In the Matter of the Investigation of Airus Movers LLC

Docket No. TV-240620 - Vol. I

October 2, 2024



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Page 5 Page 7 1 Commission staff? 1 A It's Leonard McLaughlin, M-C-L-A-U-G-H-L-I-N. 2 ATTORNEY JONES: Good afternoon, your 2 Q How are you employed? 3 Honor. My name is Cassandra Jones. I'm an assistant 3 A I'm an investigator with the Washington State attorney general here to represent commission staff, and Utilities and Transportation Commission as an 4 4 5 with me are staff's witnesses Lenoard McLaughlin and 5 Investigator 3. 6 Jason Sharp. 6 Q What are your duties as an investigator? 7 7 JUDGE CALLAHAN: Okay. So just to let you A My duty as an investigator, I perform know, I did not receive the witness list before the 8 compliance reviews of carriers; looking at their records, 8 9 9 hearing. But I'm going to let you -- do you plan to put which include hours of service, vehicle maintenance, 10 your witness on the stand to testify today? 10 driver qualifications. 11 ATTORNEY JONES: Yes, your Honor. 11 I also perform vehicle inspections, safety 12 JUDGE CALLAHAN: Okay. So like I said, I 12 inspections. Q Have you received any training or education to 13 did not receive a list beforehand as required by the WAC. 13 enable you to carry out your duties as an investigator? 14 But I'm just going to allow you to present, to testify 14 A Yes. 15 15 16 So -- okay. So let me ask you this. 16 Q And what you please describe those? 17 Since the party doesn't seem to appear today, do you want 17 A Yes. I received training through the Federal to move a motion to dismiss because of failure to attend, Motor Carrier Safety Administration; CVSA, the Commercial 18 18 19 or would you like to proceed with your case? 19 Motor Vehicle Safety Alliance, for commercial vehicle 20 20 safety inspections, compliance reviews; and in on-the-job ATTORNEY JONES: Thank you, your Honor. 21 21 Staff would like to move the commission for an order of training. 22 Prior to that, I also worked for the Washington 22 default against the company. Staff would like to proceed 23 23 to present its witnesses today to establish the -- our State Patrol, its commercial motor vehicle division. 24 presentation. We'd like to proceed to establish our 24 Q Are you therefore familiar with state and 25 evidence today. 25 federal regulations governing the safe operation of Page 6 Page 8 JUDGE CALLAHAN: So I also received your 1 household goods carriers? 1 2 exhibits. 2 A Yes, I am. Q Are you familiar with a company called Airus 3 3 So now I'm going to ask the staff to tender the evidence and witnesses for examination. And 4 Movers LLC? 4 5 you may proceed. 5 A Yes, I am. 6 ATTORNEY JONES: Thank you, your Honor. 6 Q What type of company is Airus Movers? 7 Staff would like to proceed by calling Leonard 7 A They're a household goods mover. 8 8 Q How long has the company been a household goods McLaughlin. carrier? 9 JUDGE CALLAHAN: Okay. I'm going to swear 9 10 10 A Well, they began operations in 2021, July 2021, in your witness. 11 Okay. Can you please raise your 11 and they actually got their temporary permit through the 12 (inaudible) hand. Okay. Do you swear today what you say 12 UTC on September 6, 2022. 13 13 Q How did you become familiar with this company? is going to be the truth, nothing but the truth? 14 14 THE WITNESS: Yes, your Honor, I do. A I was assigned to do a -- on June 18, I was 15 JUDGE CALLAHAN: Thanks. You may proceed. 15 assigned to do a compliance review and inspection as part 16 16 of my routine job performance. 17 LEONARD MCLAUGHLIN, having been duly sworn on 17 Q Who owns the company? 18 oath, testified as follows: 18 A Ruslan and -- I will mess up the last name. I 19 19 can spell it for you. 20 DIRECT EXAMINATION 20 Q Yes, please spell it. 2.1 BY ATTORNEY CALLAHAN: 21 A Okay. It's D-O-S-N-I-Y-A-Z-O-V. 2.2 Q Good afternoon. 22 Q And is Ruslan -- and I'm just going to attempt 23 Good afternoon. 23 to say the name -- Dosniyazov, is he responsible for the Q Would you please state your name and spell your 24 company's safety program? 2.4 25 25 last name for the record. A Yes, he is.

