

**Docket No. TV-230081 - Vol. II**

**In the Matter of: Tiraogo Simpore d/b/a TS Moving  
Services**

**March 23, 2023**



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Page 8	<p style="text-align: center;">BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION</p> <hr/> <p>In the Matter of the Investigation ) of ) ) TIRAOGO SIMPORE d/b/a TS MOVING ) ) DOCKET TV-230081 For Compliance with ) WAC 480-15-550, RCW 81.04.070, ) WAC 480-15-560, and WAC 480-15-570 ) _____ )</p> <p style="text-align: center;">HEARING BEFORE THE HONORABLE RAYNE PEARSON ADMINISTRATIVE LAW JUDGE VOLUME II</p> <hr/> <p>(All participants appearing via videoconference.)</p> <p>DATE TAKEN: March 23, 2023 REPORTED BY: Evelyn M. Adrean, RPR, FPR, CCR 22009424</p>	Page 10										
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Page 9	<p style="text-align: center;">A P P E A R A N C E S:</p> <p>RAYNE PEARSON, ADMINISTRATIVE LAW JUDGE Utilities and Transportation Commission PO Box 47250 Olympia, Washington 98504 360-664-1136 rayne.pearson@utc.wa.gov</p> <p>JOSEPHINE R. K. STRAUSS Assistant Attorney General 7141 Cleanwater Drive SW Olympia, Washington 98504 360-709-4850 josephine.trauss@atg.wa.gov</p> <p>TIRAOGO SIMPORE Tiraogo Simpire d/b/a TS Moving Services 25210 39th Avenue East Spanaway, Washington 98387 tsmovingservices@gmail.com</p> <p>ALSO PRESENT:</p> <p>FRANCINE GAGNE, Investigator JASON SHARP, UTC RYAN SMITH, UTC STACEY BREWSTER, UTC ATHENA GREEN, MOTOR CARRIER SAFETY</p> <p style="text-align: center;">* * * * *</p>	Page 11										
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1 March 23, 2023  
 2 2:02 p.m.  
 3 THE COURT: On the record in Docket  
 4 TV-230081 which is captioned -- sorry, my computer is  
 5 now blocking me -- In the Matter of the Investigation of  
 6 Tiraogo Simpoire d/b/a TS Moving for compliance with the  
 7 Washington Administrative Code 480-15. Today is  
 8 Thursday, March 23rd, 2023, at 2 p.m., and we're here  
 9 for an evidentiary hearing to address the 36 violations  
 10 of commission safety rules alleged in the complaint and  
 11 notice of hearing. My name is Rayne Pearson, I use she,  
 12 her pronounces, and I am the administrative law judge  
 13 presiding over this case.  
 14 So let's begin by taking appearances, and we'll start  
 15 with commission staff. So please state your last  
 16 name -- or state your name, spelling your last name for  
 17 the court reporter. Feel free to share your pronouns  
 18 and then who you represent.  
 19 MS. STRAUSS: Good afternoon, Your Honor.  
 20 My name is Josephine Strauss, S-t-r-a-u-s-s. I use she,  
 21 her pronouns, and I'm here on behalf of staff. And with  
 22 me, I have two witnesses, Mathew Perkinson and Francine  
 23 Gagne.  
 24 THE COURT: Okay. Thank you. And for the  
 25 company? Mr. Simpoire, if you could state your full name

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1 and spell it, your first and last name, for the court  
 2 reporter.  
 3 MR. SIMPOIRE: Good morning -- afternoon. My  
 4 name is Tiraogo Simpoire, T-i-r-a-o-g-o, and Simpoire,  
 5 S-i-m-p-o-i-r-e, owner of TS Moving Servicing.  
 6 THE COURT: Okay. Thank you. Is there  
 7 anyone else who wishes to enter an appearance? Okay.  
 8 So we did convene a prehearing conference last week on  
 9 March 13th. The company did not make an appearance. I  
 10 understand, though, Mr. Simpoire, that you communicated  
 11 with staff that you were stuck in traffic due to the  
 12 truck that was overturned on I-5. And at that time, the  
 13 company had not yet filed a safety management plan.  
 14 So we will hear from staff first, and then we will  
 15 hear from the company. And then once we hear from the  
 16 company, we'll hear staff's recommendation. Do you have  
 17 any questions, Mr. Simpoire, before we get started?  
 18 MR. SIMPOIRE: No, thank you.  
 19 THE COURT: Okay. Then I'm going to turn it  
 20 over to Ms. Strauss.  
 21 MS. STRAUSS: Thank you, Your Honor. Your  
 22 Honor, I'd like to first call Francine Gagne.  
 23 THE COURT: Okay. Good afternoon, Francine.  
 24 Please raise your right hand. I'll swear you in.  
 25 Do you swear or affirm that the testimony

