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BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

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In the Matter of the Penalty )  
Assessment Against: )

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) Docket No. TV-143199  
GUS & JACK MOVING COMPANY, LLC, )

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In the Amount of \$1,900. )  
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BRIEF ADJUDICATIVE PROCEEDING, VOLUME I

11

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ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

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Taken at 1300 South Evergreen Drive Southwest

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Olympia, Washington

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DATE TAKEN: November 6, 2014

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REPORTED BY: Ryan Ziegler, RPR, CCR 3348

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A P P E A R A N C E S

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ADMINISTRATIVE LAW JUDGE:

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BRIEF ADJUDICATIVE PROCEEDING

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0004

1 OLYMPIA, WASHINGTON; NOVEMBER 6, 2014

2 9:31 a.m.

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4 JUDGE PEARSON: Good morning. This is Docket  
5 TV-143199, captioned in the Matter of the Penalty  
6 Assessment against Gus & Jack Moving Company, LLC, in the  
7 amount of \$1,900.

8 My name is Rayne Pearson. I'm the  
9 administrative law judge presiding over today's brief  
10 adjudicative proceeding that the Commission gave notice of  
11 in response to the company's request for a hearing on the  
12 penalty assessment.

13 Today is Thursday, November 6, 2014, and the  
14 time is approximately 9:30 a.m., so let's start by taking  
15 appearances, beginning with Commission Staff.

16 MR. BEATTIE: My name is Julian Beattie, and  
17 I am here today on behalf of the Attorney General's Office  
18 representing Commission Staff.

19 JUDGE PEARSON: Thank you, Mr. Beattie.

20 And for the company, can you please state  
21 your full name, spelling your last name, and your address?

22 MR. MANSOUR: My name is Gus Mansour. Legal  
23 name is Ghassan Mansour.

24 JUDGE PEARSON: Is your microphone turned on?  
25 Is the red light on?

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1 MR. MANSOUR: Can you hear me?

2 JUDGE PEARSON: Yes. That's great.

3 MR. MANSOUR: Can you hear me now?

4 JUDGE PEARSON: Mm-hmm.

5 MR. MANSOUR: My name is Gus Mansour. My  
6 legal name is Ghassan Mansour, and my address is 1216 182nd  
7 Street Southwest, Lynnwood, Washington, 98037, and I am --  
8 I'm the owner of Gus & Jack Moving Company. Small -- very  
9 small mom-and-pop company.

10 JUDGE PEARSON: Can I also get your phone  
11 number and e-mail?

12 MR. MANSOUR: (206)919-4678. My e-mail is  
13 Gus Mansour, M-A-N-S-O-U-R, at aol.com, so  
14 G-U-S-M-A-N-S-O-U-R@aol.com.

15 JUDGE PEARSON: Thank you.

16 And Mr. Mansour, you requested a hearing  
17 today to contest the violations in the Commission's penalty  
18 assessment, and you'll have an opportunity to present your  
19 testimony a little bit later, but before we get started, I  
20 want to talk about the exhibits that you submitted in  
21 advance of the hearing today.

22 Those included proof that you have, since the  
23 penalty assessment issued, completed the required vehicle  
24 inspection reports, obtained the required medical  
25 certificate. It also looked like you included some

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1 receipts and some screenshots from AutoZone and some bank  
2 records to show that you spent money on vehicle parts --

3 MR. MANSOUR: Yes.

4 JUDGE PEARSON: -- and proof of your  
5 insurance, and I looked at all of your exhibits.

6 I'm not going to admit them into evidence,  
7 but I want to explain to you why that is. The basis of the  
8 violations that we're talking about today is that, during  
9 the inspection, you did not produce the required forms that  
10 must be filled out for driver logs, vehicle inspections,  
11 and medical certification; is that correct?

12 MR. MANSOUR: That's correct, because I --

13 JUDGE PEARSON: The forms did not exist,  
14 correct? You're not alleging that they were just  
15 overlooked?

16 MR. MANSOUR: No. I mean, the -- the forms  
17 for the timing, they're all on the invoices, but I did not  
18 have them on --

19 JUDGE PEARSON: You didn't have the actual  
20 forms filled out?

21 MR. MANSOUR: -- the sheet. I really did not  
22 even know it existed, to be honest with you. And I --  
23 that's my fault, because I -- English is second language to  
24 me, and it's -- this is overwhelming for me, all these  
25 forms, so I didn't know that these has to be filled and be

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1 on file.

2 JUDGE PEARSON: I understand that.

3 So Staff is not alleging that you didn't  
4 actually maintain your vehicles or have your doctor's  
5 appointment. The issue is that you didn't have the actual  
6 forms that you needed to have, and that's the basis for the  
7 violations, so what you submitted to me can't actually  
8 disprove the violations. If you didn't have the forms, you  
9 just didn't have the forms.

10 MR. MANSOUR: Yes.

11 JUDGE PEARSON: However, what they do is they  
12 go to mitigation, and so they're something that I can take  
13 into consideration when determining the amount of the  
14 penalty to be assessed.

15 MR. MANSOUR: That's correct. But then --

16 JUDGE PEARSON: So that's the way that I'll  
17 consider them today, and I'll let that information come in  
18 through your testimony, rather than admitting each of these  
19 exhibits. Okay?

20 MR. MANSOUR: So you -- okay. I'll say it  
21 later. Okay.

22 JUDGE PEARSON: Yes. Yeah, when we get to  
23 that point. That's what we'll do.

24 So what I would like to do is take the  
25 violation categories one at a time. So, example, we can

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1 first address WAC 480-15-560, which adopts 49 CFR Part  
2 396.11(a), for failing to require -- or failing to require  
3 a driver to prepare a vehicle inspection report, then go to  
4 the next violation for the vehicle inspection.

5 So you'll have the opportunity to speak first  
6 for each violation, and then when you're done making your  
7 presentation, Staff will have the opportunity to  
8 cross-examine you or ask you questions. Staff will then  
9 present its case with respect to that violation. You will  
10 also have an opportunity to ask questions of Staff, and  
11 then we'll move on to the next violation.

12 Does that make sense?

13 MR. MANSOUR: Yes, but is there a list of the  
14 violation that I can look at here?

15 JUDGE PEARSON: Do you have a copy of the  
16 penalty assessment?

17 MR. MANSOUR: I don't -- I don't know.

18 JUDGE PEARSON: Mr. Beattie, do you have an  
19 extra copy?

20 I can give you my copy. That's fine. I  
21 don't need it.

22 MR. MANSOUR: Thank you.

23 JUDGE PEARSON: Does that work for you,  
24 Mr. Beattie?

25 MR. BEATTIE: I can give --



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1 MR. MANSOUR: Thank you.

2 MR. BEATTIE: That's fine.

3 MR. MANSOUR: Are you talking about this one?

4 MR. BEATTIE: No, sir.

5 MR. PRATT: It's --

6 JUDGE PEARSON: No. It's right here.

7 MR. PRATT: I have it. I can give him my  
8 copy.

9 JUDGE PEARSON: Okay.

10 MR. MANSOUR: Thank you. Appreciate it.  
11 Appreciate it.

12 JUDGE PEARSON: And Mr. Beattie, does that  
13 work for you to take it up in that way?

14 MR. BEATTIE: Yes, Your Honor.

15 JUDGE PEARSON: So Mr. Mansour, if you would  
16 stand and raise your right hand, I'll swear you in before  
17 you give testimony.

18 MR. MANSOUR: Sure.

19 JUDGE PEARSON: Can you raise your right  
20 hand?

21 GUS MANSOUR,  
22 Party in the above-entitled matter,  
23 after having been duly sworn,  
24 testifies and says as follows:

25 JUDGE PEARSON: I do -- or I mean thank you.

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1                   So let's turn to the first category of  
2 violations, which is WAC 480-15-560, which adopts 49 CFR  
3 Part 396.11(a), for failing to require a driver to prepare  
4 a vehicle inspection report.

5                   And if you want to speak to that, whenever  
6 you're ready.

7                   MR. MANSOUR: I -- I have a mechanic who have  
8 the keys of my trucks, and he always check them, and that  
9 happened from the day I bought the truck until three months  
10 ago when he left, you know, to Tacoma. He moved to Tacoma.

