

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

**NOTICE OF PENALTIES INCURRED AND DUE
FOR VIOLATIONS OF LAWS AND RULES**

PENALTY ASSESSMENT: TV-250145
PENALTY AMOUNT: \$100

Sound Moving NW LLC
d/b/a Sound Moving NW
1620 9th St.
Marysville, WA 98270
info@soundmovingnw.com

The Washington Utilities and Transportation Commission (Commission) believes Sound Moving NW LLC d/b/a Sound Moving NW (Sound Moving NW or Company) violated Washington Administrative Code (WAC) 480-15-560, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 391 - Qualifications of Drivers.

Revised Code of Washington (RCW) 81.04.405 allows penalties of \$100 for each violation. In the case of an ongoing violation, every day's continuance is considered a separate and distinct violation.

On March 4, 2024, Commission Motor Carrier Safety Investigator Sandra Yeomans completed a routine safety investigation of Sound Moving NW and documented the following violation:

- **One violation of 49 C.F.R. § 391.25(b) - Failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive.** The Company failed to perform an annual review for driver Daniel James.

The Commission considered the following factors in determining the appropriate penalties for this violation:

1. **How serious or harmful the violation is to the public.** The violation noted is serious and potentially harmful to the public. Household goods moving companies that fail to annually review driver driving records put their customers' belongings and the traveling public at risk. This violation presents serious safety concerns.
2. **Whether the violation was intentional.** Considerations include:
 - Whether the Company ignored Commission staff's (Staff) previous technical assistance; and
 - Whether there is clear evidence through documentation or other means that shows the Company knew of and failed to correct the violation.

On February 17, 2021, Daniel James, owner of Sound Moving NW, and Benjamin Jablonsky, manager of Sound Moving NW, attended household goods training provided

by Staff and both acknowledged receiving training pertaining to motor carrier safety regulations.

On March 5, 2021, the Commission received the Company's application for household goods moving authority. In the application, Benjamin Jablonsky acknowledged the Company's responsibility to understand and comply with applicable motor carrier safety regulations.

On January 4, 2023, Staff completed a routine safety investigation of Sound Moving NW and documented violations of 49 C.F.R. § 391.25(b).

The Company knew or should have known about these requirements.

3. **Whether the Company self-reported the violation.** Sound Moving NW did not self-report this violation.
4. **Whether the Company was cooperative and responsive.** The Company was cooperative throughout the safety inspection.
5. **Whether the Company promptly corrected the violation and remedied the impacts.** Sound Moving NW has not provided Staff with evidence of corrections.
6. **The number of violations.** Staff identified five violation types with a total of six occurrences during the routine safety investigation of Sound Moving NW. Of those violations, Staff identified one violation type with one individual occurrence that warrants a penalty in accordance with the Commission's Enforcement Policy.
7. **The number of customers affected.** Sound Moving NW last reported traveling 22,631 miles for 2024. This safety violation presents a public safety risk.
8. **The likelihood of recurrence.** The Company incurred repeat violations despite prior technical assistance and suspended penalties. Absent a significant commitment to prioritize safe operations, the violations are likely to reoccur.
9. **The Company's past performance regarding compliance, violations, and penalties.** On January 4, 2023, the Commission assessed a \$15,300 penalty against Sound Moving NW in Docket TV-220961 for safety violations of WAC 480-15-555 and WAC 480-15-570. On January 12, 2023, the Company responded to the Penalty Assessment, admitting the violations and requesting mitigation of the penalty. On February 14, 2023, the Commission entered Order 01 granting a reduced penalty of \$7,700 with \$3,700 of the penalty suspended subject to the conditions that the company does not incur any repeat violations of critical regulations upon reinspection. On February 22, 2023, the Company paid the remaining \$4,000 penalty in full.
10. **The Company's existing compliance program.** Safety Director David Frisbie is responsible for the Company's safety compliance program.

11. **The size of the Company.** The Company employs two drivers and operates one commercial motor vehicle. The Company reported \$705,893.16 gross revenue in 2024.

