

**Docket No. TV-200626 - Vol. I**

**In the Matter of: Pro Movers LLC d/b/a Groovin Movin**

**August 27, 2020**



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BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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In the Matter of the )DOCKET TV-200626  
Investigation of )  
)  
)  
PRO MOVERS LLC, D/B/A )  
GROOVIN MOVIN )  
)  
)  
For Compliance with WAC )  
480-15-560 and WAC )  
480-15-570 )  
)

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TELEPHONIC BRIEF ADJUDICATIVE PROCEEDING, VOLUME I

Pages 1-14

ADMINISTRATIVE LAW JUDGE SAMANTHA DOYLE

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August 27, 2020

1:30 p.m.

Washington Utilities and Transportation Commission  
621 Woodland Square Loop Southeast  
Lacey, Washington 98503

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3359

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1                    **A P P E A R A N C E S**  
2                    **ADMINISTRATIVE LAW JUDGE:**  
3                    **SAMANTHA DOYLE**

4  
5

6                    **FOR COMMISSION STAFF:**  
7                    **DANIEL TEIMOURI**  
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10  
11                    **ALSO PRESENT:**  
12                    **JASON SHARP, Staff Witness**

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14                    \* \* \* \* \*

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4                    **By Mr. Teimouri . . . . . 7**  
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1                    **LACEY, WASHINGTON; AUGUST 27, 2020**  
2                    **1:30 P.M.**  
3                    **--o0o--**  
4                    **P R O C E E D I N G S**  
5

6                    **JUDGE DOYLE:** Let's be on the record. Good  
7                    afternoon. This is Docket TV-200626, which is captioned  
8                    In the Matter of the Investigation of Pro Movers, LLC,  
9                    doing business as Groovin' Movin' for compliance with  
10                    Washington Administrative Code Chapter 480-15.  
11                    My name is Samantha Doyle, and I am the  
12                    administrative law judge presiding over today's brief  
13                    adjudicative proceeding. Today is Thursday,  
14                    August 27th, 2020, and the time is 1:30 p.m.  
15                    And, again, I'll check and see, is there  
16                    anyone on the line representing Groovin' Movin'?  
17                    Okay. Hearing nothing, as we discussed  
18                    before we came on the record, what we'll do now is take  
19                    a 15-minute recess to allow Groovin' Movin' the time to  
20                    call in. We will reconvene at 1:45, at which time I  
21                    will entertain any motions for default if the company  
22                    has failed to appear.  
23                    So we are now in recess. Thank you.  
24                    (Recess taken from 1:32 p.m.  
25                    until 1:45 p.m.)

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1 JUDGE DOYLE: Let's be back on the record.  
 2 It's now 1:45 p.m. We just took a 15-minute recess to  
 3 allow Groovin' Movin' time to appear. Is there a  
 4 representative for the company on the line that I have  
 5 missed?  
 6 Okay. Hearing nothing and seeing that no  
 7 one has joined the meeting, first let's take an  
 8 appearance from Commission Staff and then I will  
 9 entertain a motion for default.  
 10 Mr. Teimouri?  
 11 MR. TEIMOURI: Thank you, Your Honor. My  
 12 name is Daniel Teimouri, Assistant Attorney General,  
 13 here on behalf of Commission Staff, and with me is  
 14 Mr. Jason Sharp. And before we get into the issue of  
 15 default, I'd just like to quickly raise one procedural  
 16 matter if that's okay, Your Honor.  
 17 JUDGE DOYLE: Go ahead.  
 18 MR. TEIMOURI: Concerning consolidations of  
 19 the penalty assessment docket as Docket 200625, which  
 20 would be the safety rating docket, and Docket 200626,  
 21 Commission Staff believes that there are, in fact, laws  
 22 that are directly related to the two dockets and  
 23 therefore for today's proceeding and going forward would  
 24 like to proceed -- or to consolidate those two dockets.  
 25 JUDGE DOYLE: Your motion is granted and we

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1 will consolidate those dockets and handle both issues  
 2 today. Thank you.  
 3 MR. TEIMOURI: Thank you, Your Honor. With  
 4 that, would you like me to give an opening statement and  
 5 discuss default?  
 6 JUDGE DOYLE: Yes. Let's walk through  
 7 Staff's evidence so that we can dispose of the case on  
 8 its merits, and would you please start with how service  
 9 was accomplished?  
 10 MR. TEIMOURI: Yes. Service was  
 11 accomplished through the standard method. We have a  
 12 certificate of service on file so that it was  
 13 accomplished through email, I believe, to the company's  
 14 email that is on file with the Commission, which is the  
 15 standard Commission protocol.  
 16 JUDGE DOYLE: Great. Thank you. And go  
 17 ahead.  
 18 MR. TEIMOURI: Thank you, Your Honor. Good  
 19 afternoon, Judge Doyle. I'm Daniel Teimouri, Assistant  
 20 Attorney General with the Utilities and Transportation  
 21 Commission Division, and I'm here on behalf of  
 22 Commission Staff. We're here today for a proceeding  
 23 involving Pro Movers, LLC, doing business as Groovin'  
 24 Movin'.  
 25 I would like to ask that the Commission find