Page 9 Page 11 1 Q How many drivers does the company employ? 1 help the carrier correct their violations when it's all 2 2 A At the time of review, he employed four done. Q Okay. And do you produce these reports 3 drivers. 3 contemporaneously with the end of your reviews? Q And do you know how many commercial vehicles 4 4 5 the company operates? 5 Q Did you produce this type of report when you 6 A Two. 6 Q So did you perform a comprehensive 7 7 completed your review of Airus Movers? investigation on this company? 8 8 A Yes, I did. 9 9 Q Okay. I'd like to turn your attention to the A Yes, I did. 10 Q Okay. And when you do this type of 10 exhibit marked LM-1. 11 investigation, when staff does this type of 11 A Okav. 12 investigation, what do you do for this? 12 Q Okay. Could you please identify that exhibit. 13 A We'll contact the carrier, advise them of the 13 It's the report of the compliance review I did. 14 upcoming review. We'll also to send them a list of the 14 When I did my review, that was the report I turned in. required documents and things we'll be looking at, what Q Okay. And what's the date of that report? 15 15 16 we need for the actual review. 16 A August 13, 2024. 17 We'll set up a time to meet them in person to 17 Q Okay. And did you make this report in the 18 18 ordinary course of business? go through the files. 19 Also, prior to that, we'll send them a 19 A Yes, I did. 20 20 Q And does this report, does it -- is it drafted questionnaire to fill out which includes how many drivers so that it's accurately reflecting what you found when 21 they have, ask about hours of service and their employees 21 you did your compliance review? 22 that they have working for them. 22 23 And so I did that with him. I contacted him 23 A Yes. 24 actually on June 18, and we scheduled it for July 2. He 24 Q Okay. And is that Exhibit LM-1, is that a true and correct copy of your report? 25 changed it right before then, so that got a little longer 25 Page 10 Page 12 until July 10, when we did the meeting in person. 1 A Yes it is. 1 2 2 ATTORNEY JONES: At this time, your Honor, Q Okay. And so then as part of that review, are 3 you examining the carrier's records? 3 I would ask to move to admit Exhibit LM-1. 4 A Yes, I am. 4 JUDGE CALLAHAN: Exhibit is admitted. 5 5 Q Okay. What type of records are you examining? ATTORNEY JONES: Thank you. 6 A We'll look at their driver qualification files, 6 (Exhibit Number LM-1 admitted) 7 their hours of service, their vehicle maintenance files, 7 Q (By Attorney Jones) I'd like to turn your 8 8 insurance. We check to see if their sporadic inspections attention now to the results of your review of Airus 9 are being done for household goods movers. We also check 9 Movers that you completed in August of 2024. When you 10 to make sure their employees are being -- have criminal 10 review records of a carrier, are you looking to see 11 whether the company is using drivers that are medically 11 background checks performed on them. 12 Q Okay. And did you review all of those types of 12 examined and certified? 13 records when you performed your review of Airus Movers? 13 A Yes, I do. 14 14 Q And what specifically are you looking for with A Yes, I did. Q When you finish a compliance review, do you 15 regard to these records? 15 16 produce a report of your findings? 16 A I'm looking to see if the driver had a valid 17 17 A Yes, I do. medical certificate when they were driving, with the Q And do you do that in the ordinary course of 18 18 company driving, to see if it was done by an examiner 19 your business? 19 listed on the national registry, and if the carrier 2.0 2.0 maintains the records of that, if they've checked 21 Q Okay. Why do you produce those reports? 21 (inaudible) a copy of their certificate. 2.2 A It documents a carrier's operations. It 22 Q Okay. Did you determine whether Airus Movers 23 documents violations that were found during an 23 was using any drivers that were not properly medically 24 24 examined and certified? investigation. 25 A Yes. 25 And it also helps provide recommendations to

