

Docket Nos. TN-170131 and TN-170130
(Consolidated) - Vol. I

In the Matter of the Investigation of
Stillaguamish Senior Center

May 15, 2017



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1 BEFORE THE WASHINGTON
 2 UTILITIES AND TRANSPORTATION COMMISSION
 3 _____
 4 In the Matter of the)
 Investigation of)
 5) Docket Nos. TN-170131
 STILLAGUAMISH SENIOR CENTER) & TN-170130
 6) (Consolidated)
 For Compliance with WAC)
 7 480-31-130)
 8 _____
 9 BRIEF ADJUDICATIVE PROCEEDING, VOLUME I
 10 Pages 1 - 28
 11 ADMINISTRATIVE LAW JUDGE RAYNE PEARSON
 12 _____
 13 9:34 a.m.
 14 May 15, 2017
 15
 16
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 21 Sandi Yeomans
 22 * * * * *
 23
 24
 25

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1 OLYMPIA, WASHINGTON, MAY 15, 2017
 2 9:34 a.m.
 3
 4 PROCEEDINGS
 5
 6 JUDGE PEARSON: Let's be on the record.
 7 Good morning. This is Docket TN-170131, which is
 8 captioned In the Matter of the Investigation of
 9 Stillaguamish Senior Center for Compliance with WAC
 10 480-31-130.
 11 My name is Rayne Pearson. I'm the
 12 administrative law judge presiding over today's brief
 13 adjudicative proceeding. Today is Monday, May 15th,
 14 2017, and it's just a little after 9:30 a.m.
 15 On March 31st, 2017, the Commission issued a
 16 Notice of Intent to Cancel Certificate, Notice of Brief
 17 Adjudicative Proceeding, Setting Time for Oral
 18 Statements. The Commission issued the Notice of Intent
 19 to Cancel following a compliance review conducted by
 20 Commission Staff in March 2017, which resulted in a
 21 proposed unsatisfactory safety rating for Stillaguamish
 22 Senior Center.
 23 The Company was required to file a proposed
 24 Safety Management Plan, which we had a brief discussion
 25 before coming on the record about the Safety Management

