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1 BEFORE THE WASHINGTON

2 UTILITIES AND TRANSPORTATION COMMISSION

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4 In the Matter of the )DOCKET TV-190299

Investigation of )

5 )

TRIAOGO SIMPORE DBA TS )

6 MOVING SERVICES )

)

7 For Compliance with WAC )

480-15-560 and WAC )

8 480-15-570 )

)

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10 BRIEF ADJUDICATIVE PROCEEDING, VOLUME I

11 Pages 1-32

12 ADMINISTRATIVE LAW JUDGE LAURA CHARTOFF

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13

14 June 11, 2019

15 9:30 a.m.

16

Washington Utilities and Transportation Commission

17 1300 South Evergreen Park Drive Southwest

Olympia, Washington 98504

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REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

21

Buell Realtime Reporting, LLC

22 1325 Fourth Avenue, Suite 1840

Seattle, Washington 98101

23 (206) 287-9066 | Seattle

(360) 534-9066 | Olympia

24 (800) 846-6989 | National

25 www.buellrealtime.com

0002

1 A P P E A R A N C E S

2 ADMINISTRATIVE LAW JUDGE:

3 LAURA CHARTOFF

Utilities and Transportation

4 Commission

1300 South Evergreen Park Drive SW

5 Olympia, Washington 98504

(360) 664-1160

6 laura.chartoff@utc.wa.gov

7

8 FOR COMMISSION STAFF:

9 JOE DALLAS

Assistant Attorney General

10 1400 South Evergreen Park Drive SW

P.O. Box 40128

11 Olympia, Washington 98504

(360) 664-1192

12 joe.dallas@utc.wa.gov

13

FOR TS MOVING:

14

TRIAOGO SIMPORE

15 Owner

16

ALSO PRESENT:

17

JASON SHARP

18 Motor Carrier Safety Supervisor

19

EDWARD STEINER

20 Special Investigator,

Transportation Safety

21

22 \* \* \* \* \*

23

24

25

0003

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0004

1 OLYMPIA, WASHINGTON; JUNE 11, 2019

2 9:30 A.M.

3 P R O C E E D I N G S

4

5 JUDGE CHARTOFF: Okay. Let's be on the

6 record. Good morning. This is Docket TV-190299, which

7 is captioned In the Matter of the Investigation of

8 Triaogo Simpore, doing business as TS Moving Services

9 for compliance with Washington Administrative Code

10 480-15-560 and 570.

11 My name is Laura Chartoff. I am an

12 administrative law judge presiding over today's brief

13 adjudicative proceeding.

14 Today is Tuesday, June 11th, 2019, and the

15 time is approximately 9:30 a.m.

16 So let's start by taking appearances

17 starting with a short appearance from Staff.

18 MR. DALLAS: Good morning, Judge Chartoff.

19 I am Joe Dallas, and I am an assistant attorney general

20 with the Utilities and Transportation division, and I am

21 here today on behalf of Commission Staff.

22 JUDGE CHARTOFF: Thank you.

23 And, the Company, can you please state your

24 name, spelling your last name for the record.

25 MR. SIMPORE: Good morning. My name is

0005

1 Triaogo Simpore, T-r-i-a-o-g-o, and Simpore,

2 S-i-m-p-o-e, doing business as TS Moving Services.

3 JUDGE CHARTOFF: Thank you.

4 Okay. So we are here because on

5 April 30th, 2019, the Commission issued a notice of

6 intent to cancel permit as a household goods carrier

7 notice of brief adjudicative proceeding setting time for

8 oral statements.

9 So the Commission issued this notice

10 following a compliance review conducted by Commission

11 Staff in April 2019, which resulted in a proposed

12 conditional safety rating. The Commission -- oh, the

13 business has 60 days from the date it received the

14 notice of the proposed conditional safety rating to

15 obtain an approved safety management plan showing that

16 your business has taken corrective action to address the

17 violations. And if your business fails to come into

18 compliance, the Commission will cancel your household

19 goods permit effective June 23rd, 2019.