Page 13 Page 15 1 Q And how many drivers did you find that the criminal background checks on each of its employees? 1 A Yes. Yes, I do. 2 2 company lacked the medical examination and certification 3 3 Q Okay. So how do you do that? 4 A There were (inaudible) drivers. 4 A I'll have the carrier -- the carrier's got to 5 Q I'm sorry. How many? 5 have proof of the background checks. So I ask the 6 A Three. 6 carrier to show those documents and show that it was 7 7 Q Three. Okay. done, also look at the files and see who all was employed And how many individual occurrences was a 8 8 there to see if they also had the background check. 9 driver allowed to drive without having that valid medical 9 Q When you conducted your review of Airus Movers 10 certification? 10 LLC, did you examine the company's records for these 11 A There were 143 individual occurrences. 11 background checks? Q Okay. So those occurrences, are those all 12 A Yes, I did look for them. 12 13 specific dates? 13 Q Did you -- did Airus Movers have those 14 A Right. Those would be specific dates that a 14 background checks for all of its employees? 15 driver drove. 15 A No, they didn't. Q Okay. And so was this a critical violation? Q Okay. How many employees did the company fail 16 17 17 to have the background checks for? A Yes, it is. Q Could you explain what it means that it was a A Nine employees. 18 18 19 critical violation? 19 Q Okay. Is this also a critical violation? 20 2.0 A A critical violation, they're identified as A Yes, it is. 21 Q Okay. I'm going to turn now to records of duty such where a noncompliance is interactive of a breakdown 21 22 in the company's management controls. It demonstrates a 22 status. When you review the records of a carrier, are 23 pattern by noncompliance. 23 you looking for record of duty status? 24 Q Okay. All right. So I want to turn now to 24 A Yes, I am. 25 drivers' qualification files, which you mentioned 2.5 Q What is a record of duty status? Page 14 Page 16 earlier. Can you explain what is a driver's A It's a basically a document that talks about 1 1 2 2 qualification file? that the carrier keeps documents, the days the driver 3 3 A Yes. A driver's qualification file maintains drove, hours they were driven, times between breaks, the 4 -- it has their application, road checks, a (inaudible) 4 dates they drove, rest periods. 5 5 when the driver gets hired. It has the background checks Q Okay. Did you look for records of duty status 6 in it, obviously their medical examiner certificates, 6 during your investigation of Airus Movers? 7 safety stuff for the drivers. 7 A Yes, I did. Q Okay. Is a household goods carrier required to 8 Q Did you find any missing records of duty 8 9 maintain a driver qualification file for each driver that 9 status? 10 it employs? 10 A Yes, I did. A Yes. 11 Q How many records of duty status were missing in 11 12 Q Okay. Did you review Airus Movers LLC's 12 the sample of records that you examined? 13 records for driver qualification files? 13 A There were 42 that were missing. 14 Q Okay. And how do you determine -- how do you 14 A Yes, I did. Q Did the company have those files for each of 15 15 determine which -- what's missing? its drivers? 16 A Well, we'll look at a carrier's record of duty 16 17 A No, they did not have them. 17 status. We'll take a 30-day period and have the carrier 18 Q For how many drivers was the company missing a 18 show us -- basically look -- give us the time that their 19 driver qualification file? 19 employees were driving, when they were working, show the 20 A Four drivers. 20 documentation that they were doing all that. 21 Q And is this a critical violation as well? 21 Q Okay. So in this case, there were 42 2.2 22 documented instances in which a record of duty status was A Yes, it is. 23 Q Okay. I want to turn now to talk about 23 24 background checks. When you review a household goods 24 A Right. There were four drivers that had 25 carrier, do you look to see if the carrier has performed 25 violations. And in that time, there were 42 total times

