: The vehicle maintenance record was missing the tire size.

Also in violation:
 Vehicle: J8DF5C13537701360
 Trip Date: January 14, 2022



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Part B Violations

10 STATE	Primary: 396.21(b)(1) CFR Equivalent: 396.21(b)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description
 Failing to retain periodic inspection report for 14 months from date of inspection.
 Vehicle: J8DF5C13537701360 (Unit 003)
 Trip Date: January 14, 2022
 Description of violation: The carrier failed to retain annual vehicle inspections for 14 months, the current annual was conducted on February 22, 2022 and no previous annual inspection to satisfy the months of December 2021 or January 2022 was presented for review.

Vehicle: J8DF5C13X17700265 (Unit 004)
 Trip Date: January 14, 2022
 Description of violation: The carrier failed to retain annual vehicle inspections for 14 months, no current annual was conducted on this vehicle and no previous annual inspection was presented for review.

Safety Fitness Rating Information: Total Miles Operated 35,000 Recordable Accidents 0 Recordable Accidents/Million Miles 0.00	OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 2 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0
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CONDITIONAL	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Rating Factors</th> <th style="text-align: center;">Acute</th> <th style="text-align: center;">Critical</th> </tr> </thead> <tbody> <tr> <td>Factor 1: S</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Factor 2: C</td> <td style="text-align: center;">0</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Factor 3: U</td> <td style="text-align: center;">0</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Factor 4: C</td> <td style="text-align: center;">0</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Factor 5: N</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Factor 6: S</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> </tr> </tbody> </table>	Rating Factors	Acute	Critical	Factor 1: S	0	0	Factor 2: C	0	1	Factor 3: U	0	3	Factor 4: C	0	1	Factor 5: N	0	0	Factor 6: S	-	-
Rating Factors	Acute	Critical																				
Factor 1: S	0	0																				
Factor 2: C	0	1																				
Factor 3: U	0	3																				
Factor 4: C	0	1																				
Factor 5: N	0	0																				
Factor 6: S	-	-																				





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Part B Requirements and/or Recommendations

1. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Owner, Marcel Filip failed to institute an effective driver qualification file process leading to critical violations.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification.
- Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation.
- Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier.
- Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.
- Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Driver Fitness Violations.

2. Each carrier must complete and maintain a criminal background check for every person the carrier intends to hire for the full time of employment and three years thereafter. No carrier may hire a person who has been convicted of any crime involving theft, burglary, assault, sexual misconduct, identity theft, fraud, false statement, or the manufacture, sale, or distribution of a controlled substance within the past five years.

3. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN: Owner, Marcel Filip failed to have a system in place for tracking HOS which resulted in a failure to monitor driver hours of service causing the potential for unsafe driving due to fatigue.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
- Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
- Document all findings of fatigue-related noncompliance with regulations and/or company policies.
- Systematically check to see if drivers and dispatchers are regularly communicating about Hours-of-Service (HOS) availability and driver-fatigue level.
- Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.
- Regularly evaluate the company's fatigue-related inspection results via the Federal Motor Carrier Safety





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Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.

- Implement a system for keeping accurate records of employees' Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Evaluate personnel (log clerks, payroll, dispatchers, and third-party safety consultants) who are monitoring drivers' Records of Duty Status (RODS) for accuracy; for whether they are applying performance standards fairly, consistently, and equitably; and for whether they are documenting evaluations.
- Consider using Electronic On-board Recorders (EOBRs) to monitor and track Hours-of-Service (HOS) violations.
- When monitoring and tracking any fatigue-related issues, always assess whether an issue is individual or represents a systemic breakdown in the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

4. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Owner, Marcel Filip failed to have policies and procedures in place to ensure the company is not operating vehicles that have not been periodically inspected.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a system of preventive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and recordkeeping. This system should be attuned to manufacturer recommendations, the carrier's own experience, and regulatory requirements.
- Develop a procedure ensuring that vehicle defects that impact safety and/or safety compliance are reported, repaired, and certified before the vehicle is operated.
- Develop procedures to ensure that management is notified of vehicle defects through the use of Driver Vehicle Inspection Records (DVIRs) and other communication channels, such as driver call-in and e-mail from mechanics.
- Develop a policy ensuring that drivers are qualified to complete thorough and timely Driver Vehicle Inspection Records (DVIRs) by the end of the day of the trip and prior to a subsequent assignment.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop policies and procedures requiring drivers to immediately notify appropriate management of any roadside vehicle Out-of-Service (OOS) order.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows vehicle maintenance violations.

