

**Docket No. TV-220959 - Vol. I**

**In the Matter of the Investigation of Visionary Movers,  
LLC**

**February 1, 2023**



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<p style="text-align: right;">Page 1</p> <p style="text-align: center;">BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION</p> <p>In the Matter of the Investigation of ) ) Docket TV-220959 Visionary Movers, LLC, ) ) For Compliance with WAC 480-15-560 ) and WAC 480-15-570. )</p> <p style="text-align: center;">BRIEF ADJUDICATIVE PROCEEDING ADMINISTRATIVE LAW JUDGE RAYNE PEARSON</p> <p style="text-align: center;">VOLUME I</p> <p style="text-align: center;">Pages 1 - 21</p> <p>DATE TAKEN: FEBRUARY 1, 2023 REPORTED BY: CARISA KITSELMAN, RPR, CCR 2018</p>	<p style="text-align: right;">Page 3</p> <p>1                                    EXAMINATION INDEX</p> <p>2                                    EXAMINATION                                    PAGE</p> <p>3                                    Jason Sharp</p> <p>4                                    Direct by Mr. Callaghan                                    8</p> <p>5                                    Testimony of Juston Leverette                                    14</p> <p>6</p> <p>7    E X H I B I T S</p> <p>8                                    ADMITTED                                    PAGE</p> <p>9                                    JS-1      Safety Investigation Report                                    9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1                                    A P P E A R A N C E S</p> <p>2                                    FOR COMMISSION STAFF: (via Zoom)</p> <p>3    NASH CALLAGHAN</p> <p>4    Assistant Attorney General</p> <p>5    P.O. Box 47250</p> <p>6    Olympia, Washington 98504</p> <p>7    360.915.4521</p> <p>8    nash.callaghan@utc.wa.gov</p> <p>9                                    STAFF MEMBER: (via Zoom)</p> <p>10    JASON SHARP</p> <p>11</p> <p>12    * * * * *</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1    FEBRUARY 1, 2023</p> <p>2    2:02 P.M.</p> <p>3    JUDGE PEARSON: So good afternoon. This is</p> <p>4    Docket TY-220959, which is captioned In the Matter of the</p> <p>5    Investigation of Visionary Movers, LLC, for compliance</p> <p>6    with WAC 480-15-560 and 570. My name is Rayne Pearson.</p> <p>7    I use she/her pronouns. And I am the administrative law</p> <p>8    judge presiding over today's brief adjudicative</p> <p>9    proceeding. Today is Wednesday, February 1, 2023, and</p> <p>10    the time is 2:02 p.m.</p> <p>11    Before we get started, there's no one who has</p> <p>12    appeared for the Company yet. So I wanted to ask Staff</p> <p>13    if they have heard from the Company, if they have any</p> <p>14    assurance if the Company will be appearing today.</p> <p>15    MR. CALLAGHAN: Thank you, Your Honor.</p> <p>16    For the record, this is Nash Callaghan,</p> <p>17    assistant attorney general, on behalf of Commission</p> <p>18    Staff. I just heard a message from Mr. Sharp. He did</p> <p>19    communicate with the carrier. He sent them a link to the</p> <p>20    hearing today and we're hopeful that they'll be able to</p> <p>21    join us soon.</p> <p>22    JUDGE PEARSON: Okay. Thank you.</p> <p>23    So let's go ahead and be in recess. We'll</p> <p>24    reconvene at 2:15. If the Company has not yet appeared,</p> <p>25    we'll come back earlier if I see the Company come on the</p>