Page 17 Page 19 1 1 that they were (inaudible) without it. A Yes. 2 2 Q Okay. And is the failure to require Q How many vehicles had not been periodically 3 preparation of a record of duty status also a critical 3 inspected? 4 violation? 4 A Two vehicles. 5 5 Q Okay. And is this a critical violation? A Yes, it is. 6 Q Okay. All right. I want to turn to vehicle 6 A Yes it is. 7 maintenance records. Is a household goods company 7 Q Okay. Now I want to ask what is a roadside required to keep and maintain certain vehicle maintenance 8 inspection form? 8 9 records? 9 A If a commercial vehicle is stopped, maybe 10 A Yes, they are. 10 alongside the road, at a scale, if it's inspected by a 11 Q Okay. Can you just generally describe the 11 CVSA state inspector, state patrol, county, someone like 12 minimum records that a carrier is required to maintain? 12 that, it basically documents that the vehicle's been 13 A It would be a file that would show the make, 13 stopped, who the driver was; and if there were 14 serial number, year, and tire size of a vehicle. It also 14 violations, what the violations were. 15 has -- has the information on when maintenance is due, 15 Q Okay. And what does a household goods carrier maintenance that's been performed. It has a record of 16 -- what are they required to do with roadside inspection 16 17 repairs, inspections and the dates on what was done. 17 18 Q Okay. Did you review Airus Movers LLC's A They're required to maintain the file, so 18 19 records relating to inspection and maintenance of 19 maintain a copy of the inspection report. And if there 20 vehicles? 20 were violations on that inspection report, they're also 21 A Yes (inaudible). 21 required to repair those before the vehicle is Q Sorry. What did you say? 22 22 redispatched. 23 2.3 A Yes. Q Okay. When you do a safety investigation, are 24 Q Okay. And were there any --24 you reviewing whether a household goods carrier has 25 A (Inaudible). 25 maintained properly the roadside inspection forms? Page 18 Page 20 Q Were there any of these records missing? 1 A Yes. 1 2 2 A Yes, there was. Q Did you do that? 3 Did you where review Airus Movers' records to 3 Q Okay. What was missing? 4 see whether they had maintained those forms? 4 A They failed to create files for two vehicles. A Yes, I did. 5 They didn't have any files altogether. 5 6 Q Okay. So two violations of this one? 6 Q And had the company maintained the forms as 7 A Right. There were two vehicles, one per 7 required? vehicle. 8 8 A No. Q Okay. 9 9 Q Okay. And how long are they required to A (Inaudible) per vehicle. 10 maintain these forms? 10 Q And is this also a critical violation? 11 A They're required to maintain them for a year in 11 A Yes, it is. 12 12 the file. 13 Q Okay. And how many violations of this 13 Q Okay. I'm going to turn now to commercial motor vehicle inspections. Did you review Airus Movers' 14 requirement did you find for Airus? 14 15 records relating to periodic inspections of its 15 A I found three inspections that were not kept. commercial motor vehicles? 16 16 Q Okay. All right. When you competed your 17 A Yes, I did. 17 review of the company, did you determine a safety rating 18 Q Okay. And what are you looking for when you're 18 for the company? 19 looking at records relating to periodic inspections? 19 A Yes, a safety rating was unstaffer. 20 A Looking to see if they were performed, and if 20 Q Okay. And did you inform the company owners of 21 they had the records showing that they were performed as 21 this rating? 22 22 A Yes, we did. And due to the severity of the 23 Q Okay. Did you find that Airus Movers was using 23 unsatisfactoy, we informed them -- we also got them a 24 2.4 commercial vehicles that had not been periodically copy. On August 13, he was sent a copy. 25 25 inspected? And then also I met -- had another meeting with