The Commission's Enforcement Policy provides that some Commission requirements are so fundamental to safe operations that the Commission will issue mandatory penalties for each occurrence of a first-time violation.¹ The Commission generally will assess penalties by violation category, rather than per occurrence, for first-time violations of those critical regulations that do not meet the requirements for mandatory penalties. The Commission will assess penalties for any equipment violation meeting the Federal Motor Carrier Safety Administration's "out-of-service" criteria and also for repeat violations of critical regulations, including each occurrence of a repeat violation.

The Commission has considered these factors and determined that it should penalize Sound Moving NW \$100 (Penalty Assessment), calculated as follows:

- One violation of 49 C.F.R. § 391.25(b) - Failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive. The Commission assesses a penalty of \$100 for this repeat violation.

This information, if proven at a hearing and not rebutted or explained, is sufficient to support the Penalty Assessment.

Your penalty is due and payable now. If you believe the violation did not occur, you may deny committing the violation and contest the penalty through evidence presented at a hearing or in writing. Alternatively, if there is a reason for the violation that you believe should excuse you from the penalty, you may ask for mitigation (reduction) of the penalty through evidence presented at a hearing or in writing. The Commission will grant a request for hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request to contest the violation or for mitigation of the penalty must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. *See* RCW 81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding before an administrative law judge. The administrative law judge will consider the evidence and will notify you of their decision.

You must act within 15 days after receiving this notice to do one of the following:

- Pay the amount due.
- Contest the occurrence of the violation.
- Admit the violation but request mitigation of the penalty amount.

¹ Docket A-120061 – Enforcement Policy of the Washington Utilities & Transportation Commission – Section V.

Please indicate your selection on the enclosed form and submit it electronically through the Commission's web portal at <https://efiling.utc.wa.gov/Form> **within FIFTEEN (15) days** after you receive this Penalty Assessment.² If you are unable to use the web portal, you may submit it via email to records@utc.wa.gov. If you are unable to submit the form electronically, you may send a paper copy to the Washington Utilities and Transportation Commission, PO Box 47250, Olympia, Washington 98504-7250.

If you wish to make a payment online, please use this link: [Make a Payment Now \(wa.gov\)](#).³

If you do not act within 15 days, the Commission may take additional enforcement action, including but not necessarily limited to suspending or revoking your certificate to provide regulated service, assessing additional penalties, or referring this matter to the Office of the Attorney General for collection.

DATED at Lacey, Washington, and effective March 24, 2025.

/s/ Connor Thompson
CONNOR THOMPSON
Acting Director, Administrative Law
Division

² <https://efiling.utc.wa.gov/Form>.

³ <https://www.utc.wa.gov/documents-and-proceedings/online-payments/make-payment-now>

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT TV-250145

PLEASE NOTE: You must complete and sign this document and send it to the Commission within 15 days after you receive the Penalty Assessment. Use additional paper if needed. I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, competent to testify to the matters set forth below, and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

1. **Payment of penalty.** I admit that the violation occurred.
 Enclose \$100 in payment of the penalty.
 OR Attest that I have paid the penalty in full through the Commission's payment portal.
2. **Contest the violation.** I believe that the alleged violation did not occur for the reasons I describe below (**if you do not include reasons supporting your contest here, your request will be denied**):
- a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.
- OR b) I ask for a Commission decision based solely on the information I provide above.
3. **Application for mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reasons set out below (**if you do not include reasons supporting your application here, your request will be denied**):
- a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.
- OR b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: _____ [month/day/year], at _____ [City, State]

 Name of Respondent (company) – please print

 Signature of Applicant

RCW 9A.72.020 "Perjury in the first degree."

- (1) A person is guilty of perjury in the first degree if in any official proceeding they make a materially false statement which they know to be false under an oath required or authorized by law.
- (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor's mistaken belief that their statement was not material is not a defense to a prosecution under this section.
- (3) Perjury in the first degree is a class B felony.