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1 line.  
 2 But, otherwise, if they have not shown up by  
 3 2:15, then I will entertain a motion for default at that  
 4 time. So we are in recess.  
 5 (Recess.)  
 6 JUDGE PEARSON: We'll go ahead and get started  
 7 then and be back on the record.  
 8 Could the representative for the company please  
 9 state your full name and spell your last name for the  
 10 court reporter?  
 11 MR. LEVERETTE: Juston Leverette. Last name  
 12 L-E-V-E-R-E-T-T-E.  
 13 JUDGE PEARSON: Okay. Thank you.  
 14 So my name is Rayne Pearson. I'm the  
 15 administrative law judge that's presiding over today's  
 16 brief adjudicative proceeding. And as you are aware, on  
 17 January 11, 2023, the Commission issued a notice of  
 18 intent to cancel and a notice of brief adjudicative  
 19 proceeding setting time for oral statements.  
 20 The Commission issued the notice following a  
 21 compliance review conducted by Commission Staff that was  
 22 completed in December 2022, which resulted in a proposed  
 23 conditional safety rating for Visionary Movers.  
 24 MR. LEVERETTE: Correct.  
 25 JUDGE PEARSON: On January 4, 2023, the

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1 Commission also issued a penalty assessment in this  
 2 docket for \$5,700 for the violations discovered during  
 3 Staff's compliance review.  
 4 So we'll hear from the parties on the penalty  
 5 today too.  
 6 So the notice also provided that the Company had  
 7 until January 18th to file a proposed safety management  
 8 plan that was acceptable to Staff.  
 9 Has the Company had an opportunity to file the  
 10 proposed safety management plan?  
 11 MR. LEVERETTE: It was filed. It just wasn't  
 12 accepted.  
 13 JUDGE PEARSON: Okay. All right.  
 14 So what we'll do is when I call on each party to  
 15 testify, I'll swear you in with the oath of witness so  
 16 anything that you tell us today will be under oath and  
 17 will be considered sworn testimony. And for the court  
 18 reporter's benefit, please speak slowly and clearly.  
 19 So we'll first have Staff talk about the  
 20 proposed safety rating. And then following Staff's  
 21 presentation, the Company will have the opportunity to  
 22 ask Staff's witness any questions. And then the Company  
 23 will have an opportunity to testify.  
 24 And at that time, we'll go through the  
 25 violations in the penalty assessment. And then once

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1 you're done testifying, Staff's attorney may have some  
 2 questions for you. And then Staff will make a final  
 3 recommendation.  
 4 So do you have any questions before we get  
 5 started?  
 6 MR. LEVERETTE: No.  
 7 JUDGE PEARSON: Okay. So let's first take an  
 8 appearance from Commission Staff.  
 9 Mr. Callaghan.  
 10 MR. CALLAGHAN: Thank you, Your Honor.  
 11 Nash Callaghan, assistant attorney general, for  
 12 Commission Staff. With me today is staff member Jason  
 13 Sharp.  
 14 JUDGE PEARSON: Okay. Thank you. And for the  
 15 Company, can you tell me your last name again?  
 16 MR. LEVERETTE: Leverette, L-E-V-E-R-E-T-T-E.  
 17 JUDGE PEARSON: Okay. So, Mr. Leverette, are  
 18 you the company owner?  
 19 MR. LEVERETTE: Correct.  
 20 JUDGE PEARSON: Okay. And could we get your  
 21 phone number and your e-mail address for the record?  
 22 MR. LEVERETTE: Phone number is going to be  
 23 (206) 290-9261. And e-mail is going to be  
 24 Leverette98@gmail.com.  
 25 JUDGE PEARSON: The company address?

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1 MR. LEVERETTE: It is now 2211 South Star Lake  
 2 Road, Federal Way, Washington 98003, building 29,  
 3 apartment 102.  
 4 JUDGE PEARSON: Okay. Thank you.  
 5 So, Mr. Callaghan, do you want Mr. Sharp to  
 6 first speak about Staff's investigation and the proposed  
 7 safety rating? Does that work for you?  
 8 MR. CALLAGHAN: Yes, Your Honor. Thank you.  
 9 JUDGE PEARSON: All right. So, Mr. Sharp, if  
 10 you could please raise your right hand, I'll swear you  
 11 in.  
 12 \* \* \* \* \*  
 13 Jason Sharp, having been first duly sworn, was  
 14 examined and testified as  
 15 follows:  
 16 THE WITNESS: Yes, I do.  
 17 JUDGE PEARSON: Okay. Thank you.  
 18 You may proceed, Mr. Callaghan.  
 19 DIRECT EXAMINATION  
 20 BY MR. CALLAGHAN:  
 21 **Q. Thank you, Your Honor. Good morning – good**  
 22 **afternoon, Mr. Sharp.**  
 23 **A. Good afternoon.**  
 24 **Q. Are you the supervisor of the staff member who**  
 25 **issued the investigation report in this case?**  
**A. Yes. I supervise safety investigator**