11                   Since then, I've been taking it to Precision  
12 Auto. I have all the receipts that, you know, that  
13 anything came up on the truck, that they fixed. So I had  
14 no idea that I had to have a form every year that  
15 everything is being checked.

16                   The moment that Mr. Dickson brought it to my  
17 attention, immediately took them there and we paid money,  
18 and they checked them, and if there's anything that needed  
19 to be repaired, we ordered them to repair it right away.

20                   So I have complied immediately after it came  
21 to my attention that I have to have one per year. And  
22 having just, three years ago, I mean, when we opened the  
23 company, a gentleman came from here, and he had never told  
24 me that I had to have, per year, one.

25                   Now, of course, if it's written in the book,

0011

1 I neglected to see it. I didn't see it, but the bottom  
2 line, I foll- -- every time I -- somebody talked to me  
3 about anything, I followed it immediately. The first like  
4 few months, somebody came from here, and he was very nice  
5 and told me, you know, what to do, and I did everything he  
6 told me.

7 But nobody have ever told me that I have to  
8 have, per year, like a form to be filled. I thought I had  
9 a mechanic who goes all the time -- I have in -- on my  
10 texts all the way back to June. That's as far as the texts  
11 go, June 2013, my communication with the mechanic, and I  
12 can give it to you. You can look at it. So I had a  
13 mechanic all the time looking at my truck all the time.

14 JUDGE PEARSON: Thank you.

15 Mr. Beattie, do you have questions?

16 MR. BEATTIE: Yes.

17 BY MR. BEATTIE:

18 Q. Mr. Mansour --

19 A. Yes, sir.

20 Q. -- you have how many drivers?

21 A. I'm the only driver right now, and I have a new  
22 driver just came, and I have the DOT for him.

23 Q. In July 2014, how many drivers did you have?

24 A. July 2014, I was the only one driving at the time.

25 Q. At the end of each day, you didn't fill out a

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1 driver vehicle inspection report, correct?

2 A. No. I didn't know I -- I needed to.

3 Q. Thank you. No other questions.

4 A. I -- I mean, what -- I mean, why would I wanting  
5 to do that? I mean, if it's being checked all the time. I  
6 did -- I did not know that I needed to fill every day.

7 Q. Yes, sir.

8 MR. BEATTIE: I -- I have no further  
9 questions.

10 MR. MANSOUR: I'm sorry. I -- I didn't --

11 JUDGE PEARSON: Thank you.

12 MR. MANSOUR: I had no knowledge that I have  
13 to fill one every day, and it's really un- -- in my  
14 opinion, it's just -- it's not -- I mean, it's not do -- I  
15 mean, it's not doable, because we don't drive every day. I  
16 mean, we don't drive the truck every day.

17 We are a very small company. We move a couch  
18 from a -- from a furniture store, you know, to a house, you  
19 know, once every two, three, four days. Sometime we have  
20 in -- when it's very busy, we have, you know, four or five  
21 days' work, but right now, we have no jobs, so why -- I  
22 don't fill it every day because I don't use it every day.

23 JUDGE PEARSON: But on the days that you do  
24 drive, you understand that you need to fill out --

25 MR. MANSOUR: Yes.

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1 JUDGE PEARSON: -- an inspection report?

2 MR. MANSOUR: Now I do, but I didn't know  
3 before.

4 JUDGE PEARSON: Mr. Beattie, do you want to  
5 call a witness, speak to this violation?

6 MR. MANSOUR: And the previous person who  
7 came three and a half years ago never told me that I needed  
8 to fill every day one. I mean, yes, I did take a class,  
9 but that class was humongous and huge, and I -- I don't  
10 remember ever hearing that I needed to fill one every day.  
11 Had I known, and I would have.

12 JUDGE PEARSON: I understand that, and you  
13 did initial a form when you were at that training  
14 acknowledging that you understood each portion of the  
15 training. If you didn't understand, you shouldn't have  
16 initialed. You should have asked for clarification.

17 MR. MANSOUR: I really --

18 JUDGE PEARSON: So that's part of how we  
19 conduct those trainings.

20 MR. MANSOUR: I know.

21 JUDGE PEARSON: So it's going to be  
22 Mr. Beattie's turn to present a witness now.

23 MR. MANSOUR: Yes.

24 MR. BEATTIE: Thank you, Your Honor. And  
25 just to protect the record, I'd like to go through these

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1 violations in a little more detail.

2 JUDGE PEARSON: Sure.

3 MR. BEATTIE: And so I'd like to first call  
4 Alan Dickson.

5 JUDGE PEARSON: If you could stand and please  
6 raise your right hand.

7 ALAN DICKSON,  
8 Witness in the above-entitled matter,  
9 after having been duly sworn,  
10 testifies and says as follows:

11 JUDGE PEARSON: Thank you.

12 BY MR. BEATTIE:

13 Q. Thank you, Mr. Dickson. And can you state and  
14 spell your name for the record, please?

15 A. Alan Dickson, A-L-A-N, D-I-C-K-S-O-N.

16 Q. And how are you employed?

17 A. I'm a transportation specialist with the motor  
18 carrier safety division of the Utilities and Transportation  
19 Commission.

20 Q. And as a transportation specialist, what are your  
21 primary responsibilities?

22 A. As part of our normal safety checks, we inspect  
23 vehicles and records of motor carriers, including household  
24 goods companies.

25 Q. And what credentials do you have that would make

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1 you qualified to perform those inspections?

2 A. I'm certified by the Federal Motor Carrier Safety  
3 Administration to conduct vehicle safety inspections and  
4 inspect the records and documents of motor carriers.

5 Q. How long have you been performing that type of  
6 work for the Commission?

7 A. We started our program in the 1990s, as far as the  
8 compliance review, safety reviews, and have been certified  
9 since 1995.

10 Q. Thank you.

11 And in your official capacity, did you have  
12 occasion to review the safety practices of a company called  
13 Gus & Jack Moving Company?

14 A. Yes, I did. Gus & Jack is a provisional or  
15 temporary household goods carrier, and as part of the  
16 requirements, the company is required to have a safety  
17 review and achieve a satisfactory safety rating before they  
18 are converted to a full-time, permanent household goods  
19 carrier.

20 Q. Did you perform a safety review?

21 A. Yes, I did. In -- in July of 2014, I initially  
22 contacted Mr. Mansour by phone and sent him an e-mail  
23 information packet detailing the information and documents  
24 we'd be looking for to conduct the safety review, and that  
25 safety review was started on July 30 of 2014.

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1 Q. Mr. Dickson, I'm handing you what's been marked as  
2 Exhibit AD1. Do you recognize this document?

3 A. Yes, I do. That's a photocopy of the e-mail  
4 attachment that I sent to Mr. Mansour, the details and the  
5 records and documents I'm required to look at and examine  
6 in order to conduct the safety review.

7 Q. Thank you.

8 MR. BEATTIE: And, Your Honor, at this time,  
9 I'd like to offer Exhibit AD1 into evidence.

10 JUDGE PEARSON: Mr. Mansour, do you have any  
11 objection?

12 MR. MANSOUR: For -- no.

13 JUDGE PEARSON: Thank you. I will admit  
14 Exhibit AD1 into evidence.

15 MR. BEATTIE: And if you could recap -- thank  
16 you, Your Honor.

17 BY MR. BEATTIE:

18 Q. If you could recap, Mr. Dickson: When did you  
19 provide this packet to Mr. Mansour?

20 A. I sent it out right after a phone call to him on  
21 July 1st. I believe it was sent out on July 2nd or on the  
22 1st, and in that packet, it has my business card, phone  
23 number, cell phone, and e-mail address, and if he had any  
24 questions, at the end of the form, there's a statement that  
25 he could call for additional information if he didn't



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1 understand what we'd be looking at.

2 Q. Thank you.

3 So is it your opinion -- what is your opinion  
4 about whether this was a surprise visit?

5 A. Well, by rule, we're required to give 48 hours'  
6 notice before we inspect a vehicle or conduct an  
7 investigation on site. In this case, he was advised on  
8 July 1st. We contacted him at his business address that  
9 he's given you earlier in Lynnwood on July 30th, so he had  
10 ample time to prepare his business records in order so that  
11 we could go through them in a timely and orderly fashion.