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1 you give today will be the truth, the whole truth, and  
 2 nothing but the truth?  
 3 THE WITNESS: I swear.  
 4 THE COURT: Okay. Thank you very much.  
 5 DIRECT EXAMINATION  
 6 BY MS. STRAUSS:  
 7 **Q. Good afternoon, Ms. Gagne. Would you please**  
 8 **state your name and spell your last for the record?**  
 9 A. My name is Francine Gagne, G-a-g-n-e.  
 10 **Q. And what is your current occupation?**  
 11 A. Currently, I am a investigator with motor  
 12 carrier safety at the UTC.  
 13 **Q. Okay. And how long have you been in that**  
 14 **position?**  
 15 A. Since June of 2014.  
 16 **Q. And what responsibilities do you have within**  
 17 **that position?**  
 18 A. Primarily, I conduct compliance reviews or  
 19 investigations on our regulated companies.  
 20 **Q. Okay. And were you assigned to conduct a**  
 21 **compliance review of TS Moving in December 2022?**  
 22 A. I was.  
 23 **Q. And did you conduct that compliance review?**  
 24 A. I did.  
 25 **Q. Okay. And what was the basis for this review?**

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1 A. TS Moving was a provisional household goods  
 2 carrier, and this was a review that was required because  
 3 of that provisional status.  
 4 **Q. And did you write a report summarizing your**  
 5 **review?**  
 6 A. I did.  
 7 MS. STRAUSS: Okay. Your Honor, do I have  
 8 your permission to share my screen briefly?  
 9 THE COURT: Yes.  
 10 MS. STRAUSS: Bear with me, everybody, while  
 11 we have technology moments. Okay.  
 12 BY MS. STRAUSS:  
 13 **Q. Ms. Gagne, can you see my screen?**  
 14 A. I can.  
 15 **Q. Okay. I'm showing you a document that has been**  
 16 **identified as Proposed exhibit FG-1. Ms. Gagne, what is**  
 17 **Exhibit FG-1?**  
 18 A. This is what we call a Capri (phonetic) report.  
 19 It is the format that we use to report our findings  
 20 after conducting a compliance investigation.  
 21 **Q. Okay. Did you write or fill out this**  
 22 **compliance review report?**  
 23 A. I did.  
 24 **Q. Is the information contained in this exhibit**  
 25 **true and correct to the best of your knowledge?**

1 A. It is, except for one factor. I indicated the  
 2 company was a corporation, and it is, in fact, a sole  
 3 proprietorship.  
 4 **Q. Okay. Thank you. Are there any other changes**  
 5 **you would like to make to this exhibit?**  
 6 A. No.  
 7 MS. STRAUSS: Okay. Your Honor, at this  
 8 time, I would offer to enter Proposed Exhibit FG-1 into  
 9 evidence.  
 10 THE COURT: Okay. Thank you. And this  
 11 is -- just to verify, Ms. Gagne, this is the report that  
 12 was provided to Mr. Simapore; correct.  
 13 THE WITNESS: That's correct.  
 14 THE COURT: Okay. So Mr. Simapore, I know  
 15 you can't see the screen right now, but it is a copy of  
 16 the investigation report which -- citing the violations  
 17 that you have already been provided a copy of. Are you  
 18 okay with admitting that into evidence?  
 19 MR. SIMPORE: Yes.  
 20 THE COURT: Okay. Then we will admit this  
 21 and mark it as Exhibit FG-1. Thank you.  
 22 MS. STRAUSS: Your Honor, this exhibit has  
 23 been distributed to all the parties. Is it okay if I  
 24 stop sharing my screen and allow the parties to go off  
 25 the exhibits they have?

1 **account?**  
 2 A. We take into account the rules, the  
 3 regulations, the requirements of such, and then how the  
 4 company may or may not track information required to be  
 5 tracked.  
 6 **Q. Okay. And how do you determine if or when a**  
 7 **company needs a compliance review?**  
 8 A. Those are required for provisional household  
 9 goods carriers generally within the first 18 months of  
 10 obtaining a permit, and then three to five years after  
 11 permanent status is reached, depending on the industry  
 12 that the company is in.  
 13 **Q. And what was the basis for the review of**  
 14 **TS Moving in December 2022?**  
 15 A. This was due to the company being, again, in  
 16 provisional status. There was a gap in authority which  
 17 reverted him back to provisional status.  
 18 **Q. So did you conduct a compliance review of**  
 19 **TS Moving resulting in a report dated**  
 20 **February 1st, 2023?**  
 21 A. I did.  
 22 **Q. And how did you conduct this review?**  
 23 A. I conducted it similar to how I conduct other  
 24 reviews. We contact the owner or the highest ranking  
 25 official in the company, set up the date to meet and

1 THE COURT: Yes.  
 2 MS. STRAUSS: Okay. Thank you, Your Honor.  
 3  
 4 BY MS. STRAUSS  
 5 **Q. Ms. Gagne, prior to December 2022, was there**  
 6 **any compliance interactions between TS Moving and the**  
 7 **commission?**  
 8 A. There was. Mr. Simapore attended household  
 9 goods training in August of 2018. There was a  
 10 compliance investigation conducted in April of 2019 and  
 11 again in July of 2020.  
 12 **Q. Did you -- were you the investigator on those**  
 13 **reviews?**  
 14 A. I was not.  
 15 **Q. Okay. Do you know who was?**  
 16 A. Yes. Ed Steiner (phonetic) was the  
 17 investigator.  
 18 **Q. Is Mr. Steiner still with the commission?**  
 19 A. No, he is not.  
 20 **Q. Okay. Ms. Gagne, what is a compliance review?**  
 21 A. A compliance review is essentially when we  
 22 review company records and ensure that they are being  
 23 compliant with CFRs, the rule of regulations.  
 24 **Q. Okay. And when you are conducting the**  
 25 **compliance review, what information do you take into**