	Page 21		Page 23
1	him on the 27th to review any other questions he may have	1	carry out your duties?
2	on that.	2	A Yes. Prior to becomeing the supervisor, I was
3	ATTORNEY JONES: Okay. All right. That's	3	also a safety investigator here at the UTC. I received
4	all the questions I have. Thank you.	4	training to conduct compliance reviews through the Motor
5	THE WITNESS: Thank you.	5	Carrier Safety Administration as well as perform
6	JUDGE CALLAHAN: You may be excused,	6	commercial vehicle inspections, and certified through the
7	Mr. McLaughlin.	7	Commercial Vehicle Safety Alliance.
8	THE WITNESS: Thank you.	8	Q Are you familiar with state and federal rules
9	JUDGE CALLAHAN: Ms. Jones, now you may	9	governing operation of motor carriers and household goods
10	present your second witness.	10	carriers?
11	ATTORNEY JONES: Thank you, your Honor.	11	A Yes, I am.
12	Staff would like to call Jason Sharp.	12	Q Are you familiar with the company Airus Movers 13
13	JUDGE CALLAHAN: Mr. Sharp, can you please	13	LLC?
14	raise your hand. I'm going to swear you in.	14	A Ye.
15	Are you going to tell the truth, the whole	15	Q How did you become familiar with the company?
16	truth, and nothing but the truth at this proceeding?	16	A I assigned the retained safety investigation to
17	THE WITNESS: Yes.	17	Investigator McLaughlin. I reviewed his investigative
18	JUDGE CALLAHAN: You may proceed,	18	report, and I provided recommendations on behalf of staff
19	Ms. Jones.	19	based off of his findings.
20	ATTORNEY JONES: Thank you.	20	Q Okay. Does staff use the results well,
21		21	actually, let me back up.
22	JASON SHARP, having been duly sworn on	22	Did you say you did review the report by
23	oath, testified as follows:	23	Investigator McLaughlin
24		24	A Yes, I did.
25		25	Q in this matter?
	Page 22		Page 24
1	DIRECT EXAMINATION	1	A Yes.
2	BY ATTORNEY JONES:	2	Q Okay. Thank you.
3	Q Good afternoon, Mr. Sharp.	3	And does staff use the results of this
4	A Good afternoon.	4	compliance review to calculate a proposed safety rating
5	Q Would you please state your name and spell it	5	for the company?
6	for the record?	6 7	A Yes. The UTC adopts the Federal Motor Vehicle
7 8	A My name is Jason Sharp, S-H-A-R-P.	8	Carrier Safety Administration's rating methodology. It's through Title 49 CFR 385 is where that is located.
•	Q How are you employed?A I'm employed by the Washington Utilities and	9	In this case, the calculation is broken down on
9 10	Transportation Commission.	10	factors of performance, depending on which sections of
11	Q How long have you worked for the commission?	11	the carrier safety program the investigator is looking
12	A Nearly eight years.	12	at. As Investigator McLaughlin just testified to, he
13	Q And what is your position with the commission?	13	looked at vehicle maintenance records; he looked at
	A I'm the motor carrier safety supervisor.	14	drivers' hours of service records, driver qualifications,
14			1.0
14 15			state-required records such as criminal background
14 15 16	Q What are your duties as motor carrier safety	15 16	state-required records such as criminal background checks. Each of those are put into different factors
15	Q What are your duties as motor carrier safety supervisor?	15	checks. Each of those are put into different factors
15 16 17	Q What are your duties as motor carrier safety supervisor? A I oversee our investigations teams in the	15 16	checks. Each of those are put into different factors which calculate the overall safety proposed score at the
15 16	Q What are your duties as motor carrier safety supervisor? A I oversee our investigations teams in the transportation safety division.	15 16 17	checks. Each of those are put into different factors which calculate the overall safety proposed score at the end of the safety investigation.
15 16 17 18	Q What are your duties as motor carrier safety supervisor? A I oversee our investigations teams in the	15 16 17 18	checks. Each of those are put into different factors which calculate the overall safety proposed score at the
15 16 17 18 19	Q What are your duties as motor carrier safety supervisor? A I oversee our investigations teams in the transportation safety division. Related to this case, I oversee the motor carrier safety investigators. I assign the	15 16 17 18 19	checks. Each of those are put into different factors which calculate the overall safety proposed score at the end of the safety investigation. Q Investigator McLaughlin testified that the company had a number of critical violations. Could you
15 16 17 18 19 20	Q What are your duties as motor carrier safety supervisor? A I oversee our investigations teams in the transportation safety division. Related to this case, I oversee the motor carrier safety investigators. I assign the investigations to our staff members. I review their	15 16 17 18 19 20	checks. Each of those are put into different factors which calculate the overall safety proposed score at the end of the safety investigation. Q Investigator McLaughlin testified that the
15 16 17 18 19 20 21	Q What are your duties as motor carrier safety supervisor? A I oversee our investigations teams in the transportation safety division. Related to this case, I oversee the motor carrier safety investigators. I assign the	15 16 17 18 19 20 21	checks. Each of those are put into different factors which calculate the overall safety proposed score at the end of the safety investigation. Q Investigator McLaughlin testified that the company had a number of critical violations. Could you just give a little bit more detail about critical
15 16 17 18 19 20 21 22	Q What are your duties as motor carrier safety supervisor? A I oversee our investigations teams in the transportation safety division. Related to this case, I oversee the motor carrier safety investigators. I assign the investigations to our staff members. I review their investigation reports and provide recommendations	15 16 17 18 19 20 21 22	checks. Each of those are put into different factors which calculate the overall safety proposed score at the end of the safety investigation. Q Investigator McLaughlin testified that the company had a number of critical violations. Could you just give a little bit more detail about critical violations?
15 16 17 18 19 20 21 22 23	Q What are your duties as motor carrier safety supervisor? A I oversee our investigations teams in the transportation safety division. Related to this case, I oversee the motor carrier safety investigators. I assign the investigations to our staff members. I review their investigation reports and provide recommendations concurrent with our enforcement policy based on the	15 16 17 18 19 20 21 22 23	checks. Each of those are put into different factors which calculate the overall safety proposed score at the end of the safety investigation. Q Investigator McLaughlin testified that the company had a number of critical violations. Could you just give a little bit more detail about critical violations? What does that mean, and what, if any, safety