5. Periodically review the maintenance and inspection records for all lease vehicles as required by Part 396 of the FMCSR. Keep a record to document these reviews and notify the vehicle owner of any violations detected.

6. Is Your Registration Information Current?

FMCSA requires carriers to update their registration data via a MCS-150 form every 24 months. Please review, verify and update your contact information, Vehicle Miles Travelled (VMT) and Power Unit (PU) data to ensure that it is current and accurate, since it is used in the new Carrier Safety Measurement System. You should access the system, review all the information and press the submit button. Once you've done this, the system will record that you've reviewed the information and you will be in compliance with the biennial update requirement. https://li-public.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option

7.



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Maintain complete driver qualification files on each driver employed. File must contain the drivers employment application, employment history investigation, inquiry into drivers driving record obtained within 30 days of hire date, certificate of annual review of driving record, annual copy of driving record, drivers annual certificate of traffic convictions, certificate of road test or equivalent and current medical certificate.

8. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.
9. Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

This free online guide provides simple explanations and templates to help companies that operate CMVs understand and comply with Federal safety regulations: <https://csa.fmcsa.dot.gov/SafetyPlanner/Default.asp>

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations mean violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six-year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six-year period.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website or more information: <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information: <http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the UTC during this review may be used to calculate any civil penalty proposed because of this review.

10. Safety Management Plan (SMP) Requirement

You have been assessed a proposed safety rating of CONDITIONAL, within 60 days, send and have approved, a safety management plan to the UTC describing what actions you have taken in response to this review to ensure that you are complying with the Motor Carrier Safety Regulations.

The Washington Utilities and Transportation Commission (UTC) allows motor carriers to request an upgrade of its





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safety rating based on corrective action as defined in 49 CFR, section 385.17. The request for an upgrade must include a written description of correction actions taken, documentation of these corrective actions, and an explanation of how its operations meet the safety standards and factors specified in 49 CFR sections 385.5 and 385.7.

Within 60 days from the receipt of your proposed rating, you may request, in writing, a change to your safety rating based on corrective actions. You should do so as soon as possible so the UTC has the opportunity to review and evaluate your safety management plan before the effective date of the final safety rating. If you fail to obtain an improved rating within 60 days from the receipt of your proposed rating, the unsatisfactory rating will become final and you must cease operations.

You must develop a safety management plan:

1. The plan must address all violations on the most recent Compliance Review. Corrective actions to address other violations noted on your review must also be included.
2. Identify why the violations were permitted to occur.
3. Discuss the actions taken to correct the deficiency or deficiencies that allowed the violations to occur. Include actual documentation of this corrective action. (For example: documentation may include items such as new policies and procedures, training programs and sign-in lists, or copies of new forms.
4. Outline actions taken to ensure that similar violations do not reoccur in the future. **YOU MUST DEMONSTRATE THAT YOUR OPERATIONS CURRENTLY MEET THE SAFETY STANDARD AND FACTORS SPECIFIED IN 49 CFR 385.5 and 385.7.** To do so, you must demonstrate that you now have adequate safety management controls in place which function effectively to ensure acceptable compliance with applicable safety requirements.
5. If your request includes actions that will be conducted in the near future, such as training, reorganization of departments, purchasing of computer programs, etc, include a detailed description of the activity or training and a schedule of when that activity will commence and when it will be completed.
6. Include any additional documentation relating to motor carrier safety and the prevention of crashes that you believe supports your request.
7. Include a written statement certifying the carrier will operate within federal and state regulations and the carrier's operation currently meets the safety standard and factors specific in 49 CFR 385.5 and 385.7. A corporate officer; partner, or the owner of the company must sign the statement.