1 review paperwork, and then write up the report after the  
 2 meeting.  
 3 **Q. Okay. And prior to this review, prior to this**  
 4 **visit, does the owner receive any documents or forms**  
 5 **that they need to fill out?**  
 6 A. Yes. Generally there's two documents sent out.  
 7 One is a compliance questionnaire, we ask that the  
 8 company return that prior to us actually meeting. It  
 9 gives us some initial information about the company.  
 10 And then the other is a checklist that basically  
 11 indicates which documents need to be available at the  
 12 time of the investigation.  
 13 **Q. And did Mr. Simapore receive these documents**  
 14 **prior to your review in December?**  
 15 A. He did.  
 16 **Q. And are these documents that every company**  
 17 **receives prior to a review?**  
 18 A. Yes.  
 19 **Q. So for the reviews that he had prior to, he**  
 20 **would have also received this document -- these**  
 21 **documents; is that correct?**  
 22 A. This document or a similar version, yes.  
 23 Probably older versions a little while ago, but yes.  
 24 **Q. Understood. Did Mr. Simapore fill out the**  
 25 **questionnaire prior to your meeting?**

1 A. He did, yes. Basically. Most of it was filled  
 2 out, yes.  
 3 **Q. And is Mr. Simpure the person you talked to**  
 4 **during your investigation/review?**  
 5 A. Yes.  
 6 **Q. And he is the owner of the business; is that**  
 7 **correct?**  
 8 A. That's correct.  
 9 **Q. Okay. Did you find that TS Moving had any**  
 10 **violations?**  
 11 A. I did.  
 12 **Q. Okay. How many individual violations did you**  
 13 **find during your review?**  
 14 A. Thirty-six.  
 15 **Q. Okay. How many of those were acute violations?**  
 16 A. One of them.  
 17 **Q. And what was that acute violation?**  
 18 A. That was a violation of not having cargo  
 19 insurance.  
 20 **Q. And what is an acute violation?**  
 21 A. An acute violation is essentially a violation  
 22 that requires immediate corrective action by the  
 23 company. It's a very severe violation.  
 24 **Q. Okay. Were there any critical violations**  
 25 **identified?**

1 **example, where the pick-up for that move began, not,**  
 2 **say, the home of the mover when they left home that**  
 3 **morning?**  
 4 A. Correct.  
 5 **Q. Okay. And then I think you briefly mentioned**  
 6 **this, but what's the trip destination?**  
 7 A. That would be where the -- in this household  
 8 goods, it would be where the load was to be delivered or  
 9 dropped off.  
 10 **Q. Okay. And then on that questionnaire, did**  
 11 **Mr. Simpure indicate that any trips had taken place?**  
 12 A. Yes. He said the last trip that he took was in  
 13 November -- November 15th of 2022, and pick up in  
 14 Sammamish and drop off in Sammamish.  
 15 **Q. Okay. And where Mr. Simpure's business**  
 16 **located?**  
 17 A. In Spanaway.  
 18 **Q. And did he have cargo insurance during that**  
 19 **time period?**  
 20 A. No, he did not.  
 21 **Q. Okay. Did you ask Mr. Simpure about that move**  
 22 **during your review?**  
 23 A. I did. Basically, to confirm that that was the  
 24 last time he actually operated, because when I met with  
 25 him in January, he said he didn't have the cargo

1 A. There was one critical violation.  
 2 **Q. And what was that violation?**  
 3 A. That violation was failing to have records of  
 4 duty status or time sheets for drivers.  
 5 **Q. Okay. And what is a critical violation as**  
 6 **compared to, say, an acute violation?**  
 7 A. A critical violation is essentially a --  
 8 violations which relate directly to the company's  
 9 management or oversight of their safety processes.  
 10 **Q. Okay. How did you discover the acute violation**  
 11 **in this matter?**  
 12 A. Mr. Simpure did admit to me when I met him that  
 13 he did not have cargo insurance at the time, and then I  
 14 did verify with the insurance representative as well.  
 15 **Q. Okay. And then sorry -- apologies to jump**  
 16 **around. I want to go back to that questionnaire very**  
 17 **quickly.**  
 18 **On the questionnaire, it has a question about trip**  
 19 **origin; is that correct?**  
 20 A. That's correct.  
 21 **Q. And what does "trip origin" mean?**  
 22 A. In this context, it would be the pick-up and  
 23 drop-off of your last household goods move. So we like  
 24 to find out when the company last actually operated.  
 25 **Q. Okay. And so the trip origin would be, for an**

