

In the Matter of the Investigation of Airus Movers LLC

Docket No. TV-240620 - Vol. I

October 2, 2024



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Investigation)
of:)
) DOCKET TV-240620
Airus Movers LLC,)
))
For Compliance with WAC 480-15-560)
and WAC 480-15-555.) PAGES 1-34
)

BRIEF ADJUDICATIVE PROCEEDING - VOL. I
BEFORE ADMINISTRATIVE LAW JUDGE
M. HAYLEY CALLAHAN

October 2, 2024

Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, Washington 98504

TRANSCRIBED BY: ELIZABETH PATTERSON HARVEY, WA CCR 2731

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1 Commission staff?

2 ATTORNEY JONES: Good afternoon, your
3 Honor. My name is Cassandra Jones. I'm an assistant
4 attorney general here to represent commission staff, and
5 with me are staff's witnesses Lenoard McLaughlin and
6 Jason Sharp.

7 JUDGE CALLAHAN: Okay. So just to let you
8 know, I did not receive the witness list before the
9 hearing. But I'm going to let you -- do you plan to put
10 your witness on the stand to testify today?

11 ATTORNEY JONES: Yes, your Honor.

12 JUDGE CALLAHAN: Okay. So like I said, I
13 did not receive a list beforehand as required by the WAC.
14 But I'm just going to allow you to present, to testify
15 today.

16 So -- okay. So let me ask you this.
17 Since the party doesn't seem to appear today, do you want
18 to move a motion to dismiss because of failure to attend,
19 or would you like to proceed with your case?

20 ATTORNEY JONES: Thank you, your Honor.
21 Staff would like to move the commission for an order of
22 default against the company. Staff would like to proceed
23 to present its witnesses today to establish the -- our
24 presentation. We'd like to proceed to establish our
25 evidence today.

1 JUDGE CALLAHAN: So I also received your
2 exhibits.

3 So now I'm going to ask the staff to
4 tender the evidence and witnesses for examination. And
5 you may proceed.

6 ATTORNEY JONES: Thank you, your Honor.
7 Staff would like to proceed by calling Leonard
8 McLaughlin.

9 JUDGE CALLAHAN: Okay. I'm going to swear
10 in your witness.

11 Okay. Can you please raise your
12 (inaudible) hand. Okay. Do you swear today what you say
13 is going to be the truth, nothing but the truth?

14 THE WITNESS: Yes, your Honor, I do.

15 JUDGE CALLAHAN: Thanks. You may proceed.

16

17 LEONARD MCLAUGHLIN, having been duly sworn on
18 oath, testified as follows:

19

20 DIRECT EXAMINATION

21 BY ATTORNEY CALLAHAN:

22 Q Good afternoon.

23 A Good afternoon.

24 Q Would you please state your name and spell your
25 last name for the record.

1 A It's Leonard McLaughlin, M-C-L-A-U-G-H-L-I-N.

2 Q How are you employed?

3 A I'm an investigator with the Washington State
4 Utilities and Transportation Commission as an
5 Investigator 3.

6 Q What are your duties as an investigator?

7 A My duty as an investigator, I perform
8 compliance reviews of carriers; looking at their records,
9 which include hours of service, vehicle maintenance,
10 driver qualifications.

11 I also perform vehicle inspections, safety
12 inspections.

13 Q Have you received any training or education to
14 enable you to carry out your duties as an investigator?

15 A Yes.

16 Q And what you please describe those?

17 A Yes. I received training through the Federal
18 Motor Carrier Safety Administration; CVSA, the Commercial
19 Motor Vehicle Safety Alliance, for commercial vehicle
20 safety inspections, compliance reviews; and in on-the-job
21 training.

22 Prior to that, I also worked for the Washington
23 State Patrol, its commercial motor vehicle division.

24 Q Are you therefore familiar with state and
25 federal regulations governing the safe operation of

1 household goods carriers?

2 A Yes, I am.

3 Q Are you familiar with a company called Airus
4 Movers LLC?

5 A Yes, I am.

6 Q What type of company is Airus Movers?

7 A They're a household goods mover.

8 Q How long has the company been a household goods
9 carrier?

10 A Well, they began operations in 2021, July 2021,
11 and they actually got their temporary permit through the
12 UTC on September 6, 2022.