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1 Tracy Cobile who performed this routine safety  
 2 investigation.  
 3 **Q. All right. And do you have a copy of Exhibit**  
 4 **JS-1 with you?**  
 5 A. Yes, I do.  
 6 **Q. And is JS-1 that safety investigation report?**  
 7 A. Yes, it is.  
 8 **Q. And you're familiar with this document?**  
 9 A. I am. I reviewed the report prior to  
 10 Investigator Cobile closing out the investigation with  
 11 the company and provided the recommendations for  
 12 follow-on actions.  
 13 **Q. All right. And the statements in the report are**  
 14 **true and accurate to the best of your knowledge; is that**  
 15 **correct?**  
 16 A. Yes, to the best of my knowledge.  
 17 MR. CALLAGHAN: Thanks.  
 18 Your Honor, Staff offers Exhibit JS-1 into  
 19 evidence.  
 20 JUDGE PEARSON: Okay. Thank you.  
 21 Mr. Leverette, do you have any objection?  
 22 MR. LEVERETTE: No. No. Yeah.  
 23 JUDGE PEARSON: All right. Then that exhibit  
 24 is admitted. Thank you.  
 25 (Exhibit No. JS-1 admitted.)

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1 MR. CALLAGHAN: Thank you, Your Honor.  
 2 BY MR. CALLAGHAN:  
 3 **Q. Mr. Sharp, the investigation report noted**  
 4 **several violations. Is that correct?**  
 5 A. Correct.  
 6 **Q. And those violations are outlined in the penalty**  
 7 **assessment as well; is that right?**  
 8 A. Some of the violations are outlined in the  
 9 penalty assessment. In the Exhibit JS-1, that contains  
 10 all the violations that were discovered during the safety  
 11 investigation.  
 12 However, the violations identified in the  
 13 penalty assessment were ones that required enforcement  
 14 action against them while there were other violations  
 15 that were more administrative that were identified in  
 16 JS-1.  
 17 **Q. All right. And based on the number and the type**  
 18 **of violations that were found, did this result in a**  
 19 **conditional safety rating for Visionary Movers?**  
 20 A. Yes, it did. There were a total of eight  
 21 violation types that were identified during the safety  
 22 investigation. Three of which negatively impact the  
 23 Company's proposed safety rating, which resulted in a  
 24 proposed conditional rating.  
 25 **Q. All right. And have you had any communication**

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1 **with the Company related to a safety management plan?**  
 2 A. Yes. I've been in communication with the  
 3 Company over the last several weeks discussing what --  
 4 what needs to be in their plan. And I received a copy of  
 5 the Company's safety management plan on January 24th.  
 6 And responded the same day identifying areas that the  
 7 plan needed further work.  
 8 **Q. All right. And, again, you communicated that**  
 9 **with the company owner?**  
 10 A. Yes.  
 11 MR. LEVERETTE: Correct. Sorry.  
 12 BY MR. CALLAGHAN:  
 13 **Q. All right. And what is Staff's recommendation?**  
 14 **What is Staff asking for in this case?**  
 15 A. In this case, the Company hasn't presented an  
 16 acceptable safety management plan. As such, Staff cannot  
 17 provide a recommendation for an upgrade to the Company's  
 18 proposed rating.  
 19 And since the -- this is a provisional household  
 20 goods company that has not yet obtained a satisfactory  
 21 safety rating, Staff's recommendation would be to  
 22 continue with the cancellation process.  
 23 **Q. All right. And what is Staff's recommendation**  
 24 **with respect to the penalties that have been assessed?**  
 25 A. So the Company was issued a penalty assessment