20 I also want to address the penalty

21 assessment in Docket TV-190298 in the amount of $5,000.

22 Although TS Moving has not yet filed an application for

23 mitigation in that docket, I think it makes sense to

24 address that penalty today, and that would give you an

25 opportunity to explain any corrective actions you have

0006

1 taken to prevent the violations from recurring. And

2 Staff can make a recommendation about whether or not the

3 penalty should be reduced.

4 So did you -- Mr. Simpore, did you get that

5 assessment?

6 MR. SIMPORE: I -- after the investigation,

7 I've been taking steps to eliminate those issue of

8 basically why it occurred and moving forward with not

9 actually happen again.

10 JUDGE CHARTOFF: Oh, so did you get the

11 penalty assessment?

12 MR. SIMPORE: I did get --

13 JUDGE CHARTOFF: Are you aware of that?

14 MR. SIMPORE: I did get the email, I am

15 aware of that and -- yes, I did.

16 JUDGE CHARTOFF: And would you like to

17 address that today?

18 MR. SIMPORE: That would be part of today,

19 please, yes, I will.

20 JUDGE CHARTOFF: Okay. Okay. And I'm

21 assuming Staff has no objection to consolidating those

22 dockets?

23 MR. DALLAS: At this time, I'm unaware if

24 the Company has responded to the penalty assessment

25 requesting mitigation, but if the Company would like to

0007

1 request mitigation, Staff can provide a recommendation

2 at this time.

3 MR. SIMPORE: It's all so new to me.

4 JUDGE CHARTOFF: Oh.

5 MR. SIMPORE: It's basically my first time

6 pretty much. I -- I...

7 JUDGE CHARTOFF: I think what he's asking

8 is, when you get the penalty assessment, you have 15

9 days to either pay the assessment or ask for -- you can

10 deny the violations or you can admit the violations but

11 ask that the penalty be reduced.

12 MR. SIMPORE: I -- I believe, yes, I did get

13 that, but I thought I was going to come to the court

14 today, then we can -- I could go through that. But yes,

15 I did actually admit the violation and would ask the

16 penalty to be reduced.

17 JUDGE CHARTOFF: Okay. Is -- so,

18 Mr. Dallas, he's asking -- is that acceptable? He is

19 asking that the penalty be reduced. So can we

20 consolidate the petition -- I mean, the dockets?

21 MR. DALLAS: Yes, no objection.

22 JUDGE CHARTOFF: Okay. Okay. So those

23 matters are consolidated. That means we will address

24 both --

25 MR. SIMPORE: Okay.

0008

1 JUDGE CHARTOFF: -- matters today. I'm just

2 taking a moment to take some notes. Okay. So I'll give

3 you some instructions about how this is -- how this

4 proceeding is going to go. So when I call on each party

5 to testify, I will swear you in with the oath of witness

6 so that anything you tell the Court will be under oath

7 and can be considered sworn testimony.

8 For the court reporter's benefit, please

9 speak slowly and clearly and also, please use the

10 microphone on the table in front of you. Once you're

11 sworn in, you can introduce any exhibits you have

12 prefiled and you can present your testimony and call

13 witnesses.

14 So let's first have Staff address the safety

15 management plan and safety rating. Following Staff's

16 presentation, the Company will have the opportunity to

17 ask Staff's witnesses any questions, and then,

18 Mr. Simpore, you can present your testimony. At that

19 time, you can address the violations in the penalty

20 assessment. And once you're done testifying, Staff's

21 attorney may have some questions for you and then Staff

22 will make a recommendation on the penalty.

23 Do you have any questions before we get

24 started?

25 MR. DALLAS: No, Judge.

0009

1 JUDGE CHARTOFF: Thank you.

2 Okay. So, Mr. Dallas, you can proceed when

3 you're ready.

4 MR. DALLAS: Thank you. Washington

5 Administrative Code 480-15-450 provides that the

6 Commission may cancel a household goods carrier's permit

7 and operating authority for good cause including where

8 the carrier fails to comply with safety requirements.