<p>Page 5</p> <p>5</p> <p>1 Plan. Staff is still waiting for one final component 2 before it can make a recommendation about upgrading the 3 Company's safety rating. 4 So after we proceed with the preliminaries 5 and Staff's first witness, we will take a recess to 6 attempt to verify whether those final records have been 7 received before we proceed to Staff's recommendation. 8 So I also want to address the penalty 9 assessment in Docket TN-170130 in the amount of \$3,600. 10 And Ms. Klemens, you filed an application for mitigation 11 on April 20th and requested a hearing. 12 MS. KLEMENS: Correct. 13 JUDGE PEARSON: So I'm assuming that neither 14 party has an objection to consolidating these two 15 dockets so we can address all of the issues here today? 16 MR. O'CONNELL: Not from Staff, your Honor. 17 JUDGE PEARSON: Okay. Then I will 18 consolidate Dockets TN-170131 and TN-170130, and we can 19 hear from the parties on both of those dockets this 20 morning. So when I call on you to testify, I'll swear 21 you in with the oath of witness, so anything that you 22 tell us today will be under oath and will be considered 23 sworn testimony. 24 And for the court reporter's benefit, please 25 speak slowly and clearly and be sure to use the</p>	<p>Page 7</p> <p>7</p> <p>1 MR. O'CONNELL: Thank you, your Honor. 2 Andrew J. O'Connell, Assistant Attorney General, 3 representing Commission Staff. Seated to my right is 4 Ms. Sandi Yeomans, S-A-N-D-I Y-E-O-M-A-N-S. And next to 5 her is Mr. Mathew Perkinson, M-A-T-H-E-W 6 P-E-R-K-I-N-S-O-N. 7 Ms. Yeomans will be testifying about her 8 compliance review of the Company and the violations that 9 she discovered, and Mr. Perkinson will be available to 10 discuss his evaluation of the Safety Management Plan 11 submitted by the Company as well as Staff's 12 recommendation for mitigation of the penalty assessment. 13 JUDGE PEARSON: Okay. Thank you. 14 Ms. Klemens, if you could state your full 15 name and spell your last name for the record. 16 MS. KLEMENS: It is Danette Marie Klemens, 17 and it's D-A-N-E-T-T-E, Marie, K-L-E-M-E-N-S. 18 JUDGE PEARSON: Is your microphone on? 19 MS. KLEMENS: I believe so. I'll just sit 20 closer. 21 JUDGE PEARSON: And can you give us your 22 address and phone number and email address? 23 MS. KLEMENS: Address is 7810 87th Avenue 24 NE, Marysville, Washington, phone number is 25 (425) 823-0458.</p>