You must submit your request to:

Washington Utilities and Transportation Commission
Attention: Jason Sharp, Motor Carrier Safety Supervisor
jason.sharp@utc.wa.gov



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Part C

Reason for Review: Compliance Review
Planned Action: Compliance Monitoring

Parts Reviewed Certification:

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
	✓	✓	✓	✓	✓	✓	✓	✓	✓									

Prior Reviews Prior Prosecutions

Unsat/Unfit Information

Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule: Not Applicable

Corporate Contact: MARCEL FILIP
Corporate Contact Title: OWNER

Special Study Information:

Remarks:

INVESTIGATIVE REPORT RECEIVED BY:

Name: Marcel Filip
 Title: Owner
 Carrier Name: Marsik Movers LLC
 USDOT: 3257682
 UTC Assignment: 122024
 Date: March 9, 2022

REASON FOR THE INVESTIGATION:

As part of the 2022 Motor Carrier Safety routine safety investigation work plan, this investigation was assigned to Tracy Cobile, Special Investigator of the Washington Utilities and Transportation Commission (commission). The carrier operates in intrastate commerce. This is the carrier's initial review with the commission.

SCOPE OF THE INVESTIGATION:

This investigation is a comprehensive intrastate investigation and was assigned to Special Investigator Tracy Cobile on February 22, 2022. The carrier was contacted on February 22, 2022, via email and telephone, and a full investigation was set to begin March 1, 2022, as an on-site investigation. Investigator Cobile corresponded with Marcel Filip (Owner) via email (marsikmovers@gmail.com) and telephone (302-217-8320) during this investigation. Present at the start of the review was Special Investigator Cobile along with Filip.

SMS was checked on February 24, 2022, and it was noted that no BASICS were in alert status.

CARRIER OPERATION DESCRIPTION:

Marsik Movers LLC (carrier) is a household goods carrier operating out of Puyallup, Washington. The carrier is a provisional household goods company that began operations in March 2019 and received temporary operating authority on May 23, 2019. The carrier currently operates two straight trucks classified as commercial motor vehicles (CMV) operating under the UTC permit. The carrier currently employs two drivers operating within the state of Washington within



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Part C

the past 365 days. Marsik Movers LLC recorded a gross revenue of \$130,000 for the calendar year ending December 31, 2021. The carrier is not and has not been involved in any emergency relief efforts in the last 365-days. Filip is responsible for the carrier's safety program.

PRE-INVESTIGATION:

On February 22, a carrier information packet was emailed to the carrier requesting investigation information, the records that would need to be reviewed, and the information the carrier would need to make available. The carrier was requested to fill-out and return the carrier information packet with a list of all commercial motor vehicle drivers utilized in the past 12 months, a list of all commercial motor vehicles utilized in the last 12 months and an all-employee list prior to the start of this investigation. The carrier packet was returned incomplete via email on February 28. The documents requested at the time of review were a list of all accidents for the past 365 days from the date of review, driver qualification files for all drivers used within the past 12 months, insurance documentation, all records of duty status (logbooks/timecards) for the previous six months with supporting documents, all maintenance files and records for each commission regulated unit. A copy of the carrier's profile and MCS-150 were originally obtained through MCMIS on February 24.

Commission records show that Filip attended the initial Household Goods Training provided by commission staff on August 8, 2019. This is an in-depth training that covers compliance responsibilities and requirements of household goods carriers for consumer protection and safety.

CDLIS (DRIVER LICENSE) CHECK:

In accordance with the eFOTM, all driver license status/histories were required to be checked based on the current number of drivers. The driver license statuses were checked through CDLIS on March 1, 2022. Secure Access Washington (SAW) was checked for Washington licensed driver Marcel Filip. See Part 383 below for details.

AUTHORITY:

Marsik Movers LLC is an authorized for-hire carrier of household goods operating in intrastate commerce and is required to have operating authority. The carrier operates under the USDOT number 3257682. The carrier has intrastate authority through the commission under permit number THG-068754.

INSURANCE:

Marsik Movers LLC is required to maintain a minimum level of public liability insurance coverage of \$750,000. A check with the carrier's insurance shows a \$1,000,000 Auto Liability policy with United Financial Casualty Insurance Company and \$20,000 Cargo Insurance with National Fire & Marine Insurance Company. See Part 387 for details.

RED FLAG DRIVERS:

A&I (SMS) was checked through Portal on February 22, and the carrier has no drivers with red flag violations in the last 365 days.

DRUG AND ALCOHOL SUPPLEMENTAL REVIEW:

This is a full comprehensive investigation therefore a Drug and Alcohol Supplemental Review was not required.

HAZARDOUS MATERIALS SUPPLEMENTAL REVIEW:

Marsik Movers LLC does not transport any hazardous materials that requires placarding. A Hazardous Materials Supplemental Review is not required.