1 insurance, so I need to find that trip date for when he  
 2 actually operated.  
 3 **Q. Okay. And what did he say to you, if anything?**  
 4 A. He had indicated he had been on extended  
 5 vacation, and he was aware he didn't have the cargo  
 6 insurance, but that November 15th was the last time he  
 7 operated.  
 8 **Q. Okay. So you mentioned the acute violation,**  
 9 **you mentioned the critical violation. Were there any**  
 10 **other violations in your -- you discovered in your**  
 11 **review?**  
 12 A. There were.  
 13 **Q. Okay. Could you please briefly tell us about**  
 14 **those?**  
 15 A. There was -- Mr. Simpure did not provide a  
 16 medical card, so he was driving without being medically  
 17 examined and certified. He did not provide a driver  
 18 qualification file, did not provide a maintenance file,  
 19 he did not have his previous annual inspection for his  
 20 vehicle, and basically a violation for failing to  
 21 produce documents. He had mentioned a work calendar and  
 22 then never produced it.  
 23 **Q. I want to briefly talk about that last**  
 24 **violation that you mentioned.**  
 25 **So you mentioned you were unable to obtain some**

1 documents?  
 2 A. Correct.  
 3 **Q. Okay. Why were you unable to obtain these**  
 4 **documents?**  
 5 A. I -- Mr. Simpure didn't provide them.  
 6 **Q. What steps did you take to obtain these**  
 7 **documents?**  
 8 A. Well, we -- when we provide the checklist prior  
 9 to arriving, those are documents that we expect to see  
 10 when we get there. I did ask him when I was there for  
 11 the documents, and then after I left I also asked him  
 12 again if he was able to find, locate, or send me those  
 13 documents, and that didn't happen.  
 14 **Q. And were you ever provided with an explanation**  
 15 **about these documents' unavailability?**  
 16 A. Not -- not that I can recall, no.  
 17 **Q. Are these documents that the company is**  
 18 **required to maintain?**  
 19 A. Yes.  
 20 **Q. Okay. And these are documents the company is**  
 21 **required to produce to commission staff when requested?**  
 22 A. Correct.  
 23 **Q. Were any documents ever produced?**  
 24 A. Mr. Simpure had obtained an annual inspection  
 25 for his vehicle which I was able to see, and he did

1 **this?**  
 2 A. Well when I was departing my on-site visit in  
 3 January, I informed Mr. Simpure: Without any documents,  
 4 he was more than likely going to have to fill out a  
 5 safety management plan again similar to what he had done  
 6 before. And then this document I e-mailed him on or  
 7 about the 2nd of February when it was completed.  
 8 MS. STRAUSS: Okay. Thank you, Ms. Gagne.  
 9 I have no further questions for this witness, Your  
 10 Honor.  
 11 THE COURT: Great. Thank you. Mr. Simpure,  
 12 do you have any questions for Ms. Gagne?  
 13 MR. SIMPORE: Not at this point.  
 14 THE COURT: Okay. All right. Ms. Strauss,  
 15 do you have another witness to call at this time?  
 16 MS. STRAUSS: Yes, Your Honor. I'd like to  
 17 call Mathew Perkinson.  
 18 THE COURT: All right. Okay. If you could  
 19 raise your right hand, I'll swear you in.  
 20 Do you swear or affirm the testimony you  
 21 give today will be the truth, the whole truth, and  
 22 nothing but the truth?  
 23 THE WITNESS: I do.  
 24 THE COURT: Okay. Thank you. Go ahead,  
 25 Ms. Strauss.

1 conduct a background check on his non-driving employee.  
 2 **Q. Okay. And you mentioned that he had told you**  
 3 **about a calendar. Did you ever receive a copy of his**  
 4 **calendar?**  
 5 A. No.  
 6 **Q. Did you ever follow up to ask or request for**  
 7 **this calendar?**  
 8 A. Yes.  
 9 **Q. Okay. But none was ever provided; is that**  
 10 **right?**  
 11 A. No. That's correct.  
 12 **Q. What information were you told was on that**  
 13 **calendar?**  
 14 A. I had asked about how does he manage his work,  
 15 how does he keep track of trips and things, and he  
 16 mentioned he had a work calendar. So I asked to see a  
 17 copy of that.  
 18 **Q. Okay. Thank you. Based on the violations in**  
 19 **your review, what safety rating did you give to TS**  
 20 **Moving?**  
 21 A. He received a conditional safety rating.  
 22 **Q. Did you give the company notice of the results**  
 23 **of this compliance review?**  
 24 A. I did.  
 25 **Q. And when did you give the company notice of**

1 DIRECT EXAMINATION  
 2 BY MS. STRAUSS:  
 3 **Q. Good afternoon. Could you please state your**  
 4 **name and spell your last for the record?**  
 5 A. Mathew Perkinson, P-e-r-k-i-n-s-o-n. And I use  
 6 he, him pronouns.  
 7 **Q. And Mr. Perkinson, what is your current**  
 8 **occupation?**  
 9 A. I am an assistant director in the  
 10 Transportation Safety Division at the UTC.  
 11 **Q. And how long have you been in that position?**  
 12 A. About four years.  
 13 **Q. And what is your responsibilities in that**  
 14 **position?**  
 15 A. I make the final recommendations to the  
 16 commission on motor carrier safety investigations such  
 17 as this one that resulted in penalty assessments for  
 18 motor carrier safety violations, and then I also make  
 19 sure that our team is enforcing the rules consistent  
 20 with the commission's enforcement policies.  
 21 **Q. Okay. Are you familiar with the compliance**  
 22 **history of the company in this case, TS Moving?**  
 23 A. Yes.  
 24 **Q. Has TS Moving been subject to any prior safety**  
 25 **reviews?**