<p>Page 6</p> <p>6</p> <p>1 microphone on the table. And once you're sworn in, you 2 can present your testimony and introduce any exhibits 3 you pre-filed -- which I don't believe that the Company 4 has, just Staff -- and I'll rule on the admissibility of 5 each of those. 6 So we'll start by having Staff address the 7 proposed Safety Management Plan and safety rating. 8 Specifically, like I said earlier, we'll address the 9 compliance review and then we'll get to Staff's 10 recommendation following the recess. 11 Following Staff's first witness, 12 Ms. Klemens, you can ask her any questions if you have 13 any, and then at that time we'll hear from you about the 14 violations and the penalty assessment. 15 Once you're done testifying, Mr. O'Connell 16 may have some questions for you, then we'll take a 17 recess and Mr. Perkinson can verify whether he's 18 received those additional records. 19 Do you have any questions before we get 20 started? 21 MS. KLEMENS: No. 22 JUDGE PEARSON: Okay. So let's take an 23 appearance -- just a brief appearance from Commission 24 Staff. 25 Mr. O'Connell?</p>	<p>Page 8</p> <p>8</p> <p>1 JUDGE PEARSON: Do you have an email 2 address? 3 MS. KLEMENS: Yes. D, like in David, 4 k-l-e-m-e-n-s, @stilly, s-t-i-l-l-y, center.org. 5 JUDGE PEARSON: Okay. Thank you. 6 So Mr. O'Connell, you may proceed with your 7 first witness when you're ready. 8 MR. O'CONNELL: Staff would call Ms. Sandi 9 Yeomans, your Honor. 10 JUDGE PEARSON: Okay. Ms. Yeomans, please 11 stand and raise your right hand. 12 (Witness sworn.) 13 JUDGE PEARSON: Okay. You may be seated. 14 MR. O'CONNELL: And your Honor, before we 15 get started, I have a packet of exhibits to give to you. 16 These exhibits have already been given to Ms. Klemens. 17 JUDGE PEARSON: Thank you. 18 MR. O'CONNELL: So there are actually four 19 copies of each exhibit in the packet I gave you due to 20 the two docket numbers, so I apologize for any 21 confusion. And there should only be one set that you 22 would need to review. They're all the same. 23 JUDGE PEARSON: Okay. Ms. Klemens, do you 24 have any objection to admitting these exhibits into the 25 record?</p>

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1 MS. KLEMENS: I do not at this time.
 2 JUDGE PEARSON: Okay. So we'll just go
 3 ahead and admit Exhibits SY-1, SY-2, and MP-1, MP-2 and
 4 MP-3 into the record.
 5 (Exhibit Nos. SY-1, SY-2, MP-1,
 6 MP-2 & MP-3 were admitted.)
 7 MR. O'CONNELL: And I would note,
 8 your Honor, that MP-3 is a copy of Staff's evaluation of
 9 the Safety Management Plan. That document Staff had to
 10 prepare after the time in which the exhibit list was due
 11 in this docket, so that exhibit did not appear on the
 12 original exhibit list.
 13 JUDGE PEARSON: That's okay. Thank you for
 14 bringing that to my attention.
 15 You may proceed.
 16 MR. O'CONNELL: Okay.
 17
 18 SANDI YEOMANS, witness herein, having been.
 19 first duly sworn on oath,
 20 was examined and testified
 21 as follows:
 22
 23 DIRECT EXAMINATION
 24 BY MR. O'CONNELL:
 25 Q. Would you please state your name and spell it

