

Docket No. TV-190299 - Vol. I

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

June 11, 2019



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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

---

14 June 11, 2019  
 15 9:30 a.m.

16 Washington Utilities and Transportation Commission  
 17 1300 South Evergreen Park Drive Southwest  
 18 Olympia, Washington 98504

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1 A P P E A R A N C E S  
 2 ADMINISTRATIVE LAW JUDGE:  
 3 LAURA CHARTOFF  
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 4 Commission  
 1300 South Evergreen Park Drive SW  
 5 Olympia, Washington 98504  
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8 FOR COMMISSION STAFF:  
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14 FOR TS MOVING:  
 15 TRIAOGO SIMPORE  
 Owner

16 ALSO PRESENT:  
 17 JASON SHARP  
 Motor Carrier Safety Supervisor  
 18  
 19 EDWARD STEINER  
 Special Investigator  
 Transportation Safety  
 20  
 21 \* \* \* \* \*

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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 Simpire, 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

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

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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. Simpoire, did you get that  
 5 assessment?  
 6 MR. SIMPOIRE: 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. SIMPOIRE: I did get --  
 13 JUDGE CHARTOFF: Are you aware of that?  
 14 MR. SIMPOIRE: 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. SIMPOIRE: 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

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1 request mitigation, Staff can provide a recommendation  
 2 at this time.  
 3 MR. SIMPOIRE: It's all so new to me.  
 4 JUDGE CHARTOFF: Oh.  
 5 MR. SIMPOIRE: 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. SIMPOIRE: 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. SIMPOIRE: Okay.

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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. Simpoire, 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.

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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.

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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 ////

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EXAMINATION OF STEINER / DALLAS

1 EXAMINATION  
 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.

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EXAMINATION OF STEINER / DALLAS

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. Simpoire, 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:

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EXAMINATION OF STEINER / DALLAS

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)?

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EXAMINATION OF STEINER / DALLAS

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.**

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EXAMINATION OF STEINER / DALLAS

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:

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EXAMINATION OF SHARP / DALLAS

1 JUDGE CHARTOFF: Please be seated.  
 2  
 3 EXAMINATION  
 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**

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**EXAMINATION OF SHARP / DALLAS**

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**

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**EXAMINATION OF SHARP / DALLAS**

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

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**EXAMINATION OF SHARP / DALLAS**

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**

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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 /////

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EXAMINATION OF SHARP / DALLAS

1 EXAMINATION

2 BY MR. DALLAS:

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

4 Commission-sponsored household goods training?

5 **A. Yes, Mr. Simpure 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 EXAMINATION

11 BY JUDGE CHARTOFF:

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

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

14 **A. Mr. Simpure 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. Simpure, 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**

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EXAMINATION OF SHARP / CHARTOFF

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. Simpure 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...**

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EXAMINATION OF SHARP / CHARTOFF

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

2 the very latest that Mr. Simpure 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.

Page 24

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

Page 25

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

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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. Simapore, 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. Simpoire?  
 6 MR. DALLAS: Staff has no questions.  
 7 MR. SIMPOIRE: 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. SIMPOIRE: 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. SIMPOIRE: 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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1 CERTIFICATE  
 2  
 3 STATE OF WASHINGTON  
 4 COUNTY OF THURSTON  
 5  
 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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 12 \_\_\_\_\_  
 13 Tayler Garlinghouse, CCR 3358  
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