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1 A. Yes, they have.  
 2 **Q. How many?**  
 3 A. Three.  
 4 **Q. Okay. And when did these safety reviews occur?**  
 5 A. Investigator Ed Steiner completed an  
 6 investigation in 2019 as well as a follow-up  
 7 investigation in 2020, and then Investigator Gagne  
 8 completed this most recent safety investigations in  
 9 2023.  
 10 **Q. Thank you. Do you know if there's an**  
 11 **investigation report issued for the April 2019 review?**  
 12 A. Yes.  
 13 MS. STRAUSS: Your Honor, I'd like to obtain  
 14 permission to again share my screen?  
 15 THE COURT: Sure.  
 16 BY MS. STRAUSS:  
 17 **Q. Mr. Perkinson, can you see my screen all right?**  
 18 A. Yes.  
 19 **Q. Okay. This is a document that's been**  
 20 **previously marked as Proposed Exhibit MP-1. What is**  
 21 **this document?**  
 22 A. That would be the 2019 safety investigation  
 23 completed by investigator Ed Steiner.  
 24 **Q. And this is a true and accurate copy to the**  
 25 **best of your knowledge?**

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1 A. Yes.  
 2 **Q. And do you have any corrections to make at this**  
 3 **time?**  
 4 A. I do not.  
 5 MS. STRAUSS: Your Honor, I would like to  
 6 ask to admit this exhibit into evidence.  
 7 THE COURT: Okay. Mr. Simapore, do you have  
 8 any objection to that? Do you understand what the  
 9 document is? I know you can't see it.  
 10 MR. SIMPORE: Yes, I can't see that. I  
 11 think -- yeah.  
 12 THE COURT: You're okay with that?  
 13 MR. SIMPORE: Yes.  
 14 THE COURT: Okay. Then we will admit that  
 15 into report and mark it as MP-1.  
 16 BY MS. STRAUSS:  
 17 **Q. Mr. Perkinson, was there an investigation**  
 18 **report for July 23rd, 2020?**  
 19 A. Yes, there was.  
 20 **Q. Okay. I am again going to show you a different**  
 21 **document. Hold on just a moment.**  
 22 A. Okay.  
 23 **Q. This is a document that has previously marked**  
 24 **as Exhibit MP-2, Proposed Exhibit MP-2. What is**  
 25 **proposed exhibit MP-2.**

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1 A. This is the follow-up safety investigation  
 2 completed July 23rd, 2020 by investigator Edward  
 3 Steiner.  
 4 **Q. And is this a true and accurate copy to the**  
 5 **best of your knowledge?**  
 6 A. It is.  
 7 **Q. Do you have to make any -- do you want to make**  
 8 **any corrections to this document?**  
 9 A. I don't have any corrections, no.  
 10 MS. STRAUSS: Your Honor, I'd also like to  
 11 admit this document as Exhibit MP-2 for the record.  
 12 THE COURT: Okay. Mr. Simapore, do you have  
 13 any objection to that? And do you understand what the  
 14 document is?  
 15 MR. SIMPORE: Yes, I do understand. And I  
 16 have no objection.  
 17 THE COURT: Okay. Then we will admit this  
 18 into the record and mark it as Exhibit MP-2.  
 19 MS. STRAUSS: And, Your Honor, I believe  
 20 these exhibits have been circulated. Are you okay if I  
 21 remove them from sharing my screen to ask more  
 22 questions?  
 23 THE COURT: Yes.  
 24 MS. STRAUSS: Thank you, Your Honor.  
 25

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1 BY MS. STRAUSS:  
 2 **Q. Mr. Perkinson, are you aware there was a safety**  
 3 **review conducted this year with a report dated for**  
 4 **February 2023?**  
 5 A. Yes.  
 6 **Q. Okay. And do you know the outcome of this**  
 7 **safety review?**  
 8 A. I do.  
 9 **Q. Okay. And what was that outcome?**  
 10 A. Investigator Gagne issued a conditional safety  
 11 rating.  
 12 **Q. And do you know what the specific violations in**  
 13 **that review were?**  
 14 A. Yeah. There were eight specific violations.  
 15 **Q. Okay. Great. And do you know what the result**  
 16 **of the 2019 compliance review was?**  
 17 A. I do.  
 18 **Q. And what was that -- what was the result of**  
 19 **that review?**  
 20 A. That was also conditional.  
 21 **Q. Okay. And do you know what the violations were**  
 22 **in that review?**  
 23 A. Yeah. I know that there was five repeat  
 24 violations (inaudible) 2019 to the 2023 compliance  
 25 review.