9 In April 2019, Staff completed a compliance

10 review where it documented eight safety violation types.

11 On April 23, Staff notified the Company of

12 its proposed safety rating change to that of a

13 conditional safety rating.

14 On April 30th, the Commission issued a

15 notice of intent to cancel a household goods carrier

16 permit against TS Moving due to this proposed safety

17 rating change.

18 For the purposes of this hearing today,

19 Staff intends to present sufficient evidence to prove

20 the safety violations, proposed safety rating change,

21 and that although the Company has submitted a safety

22 management plan, Staff cannot recommend an upgrade to

23 the Company's proposed safety rating at this time.

24 Staff will also provide a recommendation for

25 mitigation to the consolidated penalty assessment.

0010

1 Staff intends to present this evidence through the

2 testimony of Edward Steiner and Jason Sharp, who are

3 seated next to me today. This evidence will show that

4 Staff documented eight safety violation types as a

5 result of a compliance investigation that was completed

6 in April. Thereafter, Staff assessed these violations

7 in light of the applicable legal standard in 49 CFR

8 387.7 and proposed an overall safety rating of

9 conditional.

10 Mr. Steiner will testify as to the eight

11 documented violation types, and Mr. Sharp will testify

12 as to why Staff proposed a conditional safety rating in

13 light of these violations and applicable legal standard.

14 Mr. Sharp will also provide a recommendation as to

15 mitigation of the accompanied penalty assessment.

16 At this time, I would call Mr. Steiner to

17 testify.

18 JUDGE CHARTOFF: Okay.

19

20 EDWARD STEINER, witness herein, having been

21 first duly sworn on oath,

22 was examined and testified

23 as follows:

24 /////

25 /////

0011

1 E X A M I N A T I O N

2 BY MR. DALLAS:

3 Q. Mr. Steiner, would you please state your name

4 and spell your last name for the record?

5 A. Edward Steiner, S-t-e-i-n-e-r.

6 Q. And what is your current occupation?

7 A. Motor carrier safety investigator.

8 Q. And how long have you been in that position?

9 A. A little over two years.

10 Q. And what does that position involve?

11 A. Involves conducting safety compliance reviews of

12 various motor carrier companies.

13 Q. Are you familiar with the company TS Moving?

14 A. Yes, I am.

15 Q. And how are you familiar with them?

16 A. I conducted a safety compliance review on the

17 company.

18 Q. I am showing you a document that has been

19 identified as proposed Exhibit ES-1.

20 MR. DALLAS: Judge, I have two copies of the

21 proposed exhibits on the bench if you'd like to follow

22 along.

23 Then I also have a Company -- a copy for the

24 Company if you'd like one.

25 MR. SIMPORE: Sure.

0012

1 BY MR. DALLAS:

2 Q. Mr. Steiner, what is Exhibit ES-1?

3 A. It is the compliance review report.

4 Q. Are you familiar with this exhibit?

5 A. Yes, I am.

6 Q. And how?

7 A. I conducted the review and this is the report I

8 completed.

9 Q. Do you agree with the information contained

10 within this exhibit?

11 A. Yes.

12 Q. Do you believe it's truthful and correct?

13 A. Yes.

14 Q. Do you have any changes you'd like to make to

15 this exhibit?

16 A. No.

17 MR. DALLAS: At this time, I move for

18 proposed Exhibit ES-1 to be entered into evidence.

19 JUDGE CHARTOFF: Mr. Simpore, do you have

20 any objection to admitting this exhibit into evidence?

21 MR. SIMPORE: I -- as far as I know, no.

22 JUDGE CHARTOFF: Okay. Exhibit ES-1 is

23 admitted.

24 (Exhibit ES-1 admitted.)

25 BY MR. DALLAS:

0013

1 Q. I would like to ask some questions of Exhibit

2 ES-1. Could you please reference page 3 and 4 of this

3 exhibit?

4 A. Okay.

5 Q. Could you please explain what these two pages

6 consist of?

7 A. These are the violations that were discovered

8 during the safety review.