12 Q. I'd like to ask you to provide a few more details  
13 about the safety review that you conducted on July 30.  
14 Where did you conduct this review?

15 A. This was conducted at Mr. Mansour's Lynnwood  
16 office. He has a facility in the real estate company where  
17 he had his records for the moving company in files and --  
18 and drawers in that area.

19 Q. And after you completed your safety review, did  
20 you perform any follow-up investigation?

21 A. No. The on-site inspection was conducted on  
22 July 30th. Any follow-up was done via phone call or  
23 e-mail, in which case Gus would have provided some  
24 additional forms that he didn't have at the time of the  
25 original contact.

0018

1 Q. Did you phone Mr. Mansour after the safety review  
2 was completed?

3 A. Yes. After it was reviewed by a supervisor  
4 personnel in Olympia and okayed for final, I did call him  
5 and advise him that the review was complete and he was to  
6 send in a -- what's known as a compliance letter, from him  
7 as the owner of the company, detailing the corrections that  
8 he would make to come into compliance with the rules and  
9 regulations.

10 Q. Did Mr. Mansour provide the 15-day letter as  
11 requested?

12 A. To my knowledge, I didn't receive any letter  
13 within the time frame, and in reviewing the records, it was  
14 not received at our Olympia office in the 15 days or  
15 beyond.

16 Q. At the conclusion of your investigation, did you  
17 record any violations of Commission rules or state laws?

18 A. Yes. In the review, what's known as a compliance  
19 review, software promulgated by the Federal Motor Carrier  
20 Safety Administration, violations are recorded on Part B of  
21 the review, and there are three critical violations that  
22 were recorded that were in violation of the rules and regs.

23 Q. And I am now handing you what's been premarked as  
24 Exhibit AD2, and do you recognize this document?

25 A. Yes. This is the compliance review, the complete

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1 review of the operations generated from the software in the  
2 laptop computer. It's the Federal Motor Carrier Safety  
3 Administration report of the operations, details their  
4 basic business information, and in Part B of the report,  
5 the violations are enumerated.

6 Q. Does Part B of this document accurately state the  
7 results of your investigation?

8 A. Yes, it does. We go through that thoroughly,  
9 making sure that all the violation accounts are proper and  
10 documented.

11 Q. And did you author this document?

12 A. Yes, I did.

13 MR. BEATTIE: Your Honor, I offer Exhibit AD2  
14 into evidence.

15 JUDGE PEARSON: And, Mr. Mansour, do you have  
16 any objection?

17 MR. MANSOUR: Can I ask him a question first?

18 JUDGE PEARSON: Not yet. I just want to know  
19 if you have an objection to this being offered into  
20 evidence. This is the copy of the safety inspection report  
21 that you received following the inspection.

22 MR. MANSOUR: Well, I have an objection,  
23 because some of that statement was not correct, so I  
24 don't -- I don't --

25 JUDGE PEARSON: You'll have a chance to --

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1 MR. MANSOUR: Okay.

2 JUDGE PEARSON: -- address that momentarily.

3 MR. MANSOUR: Okay.

4 JUDGE PEARSON: I'm asking if you object to  
5 the authenticity of the document itself.

6 MR. MANSOUR: I need to see the document to  
7 see --

8 JUDGE PEARSON: You've been provided with a  
9 copy of the document ahead of time. It's the same document  
10 that you would have received from Mr. Dickson following the  
11 safety inspection around the first week of August.

12 MR. MANSOUR: I don't recall these documents,  
13 so I --

14 MR. PRATT: Maybe it's -- it's the second  
15 document.

16 MR. MANSOUR: Right here?

17 MR. PRATT: Yeah.

18 MR. MANSOUR: This one?

19 JUDGE PEARSON: It's the one that has the  
20 violations in it.

21 MR. MANSOUR: You mean the letter that says,  
22 "state the violation"?

23 JUDGE PEARSON: Not the penalty assessment,  
24 but the actual safety inspection report. Do you recognize  
25 it?

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1 MR. MANSOUR: No. I don't remember that.

2 JUDGE PEARSON: Well, I'm going to go ahead  
3 and admit it into evidence.

4 MR. MANSOUR: Okay. But I don't remember  
5 receiving this. This -- no, I did not receive this.

6 JUDGE PEARSON: Mr. Dickson, was that  
7 provided to Mr. Mansour?

8 THE WITNESS: Yes. It was sent via e-mail  
9 attachment by myself and also an associate sent it as well.  
10 On the form, you might remember, Gus, there's a highlighted  
11 portion --

12 MR. MANSOUR: Do you have of copy of that  
13 e-mail?

14 THE WITNESS: -- where it has -- not with me  
15 right here, but I can produce it.

16 MR. MANSOUR: I don't remember get --  
17 receiving a copy.

18 THE WITNESS: Do you have the e-mail?

19 MR. BEATTIE: I'm not -- I'm not aware.

20 JUDGE PEARSON: I'm going to go ahead and  
21 admit that into evidence and we'll move on, and you'll have  
22 an opportunity to ask questions in just a moment. Okay?

23 MR. MANSOUR: Okay.

24 MR. BEATTIE: Thank you, Your Honor.

25

0022

1 BY MR. BEATTIE:

2 Q. Mr. Dickson, I'd like to ask you now to provide  
3 some details about the specific violations you recorded.  
4 Are you prepared to provide those details this morning?

5 A. Yes.

6 Q. And per your -- per Your Honor's sort of  
7 procedural schedule this morning, I'd like to first focus  
8 on the violation involving failure to require drivers to  
9 complete what are known as DVIRs or driver vehicle  
10 inspection reports.

11 So, Mr. Dickson, what is a driver vehicle  
12 inspection report, or DVIR?

13 A. That's a requirement for the commercial motor  
14 vehicle driver to complete an inspection at the end of the  
15 day's operation each day a vehicle is operated on the  
16 public highways.

17 There's 11 items that are required to be checked,  
18 and the requirement is if there's a defect of any of these  
19 items, the defects are required to be fixed by a mechanic  
20 and certified as being repaired prior to the next day's  
21 operation of that vehicle.

22 Q. What is the purpose of the DVIR?

23 A. Purpose is to make sure that vehicles operated on  
24 the public highways are in safe operation for the traveling  
25 public.

0023

1 Q. What recordkeeping or filing requirements apply to  
2 DVIRs?

3 A. These records are required to be kept for 90 days  
4 for each vehicle, and they're required to be completed each  
5 day the vehicle is operated, so in -- in a month's time,  
6 you may not drive 30 days, but each day the vehicle's  
7 operated, they're required to be completed, filled out, and  
8 filed, maintained.

9 Q. How many violations did you record?

10 A. We sampled the month of July 2014, and in a 30-day  
11 period, there were a total of 16 days when the combination  
12 of the two trucks operated, that is, 16 days' operation  
13 during the month at which time the carrier failed to  
14 require the driver to prepare the daily vehicle inspection  
15 report.

16 Q. Did Mr. Mansour provide you with any documentary  
17 proof that he was completing DVIRs? He, or any of the  
18 other drivers working for his company, completed a DVIR at  
19 the end of each day?

20 A. No, he did not.

21 Q. Mr. Dickson, I'd like to turn your attention to  
22 page 3 of Exhibit AD2. Now, what are we looking at here?

23 A. Page 3 starts off, Part B of the report is known  
24 as the violation page. In this page, they detail  
25 violations that were noted during the review, and at the

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1 end of Part B, it does generate a rating, safety rating,  
2 for the company.

3 Q. I see that you've written a word under -- in the  
4 top left box of each category under the word "state." What  
5 is that word?

6 A. That word is critical, and that refers to the  
7 violation detailed in that section. These are generated by  
8 the software in the laptop computer as promulgated by the  
9 Federal Motor Carrier Safety Administration.

10 Critical being the serious violation. There is  
11 one that's worse than that or more serious. It's called an  
12 acute violation. In this case, Mr. Mansour's company had  
13 three violations that were critical.