1 **Q. So sorry, the audio cut out a little bit right**  
2 **there. If I have what you said correctly, there were**  
3 **five violations in the 2019 review that were also in the**  
4 **2023 review?**

5 A. That's correct, yes.

6 **Q. Okay. Great. And what were those violations?**

7 A. The repeat violations are -- do you want me to  
8 talked about the --

9 **Q. The repeat violations. That's fine. Thank**  
10 **you.**

11 A. Okay. The repeat violations Investigator Gagne  
12 found was that Washington Administrative Code 480-15-550  
13 which is basically a company failing to maintain cargo  
14 insurance as well as 395.8A1 which is failing -- it's a  
15 record of duty status, like a logbook, if you will; and  
16 then 391.45A is using a driver not medically examined  
17 and certified, so failing to have a medical card;  
18 391.51A would be failing to maintain a driver  
19 qualification file on each driver employed, and then CFR  
20 396.3B is failing to maintain a minimum record of  
21 inspection and vehicle maintenance.

22 **Q. Great. Thank you. After the 2019 compliance**  
23 **review, was there an SMP put in place?**

24 A. There was.

25 **Q. Okay. And what was the next review after that**

1 achieve satisfactory safety ratings within 18 months of  
2 receiving their permits.

3 **Q. Okay. After the compliance review in February**  
4 **found violations that resulted in a conditional safety**  
5 **rating, what did you decide the appropriate response was**  
6 **for enforcement?**

7 A. We worked with the attorney general and issued  
8 a complaint for penalties as well as a notice of intent  
9 to cancel the company's operating authority.

10 **Q. Okay. And what could the company do to come**  
11 **into compliance with Washington law and maintain their**  
12 **permit?**

13 A. All companies are afforded the opportunity to  
14 provide staff with a safety management plan.

15 **Q. Has the company in this matter submitted a**  
16 **proposed safety management plan?**

17 A. Yes.

18 **Q. Has that safety management plan been accepted?**

19 A. No.

20 **Q. Okay. And they've been -- and this company has**  
21 **been required to submit a safety management plan before;**  
22 **correct?**

23 A. Yeah. I had an opportunity to review that  
24 previously safety management plan prior to this hearing,  
25 and yes, they were required to, and they did, so --

1 **2019 review?**

2 A. That would have been the follow-up, the 2020.

3 **Q. Okay. And do you know what the result of that**  
4 **2020 review was?**

5 A. Satisfactory.

6 **Q. Okay. Can you tell me what a conditional**  
7 **finding is?**

8 A. Yeah. There's three ratings, possible  
9 outcomes. It's an accumulation of different violations  
10 and accidents in a predetermined formula. And  
11 basically, when our investigator goes out, they report  
12 violations, they measure how many accidents there were,  
13 and a software program called Capri populates a safety  
14 review. Satisfactory is the best rating that a company  
15 can receive indicating, you know, a great compliance; a  
16 conditional would be middle of the road; and  
17 unsatisfactory would be the lowest rating that a carrier  
18 can receive. And in this situation, a household goods  
19 company that receives a conditional -- a provisional  
20 household goods company that receives a conditional  
21 safety rating is equivalent to an unsatisfactory safety  
22 review.

23 **Q. Okay. Can a household goods carrier maintain**  
24 **its permit with a conditional review finding?**

25 A. No. Provisional companies are required to

1 **Q. And then in 2019, did this company submit a**  
2 **safety management plan as a result of that compliance**  
3 **review?**

4 A. Yeah. That's the one I was referring to.  
5 They -- in 2019, they got a conditional rating that  
6 required a safety management plan, and then they  
7 submitted a safety management plan that was accepted by  
8 staff.

9 **Q. Okay. Thank you. I just wanted to make sure I**  
10 **got that clarified.**

11 **Are there any penalties that can be assessed for the**  
12 **sort of violations in the review of TS Moving?**

13 A. Yeah. With complaints at the commission, the  
14 penalty for violations is \$1,000 -- up to \$1,000 per  
15 violation.

16 **Q. And does staff have any recommendations of what**  
17 **penalty should be assessed in this case?**

18 A. Yes.

19 **Q. And can you tell me what those recommendations**  
20 **are?**

21 A. TS Moving has been generally uncooperative with  
22 the investigation, the most recent investigation. Not  
23 initially, but now, is my understanding. And they've  
24 repeatedly failed to produce records for staff. Staff  
25 would recommend a penalty in the amount of \$4,300. With



1 an approved safety management plan, staff would  
2 recommend suspending 3,300 of that for a period of two  
3 years on condition of future compliance and requirement  
4 of the \$1,000 penalty payment.

5 **Q. Okay. And Mr. Perkinson, can you tell me the**  
6 **basis for that number, 4,300?**

7 A. Yeah. As we stated before, there was eight  
8 different violations, so we just apply an amount based  
9 on severity or repeat in nature. So in this instance,  
10 the first cause of action, the Washington Administrative  
11 Code 480.15.550 would be transporting without cargo  
12 insurance is an acute violation, and that's the most  
13 severe, so we applied \$1,000 to that. The failing to  
14 complete logbooks or records of duty status, there were  
15 30 violations. We opted to apply one violation count  
16 for that for \$1,000; another \$1,000 penalty  
17 recommendation would be failing to require drivers to be  
18 medically examined and certified; and then from there,  
19 \$100 penalties for failing to maintain a driver  
20 qualification file keeping of the minimum records of  
21 inspection and vehicle maintenance, as well as failing  
22 to retain the reports of periodic inspections as  
23 required. And the last one -- I apologize this  
24 wasn't -- I should have gone \$1,000 all the way down,  
25 but this last one is maybe one of the most important,