13 Q How did you become familiar with this company?

14 A I was assigned to do a -- on June 18, I was
15 assigned to do a compliance review and inspection as part
16 of my routine job performance.

17 Q Who owns the company?

18 A Ruslan and -- I will mess up the last name. I
19 can spell it for you.

20 Q Yes, please spell it.

21 A Okay. It's D-O-S-N-I-Y-A-Z-O-V.

22 Q And is Ruslan -- and I'm just going to attempt
23 to say the name -- Dosniyazov, is he responsible for the
24 company's safety program?

25 A Yes, he is.

1 Q How many drivers does the company employ?

2 A At the time of review, he employed four
3 drivers.

4 Q And do you know how many commercial vehicles
5 the company operates?

6 A Two.

7 Q So did you perform a comprehensive
8 investigation on this company?

9 A Yes, I did.

10 Q Okay. And when you do this type of
11 investigation, when staff does this type of
12 investigation, what do you do for this?

13 A We'll contact the carrier, advise them of the
14 upcoming review. We'll also to send them a list of the
15 required documents and things we'll be looking at, what
16 we need for the actual review.

17 We'll set up a time to meet them in person to
18 go through the files.

19 Also, prior to that, we'll send them a
20 questionnaire to fill out which includes how many drivers
21 they have, ask about hours of service and their employees
22 that they have working for them.

23 And so I did that with him. I contacted him
24 actually on June 18, and we scheduled it for July 2. He
25 changed it right before then, so that got a little longer

1 until July 10, when we did the meeting in person.

2 Q Okay. And so then as part of that review, are
3 you examining the carrier's records?

4 A Yes, I am.

5 Q Okay. What type of records are you examining?

6 A We'll look at their driver qualification files,
7 their hours of service, their vehicle maintenance files,
8 insurance. We check to see if their sporadic inspections
9 are being done for household goods movers. We also check
10 to make sure their employees are being -- have criminal
11 background checks performed on them.

12 Q Okay. And did you review all of those types of
13 records when you performed your review of Airus Movers?

14 A Yes, I did.

15 Q When you finish a compliance review, do you
16 produce a report of your findings?

17 A Yes, I do.

18 Q And do you do that in the ordinary course of
19 your business?

20 A Yes.

21 Q Okay. Why do you produce those reports?

22 A It documents a carrier's operations. It
23 documents violations that were found during an
24 investigation.

25 And it also helps provide recommendations to

1 help the carrier correct their violations when it's all
2 done.

3 Q Okay. And do you produce these reports
4 contemporaneously with the end of your reviews?

5 A Yes.

6 Q Did you produce this type of report when you
7 completed your review of Airus Movers?

8 A Yes, I did.

9 Q Okay. I'd like to turn your attention to the
10 exhibit marked LM-1.

11 A Okay.

12 Q Okay. Could you please identify that exhibit.

13 A It's the report of the compliance review I did.
14 When I did my review, that was the report I turned in.

15 Q Okay. And what's the date of that report?

16 A August 13, 2024.

17 Q Okay. And did you make this report in the
18 ordinary course of business?

19 A Yes, I did.

20 Q And does this report, does it -- is it drafted
21 so that it's accurately reflecting what you found when
22 you did your compliance review?

23 A Yes.

24 Q Okay. And is that Exhibit LM-1, is that a true
25 and correct copy of your report?

1 A Yes it is.

2 ATTORNEY JONES: At this time, your Honor,
3 I would ask to move to admit Exhibit LM-1.

4 JUDGE CALLAHAN: Exhibit is admitted.

5 ATTORNEY JONES: Thank you.

6 (Exhibit Number LM-1 admitted)

7 Q (By Attorney Jones) I'd like to turn your
8 attention now to the results of your review of Airus
9 Movers that you completed in August of 2024. When you
10 review records of a carrier, are you looking to see
11 whether the company is using drivers that are medically
12 examined and certified?

13 A Yes, I do.

14 Q And what specifically are you looking for with
15 regard to these records?

16 A I'm looking to see if the driver had a valid
17 medical certificate when they were driving, with the
18 company driving, to see if it was done by an examiner
19 listed on the national registry, and if the carrier
20 maintains the records of that, if they've checked
21 (inaudible) a copy of their certificate.

22 Q Okay. Did you determine whether Airus Movers
23 was using any drivers that were not properly medically
24 examined and certified?