Page 25

more serious violations, which are linked to higher than average accident rates. So companies that are involved in those accidents typically have noncompliance in factors that rate critical. Critical violations by definition are linked towards breakdowns in a company or a motor carrier safety management controls.

- Q And you mentioned that staff had calculated a proposed safety rating for Airus Movers?
 - A Yes.

- Q What was the proposed safety rating?
- A The proposed rating was unsatisfactory.
- Q Okay. Is it possible for a carrier to improve its proposed safety rating after receiving an unsatisfactory rating?

A Yes. A company may request an upgrade to its safety rating by submitting and having approved a safety management plan.

Q Okay. Could you just describe what is a safety management plan?

A Yes. A safety management plan is a response by the motor carrier which identifies each violation; states why the violation was allowed to occur in the first place; identify if the violation has been corrected, and that would be supported by documentation; corrective action. has not corrected the violations and needs to do further work on that.

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Page 28

Q Okay. Did you notify the company that the plan that they submitted was not satisfactory?

A Yes.

Q Okay.

JUDGE CALLAHAN: Excuse me, Mr. Sharp. Allow me to interrupt here.

ATTORNEY JONES: Yes.

JUDGE CALLAHAN: So when did you notify the company?

THE WITNESS: I've had two communications with the company.

I believe the first response to the submittal of their safety plan was on September 20.

And then the most recent one was on last Friday, September 27, when the company submitted its second draft of its plan.

