

In the Matter of the Canceled Household Goods Permit Held by Marsik

Docket No. TV-240403 - Vol. I

September 18, 2024



1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101
Bellingham | Everett | Tacoma | Olympia | Yakima | Spokane
Seattle 206.287.9066 Tacoma 253.235.0111 Eastern Washington 509.624.3261

www.buellrealtime.com

email: audio@buellrealtime.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

FOR COMMISSION STAFF:

Colin O'Brien
colin.obrien@atg.wa.gov
Office of the Attorney General
Utilities and Transportation Division
PO Box 47250
Lacey, Washington 98503
360.664.1188

FOR THE COMPANY:

Marcel Filip
marsikmovers@gmail.com
7171 Marshall Ave SE, Apt 207
Auburn, Washington 98092
302.217.8320

Page 3

1 I N D E X O F P R O C E E D I N G S

2 PROCEEDINGS PAGE

3 Proceedings Commence 4

4 Closing Statement by the Company 32

5 Closing Statement by Staff 33

6 EXAMINATION INDEX

7 WITNESS PAGE

8 JASON SHARP

9 Direct Examination by Attorney O'Brien 12

10 Cross-Examination by Mr. Filip 17

11 PATRICK REMFREY

12 Direct Examination by Attorney O'Brien 18

13 MARCEL FILIP

14 Unsworn Testimony by Mr. Filip 22

15 Unsworn Cross-Examination by Attorney O'Brien 29

16

17 E X H I B I T I N D E X

18 NUMBER PAGE

19 (No exhibits admitted)

20

21

22

23

24

25

Page 5

1 MR. FILIP: Good morning. My name is
2 Marcel Filip. I'm the owner of Marsik Movers. My phone
3 number is 302-217-8320. And my address is 7171 Marshall
4 Avenue SE, Auburn, Washington, zip code 98092, Apartment
5 207.

6 JUDGE BONFRISCO: Okay. Perfect. And
7 it's pronounced Fil-eeep, correct?

8 MR. FILIP: Yes.

9 JUDGE BONFRISCO: Okay. Perfect.

10 Since we're doing this hearing over Zoom,
11 I'm just going to ask that the parties be aware of
12 background noise, and that if you're not speaking, just
13 mute your microphone.

14 If you need to object or raise an issue,
15 just identify yourself when you're speaking. Let me know
16 what your concerns are. And, you know, we'll just make
17 every effort not to talk over one another.

18 And if you're having any technical issues,
19 definitely let me know, or we can even use the chat
20 function if that's helpful. It should show in the bottom
21 of the screen, the chat. But if it's easier to just let
22 me know verbally, that's fine.

23 As far as giving a road map for today,
24 basically, my understanding is we're here today because
25 the commission originally issued a notice of intent to

1 deny the company's application for reinstatement of
2 permit authority following the issuance of revised -- of
3 the revised order in Docket TV-231020, which effectively
4 canceled Marsik's provisional authority as a household
5 goods carrier.

6 Marcel Filip, the owner of Marsik Movers,
7 LLC, requested a hearing to have an opportunity to
8 respond to the allegations contained in that notice and
9 to explain why its common carrier permit should be
10 reinstated.

11 Just so you're aware, Mr. Filip, an
12 applicant has the burden to show that a permit should be
13 issued. But in this case, because the hearing was
14 initiated following the commission's notice of intent to
15 deny the application for reinstatement, I'm going to ask
16 staff to tender its evidence first.

17 And then, you know, I'll swear you in to
18 present your case and to respond to what commission staff
19 has presented.

20 Then we basically can end the hearing by
21 allowing each party a chance to give a closing statement.
22 Do you have any concerns with that? No?

23 MR. FILIP: No, I don't.

24 JUDGE BONFRISCO: Okay. So with that,
25 then, let's turn to exhibits. I received staff's exhibit

Page 7

1 list and exhibits marked PR-1, PR-2, PR-3, and PR-4.

2 Mr. Filip, did you receive a copy as
3 well?

4 MR. FILIP: I did.

5 JUDGE BONFRISCO: Okay.

6 MR. FILIP: Yes.

7 JUDGE BONFRISCO: Perfect. And I will
8 note, and I'm just hoping, Mr. O'Brien, you can clarify
9 for me this, when I was looking at Exhibits PR-2 and
10 PR-3, they appear to be duplicates of the same compliance
11 review ending on December 31, 2021. Was that
12 intentional, or if you could just clarify that?

13 ATTORNEY O'BRIEN: No, your Honor. There
14 was apparently a mistake. The wrong file was just
15 grabbed when we were submitting the exhibits. I can
16 transmit that to you now. It's the investigation
17 compliance report from Docket 230061.

18 JUDGE BONFRISCO: Okay. And what was the
19 exhibit previously labeled as in that docket?

20 MR. O'BRIEN: The exhibit should have been
21 labeled -- oh, in the other docket?

22 JUDGE BONFRISCO: Yeah. And that's fine.
23 If you just want to forward a copy, and then I want to
24 make sure that, you know, Mr. Filip has a copy, you know.
25 So --

1 MR. FILIP: I'm pretty sure I received all
2 the information. I got to read all the PDF files that I
3 have received and I'm familiar with the information,
4 what's in there.