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1 as Judge Pearson referenced on January 4th. They had  
 2 15 days to respond, which would have been January 19th.  
 3 And as of time of hearing today, a response has not been  
 4 submitted to the docket.  
 5 So Staff does not know how the Company would  
 6 wish to respond to that penalty assessment at this time.  
 7 MR. LEVERETTE: Yeah. You know, I wasn't sure  
 8 exactly --  
 9 JUDGE PEARSON: Hold on. Mr. Leverette, it's  
 10 not your turn to talk, okay. The court reporter is  
 11 typing everything that is being said.  
 12 MR. LEVERETTE: Sorry.  
 13 JUDGE PEARSON: And you need to wait until  
 14 it's your turn to speak. Okay?  
 15 MR. LEVERETTE: Gotcha. Sorry about that.  
 16 JUDGE PEARSON: You'll have an opportunity in  
 17 a moment.  
 18 Go ahead, Mr. Callaghan.  
 19 MR. CALLAGHAN: Thank you, Your Honor.  
 20 BY MR. CALLAGHAN:  
 21 **Q. Mr. Sharp, if the Company were to file an**  
 22 **acceptable -- or to provide Commission Staff with an**  
 23 **acceptable safety management plan within the next week or**  
 24 **so, what would Staff's position be at that point?**  
 25 A. Staff is willing to work with the Company up

1 through next week. The 60-day period for -- for  
 2 cancellation doesn't take effect until February the 14th.  
 3 However, Staff will only be available to provide  
 4 any further evaluation through February 10th, which would  
 5 be next Friday.  
 6 MR. LEVERETTE: Mm-hmm.  
 7 MR. CALLAGHAN: All right.  
 8 Thank you, Mr. Sharp.  
 9 Your Honor, I have no further questions.  
 10 JUDGE PEARSON: Okay. Thank you.  
 11 So, Mr. Leverette, do you have any questions for  
 12 Mr. Sharp?  
 13 MR. LEVERETTE: Not specifically.  
 14 Like I said, I just kind of understand that I  
 15 just need to finish up in upgrading the safety management  
 16 plan on our end. And that's kind of just been my main  
 17 focus, you know, as I know we have to tend to get that  
 18 done.  
 19 JUDGE PEARSON: Okay. Why don't I go ahead  
 20 and swear you in and we'll walk through the violations,  
 21 and we'll see if you want to respond to those. Okay?  
 22 MR. LEVERETTE: Okay.  
 23 ///  
 24 ///  
 25 ///

1 an individual with a disqualifying conviction.  
 2 It looks like there were four employees for whom  
 3 there were not criminal background checks conducted.  
 4 This is WAC 408-15-555.  
 5 MR. LEVERETTE: Yeah. Well, I would say just  
 6 for -- kind of in the beginning, I was just kind of  
 7 shuffling through a bunch of different guys. So it was  
 8 just kind of, you know, a lack of, you know, detail on my  
 9 end. And just not all the way understanding of  
 10 dealing -- you know, with the rules and stuff like that.  
 11 And, you know, moving forward, we are working on and  
 12 getting all that done.  
 13 JUDGE PEARSON: Okay. Great. Thank you.  
 14 The next is 32 violations of 49 CFR § 391.45(a),  
 15 and this is using a driver not medically examined and  
 16 certified.  
 17 Have you addressed that violation?  
 18 MR. LEVERETTE: Yes, I have. And that's in  
 19 the safety management plan already.  
 20 JUDGE PEARSON: Okay. Great. Thank you.  
 21 Next is one violation of 49 CFR § 391.51(a)  
 22 failing to maintain a driver qualification file. And  
 23 this was specifically for you.  
 24 MR. LEVERETTE: Yeah. I would say I had that.  
 25 It just wasn't in the proper level -- up to the UTC