9 Q. And how many total safety violation types did

10 you document during your compliance review?

11 A. Total of eight.

12 Q. I'd like to go through the eight violation types

13 you discovered during your compliance review, and I will

14 be going in chronological order starting from the top of

15 page 3 of Exhibit ES-1.

16 Can you please discuss the violation of CFR

17 Section 398.8, Subsection (a)(1)?

18 A. That violation is for Company failed to complete

19 records of duty status.

20 Q. Can you please discuss the violation of CFR

21 Section 390.19T, Subsection (b)(2)?

22 A. The motor carrier failed to update every 24

23 months their MCS-150.

24 Q. Can you please discuss the violation of CFR

25 391.45(a)?

0014

1 A. Carrier failed to have a medical exam completed.

2 Q. Can you please discuss the violation of CFR

3 391.51(a)?

4 A. Driver qualification files are required, and the

5 carrier failed to have the driver qualification file.

6 Q. Can you please discuss the violation of

7 Washington Administrative Code 480-15-555?

8 A. Employee criminal background checks are

9 required, which the Company failed to have.

10 Q. Can you please discuss the violation of CFR

11 396.3, Subsection B?

12 A. Records of inspection and vehicle maintenance

13 are required. The Company failed to have that.

14 Q. Can you please discuss the violation of CFR

15 Section 396.17(a)?

16 A. DOT periodic inspection required which the

17 Company failed to have.

18 Q. And lastly, could you please describe the

19 violation of Washington Administrative Code 480-15-550?

20 A. Cargo insurance is required, the Company failed

21 to have it.

22 Q. Thank you.

23 Did the Company submit a safety management plan

24 to resolve these violations last weekend?

25 A. Yes, they did.

0015

1 Q. And have you been providing aid and guidance to

2 the Company in creating a safety management plan?

3 A. Yes, I have.

4 MR. DALLAS: Thank you. No further

5 questions.

6 JUDGE CHARTOFF: Mr. Simpore, do you have

7 any questions for Mr. Steiner?

8 MR. SIMPORE: At this point, no, I do not

9 have any questions for -- for him based on what -- this

10 report.

11 JUDGE CHARTOFF: Okay. Okay. So,

12 Mr. Dallas, this is for you. So your next witness is

13 going to discuss the safety -- going to discuss whether

14 the safety management plan is acceptable or not?

15 MR. DALLAS: Yes.

16 JUDGE CHARTOFF: Okay. Then I don't have

17 any questions.

18 MR. DALLAS: I'd like to call Jason Sharp to

19 testify.

20 JUDGE CHARTOFF: Okay.

21

22 JASON SHARP, witness herein, having been

23 first duly sworn on oath,

24 was examined and testified

25 as follows:

0016

1 JUDGE CHARTOFF: Please be seated.

2

3 E X A M I N A T I O N

4 BY MR. DALLAS:

5 Q. Mr. Sharp, would you please state your name and

6 spell your last name for the record?

7 A. Jason Sharp, S-h-a-r-p.

8 Q. And what is your current occupation?

9 A. I am the motor carrier safety supervisor at the

10 Utilities and Transportation Commission.

11 Q. And how long have you been in that position?

12 A. A little over a year and a half.

13 Q. And what does that position involve?

14 A. I oversee the work of the motor carrier safety

15 investigators, I review the investigative reports that

16 they submit, and issue recommendations based on their

17 findings.

18 Q. I am handing you Exhibit ES-1. Can you please

19 reference pages 13 and 14?

20 A. Okay.

21 Q. Do these pages document the 49 CFR 385.7

22 analysis Staff used to determine TS Moving safety

23 ratings in light of the Company's safety violations?

24 A. Yes, these are the safety fitness rating

25 explanation based off of the violations discovered in

0017

1 Mr. Steiner's report.

2 Q. And after conducting this analysis, what safety

3 rating did Staff assign to TS moving?

4 A. TS Moving received a proposed conditional safety

5 rating.

6 Q. Since notifying TS Moving of its proposed safety

7 rating, has the Company been able to submit a safety

8 management plan?