JUDGE CALLAHAN: Okay. So when I look at the notice of intent to cancel, so they have until October 12, 2024, to submit a plan. Did they indicate that they are going to give you a more satisfactory plan before that date?

How did that turn out?

THE WITNESS: I haven't received an

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And then the following step would be to outline any preventative measures that the company has installed to ensure that the violations noted do not reoccur in the future. And these safety management plans are certified by a carrier official and indicate that they are in compliance and intend to comply with state and federal regulations moving forward.

Q Okay. Has Airus Movers submitted a safety management plan in this case?

A Yes. I had received a draft from the company that was not accepted. And the results were -- and feedback for why that plan wasn't accepted were provided to the company.

Q Okay. And can you just elaborate on what you mean by wasn't accepted?

A Yes. So the factors that I just went through describing what a safety management plan is, staff will only recommend accepting a plan that will meet each of those factors.

In this case, the plan that was submitted was incomplete. It didn't identify why the violations were allowed to occur. It didn't state whether the violations had been corrected. And the supporting documentation that was supplied with the safety plan contained several errors in the paperwork that indicated that the company

indication that the company is intending to submit further plans incorporating my feedback from the initial submissions.

Traditionally in these cases, when a company hasn't submitted a plan by the time of our brief adjudicative proceeding, I've kept my door open to review and evaluate further submittals all the way up until the cancellation. But I have no indication from the company what their intent is. I haven't received word from them.

JUDGE CALLAHAN: So do you plan to communicate back to them before the deadline, October 12?

ATTORNEY JONES: I did --JUDGE CALLAHAN: (Inaudible). THE WITNESS: -- do that last Friday. Again, I haven't received any response

from the company since I provided that feedback. The company was made aware that their permit is set to be canceled by August -- I'm sorry; October 13, and would otherwise be unregulated beyond that point.

 $\ensuremath{\mathsf{JUDGE}}$ CALLAHAN: Thank you. I have no further questions at this point.

You may please proceed, Ms. Jones.

ATTORNEY JONES: Thank you, your Honor.