14 Q. Thank you.

15 MR. BEATTIE: I have no further questions at  
16 this time on this category.

17 JUDGE PEARSON: Thank you.

18 Mr. Mansour, did you have questions?

19 MR. MANSOUR: Yes, I do.

20 BY MR. MANSOUR:

21 Q. First of all, Mr. Dickson, when you came to my  
22 office, you -- and we went and checked the trucks, you told  
23 me I have 30 days to comply. I took them the next day and  
24 everything was done and -- and fixed.

25 There were a light -- the only thing was not



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1 fixed -- because we only use -- most of the time using one  
2 truck -- was the horn, and I have e-mailed you and I have  
3 called you multiple times --

4 JUDGE PEARSON: Mr. Mansour, I'm going to  
5 interrupt you there, because what we're talking about right  
6 now is the daily inspection logs the drivers would fill  
7 out. That's not something that could be retrospectively  
8 remedied. You either had done --

9 MR. MANSOUR: Okay. But --

10 JUDGE PEARSON: -- that at the time or not.  
11 We're not talking about the vehicle inspections  
12 themselves --

13 MR. MANSOUR: Okay.

14 JUDGE PEARSON: -- right now. We're talking  
15 about the driver logs, so if you have questions about that,  
16 you either had your drivers prepare those logs or you  
17 didn't, and that's what Mr. Dickson was testifying to.

18 MR. MANSOUR: You mean the drive -- I don't  
19 understand the question.

20 JUDGE PEARSON: The daily driver logs --

21 MR. MANSOUR: Yes.

22 JUDGE PEARSON: -- that he was just talking  
23 about --

24 MR. MANSOUR: Yes.

25 JUDGE PEARSON: -- the vehicle inspection

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1 reports, it has 11 items that the driver checks off each  
2 day at the end of the day when the vehicle was in  
3 operation --

4 MR. MANSOUR: No, that was not done. But  
5 what -- he's saying something "critical." What is critical  
6 here? What is he's -- what --

7 JUDGE PEARSON: He's talking about the  
8 category of the violation, and that rating of critical is  
9 from the Federal Motor Carrier Safety Administration.

10 MR. MANSOUR: Critical what? What is the  
11 critical here? Because I'm not --

12 JUDGE PEARSON: He just --

13 MR. MANSOUR: -- filling it --

14 JUDGE PEARSON: He just explained to you why  
15 it was a critical violation.

16 MR. MANSOUR: Critical violation, not filling  
17 the form; is that what he's saying?

18 JUDGE PEARSON: Correct.

19 MR. MANSOUR: Okay. That's fine.

20 JUDGE PEARSON: Do you have any other  
21 questions having to do with the daily vehicle inspection  
22 reports? Because that's what we're talking about right  
23 now.

24 MR. MANSOUR: No.

25 JUDGE PEARSON: Thank you.

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1                   You ready to move on to the next set of  
2 violations?

3                   MR. BEATTIE: Yes, Your Honor.

4                   JUDGE PEARSON: So, Mr. Mansour, let's talk  
5 about the second set of violations, which is WAC  
6 480-15-560, which adopts 49 CFR Part 396.17(a), for using a  
7 commercial vehicle not properly inspected, so if you want  
8 to speak about the vehicle inspections themselves, this  
9 would be the time to do that.

10                  MR. MANSOUR: My truck, both of them, were  
11 inspected at least once every two weeks. Any time that we  
12 have thought of oil change or brake, our mechanic was  
13 called or texted.

14                  And I can show you my phone, and you can see  
15 the texts all the way back to June '13 was done. Yes, we  
16 did not fill out form for it, but our truck was inspected  
17 all the time. We can't drive them if they're not properly  
18 moving.

19                  And as I said, we are very small company. We  
20 don't -- we're not like a freight-trucking company. We  
21 don't use them every day, you know what I mean? This is  
22 like a second job for me just to survive and pay my bills  
23 and child support, whatever.

24                  The bottom line was my trucks was inspected  
25 all the time. My mechanic, until now, the one who moved,

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1 he have my keys. We call him; he go check them. Need  
2 something, need to be fixed; fixed, until he moved. We  
3 then are taking them right now to Andy's Auto and Precision  
4 Auto.

5                   They have been inspected all the time. Yes,  
6 there is no form was filled. I really didn't even know  
7 that I need to fill a form, you know, every time I fixed my  
8 truck or every month or every year.

9                   The moment Mr. Dickson -- everything he told  
10 me to do, I immediately have done, and I have e-mailed him,  
11 and I have responded to everything he told me immediately,  
12 and he knows that. I called him and asked him questions.  
13 I e-mailed him some -- something. 17 days, he said, "I  
14 don't have it." Then was he found it.

15                   So everything he ask me to do, I have done.  
16 Yes, I am -- I have neglected to fill the forms because I  
17 didn't even know I had to fill them.

18                   JUDGE PEARSON: Thank you.

19                   MR. MANSOUR: I mean, and the neglect here is  
20 not from one side. I mean, after three and a half years,  
21 nobody showed up, and then come, and they say, "All these  
22 forms need to be filled."

23                   Yes, that is an oversight for me. It's very  
24 hard for me to read all the stuff and comply with it  
25 because I'm very, very small company. I don't have enough

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1 time in the day just to keep reading them and filling them.

2 Yes, I've neglected that, but the trucks were  
3 always inspected. Every other week, every week, every time  
4 we needed something to be done, it was done. And mechanic,  
5 you can call. I have texts all the way back to June, and I  
6 believe -- I mean, I -- I don't want to be rude here or  
7 disrespectful to any -- anybody, but I -- I believe that  
8 this -- this gentleman here, when he comes to my office,  
9 said, "Everything's fine, Mr. Mansour. You need to do this  
10 and that."

11 In front of him, I went right away,  
12 immediately. He told me to buy a couple of extinguisher --  
13 although I forgot the word "extinguisher" -- under the  
14 seat. Immediately, in front of him, I went and bought  
15 them.

16 The next day, I took my trucks to be  
17 inspected completely, and I called him. I told him,  
18 "Everything's done but the horn, so I'm going to wait til  
19 the horn is fixed, sign the paper, send it to you," and I  
20 did send it to him.

21 And then they're saying they haven't received  
22 anything. This is just -- it is a disingenuous situation  
23 here. Yes, I have not filled the form, but everything was  
24 done.

25 JUDGE PEARSON: Thank you.

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1 Mr. Beattie?

2 MR. BEATTIE: Thank you, Your Honor. I don't  
3 have any questions of Mr. Mansour.

4 JUDGE PEARSON: Would you like to proceed  
5 with Staff testimony?

6 MR. BEATTIE: Please.

7 BY MR. BEATTIE:

8 Q. Mr. Dickson, as defined under the relevant law,  
9 what is a periodic inspection?

10 A. There's a requirement to have each commercial  
11 motor vehicle inspected annually, also known as  
12 periodically, by a certified mechanic, and that mechanic  
13 would complete a thorough inspection and detail all the  
14 components that were inspected under Part G of the  
15 regulation book, which is all the components of a motor  
16 vehicle.

17 Q. What is the purpose of the periodic inspection  
18 requirement?

19 A. The purpose is to make sure that vehicles  
20 operating on the public highways are safe for the traveling  
21 public and are all maintained in an orderly fashion.

22 Q. Why did you record two violations in this case?

23 A. Mr. Mansour operates two moving trucks. Both of  
24 them are commercial motor vehicles and are required to have  
25 annual or periodic inspections, and at the time of the

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1 inspection, Mr. Mansour did not have these inspection  
2 documents at his place of business.

3 Q. Under the federal safety standards, what class of  
4 violation is failure to complete the periodic inspection?

5 A. That is deemed a critical violation from the  
6 laptop computer's software program as promulgated by the  
7 Federal Motor Carrier Safety Administration.

8 Q. And, Mr. Dickson, engage you in a little bit of a  
9 hypothetical. If I own a regulated moving company and --  
10 am I in compliance with the applicable standard if I take  
11 my truck to the neighborhood mechanic and the mechanic  
12 tells me everything looks okay?

13 A. No. No, you would not be. The requirement is to  
14 have a certified inspector annually inspect the vehicle and  
15 document that.