9 A. I did receive a copy of the Company's submission

10 this morning. At this point, I am unable to issue a

11 recommendation on it as it is currently inadequate for

12 the standards of a safety management plan. Staff would

13 continue to work with Mr. Simpore up until June 23rd to

14 get that plan in an acceptable fashion. I do believe

15 that potentially some more one-on-one time today would

16 be advantageous to Mr. Simpore to meet with Investigator

17 Steiner and myself following this proceeding to get him

18 where he needs to be with that.

19 Q. Thank you.

20 Can Staff at this time provide a recommendation

21 as to mitigation of the penalty assessment?

22 A. Yes. In review of the penalty assessment and

23 the documents that Mr. Simpore submitted in his initial

24 draft of the safety management plan, I would like to

25 address each violation as it's laid out in the penalty

0018

1 assessment with my recommendation.

2 As it relates to the 24 violations of WAC

3 480-15-550 in which the Company was found to be

4 operating without cargo insurance, the Commission

5 assessed a penalty of $100 for each occurrence of this

6 violation for a total of $2,400.

7 On May 8th, the Commission received a Form E of

8 the Company's cargo insurance plan showing that the

9 Company now has the required insurance in effect, and my

10 recommendation would be that the penalty of twenty -- or

11 $2,400 be mitigated down to $1200.

12 The second violation addressed is of WAC

13 480-15-555 requiring criminal background checks for

14 prospective employees. The Commission assessed a

15 penalty of $100 for this violation. Of this violation,

16 I recommend no mitigation.

17 The next penalty addressed is for 24 violations

18 of CFR 391.45(a), using a driver not medically examined

19 and certified. The Commission assessed the penalty of

20 $100 for each occurrence of 24 identified occurrences

21 for a total of $2,400.

22 As part of the documents submitted over the

23 weekend by Mr. Simpore, he submitted a medical

24 certificate as proof of correction, which was issued on

25 June 6th. In addition to that information, he also

0019

1 submitted time sheets covering the span following the

2 closing interview of the safety investigation with

3 Mr. Steiner. Taking into consideration that there were

4 17 additional trips identified in between that time

5 prior to Mr. Simpore getting his medical certificate, I

6 would issue no mitigation of the $2400 penalty.

7 And then the final violation addressed in the

8 penalty assessment was for 30 violations of CFR part

9 395.8(a)(1) for failing to require a driver to prepare a

10 record of duty status. The penalty assessment assessed

11 a per category penalty of $100 for all 30 occurrences.

12 And my recommendation would be to leave that $100

13 penalty in place, which would take the -- so in total,

14 the initial penalty of $5,000, my recommendation would

15 be to mitigate down to $3,800 and then suspend $2,500 of

16 that for a period of two years.

17 JUDGE CHARTOFF: Oh, can you repeat that?

18 MR. SHARP: Yes. So the initial penalty of

19 $5,000 mitigated down to $3,800. And then Staff would

20 recommend a suspension of $2,500 of that remaining $3800

21 for a period of two years on the condition that the

22 Company does not have any repeat critical violations

23 upon reinspection.

24 A. And Staff would be open to working with the

25 Company on a payment arrangement on the additional

0020

1 $1,300 that would be payable and due.

2 MR. DALLAS: No further questions.

3 JUDGE CHARTOFF: Do you have any questions

4 for Mr. Sharp?

5 MR. SIMPORE: Yes, I actually do. Thank you

6 for your time, and at this point, I would like to say

7 that all these violation has occurred not by negligence

8 or by not -- as a simple fact that yes, it's kind of not

9 my -- I didn't know. I shouldn't be in this business,

10 but if I knew like most should know more than where I

11 might not be in this business. My -- when I first

12 started this business --

13 JUDGE CHARTOFF: Mr. Simpore, it sounds like

14 you're going into your testimony, and I will give you an

15 opportunity to do that. This is just if you have any

16 questions for him.

17 MR. SIMPORE: No, I don't have questions for

18 him.

