

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Investigation of
MVP MOVING AND STORAGE LLC
For Compliance with WAC 480-15-560
And WAC 480-15-570

DOCKETS TV-170038 and
TV-170039 (Consolidated)

DECLARATION OF
JASON SHARP

In the Matter of the Penalty Assessment
Against
MVP MOVING AND STORAGE LLC
In the amount of \$6,100

I, JASON SHARP, under penalty of perjury under the laws of the state of Washington, declares as follows:

- 1 I am employed by the Washington Utilities and Transportation Commission (Commission) as a Supervisor in the Motor Carrier section. As a Supervisor, my responsibilities include assigning and reviewing the work of the Motor Carrier Safety Investigators. As part of those duties, I provide recommendations about the appropriate penalty or remedial actions for safety violations disclosed by inspections of motor carriers' operations by Commission staff. I also track compliance with the provisions of Commission orders.
- 2 By entering Order 04 in Dockets TV-170038/39 (consolidated), dated June 7, 2018, the Commission denied Staff's previous motion to cancel the household goods carrier permit of MVP Moving and Storage LLC (MVP Moving or Company), subject to the Company meeting specific conditions.

3 One of those conditions required MVP Moving to work with Staff to develop a safety
management plan acceptable to Staff. This plan was to address each of the violations
discussed in Order 01 in Dockets TV-170038 and TV-170039 and provide specific
explanations and documentation demonstrating how MVP Moving had corrected each
violation.

4 Investigator Sandi Yeomans contacted MVP Moving's owner, Jason Garcia, on June 13,
2018, and forwarded a template to complete the safety plan. Mr. Garcia acknowledged
receipt of those materials that same day.

5 On August 3, Staff submitted a letter to the docket and emailed the Company, alerting both
the Commission and the Company that Staff had yet to receive the safety plan and
explaining to MVP Moving that the standard response time for safety management plans for
property carriers is 60 days. Staff asked the Company to provide a response by August 31.

6 On March 12, 2019, I received an email titled "Safety management report" from Jason
Garcia with seven separate attachments. Mr. Garcia's email stated that he apologized for the
horrible scanner and that he could send better versions of the documents if necessary.

7 On March 13, 2019, I responded via email to Mr. Garcia and informed him that Staff would
still accept a safety management plan from MVP. I highlighted that staff made several
attempts to get this information from him previously, even submitting the request in the
docket. I asked him to put the attachments into one document and resend it in a legible
manner due to the document being of such poor quality and being pieced together
haphazardly. I stated that Staff needed to evaluate the plan to ensure that it was acceptable.
Mr. Garcia responded to my email the same day saying he would make the adjustments. To

this date I have not received the plan as requested and do not find that the Company has submitted an acceptable safety management plan.

8 A review of the files submitted by Mr. Garcia indicates an incomplete safety management plan.

9 To be acceptable, a safety management plan must address the violations identified in the safety investigation by identifying why the violations were permitted to occur, discussing what actions have been taken to correct the deficiencies that allowed the violations to occur, and outlining actions taken by the company to ensure that similar violations do not reoccur in the future.

10 The plan submitted by Mr. Garcia appears to be a bulleted checklist of what the company has implemented into practice to ensure violations will not reoccur in the future. The plan does not address why the violations were permitted to occur, nor does Mr. Garcia certify whether the Company's operations currently meet the safety standard and factors specified in 49 CFR Parts 385.5 and 385.7.

11 Furthermore, in reviewing a driver timesheet submitted as evidence that the company understands and will comply with Hours of Service regulations, I discovered two violations of a critical regulation due to an incomplete time entry for driver Carlos Molina.

DATED this 15 day of April, 2019, at Olympia, Washington.



JASON SHARP