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1 for the record?
 2 **A. My name is Sandi Yeomans, S-A-N-D-I**
 3 **Y-E-O-M-A-N-S.**
 4 Q. And what is your occupation?
 5 **A. I'm a special investigator.**
 6 Q. Who is your employer?
 7 **A. Utilities and Transportation Commission.**
 8 Q. How long have you worked for the Commission?
 9 **A. Almost two years.**
 10 Q. And what are your duties as a special
 11 investigator?
 12 **A. My duties are to meet with companies and go**
 13 **through their paperwork and their vehicles to assure**
 14 **that they meet the regulations and laws for the state of**
 15 **Washington.**
 16 Q. Did you conduct a compliance review of
 17 Stillaguamish Senior Center's operation?
 18 **A. Yes, I did.**
 19 Q. When did you do that?
 20 **A. I first met with them on January 31st, 2017.**
 21 Q. And I'd like to direct your attention to the
 22 Exhibit No. SY-1. Would you please identify that
 23 exhibit?
 24 **A. This is a summary of the compliance review for**
 25 **Stillaguamish Senior Center.**

Page 11

1 Q. And during your investigation, did you find any
 2 violations?
 3 **A. Yes, I did.**
 4 Q. Were any of the violations critical violations?
 5 **A. Yes.**
 6 Q. What were those?
 7 **A. Use of driver not medically examined and**
 8 **certified, failing to maintain driver qualification**
 9 **files, failing to require a record of duty status, and**
 10 **failing to complete DVIRs.**
 11 Q. Are those critical violations documented in your
 12 assignment report?
 13 **A. Yes, they are.**
 14 Q. Were there other violations that were not
 15 critical that are documented in your assignment report?
 16 **A. Yes.**
 17 Q. Okay.
 18 So I want to ask about the critical violations
 19 and their significance. Why is it important that all
 20 drivers be medically examined and certified?
 21 **A. This is to ensure that drivers are physically**
 22 **fit to drive a commercial motor vehicle.**
 23 Q. And why is it important that the Company
 24 maintain driver qualification files?
 25 **A. That is to make sure that the drivers meet**

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1 **minimum qualifications to be a safe driver.**
 2 Q. And why is it important that you strive -- or
 3 make a record of duty status?
 4 **A. Stillaguamish is a short-haul -- under a**
 5 **short-haul exemption, so you have to make sure that**
 6 **their drivers are not going over hours so that they**
 7 **aren't fatigued.**
 8 Q. Okay.
 9 And what are DVIRs and why are they important
 10 for drivers to complete?
 11 **A. DVIRs are Driver Vehicle Inspection Reports.**
 12 **They're done at the end of a shift to make sure that the**
 13 **vehicle is free of defects before it's dispatched the**
 14 **next day.**
 15 Q. Did you meet with the Company to explain these
 16 critical violations?
 17 **A. Yes, I did.**
 18 Q. And did you inform them of their unsatisfactory
 19 safety rating?
 20 **A. Yes, I did.**
 21 Q. Did you tell the Company what they need to do in
 22 order to get an upgrade to that safety rating?
 23 **A. Yes, I did.**
 24 Q. Did you provide documentation to the Company?
 25 **A. Yes.**