19 JUDGE CHARTOFF: Okay.

20 MR. DALLAS: Can I have a very quick

21 redirect?

22 JUDGE CHARTOFF: Yes.

23 /////

24 /////

25 /////

0021

1 E X A M I N A T I O N

2 BY MR. DALLAS:

3 Q. Mr. Sharp, has the Company ever attended a

4 Commission-sponsored household goods training?

5 A. Yes, Mr. Simpore attended the household goods

6 training that was held here at the Commission on August

7 15th of 2018.

8 MR. DALLAS: No further questions.

9

10 E X A M I N A T I O N

11 BY JUDGE CHARTOFF:

12 Q. Okay. So -- so -- so Mr. Simpore submitted a

13 safety management plan, did you say, this morning?

14 A. Mr. Simpore emailed his plan to Investigator

15 Steiner over the weekend. Investigator Steiner works a

16 flexible schedule and this is his first day. And so I

17 received a copy of it this morning and was able to

18 review the records in it.

19 Q. Okay. And at this time, it is not acceptable?

20 A. That's correct.

21 Q. But you think that with additional conversations

22 with Mr. Simpore, there's the possibility that you could

23 get to an acceptable plan?

24 A. At this point, I'm not positive in that, but

25 Staff would continue to extend its technical assistance

0022

1 to the Company to work towards that conclusion.

2 Q. Okay. And I just want to make sure I understand

3 what the process is. If -- if there is a -- an

4 acceptable safety management plan, my understanding,

5 correct me if I'm wrong, is that the safety rating would

6 remain conditional, but we would extend the provisional

7 period of the permit for additional amount of time?

8 A. That's correct.

9 Q. Okay. And I assume -- so let's just talk about

10 the timing for a minute. The -- the permit would

11 expire -- or would be cancelled on June 23rd. With the

12 office move, we're going to be on limited operations on

13 the -- I'm going to get my calendar open. We're going

14 to be on limited operations on the 21st, so I would need

15 to get an order out on the 20th. So what's a

16 reasonable -- if Mr. Simpore submits an acceptable plan,

17 what's the latest he could submit that? And how much

18 time would you need to review that and send me a

19 recommendation?

20 A. I generally need at least a day to get the

21 recommendation in from the point of receiving an

22 acceptable plan. So if -- your time frame indicates the

23 20th that -- when you need to get it out, I --

24 I'm -- apologize, I don't have a calendar in front of me

25 to...

0023

1 Q. Oh, okay. So the 20th is Thursday, so I think

2 the very latest that Mr. Simpore could get that plan

3 finished would be Monday, the 17th; does that...

4 A. That should provide me enough time to do an

5 evaluation, yes.

6 JUDGE CHARTOFF: Okay. So -- okay. Do you

7 have anything to add?

8 MR. DALLAS: No, Your Honor.

9 JUDGE CHARTOFF: Oh, okay. I have no

10 further questions.

11 Okay. So I'll go ahead. So now it is your

12 turn to testify.

13

14 TRIAOGO SIMPORE, witness herein, having been

15 first duly sworn on oath,

16 was examined and testified

17 as follows:

18

19 JUDGE CHARTOFF: Please be seated.

20 Okay. So I did not receive any exhibits

21 from you in advance of the hearing, so you can proceed

22 with your testimony. And I can -- we're going to talk

23 about the violations and the penalty assessment, but if

24 you'd like to go ahead and make any statements you had

25 planned to make.

0024

1 MR. SIMPORE: Okay. Follow as we go and I

2 can possibly ask question and I mean, state whether --

3 what I have to say, but...

4 JUDGE CHARTOFF: Okay. So why don't we --

5 I'll start by going through the penalty assessment and

6 you can explain why these violations occurred and what

7 you have done or what you are doing to prevent them from

8 occurring again, what you're going to do to fix that,

9 okay?

10 MR. SIMPORE: Okay.

11 JUDGE CHARTOFF: Okay. So the first one is

12 failure to have cargo insurance.