INVESTIGATION:

This is a full comprehensive investigation that checked Parts 376, 380, 382, 383, 387, 390, 391, 392, 393, 395 and 396.

Part 376 Lease and Interchange of Vehicles:



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Part C

The carrier has leased three vehicles in the previous 365 days.

Three violations of WAC 480-15-590 occurred when the carrier failed to maintain the original lease agreement for the trip leased vehicles the company operated in the last 365 days.

Part 380 Special Training:

Marsik Movers LLC does not operate long combination vehicles (LCVs). The carrier has not employed drivers that meet the definition of entry level driver.

Part 40 and Part 382

Marsik Movers LLC does not operate vehicles with a GVWR of 26,001 lbs. or more and is not required to have a controlled substance and alcohol testing program.

Part 383 Commercial Drivers' License:

The carrier employed two drivers that operated in the state of Washington in the previous 365 days. Per eFOTM guidelines, a sample size of two drivers was required to be checked. The carrier does not use commercial vehicles with a GVWR of 26,001 lbs. or more and the driver is not required to have a CDL. Driver, Marcel Filip was checked through Secured Access Washington (SAW) and the driver license status was current and valid at the time of this investigation. Driver Ernesto Felix has an Arizona driver license and was not verified.

Investigator Cobile spoke with Filip in detail regarding the Washington Department of Licensing requirements, by law, to obtain a Washington driver license within 30 days after moving to Washington. Ernesto Felix has been residing in Washington for over 30 days.

Part 387 Financial Responsibility:

The carrier's vehicle is insured with Safe Shield Insurance an underwriter for United Financial Casualty Company/Progressive Commercial, policy number 02050305-3. The carrier's insurance agent is Vlad Ulyanchuk, contact telephone number of 425-654-3525 or email vlad@safeshieldins.com. Investigator Cobile verified the carrier did maintain \$1,000,000 in Auto Liability coverage, policy number 02050305-3 and did not have a lapse in coverage in the last 365 days. The carrier also maintains \$20,000 in cargo insurance with National Fire & Marine Insurance Co., policy number 72MTS026631, no lapse in cargo insurance was determined.

Part 390 General FMCSR:

The carrier has not been involved in any Department of Transportation recordable accidents in the last 365 days.

Marsik Movers LLC last updated the MCS-150 on March 26, 2019 and shows zero vehicle miles travelled (VMT) for calendar year 2019. Filip states the VMT for 2021 was 35,000.

One violation of 390.19(b)(2) occurred when the carrier failed to update the MCS-150 registration form with updated principal place of business address, business email, vehicle miles travelled, correct number of trucks, drivers, and valid company official.


Part 391 Qualification of Drivers:

The carrier currently employs a total of two drivers that operated in intrastate commerce during the previous 365 days. Per eFOTM guidelines, a sample size of two Driver Qualification Files were to be inspected. Driver files requested to be reviewed were for drivers Marcel Filip and Ernesto Felix.

Two critical violations of 391.51(a) occurred when the carrier failed to maintain driver qualification files on each driver employed.

One violation of 391.51(c) occurred when the carrier failed to retain a driver qualification file for at least 3 years after termination of a driver's employment.



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In accordance with FMCSA Memorandum MC-ECS-2012-0004 medical certificates for 25 percent of the driver qualification file sample size (one) were to be selected for verification.

Driver Name: Marcel Filip
Date of Birth: May 27, 1995
ME's License/Certificate Number: PA100003933
Date of Issuance of the MEC: June 9, 2020
MEC Expiration: June 9, 2022
National Registry Identification Number: 6085018457
Phone Number: 253-839-2727
Date and Time Contacted: 3/3/2022 @ 8:35 a.m.
Person Contacted: Lisa M.
Results: MEC Check Confirmed

Part 392 - Driving of Commercial Motor Vehicles:

Marsik Movers LLC is an intrastate carrier and at the time of this investigation the carrier is current on its annual regulatory fees.

The carrier's principal place of business (PPOB) is located at 11205 186th Street Ct. E, Puyallup, Washington 98374, and all household goods moves start and stop from the where the vehicles are currently being parked at 1449 Thorton Avenue Southwest, Pacific, Washington 98047. Filip states by the end of March 2022, the new vehicle parking location will be 22342 68th Avenue S, Kent, Washington 98032.