25 A Yes.

1 Q And how many drivers did you find that the
2 company lacked the medical examination and certification
3 for?

4 A There were (inaudible) drivers.

5 Q I'm sorry. How many?

6 A Three.

7 Q Three. Okay.

8 And how many individual occurrences was a
9 driver allowed to drive without having that valid medical
10 certification?

11 A There were 143 individual occurrences.

12 Q Okay. So those occurrences, are those all
13 specific dates?

14 A Right. Those would be specific dates that a
15 driver drove.

16 Q Okay. And so was this a critical violation?

17 A Yes, it is.

18 Q Could you explain what it means that it was a
19 critical violation?

20 A A critical violation, they're identified as
21 such where a noncompliance is interactive of a breakdown
22 in the company's management controls. It demonstrates a
23 pattern by noncompliance.

24 Q Okay. All right. So I want to turn now to
25 drivers' qualification files, which you mentioned

1 earlier. Can you explain what is a driver's
2 qualification file?

3 A Yes. A driver's qualification file maintains
4 -- it has their application, road checks, a (inaudible)
5 when the driver gets hired. It has the background checks
6 in it, obviously their medical examiner certificates,
7 safety stuff for the drivers.

8 Q Okay. Is a household goods carrier required to
9 maintain a driver qualification file for each driver that
10 it employs?

11 A Yes.

12 Q Okay. Did you review Airus Movers LLC's
13 records for driver qualification files?

14 A Yes, I did.

15 Q Did the company have those files for each of
16 its drivers?

17 A No, they did not have them.

18 Q For how many drivers was the company missing a
19 driver qualification file?

20 A Four drivers.

21 Q And is this a critical violation as well?

22 A Yes, it is.

23 Q Okay. I want to turn now to talk about
24 background checks. When you review a household goods
25 carrier, do you look to see if the carrier has performed

1 criminal background checks on each of its employees?

2 A Yes. Yes, I do.

3 Q Okay. So how do you do that?

4 A I'll have the carrier -- the carrier's got to
5 have proof of the background checks. So I ask the
6 carrier to show those documents and show that it was
7 done, also look at the files and see who all was employed
8 there to see if they also had the background check.

9 Q When you conducted your review of Airus Movers
10 LLC, did you examine the company's records for these
11 background checks?

12 A Yes, I did look for them.

13 Q Did you -- did Airus Movers have those
14 background checks for all of its employees?

15 A No, they didn't.

16 Q Okay. How many employees did the company fail
17 to have the background checks for?

18 A Nine employees.

19 Q Okay. Is this also a critical violation?

20 A Yes, it is.

21 Q Okay. I'm going to turn now to records of duty
22 status. When you review the records of a carrier, are
23 you looking for record of duty status?

24 A Yes, I am.

25 Q What is a record of duty status?

1 A It's a basically a document that talks about
2 that the carrier keeps documents, the days the driver
3 drove, hours they were driven, times between breaks, the
4 dates they drove, rest periods.

5 Q Okay. Did you look for records of duty status
6 during your investigation of Airus Movers?

7 A Yes, I did.

8 Q Did you find any missing records of duty
9 status?

10 A Yes, I did.

11 Q How many records of duty status were missing in
12 the sample of records that you examined?

13 A There were 42 that were missing.

14 Q Okay. And how do you determine -- how do you
15 determine which -- what's missing?

16 A Well, we'll look at a carrier's record of duty
17 status. We'll take a 30-day period and have the carrier
18 show us -- basically look -- give us the time that their
19 employees were driving, when they were working, show the
20 documentation that they were doing all that.

21 Q Okay. So in this case, there were 42
22 documented instances in which a record of duty status was
23 not --

24 A Right. There were four drivers that had
25 violations. And in that time, there were 42 total times

1 that they were (inaudible) without it.

2 Q Okay. And is the failure to require
3 preparation of a record of duty status also a critical
4 violation?

5 A Yes, it is.

6 Q Okay. All right. I want to turn to vehicle
7 maintenance records. Is a household goods company
8 required to keep and maintain certain vehicle maintenance
9 records?

10 A Yes, they are.

11 Q Okay. Can you just generally describe the
12 minimum records that a carrier is required to maintain?

13 A It would be a file that would show the make,
14 serial number, year, and tire size of a vehicle. It also
15 has -- has the information on when maintenance is due,
16 maintenance that's been performed. It has a record of
17 repairs, inspections and the dates on what was done.