16 MR. BEATTIE: Thank you, Mr. Dickson.

17 And I have no further questions in this  
18 category.

19 JUDGE PEARSON: Thank you.

20 Mr. Mansour, did you have questions for  
21 Mr. Dickson related to this topic only?

22 MR. MANSOUR: The -- when -- when Mr. Dickson  
23 brought it to my attention, we immediately took to it  
24 mechanic and certified both trucks, and I have sent them --  
25 send -- send it to you guys immediately.

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1                   But as I said, I had -- I mean, if -- if my  
2 mechanic is looking at it every other week, it didn't  
3 really occur to my mind that I have to have a -- have him  
4 write something, a yearly thing, and send it. Nobody -- I  
5 really did not know that.

6                   But the moment I knew that, immediately took  
7 them. We paid \$100 for each truck, and anything that came  
8 up, I said, "Immediately, please, anything that need to be  
9 repaired, repair it." And it was done, and I sent it, so I  
10 mean, I don't know what else I could have done.

11                   JUDGE PEARSON: Thank you.

12                   So now we can proceed to the final set of  
13 violations, which is WAC 480-15-570, which adopts 49 CFR  
14 Part 391.45(a), for using a driver not medically certified.

15                   Mr. Mansour, if you want to speak to that,  
16 when you're ready.

17                   MR. MANSOUR: I took a -- I took -- I take --  
18 once a year, I go to my doctor and he check me out. I was  
19 fine. I did not know that there's a DOT something. When I  
20 came to the class, it came to my attention. I went to  
21 three clinics in -- in Ed- -- in Edmonds and Lynnwood.  
22 None of them, they will do DOT.

23                   When Mr. Dickson came and he highlighted  
24 couple of names, in front of him, I got on the computer  
25 immediately, find out who does it, called them, made an



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1 appointment. I went and did the DOT and send it, and the  
2 DOT was really nothing comparing to the check that I do  
3 once a year with my doctor.

4 It's not -- I mean, they just -- I walked in  
5 there, they had me look at the -- at the -- just read some  
6 letters, and he checked my -- my -- my blood pressure, and  
7 I left. This is a DOT test? I mean, I -- I have a  
8 physical every day with my -- every year with my doctor.

9 So I'm here be- -- I'm here before you. I'm  
10 fine. I mean, I did not know that -- I mean, that this is  
11 so critical to have a piece of paper from -- from the  
12 doctor. My doctor don't provide it. Dr. Findlay don't  
13 provide it.

14 But when he brought my attention, couple of  
15 times, I called them. They said, "We don't do it anymore,"  
16 but they referred me to somebody who does it, and I did it  
17 right away. I mean the DOT physical. Yes, this is -- I --  
18 I'm guilty at that, that I did not have a DOT physical, but  
19 I have a physical once a year.

20 JUDGE PEARSON: Thank you.

21 Mr. Beattie, do you have any questions?

22 MR. BEATTIE: No questions, Your Honor.

23 JUDGE PEARSON: You can proceed with  
24 testimony.

25

0034

1 BY MR. BEATTIE:

2 Q. Mr. Dickson, what is a medical examiner's  
3 certificate?

4 A. That's a standard physical exam known as the DOT,  
5 Department of Transportation, medical examination that's  
6 set on a set form that evaluates a driver of a commercial  
7 motor vehicle showing that he's fit and able to drive a  
8 vehicle on the public highways.

9 The examination is required to be conducted by a  
10 certified medical practitioner, doctor, and at this point,  
11 the doctors need to be on the national register, that is,  
12 they're certified by the national registry under the FMCSA  
13 showing that they are authorized to conduct these physical  
14 examinations.

15 Q. And what recordkeeping or filing requirements  
16 apply to the medical examiner's certificate?

17 A. The driver that obtains a medical exam would give  
18 that form to his employer. The employer would keep it in  
19 his qualification -- driver qualification packet at the  
20 office.

21 The individual driver would maintain that physical  
22 examination card signed and dated by the doctor. They're  
23 good for generally a two-year period, and he would have to  
24 keep that examination card with him while he's driving a  
25 commercial motor vehicle.

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1 Q. Why did you record 17 violations in this docket?

2 A. The month that was sampled was July of 2014, and  
3 during that month, Mr. Mansour drove 17 days operating a  
4 commercial motor vehicle on the public highways. Each of  
5 those days, he did not have a medical exam certificate, the  
6 DOT physical card.

7 Q. Thank you.

8 What classification of violation is this?

9 A. This is deemed a critical violation as promulgated  
10 by the Federal Motor Carrier Safety Administration and  
11 generated in the software program of this safety review.

12 Q. All right. Mr. Dickson, please explain why going  
13 to a neighborhood clinic would not -- would not be  
14 sufficient to comply with the rule.

15 A. A neighborhood clinic could operate as a  
16 DOT-certified physician, but they have to be on the  
17 national registry and conduct the examination in accordance  
18 with the standard physical examination requirements, the  
19 instructions given to the doctor as promulgated by the  
20 FMCSA.

21 MR. BEATTIE: Thank you.

22 And I have no further questions.

23 JUDGE PEARSON: Thank you.

24 Mr. Mansour, do you have any questions for  
25 Mr. Dickson?

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1 MR. MANSOUR: Yeah.

2 BY MR. MANSOUR:

3 Q. Are you -- are you saying that the DOT one I sent  
4 you was not adequate?

5 MR. BEATTIE: Your Honor, I object to that  
6 question. It's outside the scope.

7 JUDGE PEARSON: It is outside the scope.  
8 We're --

9 MR. MANSOUR: Okay.

10 JUDGE PEARSON: -- talking about the  
11 violations that occurred in July of 2014, when --

12 MR. MANSOUR: I understand, but --

13 JUDGE PEARSON: -- you did not have a  
14 certificate.

15 MR. MANSOUR: -- but I have -- okay.

16 BY MR. MANSOUR:

17 Q. Mr. Dickson, did I call you on the phone and told  
18 you I have sent you the DOT, and you said you didn't have  
19 it, and then you found it?

20 A. Subsequent to the review, you did call and you did  
21 e-mail a copy of your physical exam.

22 Q. But it's for the second time. The first time, you  
23 didn't get it, and I told you, "I've sent it."

24 And you said to me, "I did not have it." Then I  
25 sent it again, and then you -- then you said you found it

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1 with the other gentleman who came with you. I don't know  
2 his name.

3 A. Yes. That's true.

4 Q. Did that conversation take -- take place?

5 A. You -- you actually e-mailed that to Olympia. One  
6 of our personnel in Olympia had forwarded it back to me,  
7 and that's when I said I didn't receive it.

8 MR. MANSOUR: I have done everything in -- in  
9 my power to comply. Okay. If it took 17 days for him to  
10 take it, to -- to receive it, I've sent it -- I've sent it  
11 where he told me to send it. Then he -- they forward it to  
12 him. Then I send it again to him.

13 But what I want to know is -- I really want  
14 to know, because I want to make sure I don't make  
15 mistake -- is -- is this DOT I sent to him adequate? I  
16 mean, how would I know?

17 JUDGE PEARSON: You can certainly contact  
18 Staff and ask for that technical assistance after the  
19 hearing's over. Okay?

20 MR. MANSOUR: I have sent it immediately.  
21 The next day he came, I went and took it. It took him 17  
22 days to get it.

23 JUDGE PEARSON: But you do understand that  
24 the violations that are in the penalty assessment come from  
25 the fact that you drove on 17 occasions in the month of

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1 July without having the required certificate?

2 MR. MANSOUR: I don't have --

3 JUDGE PEARSON: So we appreciate --

4 MR. MANSOUR: I still don't have --

5 JUDGE PEARSON: -- that you've come into  
6 compliance --

7 MR. MANSOUR: The -- the doctor did not give  
8 me a card. Until now, I don't have a card. I have what he  
9 sent to me that I put on file.

10 JUDGE PEARSON: Well, you're going to need to  
11 get a card. That's --

12 MR. MANSOUR: Okay.

13 JUDGE PEARSON: -- part of being in  
14 compliance, and you can speak with Staff after the hearing  
15 if you need more information about how to come into  
16 compliance. Okay?