1 MR. SIMPORE: Can you hear me?

2 THE COURT: We can hear you, but -- hold on  
3 a second. It's a little bit distorted.

4 MR. SIMPORE: Okay. Can you hear me better  
5 now maybe?

6 THE COURT: We can try again. Do you want  
7 to just start your question again? And if you can  
8 just --

9 MR. SIMPORE: Yeah.

10 THE COURT: -- direct yes or not question.

11 You don't need to give a bunch of introductory  
12 information, just please ask --

13 MR. SIMPORE: Okay.

14 THE COURT: -- the question.

15 BY MR. SIMPORE:

16 **Q. Okay. My -- the note to the not cooperative**  
17 **and no, not to have the driver qualification because I**  
18 **was not required the last time to have it, because I was**  
19 **sole owner/operator?**

20 THE COURT: Okay. So I think what you're  
21 asking is if the requirement for you to have a medical  
22 card? Is that what you're talking about?

23 MR. SIMPORE: No. The driver qualification.

24 THE COURT: Oh, the driver qualification  
25 file.

1 RCW 81.04.070 would be failing to produce company  
2 documents when requested to do so by a safety  
3 investigator, in this case Investigator Gagne.

4 MS. STRAUSS: Okay. Thank you. Your Honor,  
5 I have no further questions for this witness.

6 THE COURT: Thank you. Mr. Simpoire, do you  
7 have any questions for Mr. Perkinson?

8 CROSS-EXAMINATION

9 BY MR. SIMPORE:

10 **Q. Yes. My question would be: Not uncooperative,**  
11 **that -- I don't understand what that means. And also,**  
12 **the driver qualifications allows -- I was the owner,**  
13 **operator, I don't have to have that because I'm not --**  
14 **you know, I'm the one who was the driver, that's why I**  
15 **didn't have that in that -- in the record. The last, I**  
16 **did not have that either. So my question is: Because I**  
17 **-- you know, I'm the driver, owner driver, solo driver,**  
18 **I'm also not -- and I did not have the document to**  
19 **provide, I was actually -- did not -- I'm not sure what**  
20 **the question of something. So I'm not sure what the not**  
21 **cooperative, that means?**

22 THE REPORTER: Your Honor, I'm having a  
23 difficult time understanding him.

24 THE COURT: Mr. Simpoire, your connection  
25 isn't great.

1 MR. SIMPORE: Yes.

2 THE COURT: So you're wondering if that does  
3 or does not apply to owner/operators; is that correct?

4 MR. SIMPORE: Yes, that's what I was told,  
5 yeah, the last time I --

6 THE COURT: Okay.

7 MR. SIMPORE: Yes.

8 THE COURT: So let Mr. Perkinson answer your  
9 question, and then we'll get to your turn to testify in  
10 a moment.

11 A. Thank you, Your Honor.

12 So a two-part question: One is what is  
13 uncooperative, and I think that there were notes in the  
14 report that indicate -- just that use that general term.  
15 "Uncooperative" would be not providing documents when  
16 requested, is one example, failing to produce records  
17 that might exist is another example. And then as far as  
18 the requirement for the driver qualification file for an  
19 owner/operator, it's one of the things that I believe is  
20 specifically pulled out in our training and addressed  
21 because it could be confusing for an owner/operator,  
22 that they might not think that they need to have a  
23 driver qualification file. So I think it's something  
24 that our investigators would address, and it's something  
25 that Mr. Simpoire did include in his original safety

1 management plan when he submitted that, a driver  
 2 qualification file for himself back in 2020.  
 3 THE COURT: Okay. Does that answer your  
 4 question, Mr. Sempore?  
 5 MR. SIMPSON: Did I include -- I'm not  
 6 the -- the answer my question. But just misunderstand.  
 7 Yes.  
 8 THE COURT: Okay. Do you have any  
 9 additional questions?  
 10 MR. SIMPSON: No, thank you, Your Honor.  
 11 THE COURT: All right. Ms. Strauss, do you  
 12 have any other witnesses you'd like to call?  
 13 MS. STRAUSS: No, Your Honor, I do not.  
 14 THE COURT: All right. So Mr. Sempore, if  
 15 you could raise your right hand.  
 16 Do you swear or affirm the testimony you  
 17 give today will be the truth, the whole truth, and  
 18 nothing but the truth?  
 19 MR. SIMPSON: Okay. If I could add  
 20 something about working -- working about the safety  
 21 plan.  
 22 THE COURT: Well, hold on. I first need you  
 23 to state --  
 24 MR. SIMPSON: Yes.  
 25 THE COURT: Yes?