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1 Pro Movers, LLC in default under RCW 34.05.440 and WAC  
 2 480-07-450 for failure to appear at the time and place  
 3 set for hearing.  
 4 Staff requests that the Commission proceed  
 5 with the hearing as we discussed and resolve the issues  
 6 before it. With that, Staff would like to offer --  
 7 offer potential Exhibit JS-1 into evidence.  
 8 JUDGE DOYLE: On that note --  
 9 MR. TEIMOURI: And Staff will introduce that  
 10 evidence to Mr. Jason Sharp. And so I would like to  
 11 swear in the witness.  
 12 JUDGE DOYLE: Mr. Sharp, we will swear you  
 13 in now.  
 14 (Jason Sharp sworn.)  
 15 JUDGE DOYLE: Thank you. You may continue.  
 16 MR. TEIMOURI: Thank you.  
 17  
 18 E X A M I N A T I O N  
 19 BY MR. TEIMOURI:  
 20 **Q. Good afternoon, Mr. Sharp. What is your current**  
 21 **position?**  
 22 A. My title is the motor carrier safety supervisor.  
 23 **Q. And what are your responsibilities in that**  
 24 **position?**  
 25 A. I oversee the motor carrier safety and

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1 compliance investigation team, I review their  
 2 investigation reports and provide recommendations based  
 3 on their findings. In my role, I also conduct safety  
 4 investigations of regulated Commission companies.  
 5 **Q. And what kind of training did you receive for**  
 6 **your role as an investigator at the Commission?**  
 7 A. I have attended certification training provided  
 8 by the Federal Motor Carrier Safety Administration to  
 9 conduct compliance investigations, and I am certified by  
 10 the Commercial Vehicle Safety Alliance to perform  
 11 vehicle inspections for commercial vehicles.  
 12 **Q. And how long have you been in that position?**  
 13 A. Three years.  
 14 **Q. Thank you.**  
 15 **I'd now like to move to ask you questions about**  
 16 **the matter at issue in today's hearing.**  
 17 **Are you familiar with Pro Movers, LLC?**  
 18 A. Yes, I am.  
 19 **Q. And how did you become aware of the present**  
 20 **matter today involving Pro Movers, LLC?**  
 21 A. I performed the routine safety investigation on  
 22 the company.  
 23 **Q. I'm now showing you what's been previously**  
 24 **identified as proposed Exhibit JS-1. What is this**  
 25 **exhibit?**

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1 A. This is a final copy of the safety investigation  
 2 report that I did on Pro Movers, LLC.  
 3 **Q. And did you complete this report?**  
 4 A. Yes.  
 5 **Q. What is the review date associated with this**  
 6 **report?**  
 7 A. The report is dated for July 7th, 2020.  
 8 **Q. What does this report document?**  
 9 A. The report documents the applicable violations  
 10 discovered during the safety investigation.  
 11 **Q. And did you find any safety violations during**  
 12 **your investigation?**  
 13 A. Yes, I did.  
 14 **Q. How many violations did you find?**  
 15 A. I identified 12 separate violation types with a  
 16 total of 156 violation occurrences.  
 17 **Q. And of those 156 violation occurrences, were**  
 18 **there any that were particularly concerning to you?**  
 19 A. Yes. The company had six violation types that  
 20 were violations of critical regulations as well as  
 21 having an out-of-service violation discovered on the  
 22 company's vehicle.  
 23 **Q. Thank you.**  
 24 **You -- you labeled those violations as,**  
 25 **quote/unquote, critical; what does that mean?**

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1 A. Critical regulations are those identified as  
 2 such where noncompliance relates to management and  
 3 operational controls. They're demonstrated by a pattern  
 4 of noncompliance with critical regulations that are  
 5 linked to inadequate safety management controls and  
 6 higher than average accident rates. For the purpose of  
 7 a safety rating, the discovery of these violations  
 8 during a compliance review are ultimately what  
 9 determines the carrier's safety fitness rating at the  
 10 end of the investigation.  
 11 **Q. Thank you.**  
 12 **And of these 156 violations that you had**  
 13 **mentioned that were discovered, how many were considered**  
 14 **to be serious or critical?**  
 15 A. 148 of the 156 discovered violations were  
 16 critical regulations, and then adding one in -- one more  
 17 serious violation in for the out-of-service violation on  
 18 a vehicle for a total of 149.  
 19 **Q. Did your investigation result in a proposed**  
 20 **safety rating?**  
 21 A. Yes.  
 22 **Q. And what was that rating?**  
 23 A. The proposed rating was unsatisfactory.  
 24 **Q. Generally speaking, how is a safety rating**  
 25 **determined?**