1 \*\*\*\*\*  
 2 Juston Leverette, having been first duly sworn,  
 3 was examined and testified as  
 4 follows:  
 5 THE WITNESS: Yes.  
 6 JUDGE PEARSON: Please excuse my whiny dog in  
 7 the background.  
 8 All right. So I didn't receive any exhibits  
 9 from you in advance of the hearing. So we'll go ahead  
 10 and proceed with your testimony.  
 11 If you would like, you can explain why the  
 12 violation occurred and then any steps you've taken to  
 13 correct the violation and prevent it from occurring  
 14 again.  
 15 So the first one is --  
 16 MR. LEVERETTE: Okay.  
 17 JUDGE PEARSON: -- operating a commercial  
 18 motor vehicle without having adequate cargo insurance.  
 19 This is WAC 480-15-550, if you want to speak to that.  
 20 MR. LEVERETTE: Yeah. Just, essentially, I  
 21 had went through a switch in the insurance company. And  
 22 the way we got that corrected now is obviously to make  
 23 sure we have that and have that set at autopsy.  
 24 JUDGE PEARSON: Okay. Thank you.  
 25 The next is failing to conduct a routine  
 paperwork containing criminal background checks or hiring

1 standard of organization.  
 2 JUDGE PEARSON: Okay. And then the last one  
 3 is 30 violations of 49 CFR § 395.8(a)(1), which is  
 4 failing to require a driver to make a record of duty  
 5 status.  
 6 Has that been addressed?  
 7 MR. LEVERETTE: Yeah. Can you explain that  
 8 one more time?  
 9 JUDGE PEARSON: Failing to have a driver  
 10 complete a record of duty status on 30 occasions. This  
 11 was for you as well.  
 12 MR. LEVERETTE: So like a -- you mean like a  
 13 clock-in and clock-out method?  
 14 JUDGE PEARSON: I believe that's what it is.  
 15 But I would be more comfortable with Mr. Sharp answering  
 16 that question.  
 17 MR. LEVERETTE: Sorry. If you can say that  
 18 one more time.  
 19 JUDGE PEARSON: I said I'm going to have  
 20 Mr. Sharp explain what it is.  
 21 MR. SHARP: So all commercial drivers, meaning  
 22 driving a commercial vehicle with a gross vehicle weight  
 23 rating of 10,001 or greater are required to prepare  
 24 what's called a record of duty status. And what that  
 25 does is it is tracking the on-duty time and the driving

1 time of commercial drivers with the purpose of --  
 2 MR. LEVERETTE: Okay.  
 3 MR. SHARP: Yeah -- limiting the amount of  
 4 hours a driver can operate a commercial vehicle --  
 5 MR. LEVERETTE: Right.  
 6 MR. SHARP: -- after being on duty for a  
 7 specified period of time.  
 8 And so the intent is to prevent fatigued driving  
 9 for commercial drivers. And so each driver is required  
 10 to prepare a record.  
 11 In your case, you -- your operations are  
 12 generally falling within the short haul provision of the  
 13 hours of service regulations requiring less paperwork if  
 14 the appropriate information is documented. Meaning the  
 15 start time, the end time for each day, and the total  
 16 hours worked during that day, amongst other conditions  
 17 such as operating within 150-square-mile radius.  
 18 If you don't satisfy each of those requirements,  
 19 then you're supposed to have a traditional logbook for up  
 20 to eight times in any 30-day period. And beyond that,  
 21 you would have to have an electronic logging device.  
 22 So it's -- as a local -- mostly local operator,  
 23 you would generally qualify to be able to use a time  
 24 sheet in place of a record of duty status.  
 25 JUDGE PEARSON: Thank you for that