13 MR. SIMPORE: Okay. For that, first I

14 applied for the business license, they asked me to have

15 proof of insurance. I did have the proof, I just -- the

16 liability insurance, but for me, I didn't even know what

17 the difference between the cargo insurance and the

18 liability. I think Mr. Steiner if -- he's probably

19 going to say something, when he called me, he asked me

20 and I told him I have it. And he's the one call my

21 insurance agent and try to figure out.

22 Come to find out, I don't have the cargo

23 insurance. I didn't even know what the difference

24 between cargo insurance and liability. And I had worked

25 with my agent with -- through some emails and ended up

0025

1 going to the office, finally get the cargo insurance

2 instate. So I knew that that was actually required. I

3 would have had that in the first place not only to save

4 my business, but also save me -- I have lost so much

5 money and not having that because I can't -- I just told

6 them because I don't have that.

7 And, you know, when Mr. Steiner called and

8 told me that, that's where I pretty much stop calling my

9 agent. He -- she couldn't get me that and I ended up

10 going to different cargo company, insurance company,

11 where they're going to get -- cancel on me, then I go

12 back and forth. It take me time to get the cargo

13 insurance, but I got it and it's something that I'm

14 going to try to keep it as long as I am doing the

15 business. So, you know, that's my reason why I didn't

16 have it.

17 JUDGE CHARTOFF: Okay. And so the next

18 violation is failure to get a criminal background check

19 for an employee.

20 MR. SIMPORE: Yes, I -- for that, I -- I

21 explained to Mr. Steiner that yes, I didn't -- like I

22 said, I didn't really know, you know, especially have

23 this guy that I know from childhood, he's pretty much as

24 myself. I didn't know it's really, you know, worth.

25 You know, I could have the, you know -- I could have

0026

1 that in the records. The reason I didn't have it is

2 because I didn't know I had to have it. You know, I

3 mean, the other company do, but for me since it's just

4 me and my truck, it's not as big, you know, big

5 corporation. So just have your guys and get the truck,

6 get the job done.

7 And when -- when Mr. Steiner come and tell

8 me about no, I have to -- even though I know him, he's

9 not a criminal by law, I can't take it, you know, people

10 without having background check. I say okay, and I did

11 it and actually have the background check, and he's

12 clean, and I have it on file, and also I have copy of

13 that background check report here with me.

14 So yes, and I also send it through my email.

15 And if now, moving forward, if I intended to hire

16 somebody, I will first make sure I have all this check

17 and have on file before proceed to -- to the hiring

18 process. That's where my plan as far for that.

19 JUDGE CHARTOFF: Okay. So the next

20 violation was using a driver not medically examined and

21 certified.

22 MR. SIMPORE: You know, I -- I'm the boss --

23 I'm the owner, I'm driver. For me, I don't know. Like

24 I said, I do absolutely all of these things. It's

25 something that I never know for the -- I had to have as

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1 a -- you know, a record of it. Because I mean, I pay

2 myself, I am doing the job, so why do I need to do this?

3 You know, that's why I never had. And since the

4 investigation, then it is -- not only he is

5 investigator, but he's also helped me to understand that

6 this is what I need to be doing and this is what needs

7 to be done in order to keep up.

8 And I tell him moving forward, I try my best

9 to do what I can. If something I don't understand

10 again, I will send an email and ask question if he can

11 help. And that's pretty much what I've been doing. And

12 as far as I -- you know, I know -- but yeah. And I keep

13 the -- a record of the driver duty, and I have all this

14 copy in here with me.

15 JUDGE CHARTOFF: Mr. Simpore, do you have

16 anything else to add?

17 MR. SIMPORE: I -- what I would like to add

18 is that I -- I allow -- I did not allow this violation

19 to happen by ignoring the fact that I'm running a

20 business. It actually happened because yes, I only have

21 Cameron to do training one time, but most importantly,

22 English is not my first language. I'm trying. I mean,

23 I might speak well a little bit, but it might sound a

24 little bit different story.