Marcel Filip was informed that using radar detectors and handheld devices while driving is prohibited. The carrier operates in intrastate and interstate commerce and paid the UCR fee for 2021.

Four critical violations of WAC 480-15-555 occurred when the carrier failed to conduct/retain paperwork containing criminal background checks or hiring an individual with a disqualifying conviction for a household goods carrier in the state of Washington.

Investigator Cobile instructed Filip to inform the helper/laborer Jayce Moore that he can no longer work for the company.

Part 395 - Hours of Service:

Marsik Movers LLC employed three drivers during the previous 365 days, two drivers have driven during the last six months. In accordance with eFOTM procedures, a sample size of two Record of Duty Status (RODS) were required to be checked for a 30-day period. Marsik Movers LLC operated all services under the short-haul exemption in Part 395.1(e) within the last 365 days and does not require an ELD.

For this investigation, a 30-day period was requested to be reviewed for January 1 through January 30, 2022, for drivers Marcel Filip and Ernesto Felix. This required that 60 RODS be checked. As part of the investigation, supporting documents were requested. Owner, Marcel Filip acknowledges the company failed to require driver Ernesto Felix to make a RODS for January 1 through January 30, 2022.

Thirty-seven critical violations of 395.8(a)(1) occurred when the carrier failed to require drivers to make a record of duty status and failed to maintain accurate and true time records.

Part 393 & 396 - Maintenance and Inspection:

The carrier owned and operated three straight trucks that are classified as commercial motor vehicles in intrastate commerce during in the previous 365-days, with two straight trucks currently operating. The carrier states the major vehicle maintenance is conducted primarily with Nova Equipment Services, Tacoma, WA and the annual vehicle inspections are conducted primarily with EliteOne Transportation, Tacoma, WA.

Vehicle Maintenance Records:



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In accordance with the eFOTM, a sample size of three vehicle maintenance files were to be reviewed.

Investigator Cobile requested the maintenance files for vehicle VIN: J8DF5C13X17700265 (Unit 004), J8DF5C13537701360 (Unit 003) and JALF5C13X37701502 (Unit 001). Investigator Cobile was able to establish through a Copart Auto Auction invoice (62976531), that vehicle JALF5C13X37701502 (Unit 001) was last operated on October 22, 2021, which is within the last 365-days, therefore a vehicle maintenance file was requested to be reviewed.

One critical-type violation of 396.3(b) occurred when the carrier failed to maintain a vehicle maintenance file.

Two violations of 396.3(b)(1) occurred when the carrier failed to keep maintenance records with the required vehicle identifiers.

Two critical violations of 396.17(a) occurred when the carrier operated commercial motor vehicles that were not periodically inspected.

Two violations of 396.21(b)(1) occurred when the carrier failed to maintain periodic inspection reports for 14 months from the date of the inspection.

Driver Vehicle Inspection Reports (DVIRs):

Investigator Cobile inquired about the carrier's DVIR process as part of this investigation. Filip was unable to demonstrate compliance with the DVIR process and stated when defects occur, he just gets the vehicles fixed. The DVIR documentation and reporting requirements outlined in CFR 396.11 were discussed in detail with Filip. The carrier was not in compliance with the DVIR reporting and documentation requirements, however no violations were recorded due to a lack of documentation as proof that a DVIR was required.

Vehicle Inspections:

In accordance with eFOTM, a sample size of two vehicles were to be inspected. The vehicles were inspected at the carrier's PPOB.

Filip states VIN JALF5C13X37701502 (Unit 001) had been sold prior to this investigation and has not been driven in commerce since April 2021, the vehicle was not available for inspection at the time of this investigation. The vehicle was driven to Copart Auto Auctions on October 22, 2021.

The vehicles inspected are as follows:

2001 GMC, VIN: J8DF5C13X17700265
2003 GMC, VIN: J8DF5C13537701360

See attached Aspen reports.

CLOSING INTERVIEW:

The closing interview was conducted on March 9, 2022, via telephone. Present at the closing interview was Investigator Cobile and company owner Filip. This investigation resulted in a proposed conditional safety rating.

During the on-site interview Filip was forthcoming with the information being requested and provided documentation following the onsite review to correct some of the identified violations. Technical assistance was also provided to the carrier during the process of this review.