Page 13	Page 15
<p>1 Q. Is Exhibit SY-2, are those documents the</p> <p>2 documents you gave to the Company?</p> <p>3 A. Yes.</p> <p>4 Q. Can you please explain how this safety rating</p> <p>5 was determined from those critical violations?</p> <p>6 A. Yeah. In the exhibit, the one that is stated</p> <p>7 Safety Fitness Rating Explanation, page 1 of 2 -- I'm</p> <p>8 not sure which one it is in the pack -- oh, page 16 --</p> <p>9 there are six different factors which determine the</p> <p>10 rating of a company.</p> <p>11 In regards to Stillaguamish, they had critical</p> <p>12 violations in three categories, and that put them into</p> <p>13 the unsatisfactory status.</p> <p>14 Q. Now, is the formula to calculate this safety</p> <p>15 fitness rating, is that included in this documentation?</p> <p>16 A. Yes.</p> <p>17 Q. Is that on page 17?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 Now, throughout your investigation, were the</p> <p>21 Company and the people that you interacted with</p> <p>22 cooperative?</p> <p>23 A. Very much so.</p> <p>24 Q. Did they offer any explanation of why these</p> <p>25 violations may have occurred?</p>	<p>DIRECT TESTIMONY BY MS. KLEMENS 15</p> <p>1 MS. KLEMENS: Thank you.</p> <p>2 JUDGE PEARSON: So if you could just stand</p> <p>3 and raise your right hand.</p> <p>4</p> <p>5 DANETTE KLEMENS, witness herein, having been</p> <p>6 first duly sworn on oath,</p> <p>7 was examined and testified</p> <p>8 as follows:</p> <p>9</p> <p>10 JUDGE PEARSON: Okay. You may be seated.</p> <p>11 So let's just go through the violations one at a time.</p> <p>12 The first one is 49 CFR Part 391.45(a), failing to</p> <p>13 require employees to be medically examined and certified</p> <p>14 prior to driving Company vehicles on 33 occasions. This</p> <p>15 comprises of the \$3,300 portion of the penalty for 33</p> <p>16 violations.</p> <p>17 MS. KLEMENS: And I'm sorry. Would you like</p> <p>18 me to just respond to that at this time?</p> <p>19 JUDGE PEARSON: If you just want to explain</p> <p>20 how they occurred, and then what you've done to correct</p> <p>21 them and make sure that it doesn't happen again.</p> <p>22</p> <p>23 DIRECT TESTIMONY BY MS. KLEMENS</p> <p>24 MS. KLEMENS: Correct. As was stated</p> <p>25 already, I have taken over as the director officially</p>
Page 14	Page 16
<p>1 A. Yes. They had -- previous staff was retired and</p> <p>2 failed to do training with the new staff before they</p> <p>3 left.</p> <p>4 Q. Has this company had any violations before?</p> <p>5 A. Yes.</p> <p>6 Q. When were those violations?</p> <p>7 A. In their last review in 2007, they did have a</p> <p>8 violation for drivers not having medical examination and</p> <p>9 certification.</p> <p>10 Q. Is that the same as the violation you discovered</p> <p>11 in this case?</p> <p>12 A. Yes.</p> <p>13 MR. O'CONNELL: I don't have any further</p> <p>14 questions for Ms. Yeomans, your Honor.</p> <p>15 JUDGE PEARSON: Thank you.</p> <p>16 Ms. Klemens, do you have any questions for</p> <p>17 Ms. Yeomans?</p> <p>18 MS. KLEMENS: No questions.</p> <p>19 JUDGE PEARSON: Okay. So at this point what</p> <p>20 I'd like to do is swear you in, Ms. Klemens, and then we</p> <p>21 can walk through the violations, and I'll give you an</p> <p>22 opportunity to explain how they occurred and what steps</p> <p>23 you've taken, and then talk about the penalty amount and</p> <p>24 why you believe it should be mitigated and what you</p> <p>25 think a fair amount would be.</p>	<p>DIRECT TESTIMONY BY MS. KLEMENS 16</p> <p>1 January 3rd of this year. And my predecessor, for</p> <p>2 whatever reason, this area was not overseen as it should</p> <p>3 have been and complied with.</p> <p>4 And what we have done is ensure that we have</p> <p>5 files and records maintained on all drivers at this</p> <p>6 time. And no driver will begin driving any of our</p> <p>7 vehicles until they have had the DOT physical and that</p> <p>8 has been signed off and certified by a physician.</p> <p>9 And then we have a file on each driver with</p> <p>10 all following forms that are in the UTC handbook that we</p> <p>11 have, and then we are also following up with reminders</p> <p>12 through Outlook calendars to remind us of when these</p> <p>13 will come up annually to make sure that we maintain</p> <p>14 those to be current.</p> <p>15 JUDGE PEARSON: Okay. The second violation</p> <p>16 was 49 CFR Part 391.51(a), failing to maintain driver</p> <p>17 qualification files for each employee, and this was \$100</p> <p>18 for five violations.</p> <p>19 MS. KLEMENS: And we now have files on each</p> <p>20 driver that drives with all the relative forms to keep</p> <p>21 them accurate and current as drivers. And those, again,</p> <p>22 will be monitored on a regular basis through Outlook</p> <p>23 calendars with our program coordinator who oversees this</p> <p>24 area of our function in the operation.</p> <p>25 JUDGE PEARSON: Okay. Thank you.</p>