25 And as for actually me to just get

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1 everything straight like I'm supposed to be like someone

2 who's like fully understand English my -- and I am

3 trying. I will do it, but all I'm trying to say is I

4 need a chance here and opportunity to get it right. I'm

5 not trying to just come and -- not asking you to let me

6 run my business, illegally run my business, but I need a

7 chance and opportunity to make it right so hopefully I

8 can get, you know, to the right track and that's all I'm

9 asking.

10 JUDGE CHARTOFF: Would it be helpful to you

11 to have instructions in another language?

12 MR. SIMPORE: I think English probably what

13 I need, the English probably be the closest that you can

14 get that I can understand.

15 JUDGE CHARTOFF: Okay.

16 MR. SIMPORE: As far as written, but the

17 other language, might not going to find. But I think

18 from the day that we have this conversation to now, it's

19 probably opened my eyes a lot more to what I should be

20 doing. And like I say, as two -- two month that were

21 given, I think is -- for me is a short time for me,

22 because coming from not knowing anything, not knowing

23 where to start to come and fully required in couple week

24 or two months. So yes, I might get there, but I don't

25 know how soon. It's not something that can just go and

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1 grab a real quick thing. I have to plan, I have to have

2 safety -- like safety plan and I need time. And that's

3 all I'm saying.

4 JUDGE CHARTOFF: Okay. Okay. Mr. Dallas,

5 do you have any questions for Mr. Simpore?

6 MR. DALLAS: Staff has no questions.

7 MR. SIMPORE: And also want to add that

8 since I started this, I started this business I -- like

9 I said, I'm trying to do the business as normal business

10 owner, you know, here, supporting some of the local.

11 And, you know, my community and also local State Patrol

12 to give as much as I could to some of the program. Ever

13 since I started business every year, little bit

14 donation.

15 So just trying to be doing the right thing.

16 Not like I am trying to just do the obvious, do the

17 business on -- no, that's my plan. I mean, I don't have

18 the -- the resources to be -- to be -- have like hired

19 to do people. So I basically am the one who is going to

20 be out in the field at the job and also be at the house

21 and do the paperwork.

22 The more business is growing, I will

23 definitely probably have someone that can help so that

24 way things can be supposed to be. But as far as now,

25 it's only one guy's in a truck, trying to make a living

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1 and trying to do the right thing. That's what I have to

2 say.

3 JUDGE CHARTOFF: Okay. Thank you.

4 MR. SIMPORE: You're welcome.

5 JUDGE CHARTOFF: Okay. So -- so Staff has

6 indicated that they will continue to work with you to

7 see if you -- if you -- you can come up with a safety

8 management plan that is acceptable. They did offer to

9 work with you today in person; is that correct? I would

10 encourage you to do that if -- we're running out of

11 time.

12 Like I explained, I will have to cancel your

13 permit on June 23rd if you're unable to come up with an

14 approved plan. But in order to have enough time, the

15 plan really needs to be complete by June 17th, which is

16 Monday. So I would encourage you to -- to stay after

17 this hearing, talk to Staff, figure out what needs to be

18 improved so you can have an approved management plan.

19 And that will give them enough time to report to me that

20 they are -- they are satisfied with it and to recommend

21 that you keep your permit. So please do the work to get

22 that done on time because otherwise, I won't have any

23 option but to sus- -- to cancel your permit.

24 MR. SIMPORE: Okay.

25 JUDGE CHARTOFF: Is there anything else --

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1 anything else I need to do before we go off the record?

2 MR. DALLAS: No, Your Honor.

3 JUDGE CHARTOFF: Okay. So thank you all for

4 coming here today. I will wait to see if I -- I will

5 wait for Staff's recommendation next week, so the -- but

6 I think that's it. So okay. We are adjourned.

7 (Adjourned at 10:15 a.m.)

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3 STATE OF WASHINGTON

4 COUNTY OF THURSTON

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6 I, Tayler Garlinghouse, a Certified Shorthand

7 Reporter in and for the State of Washington, do hereby

8 certify that the foregoing transcript is true and

9 accurate to the best of my knowledge, skill and ability.

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13 Tayler Garlinghouse, CCR 3358

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