18 Q Okay. Did you review Airus Movers LLC's
19 records relating to inspection and maintenance of
20 vehicles?

21 A Yes (inaudible).

22 Q Sorry. What did you say?

23 A Yes.

24 Q Okay. And were there any --

25 A (Inaudible).

1 Q Were there any of these records missing?

2 A Yes, there was.

3 Q Okay. What was missing?

4 A They failed to create files for two vehicles.
5 They didn't have any files altogether.

6 Q Okay. So two violations of this one?

7 A Right. There were two vehicles, one per
8 vehicle.

9 Q Okay.

10 A (Inaudible) per vehicle.

11 Q And is this also a critical violation?

12 A Yes, it is.

13 Q Okay. I'm going to turn now to commercial
14 motor vehicle inspections. Did you review Airus Movers'
15 records relating to periodic inspections of its
16 commercial motor vehicles?

17 A Yes, I did.

18 Q Okay. And what are you looking for when you're
19 looking at records relating to periodic inspections?

20 A Looking to see if they were performed, and if
21 they had the records showing that they were performed as
22 required.

23 Q Okay. Did you find that Airus Movers was using
24 commercial vehicles that had not been periodically
25 inspected?

1 A Yes.

2 Q How many vehicles had not been periodically
3 inspected?

4 A Two vehicles.

5 Q Okay. And is this a critical violation?

6 A Yes it is.

7 Q Okay. Now I want to ask what is a roadside
8 inspection form?

9 A If a commercial vehicle is stopped, maybe
10 alongside the road, at a scale, if it's inspected by a
11 CVSA state inspector, state patrol, county, someone like
12 that, it basically documents that the vehicle's been
13 stopped, who the driver was; and if there were
14 violations, what the violations were.

15 Q Okay. And what does a household goods carrier
16 -- what are they required to do with roadside inspection
17 forms?

18 A They're required to maintain the file, so
19 maintain a copy of the inspection report. And if there
20 were violations on that inspection report, they're also
21 required to repair those before the vehicle is
22 redispached.

23 Q Okay. When you do a safety investigation, are
24 you reviewing whether a household goods carrier has
25 maintained properly the roadside inspection forms?

1 A Yes.

2 Q Did you do that?

3 Did you where review Airus Movers' records to
4 see whether they had maintained those forms?

5 A Yes, I did.

6 Q And had the company maintained the forms as
7 required?

8 A No.

9 Q Okay. And how long are they required to
10 maintain these forms?

11 A They're required to maintain them for a year in
12 the file.

13 Q Okay. And how many violations of this
14 requirement did you find for Airus?

15 A I found three inspections that were not kept.

16 Q Okay. All right. When you completed your
17 review of the company, did you determine a safety rating
18 for the company?

19 A Yes, a safety rating was unstaffer.

20 Q Okay. And did you inform the company owners of
21 this rating?

22 A Yes, we did. And due to the severity of the
23 unsatisfactory, we informed them -- we also got them a
24 copy. On August 13, he was sent a copy.

25 And then also I met -- had another meeting with

1 him on the 27th to review any other questions he may have
2 on that.

3 ATTORNEY JONES: Okay. All right. That's
4 all the questions I have. Thank you.

5 THE WITNESS: Thank you.

6 JUDGE CALLAHAN: You may be excused,
7 Mr. McLaughlin.

8 THE WITNESS: Thank you.

9 JUDGE CALLAHAN: Ms. Jones, now you may
10 present your second witness.

11 ATTORNEY JONES: Thank you, your Honor.
12 Staff would like to call Jason Sharp.

13 JUDGE CALLAHAN: Mr. Sharp, can you please
14 raise your hand. I'm going to swear you in.

15 Are you going to tell the truth, the whole
16 truth, and nothing but the truth at this proceeding?

17 THE WITNESS: Yes.

18 JUDGE CALLAHAN: You may proceed,
19 Ms. Jones.

20 ATTORNEY JONES: Thank you.

21
22 JASON SHARP, having been duly sworn on
23 oath, testified as follows:
24
25