5 JUDGE BONFRISCO: Okay. Mr. O'Brien, if
6 it's easiest to e-mail it -- and I believe, Mr. Filip,
7 you would have had a copy as well of this exhibit that
8 he's cross-referencing in that other matter; but just
9 wanted to make sure when staff's presenting today, you
10 know, we're going off the most up-to-date information.

11 ATTORNEY O'BRIEN: Mr. Filip, just so I
12 make sure we've got the right e-mail, is the
13 FilipMarcel01@gmail.com still the proper e-mail address?

14 MR. FILIP: Yes. I can check it right now
15 if you send something.

16 JUDGE BONFRISCO: I'll just give you a
17 moment, Mr. O'Brien.

18 ATTORNEY O'BRIEN: Thank you, your Honor.

19 JUDGE BONFRISCO: Yeah. And I guess while
20 we're waiting -- go ahead, Mr. O'Brien.

21 ATTORNEY O'BRIEN: I was just going to say
22 that should be on its way now.

23 JUDGE BONFRISCO: Okay. Perfect.

24 And then just the other thing, it doesn't
25 appear that there's been any stipulation to the admission

Page 9

1 of staff's prefiled exhibits. So staff, if you would
2 just move for admission of each of these exhibits as you
3 present your case, is that workable for each of you?

4 ATTORNEY O'BRIEN: Just to let your Honor
5 know up front, I'm going to just be asking for notice of
6 the prior dockets, the question, since --

7 JUDGE BONFRISCO: Okay.

8 ATTORNEY O'BRIEN: -- (inaudible) exhibits
9 are just either admitted exhibits or orders from prior
10 dockets.

11 JUDGE BONFRISCO: And just so I'm clear,
12 when you're cross-referencing the prior dockets, and it's
13 all the prior dockets cross-referenced in your Exhibit
14 PR-1 of -- let me see -- all the different matters -- but
15 each of those other matters cross-referenced in that
16 revised order, correct?

17 ATTORNEY O'BRIEN: Should be, yes. I can
18 name the individual docket -- or I can give the numbers
19 for the individual dockets if you like.

20 JUDGE BONFRISCO: Yeah, let's do that just
21 so we're all on the same page.

22 ATTORNEY O'BRIEN: Okay. The dockets are
23 220168.

24 JUDGE BONFRISCO: Okay.

25 ATTORNEY O'BRIEN: 220169.

1 JUDGE BONFRISCO: Okay.

2 ATTORNEY O'BRIEN: 230061 and 231020.

3 JUDGE BONFRISCO: Okay. And I did notice
4 that some of your exhibits, you know, have already been
5 cross-referenced in these other matters, so I appreciate
6 you clarifying that for the record.

7 So I guess with that, Mr. Filip, are there
8 any questions before we proceed?

9 MR. FILIP: No. No, I don't have any
10 questions.

11 JUDGE BONFRISCO: Okay. And I guess the
12 next way I want to structure it is I will have
13 Mr. O'Brien, if he has an opening statement, provide his
14 opening statement.

15 And then if you have an opening statement,
16 we'd hear from you, Mr. Filip.

17 And then after that, I'll have staff, you
18 know, basically tender their witness, and I'll swear them
19 in.

20 And after staff has presented their case,
21 then, Mr. Filip, you know, I'll swear you in and we'll
22 proceed to provide -- have you provide your testimony.

23 So I guess, Mr. O'Brien, with that, do you
24 have an opening statement?

25 ATTORNEY O'BRIEN: No. Staff waives

Page 11

1 opening, your Honor.

2 JUDGE BONFRISCO: Okay. And Mr. Filip, do
3 you have an opening statement?

4 MR. FILIP: No. I'll wait for everyone to
5 speak.

6 JUDGE BONFRISCO: Okay. Great.

7 So with that, Mr. O'Brien, if you could
8 introduce your witness, and then I will swear the witness
9 in for -- or I guess if you could have -- Mr. Remfrey, if
10 you could turn on your camera.

11 ATTORNEY O'BRIEN: Staff is actually going
12 to call Jason Sharp.

13 JUDGE BONFRISCO: Oh, you are. That's
14 what I was trying to clarify at the beginning.

15 ATTORNEY O'BRIEN: Okay. I understand.

16 JUDGE BONFRISCO: Okay. Okay. So great.
17 So Mr. Sharp, if you would please raise your right hand,
18 I'll go ahead and swear you in.

19 Do you swear or affirm the testimony you
20 will give today will be the truth, the whole truth, and
21 nothing but the truth?