17 MR. MANSOUR: I just think it's not fair,  
18 really. I have complied with anything he told me. It's  
19 just not fair.

20 I mean, he's right now sitting here making it  
21 look that I have not done what he asked me to do. While he  
22 was in my office, said, "Everything's fine, Mr. Mansour.  
23 You know, just, you know, do this and it'll -- it'll be all  
24 right," and now I get all these -- after, you know --  
25 that's -- that's deception, in my opinion.

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1                   Yes, I am guilty of not having the forms  
2 filled. There's no doubt about that, so I'm -- I'm not  
3 putting blame to anyone, but for somebody to come and tell  
4 me, "Do this and everything will be fine," and I do it, and  
5 then I'm hit with all kind of violations.

6                   I'm a very small company, very small person,  
7 you know, and if -- if it's true I'm in violation, then  
8 what about your -- your -- your responsibility? For three  
9 and a half years, nobody showed up.

10                  JUDGE PEARSON: But it's your responsibility  
11 to follow the law, whether we're there to inspect your  
12 vehicles and your records or not.

13                  MR. MANSOUR: Yeah.

14                  JUDGE PEARSON: That's the bottom line.

15                  MR. MANSOUR: The negligence here happening  
16 from both sides, not from me alone. Because I need -- I  
17 need to be helped. I mean, I think one of the job is to  
18 help me, guide me to be successful, and guide me to follow  
19 the rules. It's very hard for me, this -- I mean, half of  
20 the stuff I'm reading, I don't understand.

21                  JUDGE PEARSON: If you don't --

22                  MR. MANSOUR: It's very hard for me.

23                  JUDGE PEARSON: -- understand, that's when  
24 you need to pick up the phone and contact Staff and get  
25 technical assistance. That's what we're here for, and our

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1 agency provides a lot of that.

2 Mr. Beattie, do you have additional testimony  
3 from Mr. Pratt that you wanted to present?

4 MR. BEATTIE: Yes, Your Honor. I would like  
5 to call Mr. Pratt.

6 JUDGE PEARSON: If you could stand and raise  
7 your right hand.

8 DAVID PRATT,  
9 Witness in the above-entitled matter,  
10 after having been duly sworn,  
11 testifies and says as follows:

12 JUDGE PEARSON: Thank you.

13 BY MR. BEATTIE:

14 Q. Would you please state and spell your name for the  
15 record.

16 A. Sure. My name is David Pratt, P-R-A-T-T.

17 Q. How are you employed, Mr. Pratt?

18 A. I'm the assistant director for transportation  
19 safety for the agency, which means I oversee the motor  
20 carrier safety program and the rail safety program.

21 Q. And what are your primary responsibilities?

22 A. My primary responsibilities is as the manager over  
23 these units. I have supervisors under me that actually  
24 supervise the Staff. Mr. Dickson is an employee in the  
25 motor carrier program who reports to John Foster who



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1 reports to me, up that line there, so I kind of oversee the  
2 workload and the assignments and the management duties.

3 Q. Are you familiar with the investigation of Gus &  
4 Jack Moving Company performed by compliance investigator  
5 Alan Dickson?

6 A. Yes, I am.

7 Q. To what extent were you involved in that  
8 investigation?

9 A. I'm the final review on these reports when they  
10 get turned in. They come through Mr. Dickson's supervisor,  
11 and then once they're approved by them, they come to me for  
12 final approval, so I review them to make sure that  
13 they're -- they were done properly, that they're accurate,  
14 and they reflect the findings.

15 Q. Does the Utilities and Tran- -- Transportation  
16 Commission have an enforcement policy with regard to  
17 penalty assessments?

18 A. Yes, we do.

19 Q. Could you please explain, without going into too  
20 much detail, the -- the basics of that policy?

21 A. Okay. We have an enforcement policy that guides  
22 us to help us make decisions in compliance cases, and it  
23 lays out specific criteria or rules that we need to follow  
24 for different types of violations.

25 It -- it helps us determine, if a penalty reaches

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1 a critical level, what the outcome should be on our  
2 perspective. It helps us determine the level of penalty  
3 that we might assess based on the specific type of  
4 violations.

5 Q. In this case, the Commission penalized Gus & Jack  
6 Moving Company \$100 for failing to prepare driver vehicle  
7 inspection reports, or DVIRs, on 16 occasions in July 2014.  
8 Would you please state your opinion as to whether an \$100  
9 penalty is appropriate under the circumstances?

10 A. Under our enforcement policy, yes. Our typical  
11 approach is that critical -- critical violations are  
12 generally subject to \$100 per violation. There were 16  
13 violations here, which could have been \$1,600, but we  
14 looked at this and we felt this was a first-time violation,  
15 that there had been no violations before, so for that kind  
16 of issue on this specific violation here, we simply issue a  
17 \$100 penalty for the type of violation, rather than each  
18 individual time --

19 MR. MANSOUR: Thank you.

20 A. -- so that's how we came up with that.

21 BY MR. BEATTIE:

22 Q. Thank you.

23 Same question about the second category of  
24 violation, which was incurred for failing to have company  
25 vehicles periodically inspected by a qualified mechanic.

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1 The Commission penalized Gus Mansour \$100 for this  
2 violation. Do you feel this penalty is appropriate?

3 A. Yes. Again, that was based on the same criteria  
4 we had with the first set of violations. There were only  
5 two on this, but again, because it was a first-time  
6 violation, I just assessed one penalty of \$100 for both  
7 violations instead of \$100 each, and again, that's as  
8 driven by our policy.

9 Q. Finally, with regard to the medical examiner's  
10 certificate, the Commission penalized the company one --  
11 \$1,700 for 17 violations. Please state your opinion as to  
12 whether a \$1,700 penalty is appropriate under the  
13 circumstances.

14 A. Okay. Not having a medical card is one of the  
15 more critical violations that we have. National data shows  
16 that drivers cause accidents, not vehicles, and so it's  
17 critical that drivers have been medically examined to make  
18 sure that they're qualified and safe to be on the road.

19 And so for us, that's a mandatory penalty for  
20 every time a driver drives without a medical card. In this  
21 case, he drove 17 times during the month of it, so it's 17  
22 violations, so I recommended \$100 per violation, again per  
23 our policy, because we believe that is such a critical  
24 violation. It is always -- from my recommendation, is  
25 always \$100 per violation.

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1 Q. Mr. Pratt, I'm handing you what has been marked  
2 for identification as Exhibit DP1. Do you recognize this  
3 document?

4 A. Yes. And for Mr. Mansour, I believe it is the  
5 next one in your packet. This is a letter -- or it's a  
6 memorandum to me from Bruce Grimm dated May 1, 2012, and  
7 this is a report of an assignment that Mr. Grimm had with  
8 Mr. Mansour at his business on April 26, 2012.

9 Q. Thank you.

10 Is that your name in the -- in the "to" line of  
11 the memo?

12 A. Yes. This was his report to me. At this time,  
13 back in 2012, we had a different structure, and the motor  
14 carrier inspectors reported directly to me instead of up  
15 through a supervisor.

16 So Bruce Grimm is a retired motor carrier  
17 inspector. He retired last year. He went out and gave  
18 some technical assistance to Mr. Mansour, and this was his  
19 report to me kind of summarizing what he did to document  
20 it, which goes in the file.

21 Q. Thank you.

22 MR. BEATTIE: And at this time, I would offer  
23 Exhibit DP1 into evidence.

24 JUDGE PEARSON: Mr. Mansour, do you have any  
25 objection to this document being offered into evidence?

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1 MR. MANSOUR: Can I look at it please?

2 THE WITNESS: It's the one right on the top.

3 JUDGE PEARSON: You have a copy of it.

4 MR. MANSOUR: This one?

5 JUDGE PEARSON: Yes.

6 MR. MANSOUR: This one?

7 THE WITNESS: Yes.

8 JUDGE PEARSON: I'll give you a moment to  
9 look it over.

10 MR. MANSOUR: I have no objection.

11 JUDGE PEARSON: Thank you. I will admit  
12 Exhibit DP1 into evidence.

13 BY MR. BEATTIE:

14 Q. Mr. Pratt, what is technical assistance?

15 A. Okay. For many of our carriers like Mr. Mansour,  
16 small businesses, we know that it's difficult, sometimes,  
17 to understand all the rules and to follow them. So  
18 we give -- we provide what's called technical assistance  
19 just to help them understand the rules.