1 DIRECT EXAMINATION

2 BY ATTORNEY JONES:

3 Q Good afternoon, Mr. Sharp.

4 A Good afternoon.

5 Q Would you please state your name and spell it
6 for the record?

7 A My name is Jason Sharp, S-H-A-R-P.

8 Q How are you employed?

9 A I'm employed by the Washington Utilities and
10 Transportation Commission.

11 Q How long have you worked for the commission?

12 A Nearly eight years.

13 Q And what is your position with the commission?

14 A I'm the motor carrier safety supervisor.

15 Q What are your duties as motor carrier safety
16 supervisor?

17 A I oversee our investigations teams in the
18 transportation safety division.

19 Related to this case, I oversee the motor
20 carrier safety investigators. I assign the
21 investigations to our staff members. I review their
22 investigation reports and provide recommendations
23 concurrent with our enforcement policy based on the
24 findings of those investigation reports.

25 Q Have you had any training to enable you to

1 carry out your duties?

2 A Yes. Prior to becoming the supervisor, I was
3 also a safety investigator here at the UTC. I received
4 training to conduct compliance reviews through the Motor
5 Carrier Safety Administration as well as perform
6 commercial vehicle inspections, and certified through the
7 Commercial Vehicle Safety Alliance.

8 Q Are you familiar with state and federal rules
9 governing operation of motor carriers and household goods
10 carriers?

11 A Yes, I am.

12 Q Are you familiar with the company Airus Movers 13
13 LLC?

14 A Ye.

15 Q How did you become familiar with the company?

16 A I assigned the retained safety investigation to
17 Investigator McLaughlin. I reviewed his investigative
18 report, and I provided recommendations on behalf of staff
19 based off of his findings.

20 Q Okay. Does staff use the results -- well,
21 actually, let me back up.

22 Did you say you did review the report by
23 Investigator McLaughlin --

24 A Yes, I did.

25 Q -- in this matter?

1 A Yes.

2 Q Okay. Thank you.

3 And does staff use the results of this
4 compliance review to calculate a proposed safety rating
5 for the company?

6 A Yes. The UTC adopts the Federal Motor Vehicle
7 Carrier Safety Administration's rating methodology. It's
8 through Title 49 CFR 385 is where that is located.

9 In this case, the calculation is broken down on
10 factors of performance, depending on which sections of
11 the carrier safety program the investigator is looking
12 at. As Investigator McLaughlin just testified to, he
13 looked at vehicle maintenance records; he looked at
14 drivers' hours of service records, driver qualifications,
15 state-required records such as criminal background
16 checks. Each of those are put into different factors
17 which calculate the overall safety proposed score at the
18 end of the safety investigation.

19 Q Investigator McLaughlin testified that the
20 company had a number of critical violations. Could you
21 just give a little bit more detail about critical
22 violations?

23 What does that mean, and what, if any, safety
24 issues are implicated by those?

25 A Yes. Critical violations are considered the

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

7 Q And you mentioned that staff had calculated a
8 proposed safety rating for Airus Movers?

9 A Yes.

10 Q What was the proposed safety rating?

11 A The proposed rating was unsatisfactory.

12 Q Okay. Is it possible for a carrier to improve
13 its proposed safety rating after receiving an
14 unsatisfactory rating?

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

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

20 A Yes. A safety management plan is a response by
21 the motor carrier which identifies each violation; states
22 why the violation was allowed to occur in the first
23 place; identify if the violation has been corrected, and
24 that would be supported by documentation; corrective
25 action.

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

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

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

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

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

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

1 has not corrected the violations and needs to do further
2 work on that.

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

5 A Yes.

6 Q Okay.

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

9 ATTORNEY JONES: Yes.

10 JUDGE CALLAHAN: So when did you notify
11 the company?

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

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

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

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

24 How did that turn out?

25 THE WITNESS: I haven't received an

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

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

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

13 ATTORNEY JONES: I did --

14 JUDGE CALLAHAN: (Inaudible).

15 THE WITNESS: -- do that last Friday.

16 Again, I haven't received any response
17 from the company since I provided that feedback. The
18 company was made aware that their permit is set to be
19 canceled by August -- I'm sorry; October 13, and would
20 otherwise be unregulated beyond that point.

21 JUDGE CALLAHAN: Thank you. I have no
22 further questions at this point.

23 You may please proceed, Ms. Jones.

24 ATTORNEY JONES: Thank you, your Honor.

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

1 discuss your penalty recommendation regarding Airus
2 Movers. Does staff have a recommendation about whether
3 the commission should assess any penalties against the
4 company for violations that were documented by
5 Investigator McLaughlin?