DOCUMENTS PROVIDED TO THE CARRIER:

The carrier was provided with one copy of the review, Parts A and B with requirements and recommendations to include the Safety Management Plan (SMP) guidance and Safety Fitness Rating. The carrier was also provided with an electronic copy of the guide "Achieving a Satisfactory Motor Carrier Safety Record."

FOLLOW-ON ACTION:



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Continued compliance monitoring. Recommend imposing administrative penalties for critical violations WAC 480-15-555, 396.17(a), 395.8(a)(1), and 391.51(a), critical-type violation 396.3(b) consistent with the enforcement policy. Recommend prior to the issuance of permanent authority the carrier complete and have approved a safety management plan (SMP) and perform compliance inspections within six months to one year after SMP is approved. Recommend forwarding to the Consumer Protection section for an inquiry into the lack of bill of lading requirements as required by WAC 480-15-710(3). Recommend no issuance of permanent permit until penalties are satisfied and the carrier achieves a satisfactory safety rating. Work with AAG to issue Notice of Intent to Cancel (NOIC).

Upload Authorized:	Yes	No	
Authorized by:			Date:
Uploaded:	Yes	No	Failure Code:
Verified by:			Date:





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Safety Fitness Rating Explanation

This report lists the facts which were used to determine the Safety Fitness Rating for the above motor carrier. Federal and State violations are combined for rating purposes. However, only the federal or federal equivalent section number is shown below. A check mark identifies the range within which the data fell when determining the Safety Fitness Rating. All information within a FACTOR block relates only to that FACTOR.

FACTOR 1		General (CFR Parts 387, 390)	0 Point = Satisfactory
VIOLATIONS AFFECTING RATING		POINTS	1 Point = Conditional
NONE		-----	>1 Point = Unsatisfactory
TOTAL POINTS:		0 = SATISFACTORY	
FACTOR 2		Driver Qualification (CFR Parts 382, 383, 391)	0 Point = Satisfactory
VIOLATIONS AFFECTING RATING		POINTS	1 Point = Conditional
S	391.51(a)	1 (C)	>1 Point = Unsatisfactory
TOTAL POINTS:		1 = CONDITIONAL	
FACTOR 3		Operational/Driving (CFR Parts 392, 395)	0 Point = Satisfactory
VIOLATIONS AFFECTING RATING		POINTS	1 Point = Conditional
S	392.2	1 (C)	>1 Point = Unsatisfactory
S	395.8(a)(1)	2 (C)	
TOTAL POINTS:		3 = UNSATISFACTORY	
FACTOR 4		Vehicle/Maintenance (CFR Parts 393, 396, Performance Data (OOS%))	
VIOLATIONS AFFECTING RATING		POINTS	Fewer than 3 inspections
S	396.17(a)	1 (C)	
TOTAL POINTS:		1 =	CONDITIONAL
Fewer than 3 Inspections		3 or more Inspections	
Rate same as other Regulatory Factors 1, 2, and 3 0 Point = Satisfactory 1 Point = Conditional >1 Point = Unsatisfactory		OOS Less than 34%	OOS 34% or Higher
		Satisfactory	Conditional
		Conditional	Unsatisfactory
		If a pattern of Non-Compliance with a Critical or an Acute Violation	If a pattern of Non-Compliance with a Critical or an Acute Violation
FACTOR 5		Hazardous Material (CFR Parts 397, 171, 172, 173, 177, 180)	
Not Applicable - Not a carrier of Hazardous Material			
NONE			
FACTOR 6		Accident (Recordable Accident Rate)	
		((Recordable Accidents) X (1 million)) ÷ (Total Miles) = Rate	
		(0 X 1,000,000) ÷ 35,000 = 0 = SATISFACTORY	
ACCIDENT RATE		FACTOR RATING	
0.000 - 1.500		= Satisfactory	
>1.500		= Unsatisfactory	





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Safety Fitness Rating Explanation

OVERALL SAFETY FITNESS RATING

Number of Factors (1-6) shown above as less than satisfactory

Unsatisfactory

Conditional

1

2

= CONDITIONAL

FORMULA TO CALCULATE THE OVERALL SAFETY FITNESS RATING

Number of Factors

	Unsatisfactory	Conditional	OVERALL RATING
	0	2 or fewer	Satisfactory
	0	3 or more	Conditional
û	1	2 or fewer	Conditional
	1	3 or more	Unsatisfactory
	2	0 or more	Unsatisfactory