20 One of the tools we use -- excuse me -- is the  
21 safety guide, which I see Mr. Mansour has one in front of  
22 him. We provide that to them, which in -- in my terms, I'd  
23 say that's a -- that's a copy of the rules in layman's  
24 terms, written in simple English, so you don't have to  
25 follow the technical rules.

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1 Q. Well, I'm going to stop -- stop you there. Since  
2 you mentioned the safety guide, I'd like to hand you what  
3 has been marked as Exhibit DP3 --

4 A. Okay.

5 Q. -- for identification, and can you please tell me  
6 if you recognize this document?

7 A. Yes. This is our -- this is our safety guide,  
8 which we hand out to all motor carriers when they start  
9 their business up and when we go out and give them  
10 technical assistance.

11 MR. BEATTIE: Okay. And then -- and at this  
12 time, I'd like to offer Exhibit DP3 into evidence.

13 JUDGE PEARSON: And rather than burden the  
14 records center with this document, I'm going to take  
15 administrative notice of it, since it is a  
16 Commission-produced document and I'm very familiar with it.

17 MR. BEATTIE: Thank you, Your Honor.

18 THE WITNESS: So I guess I would summarize by  
19 saying this memo from Mr. Grimm to me reported his  
20 findings, and he basically just let me know that he -- he  
21 met with Mr. Mansour on April 26, 2012, went over the book  
22 with him, explained the rules, asked -- gave Mr. Mansour a  
23 chance to ask questions, and tried to make sure he  
24 understood the basic rules he needed to follow as he was  
25 starting up his business.

0047

1 BY MR. BEATTIE:

2 Q. And for the record, could you tell us what date is  
3 on that safety guide?

4 A. This particular guide is dated March 2010.

5 Q. Would this have been the guide that Mr. Mansour  
6 received that is referenced in the memo?

7 A. Yes.

8 Q. Thank you.

9 And finally, I'd like to hand you what's been  
10 marked for identification as Exhibit DP2. Please state  
11 whether you recognize this document.

12 A. Yes. This is a copy of a registration sign-in  
13 sheet for our household goods training class that we offer  
14 here at the Commission, I believe right here in this room.

15 Q. Who is listed as the attendee?

16 A. Well, it starts off, the name of the company is  
17 Gus & Jack Moving Company, and the attendee was Gus Mansour  
18 and Ryan Mansour.

19 MR. MANSOUR: My son.

20 THE WITNESS: That's two attendees.

21 BY MR. BEATTIE:

22 Q. What -- what date is given under "date of  
23 training"?

24 A. August 14, 2013.

25 Q. What information does this -- this document tell

0048

1 us about the level of technical assistance that Mr. Mansour  
2 received?

3 A. Well, during this training class, safety staff  
4 actually go through the safety guide kind of step-by-step  
5 and go over all the different rules that companies must  
6 follow.

7 This is a documentation that shows that the  
8 company attended the class. They're required to initial it  
9 down through the guide to show that they did receive this  
10 training on here and that they did learn what was being  
11 taught.

12 As I see this, Mr. Mansour did initial all the  
13 sections that we've been talking about here today as far as  
14 medical cards, periodic inspections, and DVIRs, and so it  
15 was our -- our hope for this training class that carriers  
16 come in and they learn the rules, they can ask questions,  
17 they can talk about real scenarios, and that they walk away  
18 having a good understanding of what they need to do to  
19 comply.

20 Q. Final question for you, Mr. Pratt. What is your  
21 recommendation with regard to the \$1,900 penalty that is  
22 currently being assessed against Gus & Jack Moving Company?

23 A. Well, my recommendation was, the total, there were  
24 35 critical violations between the three: the medical card,  
25 the periodic inspections, and the DVIR.



0049

1           Again, the medical cards, we always recommend \$100  
2 per violation. The other ones, we kind of pre-mitigate  
3 those by just saying it's \$100 per violation. So I had a  
4 potential of \$3,500 of violations I could have assessed on  
5 this case, and I chose to go \$1,900 to back off on the --  
6 the other two that weren't quite as critical as the medical  
7 card, so my recommendation was \$1,900.

8           Q. Thank you.

9           MR. BEATTIE: And before I let you go, I  
10 neglected to ask Your Honor to admit Exhibit DP2 into  
11 evidence.

12           JUDGE PEARSON: Mr. Mansour, do you have any  
13 objection?

14           MR. MANSOUR: No.

15           JUDGE PEARSON: We will admit Exhibit DP2  
16 into evidence.

17           MR. BEATTIE: Thank you, Your Honor, and I  
18 have no further questions of Mr. Pratt.

19           JUDGE PEARSON: Thank you.

20           Mr. Mansour, do you have any questions for  
21 Mr. Pratt?

22           MR. MANSOUR: No. Thank you very much.

23           JUDGE PEARSON: Would you like to make a  
24 closing statement?

25           MR. MANSOUR: Yes.

0050

1 JUDGE PEARSON: Go ahead, when you're ready.

2 MR. MANSOUR: Again, my name is Gus Mansour.

3 I came to this beautiful country in 1984. I have worked  
4 hard every single day. I have never tasted alcohol. I  
5 have never used drugs. I've never seen drugs. There's no  
6 reason for me to go get a drug test, because I have no --  
7 never used them.

8 Okay. I work very hard day and night to  
9 survive, especially after 2008, 2010. Yes, I -- I can't  
10 truly fight against this. The only guilty things I have is  
11 not filling forms. I have followed everything correctly.  
12 My trucks was inspected all the time.

13 I don't do drugs. I don't drink alcohol.  
14 I've never tasted alcohol in my life. None of that. I've  
15 never had an accident, thank God. Knock on wood. I've  
16 done everything legitimately, and I have been doing  
17 business in this state since 1984 with not one violation of  
18 any kind.

19 The only violation I have is not  
20 understanding some of these forms and not filling them.  
21 Yes, I'm guilty with that. But I believe this is unfair,  
22 and \$1,900 right now will put me out of business. I  
23 don't -- I don't -- I'm not a big company. I don't do a  
24 lot of moves. I do little moves just to survive and feed  
25 my kid.

0051

1                   The bottom line is if I am negligent, so is  
2 your department. If you want to penalize me 17 times for  
3 the DOT, no. Penalize me for the last 1000 day or 1500 day  
4 I had, you know, the company. I -- I didn't have a DOT.  
5 Okay?

6                   So, I mean, I believe negligent here  
7 happening -- happened on both sides, in my opinion. Yes,  
8 I -- I took the class. Yes, I signed the paper, but when  
9 it says to me to go get a drug test and all that stuff for  
10 the driver, I don't do drugs. I've never done drugs. I  
11 don't need to do a drug test.

12                   Yes, I am always safety. I believe you guys  
13 doing a great job trying to keep us safe on the road, but  
14 it's very -- obviously, after 40 years with not one  
15 accident, not one incident, it's very obvious I'm -- I'm --  
16 I'm doing the thing right.

17                   So, yes, I'm guilty of not filling the form,  
18 so I urge you to either waive this, you know, fine or  
19 reduce it tremendously. Otherwise, it'll be the last day I  
20 do moving, really. I have to just quit and do something  
21 else, so I urge you.

22                   Mr. Dickson knows that I'm a sincere and a  
23 good person. I followed everything he told me. Everything  
24 he told me, I followed immediately. The next day I was --  
25 everything was done. I just had to have an appointment to

0052

1 get the DOT, and I went to the only person who will do DOT  
2 in -- in -- in Lynnwood. Okay. So I did everything.

3 Yes, I didn't have it for 17 days. I mean,  
4 come on. Really? I mean, 17 -- 17 violation for not  
5 having the card? I had to wait for the appointment to go  
6 get the -- you know, it's either do it the entire time or  
7 do it one time, not 17 times. Okay?