<p>Page 17</p> <p>DIRECT TESTIMONY BY MS. KLEMENS 17</p> <p>1 The third violation was 49 CFR Part 2 395.8(a), failing to require drivers to make a record of 3 duty status. This was \$100 for 13 violations. 4 MS. KLEMENS: All right. If I'm reading 5 this correctly, this is -- this has been incorporated 6 into our driver pretrip sheet so that all duty hours are 7 recorded before and after each trip, and these records 8 will be maintained for each trip in the future. 9 JUDGE PEARSON: Okay. My pen stopped 10 working when you were about halfway through that, so you 11 said this has been incorporated into the driver pretrip 12 sheet? 13 MS. KLEMENS: Correct, so that all duty 14 hours are recorded before and after every trip, and 15 these records are maintained for each trip in the 16 future. 17 JUDGE PEARSON: Okay. Thank you. 18 And then finally is 49 CFR Part 396.11(a), 19 failing to require drivers to prepare driver vehicle 20 inspection reports. This was \$100 penalty for 16 21 violations. 22 MS. KLEMENS: And so our current form has 23 been modified to include all requirements necessary for 24 this form. And this form listing the defect has been 25 corrected and is now used by all drivers and will be</p>	<p>Page 19</p> <p>CROSS-EXAMINATION BY MR. O'CONNELL / KLEMENS 19</p> <p>1 testified you've done to remedy the violations, did you 2 include that in your Safety Management Plan? 3 A. Yes. 4 MR. O'CONNELL: No more questions, 5 your Honor. 6 JUDGE PEARSON: Okay. Thank you. 7 So at this point, I believe, 8 Mr. O'Connell -- 9 MR. O'CONNELL: So your Honor, I'm told by 10 Staff that they have received the documentation that 11 they needed to see. 12 JUDGE PEARSON: Okay. 13 MR. O'CONNELL: And Staff is ready to move 14 forward if you are. 15 JUDGE PEARSON: Okay. That sounds good. 16 MR. O'CONNELL: Staff would like to call 17 Mr. Mathew Perkinson. 18 JUDGE PEARSON: Okay. Mr. Perkinson, please 19 stand and raise your right hand. 20 21 MATHEW PERKINSON, witness herein, having been 22 first duly sworn on oath, 23 was examined and testified 24 as follows: 25 ///</p>
<p>Page 18</p> <p>CROSS-EXAMINATION BY MR. O'CONNELL / KLEMENS 18</p> <p>1 used in all future trips using our vehicles. 2 JUDGE PEARSON: Okay. Thank you. 3 And then is there anything that you want to 4 add about the amount of the penalty? 5 MS. KLEMENS: I would ask if -- whatever 6 possible can be done to mitigate this. It's an 7 unforeseen expense in our budget. As with most senior 8 centers, we run extremely tight and are very limited on 9 our budget funds. 10 Just as a side item, as many senior centers 11 in Snohomish County last year, we lost critical funding 12 from United Way in the amount of \$30,000. So that has 13 added an additional burden to our budget this year. 14 So I would just ask for whatever 15 consideration would be possible to mitigate these 16 penalties, because it will impact the rest of our 17 operation that affects the seniors. 18 JUDGE PEARSON: Thank you. 19 Mr. O'Connell, do you have any questions for 20 Ms. Klemens? 21 MR. O'CONNELL: Only one. 22 JUDGE PEARSON: Okay. 23 CROSS-EXAMINATION 24 BY MR. O'CONNELL: 25 Q. Ms. Klemens, all of the things that you</p>	<p>Page 20</p> <p>DIRECT EXAMINATION BY MR. O'CONNELL / PERKINSON 20</p> <p>1 JUDGE PEARSON: Go ahead and be seated. And 2 you may proceed, Mr. O'Connell. 3 4 DIRECT EXAMINATION 5 BY MR. O'CONNELL: 6 Q. Would you please state your name and spell it 7 for the record? 8 A. It's Mathew Perkinson, M-A-T-H-E-W 9 P-E-R-K-I-N-S-O-N. 10 Q. And what is your occupation? 11 A. Motor carrier safety supervisor. 12 Q. And who is your employer? 13 A. Washington Utilities and Transportation 14 Commission. 15 Q. How long have you been employed by the 16 Commission? 17 A. About five years. 18 Q. And what are your responsibilities in your 19 current role as the motor carrier safety supervisor? 20 A. Currently I oversee a team of five investigators 21 who perform compliance investigations. 22 Q. Would that include Ms. Sandi Yeomans? 23 A. Yes. 24 Q. Are you familiar with the company Stillaguamish 25 Senior Center?</p>