Q (By Attorney Jones) I'd like to turn now to

Page 29 Page 31 1 discuss your penalty recommendation regarding Airus 1 Q Okay. That's all --2 2 JUDGE CALLAHAN: Mr. Sharp, I have a Movers. Does staff have a recommendation about whether 3 the commission should assess any penalties against the 3 question. I'm sorry. 4 company for violations that were documented by 4 So let's say the company submitted another 5 Investigator McLaughlin? 5 plan. How long do you anticipate to take to review the 6 A Yes. The commission did issue a penalty 6 plan and to make a recommendation? 7 7 THE WITNESS: Yes. I would need at least 24 assessment against the company in the amount of \$15,600. 8 Q Right. Thank you. 8 hours from the acceptance of a plan to evaluate and 9 Could you explain the basis for that 9 submit an evaluation of the docket 10 assessment? 10 JUDGE CALLAHAN: Okay. So let's say they 11 A Yes. The -- I'm just pulling it up so I can 11 submit a plan, and it's still not up to your 12 have eyes on it. Just one second, please. 12 satisfaction. 13 So each of the penalties resulted from the 13 THE WITNESS: Mm-hm. 14 violations of the critical regulations that Investigator 14 JUDGE CALLAHAN: What are you going to do 15 McLaughlin testified to. They are established in the 15 with that? 16 enforcement policy. 16 Are you going to just reject them, or are you going to give them another chance before the deadline 17 And the commission issued, I believe, \$100 per 17 18 18 of October 12? occurrence of violations for those, which are outlined in 19 19 THE WITNESS: I'll work with them all the the policy, such as failing to -- or using a driver not 20 20 way up until the cancellation. And in fact, I have a medically examined and certified, failing to complete 21 21 criminal background checks on every person that the history of reviewing plans submitted post-cancellation as 22 22 carrier intends to hire. Those were the per occurrence well, because the companies have the opportunity to 23 23 violations. reinstate within 30 days if they've corrected everything 24 And then the remainder of them, since they were 24 that led to their cancellation per rule. And so I 25 first-time violations, are considered per category. So 25 continue to provide technical assistance. Page 30 Page 32 1 you'll have a grouping of them, such as failure to 1 Our goal is compliance as a staff. And 2 maintain driver qualification files. Those are -- for 2 our hope would be that companies that are wishing to four violations, the company received a \$100 penalty as 3 3 operate in this state are doing so safely, and we can be opposed to a \$400 penalty in of that. It's how the 4 there to provide that guidance and technical assistance. 4 enforcement policy is outlined. And the company was 5 5 JUDGE CALLAHAN: I don't have any 6 assessed that penalty. 6 questions. 7 Q And that's all documented in the penalty 7 Ms. Jones, do you have any more questions 8 assessment that's filed in the docket, correct? 8 for your witness? ATTORNEY JONES: I do not. Thank you, 9 9 10 Q Okay. Does staff have a recommendation at this 10 your Honor. point for whether the commission should cancel Airus 11 JUDGE CALLAHAN: Mr. Sharp, you are 11 12 Movers' operating permit? 12 excused. 13 A Yes. The company has yet to submit an 13 Ms. Jones, you may please present your 14 acceptable safety management plan, which would justify 14 case. ATTORNEY JONES: Your Honor, that's all 15 its request for upgrade at this point. Staff's 15 recommendation would be that the cancellation process 16 the witnesses that staff has today. 16 continue as scheduled. And should the company submit any 17 17 JUDGE CALLAHAN: Do you want to have an further drafts of its plan, staff is willing to engage 18 18 argument? Do you need to -- like a closing argument? 19 with the company and review up until the point of 19 ATTORNEY JONES: No, thank you, your 20 cancellation on the 13th of October. 20 Honor. Staff will waive closing argument. 21 Q And if the company were to submit an acceptable 21 JUDGE CALLAHAN: Okay. At this point, 2.2 safety management plan, would you then submit a letter to 22 thank you for all your appearance and for presenting your 23 the docket with your updated recommendation regarding the 23 case. 24 company's permit? 24 So I will take this under advisement and A Yes. 25 25 give you an order soon. But before we adjourn, I would

	Page 33
1	like to request the party, because the other party is not
2	here, waive the requirement to issue an order in ten
	days, because we receive the transcript within seven to
3	
4	ten days. So I can anticipate that I would issue an
5	order within five business days from the day the
6	transcript is received at the latest. Do you have any
7	objection, Ms. Jones, to waive that ten-day
8	ATTORNEY JONES: No objection.
9	JUDGE CALLAHAN: No objection. Okay.
10	ATTORNEY JONES: Thank you.
11	JUDGE CALLAHAN: Thank you.
12	So is there anything else you would like
13	to address before we go off the record, Ms. Jones?
14	ATTORNEY JONES: Nothing further from
15	staff, your Honor. Thank you.
16	JUDGE CALLAHAN: So thank you all for
17	
	coming here today. And we are off the record. Thank
18	you.
19	(Proceedings concluded at 2:06 p.m.)
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2 3 4 5 6 7 8 9 10	CERTIFICATE STATE OF WASHINGTON) COUNTY OF KING) I, Elizabeth Patterson Harvey, a Certified Court Reporter and Registered Professional Reporter within and for the State of Washington, do hereby certify under penalty of perjury that the foregoing legal recordings were transcribed under my direction; that I
2 3 4 5 6 7 8 9 10 11	CERTIFICATE STATE OF WASHINGTON) COUNTY OF KING) I, Elizabeth Patterson Harvey, a Certified Court Reporter and Registered Professional Reporter within and for the State of Washington, do hereby certify under penalty of perjury that the foregoing legal recordings were transcribed under my direction; that I received the electronic recording in the proprietary
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