8 Yes, I did not fill the forms. This is very  
9 obvious. All these receipts, what -- well, I don't know.  
10 I'm not a mechanic. This mechanic did this. What about  
11 the stuff for him to save money? Because if he goes to buy  
12 and charged me extra, so all these receipts, very obvious  
13 I've been keeping my trucks.

14 When he inspected the trucks, the horn was  
15 not working. We immediately went there. It took them like  
16 28 days to find the right connection to it. I did  
17 everything. We never had an accident. That's a proof that  
18 I'm doing things right.

19 So I urge you to reduce this fine. I mean,  
20 just -- it's just -- it's devastating for me. I won't be  
21 able to, you know, pay my child support and other things,  
22 so it's -- it's just -- I -- I believe that if I'm  
23 negligent, so is the department. In my opinion. That's  
24 it.

25 JUDGE PEARSON: Thank you.

0053

1                   Mr. Beattie, do you have a closing statement?

2                   MR. BEATTIE: Yes, Your Honor.

3                   The evidence shows that Gus & Jack Moving  
4 Company committed critical violations that fundamentally  
5 undermined its safety record and, today, with respect to  
6 Mr. Mansour, the company has provided no new information  
7 that would justify mitigation of the \$1,900 penalty that is  
8 currently being assessed. Under all the circumstances, the  
9 penalty is fair.

10                   Just to recap some -- some of what we've  
11 learned today, the company failed to prepare driver vehicle  
12 inspection reports after the end of each day. The company  
13 has never provided any information on this allegation that  
14 would go to mitigation.

15                   With regard to periodic inspections,  
16 Mr. Mansour alleges that he keeps his truck in good working  
17 order. Well, the law requires systematic inspection, and I  
18 use the word "systematic" because that comes directly from  
19 the code of federal regulations that has been incorporated  
20 by reference into this state.

21                   The law requires systematic inspection,  
22 repair, and maintenance, not ad hoc, after-the-fact  
23 maintenance when something breaks. The idea is that you  
24 get a good program in place so that you can prevent  
25 violations, not just respond -- or prevent breakdowns, not

0054

1 just respond to -- when things go wrong.

2                   Finally, with regard to the medical  
3 examiner's certificate, this is a critical, fundamental,  
4 serious violation. When there is an undocumented medical  
5 condition, that can put the traveling public at grave risk  
6 of harm.

7                   In this case, the compliance review that was  
8 conducted was not a surprise. It was not unannounced.  
9 Mr. Mansour had adequate notice. If he had questions, he  
10 could have contacted Mr. Dickson. Mr. Dickson provided his  
11 phone number and invited Mr. Mansour to call him with  
12 questions.

13                   And prior to the compliance review, the  
14 company did receive a personal technical assistance visit  
15 in 2012. Mr. Mansour also personally attended a  
16 Commission-sponsored household goods carrier training. On  
17 both occasions, it would have received a copy of the safety  
18 guide, which states in plain language what is required of  
19 these companies.

20                   I want to note that confusion regarding  
21 safety requirements is not a mitigating factor. The  
22 company bears the responsibility to ensure familiarity in  
23 compliance with applicable regulations.

24                   With regard to the \$1,700 penalty for medical  
25 examiner's certificate, there is simply no leeway there.

0055

1 It's \$100 per day, period, and that has been a consistent  
2 Commission policy.

3 Finally, Your Honor, I want to point out that  
4 the \$1,900 penalty currently being assessed already  
5 represents a substantial reduction from the maximum penalty  
6 that could have been imposed under the law. As Mr. Pratt  
7 testified, that maximum penalty would have been \$100 per  
8 each of the 35 violations recorded, for a total penalty of  
9 \$3,500. So in a sense, mitigation has already occurred,  
10 and for each of those reasons, Staff is requesting that you  
11 uphold the full penalty assessment of \$1,900.

12 Thank you.

13 JUDGE PEARSON: Thank you, Mr. Beattie.

14 Is there anything else that we need to  
15 address while we're here today?

16 MR. MANSOUR: Yes. Some of the thing he said  
17 is not accurate, and if you would like to look -- and this  
18 is from June -- from June 12, 2013, all my communication  
19 with the mechanic.

20 JUDGE PEARSON: That's fine.

21 MR. MANSOUR: I mean, I -- you know, just  
22 saying that I have not followed the rules, I have followed  
23 the rules, and some of this communication you're going to  
24 see, "Can you check this truck?" There's nothing wrong  
25 with the trucks. I'm telling him, "Please check them to

0056

1 make sure."

2                   So I mean, I really -- I can't compete with  
3 what they're saying, but what they were -- 90 percent of  
4 what they're saying is untrue. The only thing is true is I  
5 did not fill the forms.

6                   JUDGE PEARSON: And that's really the only  
7 thing that we're here to discuss today. That's --

8                   MR. MANSOUR: I mean --

9                   JUDGE PEARSON: That's the heart of the  
10 violations, is that --

11                   MR. MANSOUR: But is this really fair --

12                   JUDGE PEARSON: -- the forms weren't there.

13                   MR. MANSOUR: -- for me to lose my company or  
14 lose my -- my work, you know, and my living just because I  
15 did not fill forms where I have the evidence that I have  
16 done, checked the trucks, did everything?

17                   You can check me right now. I'm -- I'm  
18 willing to go take any drug test or alcohol test. Never --  
19 never touched them. The only thing I'm guilty is not  
20 filling the forms, but to -- okay. Did not fill the forms  
21 17 times? 17 times for one violation, you know what I  
22 mean? It's -- they're taking it per day. That's not fair.

23                   If you're telling me, okay, you violate me  
24 \$100 on a vi- -- on one, it's okay, but \$1,700 for not  
25 presenting while I didn't have DOT for -- for three years,



0057

1 you know, that -- that card that they're talking about.

2 I do a physical once a year, and I am fit,  
3 okay? And the DOT was a joke. That -- that test was a  
4 joke. You -- I walked in there, gave him \$100, he had me  
5 look at some numbers, checked my blood pressure, and send  
6 me back. I mean, come on. This is not a DOT test. This  
7 is not -- this is -- this is not safety.

8 I'm always safety. Okay? But I have  
9 operated for four years. I have no accident, knock on  
10 wood. Now tomorrow, going to have an accident. I had no  
11 accident, had no problems with anything. I think -- I  
12 think this is unfair. It's unfair. It really is unfair  
13 for me to be paying all this penalty.

14 Yes, it's fair for me to be penalized,  
15 because I -- I have not filled the forms. Some of them, I  
16 didn't know about it. The DOT's the only thing that I knew  
17 about when I took the class -- you know what I mean? --  
18 that I need to take it.

19 I really made an effort, I called every  
20 clinic in -- in -- in Edmonds. None of them do it. There  
21 were a clinic, they used to do, they said they don't do it  
22 anymore. And then I -- after he came, gave me some  
23 information, in front of him, I went on the Internet, and I  
24 am illiterate on the Internet. I mean, I'm not very good  
25 in computer.

0058

1                   And we found somebody, and we went and did  
2 it, so I urge you to just -- I mean, this \$1,900 is  
3 devastating for me. I cannot afford that. I need your  
4 help with this, please.

5                   JUDGE PEARSON: Thank you.

6                   I will take everything that was heard today  
7 under advisement, and I will issue an order within ten  
8 days.

9                   MR. MANSOUR: Okay.

10                  JUDGE PEARSON: Anything further?

11                  MR. BEATTIE: No, Your Honor.

12                  JUDGE PEARSON: Then we'll go off the record.  
13 Thank you.

14                  (Proceedings concluded at 10:32 a.m.)

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16                                   \*   \*   \*   \*   \*

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C E R T I F I C A T E

STATE OF WASHINGTON  
COUNTY OF KING

I, Ryan Ziegler, a Certified Shorthand Reporter in  
and for the State of Washington, do hereby certify that the  
foregoing transcript of the brief adjudicative proceeding in  
the above-captioned matter on November 6, 2014, is true and  
accurate to the best of my knowledge, skill, and ability.

IN WITNESS WHEREOF, I have hereunto set my hand  
and seal this November 14, 2014.

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RYAN ZIEGLER, RPR, CCR