Page 21	Page 23
DIRECT EXAMINATION BY MR. O'CONNELL / PERKINSON 21	DIRECT EXAMINATION BY MR. O'CONNELL / PERKINSON 23
<p>1 A. Yes, I am.</p> <p>2 Q. How were you involved in this matter concerning</p> <p>3 Stillaguamish Senior Center?</p> <p>4 A. I reviewed the report that Ms. Yeomans</p> <p>5 submitted.</p> <p>6 Q. Okay.</p> <p>7 And you're aware that Ms. Yeomans found</p> <p>8 violations through her investigation?</p> <p>9 A. Yes.</p> <p>10 Q. And are you familiar with the penalty assessment</p> <p>11 related to those violations?</p> <p>12 A. Yes, I am.</p> <p>13 Q. And are you aware that the Company has asked for</p> <p>14 mitigation?</p> <p>15 A. Yes.</p> <p>16 Q. So -- and is Exhibit MP-1 a copy of that</p> <p>17 application for mitigation?</p> <p>18 A. Yes, it is.</p> <p>19 Q. Are you also aware that the Company received an</p> <p>20 unsatisfactory safety rating?</p> <p>21 A. Yes.</p> <p>22 Q. Did the Company submit a Safety Management Plan</p> <p>23 in order to get an upgrade to its safety rating?</p> <p>24 A. Yes.</p> <p>25 Q. I'd like to direct your attention to Exhibit</p>	<p>1 A. Sure. So the plan, as you can see in MP --</p> <p>2 Exhibit MP-2, identifies each violation as it's recorded</p> <p>3 in Ms. Yeomans' report, and then provides supporting</p> <p>4 documentation to respond to those.</p> <p>5 The plan also identifies specific individuals as</p> <p>6 having responsibilities going forward to help prevent</p> <p>7 that. And it also includes an explanation of tools</p> <p>8 used, such as Outlook calendar reminders, that will</p> <p>9 again prevent similar violations from happening again we</p> <p>10 hope.</p> <p>11 Q. Has Staff accepted such remedies as acceptable</p> <p>12 in the past?</p> <p>13 A. Yes, they have.</p> <p>14 Q. Okay.</p> <p>15 Please continue.</p> <p>16 A. So in summary -- would you like me to go forward</p> <p>17 with the recommendation?</p> <p>18 Q. Yes, please.</p> <p>19 A. Okay. So Staff has reviewed the plan and, like</p> <p>20 I said, it does address each violation. It identifies</p> <p>21 how the violations occurred. It describes corrective</p> <p>22 action taken by the Company to prevent future</p> <p>23 violations. In addition to that, medical certificates,</p> <p>24 forms such as hours of service and daily vehicle</p> <p>25 inspection reports and driver qualification files, have</p>
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DIRECT EXAMINATION BY MR. O'CONNELL / PERKINSON 22	DIRECT EXAMINATION BY MR. O'CONNELL / PERKINSON 24
<p>1 MP-2. Is that a true and accurate copy of the Safety</p> <p>2 Management Plan that the Company submitted?</p> <p>3 A. Yes, it is.</p> <p>4 Q. Okay.</p> <p>5 What is your role in this process?</p> <p>6 A. Working with Ms. Yeomans, I will evaluate the</p> <p>7 Safety Management Plan to determine whether or not the</p> <p>8 Company addressed each violation, identify why the</p> <p>9 violations were allowed to occur, and then determine if</p> <p>10 the actions that they've taken are appropriate to</p> <p>11 prevent future violations from occurring, and then</p> <p>12 reviewing any supporting documents to that plan.</p> <p>13 Q. So you heard Ms. Klemens' testimony a little bit</p> <p>14 earlier. Is her account of what the Company has done to</p> <p>15 remedy the violations supported by the Company's Safety</p> <p>16 Management Plan?</p> <p>17 A. Yes, it is.</p> <p>18 Q. Do you think the Company's Safety Management</p> <p>19 Plan is acceptable?</p> <p>20 A. Yes, I do.</p> <p>21 Q. Have they met the requirements to get an</p> <p>22 upgrade?</p> <p>23 A. Yes.</p> <p>24 Q. Would you please explain how you evaluated the</p> <p>25 plan and your recommendation?</p>	<p>1 been reviewed and those are in compliance.</p> <p>2 Based on that information, Staff would recommend</p> <p>3 upgrading the rating from unsatisfactory to conditional</p> <p>4 effective today, May 15, 2017.</p> <p>5 Q. Now, did you write your recommendation in a</p> <p>6 memo?</p> <p>7 A. Yes.</p> <p>8 Q. And is that memo Exhibit No. MP-3?</p> <p>9 A. Yes.</p> <p>10 Q. So does this memo contain the evaluation and the</p> <p>11 recommendation that you just made?</p> <p>12 A. Yes, it does.</p> <p>13 Q. So I'd like to turn to the Company's penalty</p> <p>14 assessment and their request for mitigation of that</p> <p>15 penalty assessment. And from your involvement in this</p> <p>16 case, you're aware that Stillaguamish Senior Center was</p> <p>17 assessed a penalty of \$3,600, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Does Staff have a recommendation for mitigation?</p> <p>20 A. Yes.</p> <p>21 Q. What is that recommendation?</p> <p>22 A. So the Company's taken steps to bring its</p> <p>23 operations into compliance, and we appreciate that,</p> <p>24 Ms. Klemens. The medical certificate violations are, as</p> <p>25 Ms. Yeomans noted, repeat violation from a 2007</p>