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1 A. Safety rating is calculated based off of a  
 2 formula developed by the Federal Motor Carrier Safety  
 3 Administration identified in 49 CFR Part 385 under the  
 4 safety fitness standards. It covers six separate  
 5 factors that are reviewed on motor carriers during  
 6 compliance investigations, and that outcome of however  
 7 many factors are found to be conditional or  
 8 unsatisfactory produces an overall safety rating. And  
 9 these safety fitness standards have been adopted by the  
 10 UTC.  
 11 **Q. Okay. And would that formula or process that**  
 12 **you described be followed here in this case?**  
 13 A. Yeah, yes. In this case, it was determined, you  
 14 know, based off of the critical violations discovered,  
 15 that the totality of the violations resulted in the  
 16 unsatisfactory rating.  
 17 **Q. How were the results of your investigation**  
 18 **communicated to Pro Movers, LLC?**  
 19 A. I had a phone conference with the owner of the  
 20 company, Andrey Goncharuk, on July 7th. I emailed him a  
 21 copy of the report along with recommendations on how to  
 22 come into compliance as well as information on how to  
 23 request an upgrade to the company's proposed safety  
 24 rating and instructions on how to submit that  
 25 information by way of a safety management plan.

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1 **Q. And since that time that you indicated, has the**  
 2 **company requested an upgrade to its safety rating by way**  
 3 **of submitting a safety management plan?**  
 4 A. No, I have not received anything from the  
 5 company.  
 6 **Q. And so as of today, is Staff able to provide a**  
 7 **recommendation to upgrade the company's safety fitness**  
 8 **rating?**  
 9 A. No.  
 10 **Q. Do you have any changes that you would like to**  
 11 **make to this report?**  
 12 A. No, I do not.  
 13 MR. TEIMOURI: Your Honor, at this time, I  
 14 would like to move to admit Exhibit JS-1 into evidence.  
 15 JUDGE DOYLE: Thank you. And it's admitted  
 16 into evidence under JS-1, so motion is accepted.  
 17 (Exhibit JS-1 admitted)  
 18 MR. TEIMOURI: Thank you. Your Honor, we've  
 19 covered now the safety rating aspect of this  
 20 investigation. With respect to -- you know, with the  
 21 request to consolidate being granted, would you like  
 22 Staff to now address the company's request for  
 23 mitigation of the penalty assessment in this now  
 24 consolidated docket?  
 25 JUDGE DOYLE: Yeah, go ahead, Mr. Teimouri.

1 MR. TEIMOURI: Thank you.

2 BY MR. TEIMOURI:

3 Q. Mr. Sharp, just a couple more questions.

4 Does Staff have a recommendation in response to  
5 the company's request for mitigation of the penalty  
6 associated with the violations as alleged in this now  
7 consolidated docket?

8 A. Yes. The company did provide Staff with some  
9 evidence of corrective action by submitting a current  
10 medical certificate for the owner, Andrey Goncharuk, and  
11 following the company's request for a reduction of the  
12 penalty, Staff recommends a reduction of the total  
13 penalty assessment of \$4,200 to \$3,000.

14 MR. TEIMOURI: Thank you. I have no further  
15 questions, Your Honor.

16 JUDGE DOYLE: Thank you. I would like to  
17 grant your motion for default and memorialize it in the  
18 order. At this point, is there anything further that we  
19 need to discuss today?

20 MR. TEIMOURI: Nothing from Staff's  
21 perspective, Your Honor. Thank you.

22 JUDGE DOYLE: Okay. Thank you all for  
23 appearing today. We are adjourned.

24 (Adjourned at 1:56 p.m.)  
25

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.

10  
11  
12 Tayler Garlinghouse  
13 Tayler Garlinghouse, CCR 3356



<p style="text-align: center;"><b>A</b></p> <p><b>ability</b> 14:9  <b>able</b> 12:6  <b>accepted</b> 12:16  <b>accident</b> 10:6  <b>accomplished</b> 6:9              6:11,13  <b>accurate</b> 14:9  <b>action</b> 13:9  <b>adding</b> 10:16  <b>address</b> 12:22  <b>adjourned</b> 13:23              13:24  <b>adjudicative</b> 1:11              4:13  <b>Administration</b> 8:8              11:3  <b>administrative</b>              1:13 2:2 4:10,12  <b>ADMISSION</b> 3:6  <b>admit</b> 12:14  <b>admitted</b> 12:15,17  <b>adopted</b> 11:9  <b>afternoon</b> 4:7 6:19              7:20  <b>ahead</b> 5:17 6:17              12:25  <b>alleged</b> 13:6  <b>Alliance</b> 8:10  <b>allow</b> 4:19 5:3  <b>Andrey</b> 11:20              13:10  <b>appear</b> 4:22 5:3 7:2  <b>appearance</b> 5:8  <b>appearing</b> 13:23  <b>applicable</b> 9:9  <b>aspect</b> 12:19  <b>assessment</b> 5:19              12:23 13:13  <b>Assistant</b> 5:12 6:19  <b>associated</b> 9:5 13:6  <b>attended</b> 8:7  <b>Attorney</b> 2:7 5:12  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