6 A Yes. The commission did issue a penalty
7 assessment against the company in the amount of \$15,600.

8 Q Right. Thank you.

9 Could you explain the basis for that
10 assessment?

11 A Yes. The -- I'm just pulling it up so I can
12 have eyes on it. Just one second, please.

13 So each of the penalties resulted from the
14 violations of the critical regulations that Investigator
15 McLaughlin testified to. They are established in the
16 enforcement policy.

17 And the commission issued, I believe, \$100 per
18 occurrence of violations for those, which are outlined in
19 the policy, such as failing to -- or using a driver not
20 medically examined and certified, failing to complete
21 criminal background checks on every person that the
22 carrier intends to hire. Those were the per occurrence
23 violations.

24 And then the remainder of them, since they were
25 first-time violations, are considered per category. So

1 you'll have a grouping of them, such as failure to
2 maintain driver qualification files. Those are -- for
3 four violations, the company received a \$100 penalty as
4 opposed to a \$400 penalty in of that. It's how the
5 enforcement policy is outlined. And the company was
6 assessed that penalty.

7 Q And that's all documented in the penalty
8 assessment that's filed in the docket, correct?

9 A Yes.

10 Q Okay. Does staff have a recommendation at this
11 point for whether the commission should cancel Airus
12 Movers' operating permit?

13 A Yes. The company has yet to submit an
14 acceptable safety management plan, which would justify
15 its request for upgrade at this point. Staff's
16 recommendation would be that the cancellation process
17 continue as scheduled. And should the company submit any
18 further drafts of its plan, staff is willing to engage
19 with the company and review up until the point of
20 cancellation on the 13th of October.

21 Q And if the company were to submit an acceptable
22 safety management plan, would you then submit a letter to
23 the docket with your updated recommendation regarding the
24 company's permit?

25 A Yes.

1 Q Okay. That's all --

2 JUDGE CALLAHAN: Mr. Sharp, I have a
3 question. I'm sorry.

4 So let's say the company submitted another
5 plan. How long do you anticipate to take to review the
6 plan and to make a recommendation?

7 THE WITNESS: Yes. I would need at least 24
8 hours from the acceptance of a plan to evaluate and
9 submit an evaluation of the docket

10 JUDGE CALLAHAN: Okay. So let's say they
11 submit a plan, and it's still not up to your
12 satisfaction.

13 THE WITNESS: Mm-hm.

14 JUDGE CALLAHAN: What are you going to do
15 with that?

16 Are you going to just reject them, or are
17 you going to give them another chance before the deadline
18 of October 12?

19 THE WITNESS: I'll work with them all the
20 way up until the cancellation. And in fact, I have a
21 history of reviewing plans submitted post-cancellation as
22 well, because the companies have the opportunity to
23 reinstate within 30 days if they've corrected everything
24 that led to their cancellation per rule. And so I
25 continue to provide technical assistance.

1 Our goal is compliance as a staff. And
2 our hope would be that companies that are wishing to
3 operate in this state are doing so safely, and we can be
4 there to provide that guidance and technical assistance.

5 JUDGE CALLAHAN: I don't have any
6 questions.

7 Ms. Jones, do you have any more questions
8 for your witness?

9 ATTORNEY JONES: I do not. Thank you,
10 your Honor.

11 JUDGE CALLAHAN: Mr. Sharp, you are
12 excused.

13 Ms. Jones, you may please present your
14 case.

15 ATTORNEY JONES: Your Honor, that's all
16 the witnesses that staff has today.

17 JUDGE CALLAHAN: Do you want to have an
18 argument? Do you need to -- like a closing argument?

19 ATTORNEY JONES: No, thank you, your
20 Honor. Staff will waive closing argument.

21 JUDGE CALLAHAN: Okay. At this point,
22 thank you for all your appearance and for presenting your
23 case.

24 So I will take this under advisement and
25 give you an order soon. But before we adjourn, I would

1 like to request the party, because the other party is not
2 here, waive the requirement to issue an order in ten
3 days, because we receive the transcript within seven to
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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C E R T I F I C A T E

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STATE OF WASHINGTON)
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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 format; that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of October, 2024.

Elizabeth Patterson Harvey



Elizabeth Patterson Harvey, CCR 2731