1 the time and that he was unaware of some of the  
 2 requirements. So it's incomplete.  
 3 THE COURT: When is the 60th day? I guess  
 4 I'm wondering how much time is left for staff and the  
 5 company to continue working through the safety  
 6 management plan?  
 7 MR. PERKINSON: I don't have that exactly in  
 8 front of me. Staff -- the cancellation date is  
 9 April 3rd.  
 10 THE COURT: Okay.  
 11 MR. PERKINSON: So we were looking at  
 12 March 29th for getting an acceptable plan in.  
 13 THE COURT: Okay. And is that something --  
 14 I assume staff is willing to continue those  
 15 conversations?  
 16 MR. PERKINSON: Of course, yeah.  
 17 THE COURT: Yeah. Okay. So Mr. Sempore,  
 18 does that make sense to you, that staff wants to  
 19 continue working with you to try and get your safety  
 20 management plan where it needs to be and that you have  
 21 about a week to get that done? I will say that I'm  
 22 going to be out of the office beginning on April 3rd --  
 23 I think that's a Monday -- I'll be out that whole week.  
 24 So I will need it to me by next Thursday, a week from  
 25 today.

1 MR. SIMPSON: Yes, I swear to tell the  
 2 truth, nothing but the truth.  
 3 THE COURT: Okay. All right. Go ahead if  
 4 you want to respond.  
 5 MR. SIMPSON: Yes. I was going to say that  
 6 I'm working with Mr. Sharp about the safety plan and  
 7 I'm -- yes, I'm working with that for them, the  
 8 safety -- address the violation -- each violation that  
 9 have occurred and what to do to prevent it from  
 10 happening again.  
 11 THE COURT: Okay. Is there anything else?  
 12 MR. SIMPSON: No, thank you.  
 13 THE COURT: Okay. So I guess I just have  
 14 questions for, actually, Mr. Perkinson, if you could  
 15 come back on camera.  
 16 What's the status of the safety management  
 17 report? Is my first question.  
 18 MR. PERKINSON: Yeah, Mr. Sempore has  
 19 e-mailed staff sort of an itemized list, I don't know,  
 20 maybe seven items, trying to maybe explain generally or  
 21 ask questions. It's I would say not even close, if I  
 22 was going to be directly answering the question. There  
 23 hasn't been any supporting documents or corrective  
 24 action. I think the general response has been that they  
 25 want -- that Mr. Sempore wasn't in the country during

1 MR. SIMPSON: Yes.  
 2 THE COURT: So when would staff need it in  
 3 order to have a recommendation to me by, say, noon next  
 4 Thursday, the 30th?  
 5 MR. PERKINSON: I think the 28th would give  
 6 us sufficient time, but the 29th at the latest.  
 7 THE COURT: Okay. Mr. Sempore, is that  
 8 clear to you?  
 9 MR. SIMPSON: Yes. I -- Mr. Sharp is  
 10 sending me a deal with, you know, some suggestions he  
 11 had. I do mostly have most of them corrected, it's just  
 12 the fact that it's violation isn't the right way, is  
 13 what I'm working on and, you know, not -- and it's not  
 14 being -- unfortunately, it's kind of hard to get  
 15 everything right, perfect. But that's what I'm working  
 16 on. So every correction that file needs violations  
 17 corrected, but -- and I just need to say that, you know,  
 18 write e-mail and state and everything. I should be able  
 19 to get it done by then.  
 20 THE COURT: Great. And staff has given its  
 21 penalty recommendation which I'm going to restate, and  
 22 Mr. Perkinson correct me if I'm wrong, but what I noted  
 23 was a \$4,300 penalty with a \$3,300 portion suspended for  
 24 a period of two years, is subject to conditions  
 25 including that the company pay the \$1,000 portion of the

1 penalty that's not suspended and that they do not incur  
2 repeat violations on a follow-up inspection. Is that  
3 correct? And that they maintain satisfactory safety  
4 rating or conditional safety rating?

5 MR. PERKINSON: That's correct.

6 THE COURT: Okay. All right, Mr. Simpure,  
7 did you want to respond to staff's penalty  
8 recommendation?

9 MR. SIMPORE: I would want to ask if we can  
10 make a payment agreement because, I mean, it's -- so I  
11 can -- I'm (inaudible) of a debt and I'm okay with that,  
12 just want to work on payment plan.

13 THE COURT: Yes, we do offer payment plans.  
14 You can work with staff on that once you have an  
15 acceptable safety management plan, assuming that your  
16 permit maintains it's active statu, you can work with  
17 staff on a payment plan that works for you. Okay?

18 MR. SIMPORE: Okay. Sounds good.

19 THE COURT: Okay. Is there anything else  
20 that we need to address while we're here today?

21 MS. STRAUSS: No, Your Honor. That is all.

22 THE COURT: Okay. Well, thank you all so  
23 much for being here. Thank you, Mr. Simpure.

24 MR. SIMPORE: Yeah.

25 THE COURT: And we will be off the record.

1 CERTIFICATE  
2 STATE OF WASHINGTON  
3 COUNTY OF WHATCOM  
4

5  
6 I, Evelyn M. Adrean, RPR, CCR, a Certified Shorthand  
7 Reporter in and for the State of Washington, do hereby  
8 certify that the foregoing transcript of the hearing on  
9 March 23, 2023, is true and accurate to the best of my  
10 knowledge, skill, and ability.

11  
12 IN WITNESS WHEREOF, I have hereunto set my hand  
13 and seal this 3rd day of April 2023.



14  
15  
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18 *Evelyn M. Adrean*  
EVELYN M. ADREAN, RPR, CCR-WA

1 (The hearing concluded at 2:41 p.m.)  
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