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<p>1 compliance investigation.</p> <p>2 And for that reason, Staff does not recommend</p> <p>3 reducing the \$3,600 penalty, but is willing to suspend</p> <p>4 \$2,600 of the \$3,600 penalty for a period of one year</p> <p>5 with condition.</p> <p>6 Q. So with Staff's recommendation, how much in</p> <p>7 penalty amount does that mean the Company would have</p> <p>8 payable now?</p> <p>9 A. It would be \$1,000.</p> <p>10 Q. And is part of the reason Staff believes</p> <p>11 mitigation is acceptable here is that -- because of the</p> <p>12 Company's cooperation with Staff and willingness to move</p> <p>13 forward and being compliant with the rules?</p> <p>14 A. Yes, all those reasons, and to help ensure</p> <p>15 future compliance.</p> <p>16 Q. Is there anything else that you'd like to add to</p> <p>17 your testimony?</p> <p>18 A. I would just like to thank Ms. Klemens again for</p> <p>19 coming down today and working and being very cooperative</p> <p>20 with Ms. Yeomans. We appreciate that, and we hope that</p> <p>21 you guys stay out of our hair in the future and we don't</p> <p>22 have any compliance issues. So thank you. Looks like</p> <p>23 you're heading in that direction.</p> <p>24 MR. O'CONNELL: I have no more questions.</p> <p>25 JUDGE PEARSON: Thank you.</p>	<p>1 JUDGE PEARSON: Right.</p> <p>2 MR. O'CONNELL: -- subject to no further</p> <p>3 violations. And Staff would intend to conduct another</p> <p>4 review within that year.</p> <p>5 JUDGE PEARSON: Okay. And it would be a</p> <p>6 nonrated review, correct?</p> <p>7 MR. O'CONNELL: Correct.</p> <p>8 JUDGE PEARSON: Okay.</p> <p>9 Well, thank you so much for coming here</p> <p>10 today.</p> <p>11 MS. KLEMENS: Thank you. I appreciate</p> <p>12 everyone's assistance with this as well.</p> <p>13 JUDGE PEARSON: Great. All right. Then we</p> <p>14 are adjourned.</p> <p>15 MR. O'CONNELL: Thank you, your Honor.</p> <p>16 (Proceeding concluded at</p> <p>17 10:03 a.m.)</p> <p>18</p> <p>19 -o0o-</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 Ms. Klemens, do you have any questions for</p> <p>2 Mr. Perkinson?</p> <p>3 MS. KLEMENS: I don't have any at this time.</p> <p>4 Thank you.</p> <p>5 JUDGE PEARSON: Okay. So I will probably</p> <p>6 issue an order -- probably Wednesday due to the fact</p> <p>7 that we will all be off site at a training tomorrow.</p> <p>8 However, I will, right now, issue an oral</p> <p>9 ruling from the bench upgrading the Company's safety</p> <p>10 rating to conditional so that there's no need to worry</p> <p>11 about anything happening at midnight tonight. So that</p> <p>12 part's taken care of.</p> <p>13 The order will reflect my decision on the</p> <p>14 penalty amount. And is Staff open to a payment</p> <p>15 arrangement if the Company needs one?</p> <p>16 MR. PERKINSON: Yes.</p> <p>17 JUDGE PEARSON: All right. So I will take</p> <p>18 that in mind. And is there anything else before we go</p> <p>19 off the record today?</p> <p>20 MR. O'CONNELL: I do think I need to clarify</p> <p>21 one part of Staff's penalty assessment mitigation</p> <p>22 recommendation.</p> <p>23 JUDGE PEARSON: Okay.</p> <p>24 MR. O'CONNELL: Staff's recommendation was</p> <p>25 that the \$2,600 be suspended for a period of one year --</p>	<p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF WASHINGTON)</p> <p>4 COUNTY OF KING)</p> <p>5</p> <p>6</p> <p>7 I, ANITA W. SELF, a Certified Shorthand Reporter</p> <p>8 in and for the State of Washington, do hereby certify</p> <p>9 that the foregoing transcript is true and accurate to</p> <p>10 the best of my knowledge, skill and ability.</p> <p>11 IN WITNESS WHEREOF, I have hereunto set my hand</p> <p>12 and seal this 30th day of May, 2017.</p> <p>13</p> <p>14</p> <p>15</p> <p>16 _____</p> <p>17 ANITA W. SELF, RPR, CCR #3032</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>