1 let me know they're going to be out of the office from  
 2 the 10th on. So -- and that deadline is the 14th. So  
 3 technically, you know, for my situation it would be the  
 4 10th.  
 5 JUDGE PEARSON: Okay. And, Mr. Sharp, is that  
 6 acceptable to you to give the company until the 10th? I  
 7 know that's a Friday. Or do you need an extra day?  
 8 MR. SHARP: I think that the deadline for  
 9 Staff to submit would be best by -- if it works for you,  
 10 Judge Pearson, to be Friday by 5 p.m. for a submittal of  
 11 Staff's evaluation.  
 12 So with that, I generally need a day to finalize  
 13 evaluations. So I would request that any final  
 14 submission be submitted by the 9th.  
 15 JUDGE PEARSON: Okay.  
 16 Does that work for you, Mr. Leverette? So,  
 17 Thursday, the 9th. That's eight days from now.  
 18 MR. LEVERETTE: Yeah. It would be nice if it  
 19 was the 10th. I mean, obviously if that's -- that's --  
 20 considering the process.  
 21 JUDGE PEARSON: Yes. And we're already past  
 22 the deadline. So --  
 23 MR. LEVERETTE: No. I definitely hear you.  
 24 JUDGE PEARSON: All right. So it sounds like,  
 25 then, Staff and the Company will continue to work

1 explanation, Mr. Sharp.  
 2 Let's see. Can you unmute yourself,  
 3 Mr. Leverette you can press star 6 to unmute yourself.  
 4 Mr. Leverette, can you press star 6 on your  
 5 phone to unmute yourself?  
 6 Mr. Leverette, I don't know if you can hear me  
 7 but we can't hear you. You're muted. If you can press  
 8 star 6 on your phone, you'll come off of mute.  
 9 MR. LEVERETTE: Okay. Sorry. Sorry about  
 10 that. I thought you were saying -- I heard star. Sorry  
 11 about that. So star 6.  
 12 JUDGE PEARSON: Yeah.  
 13 MR. LEVERETTE: Gotcha. I'm here.  
 14 JUDGE PEARSON: Okay. Mr. Callaghan, do you  
 15 have any questions for Mr. Leverette?  
 16 MR. CALLAGHAN: No, I do not, Your Honor.  
 17 JUDGE PEARSON: Okay. So it sounds like we're  
 18 at the point where we need to set a deadline for the  
 19 Company and Staff to continue working together to  
 20 finalize the safety management plan.  
 21 MR. LEVERETTE: Correct.  
 22 JUDGE PEARSON: And the -- the deadline is  
 23 February 14th, which is two weeks from yesterday.  
 24 MR. LEVERETTE: Yeah. Which I -- technically,  
 25 it's the 10th, though. Because like I said, Sharp has

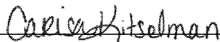
1 together. The Company will make sure to get the final  
 2 proposed safety management plan filed by Thursday,  
 3 February 9th.  
 4 And then Staff will file its recommendation with  
 5 respect to the safety management plan by Friday,  
 6 February 10th. And then I will issue an order no later  
 7 than Tuesday, February 14th, either upgrading or  
 8 maintaining the Company's safety rating, depending on  
 9 Staff's recommendation, or canceling the Company's  
 10 permit.  
 11 MR. LEVERETTE: Gotcha.  
 12 JUDGE PEARSON: Okay. Do you have any other  
 13 questions, Mr. Leverette?  
 14 MR. LEVERETTE: No. That's pretty much -- you  
 15 know, already figured where we were at. Just got to  
 16 finish up everything on my end and be all good to go.  
 17 JUDGE PEARSON: Okay. And, Mr. Callaghan, is  
 18 there anything further from Staff?  
 19 MR. CALLAGHAN: No, Your Honor.  
 20 JUDGE PEARSON: All right. Well, thank you  
 21 all for being here today. And we are adjourned.  
 22 (The videoconference hearing  
 23 concluded at 2:30 p.m.)  
 24  
 25

CERTIFICATE

STATE OF WASHINGTON  
COUNTY OF KITSAP

I, Carisa Kitselman, a Certified Court Reporter  
in and for the State of Washington, do hereby certify  
that the foregoing transcript of the videoconference  
hearing is true and accurate to the best of my knowledge,  
skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand  
and seal this 15th day of February, 2023.

  
CARISA KITSELMAN, RPR, CCR #2018



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