22 THE WITNESS: Yes, I do.

23

24

25

1 JASON SHARP, witness herein, having been duly
2 sworn on oath, testified as
3 follows:

4

5 JUDGE BONFRISCO: Okay. Great. Mr. O'Brien, you
6 may proceed.

7

8 EXAMINATION

9 BY ATTORNEY O'BRIEN:

10 Q Good morning, Mr. Sharp. Could you please
11 state your name and spell your last name for the record?

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

13 Q And by whom are you employed and in what
14 capacity?

15 A I'm employed by the Washington Utilities and
16 Transportation Commission, and my position is the motor
17 carrier safety supervisor.

18 Q And what are your responsibilities in that
19 position?

20 A I supervise our motor carrier safety
21 investigators. I assign the work that they perform, as
22 well as review their investigation reports.

23 Part of my duties include providing
24 recommendations to the commission based on our staff's
25 findings, along with working with motor carriers on

Page 13

1 follow-on actions, such as reviewing safety management
2 plans.

3 Q And how long have you been employed by the
4 commission?

5 A About eight years.

6 Q And how long have you been in your current
7 position?

8 A Seven.

9 Q And what training or education have you
10 received related to your role?

11 A Prior to working my current position, I was
12 also a safety investigator at the commission, receiving
13 training through the Federal Motor Carrier Safety
14 Administration and the Commercial Vehicle Safety
15 Alliance.

16 Q All right. So turning to the issue at hand,
17 are you familiar with Marsik Movers, LLC?

18 A Yes.

19 Q How are you familiar with this company?

20 A I've reviewed three safety investigation
21 reports during the company's provisional period, as well
22 as worked with the company in reviewing three separate
23 safety management plans as a result of the company not
24 obtaining its satisfactory safety rating.

25 Q And are you familiar with Revised Order 01 in

1 Case TV-231020?

2 A Yes.

3 Q And how are you familiar with that order?

4 A I participated in the hearing that's referenced
5 in that docket on behalf of staff.

6 ATTORNEY O'BRIEN: And at this point, your
7 Honor, I'd ask for judicial notice of the cases -- or the
8 dockets that I had referenced earlier.

9 JUDGE BONFRISCO: Okay. I will take
10 judicial notice of that and cross-reference that in my
11 review of this matter. Thank you.

12 ATTORNEY O'BRIEN: Thank you, your Honor.

13 Q (By Attorney O'Brien) And so talking about the
14 order itself, what sort of problems did that order
15 identify with Marsik's operations?

16 A The order concluded that based on a pattern of
17 noncompliance with commission regulations, Marsik Movers'
18 operations did not demonstrate that it was making
19 substantial progress towards achieving a satisfactory
20 safety rating, and that good cause did not exist to
21 extend the company's provisional operating authority for
22 a third time.

23 Q And what action did that order take regarding
24 Marsik's authority as a household goods mover?

25 A Revised Order 1 dismissed the company's

Page 15

1 application for permanent authority. And it ordered that
2 Marsik Movers immediately cease all operations associated
3 with its permit, which included providing intrastate
4 household goods moves as well as advertising for those
5 services.

6 Q So Marsik currently holds no household goods
7 mover permit with the UTC, correct?

8 A Correct.

9 Q And despite that, are you aware of any
10 activities Marsik has undertaken that would normally be
11 taken by a household goods mover in Washington?

12 A While I'm unaware of any intrastate household
13 goods moves that the company may or may not have
14 performed since the Revised Order 1 came out, I do take
15 note that the company still has an active website,
16 MarsikMovers.com, which advertises regulated commission
17 services.

18 Q And is this concerning to staff?

19 A Yes, it is.

20 Q And why is it concerning?

21 A It demonstrates that the company did not follow
22 the terms of Revised Order 1 by ceasing all operations,
23 which included advertising household goods moving
24 services. And that creates a violation of
25 WAC 480-15-180.

1 Q And so moving on to the application itself, are
2 you familiar with Marsik's application for reinstatement
3 under this docket?

4 A Yes, I am.

5 Q How are you familiar with that?

6 A I received notification through my commission
7 e-mail that the company had submitted an application for
8 reinstatement, and I conferred with our licensing
9 services section here at the commission.

10 Q And did Marsik separately contact staff for
11 technical assistance to help correct the problems
12 identified in Revised Order 01?

13 A I did have some communications with Mr. Filip
14 regarding the timeline in which he could reinstate
15 following Revised Order 1.

16 ATTORNEY O'BRIEN: And I have no further
17 questions, your Honor.

18 JUDGE BONFRISCO: Okay. Thank you.

19 And Mr. Filip, do you have any redirect
20 you'd like to provide of this witness, meaning do you
21 have any questions for Mr. Sharp?

22 MR. FILIP: Yes, I do.

23

24

25

Page 17

1 CROSS-EXAMINATION

2 BY MR. FILIP:

3 Q The website what we have, like we pay for the
4 domain each two years, and I cannot --

5 ATTORNEY O'BRIEN: Your Honor, I'd like to
6 object. Mr. Filip is testifying.

7 JUDGE BONFRISCO: I'm going to sustain
8 that objection.

9 Mr. Filip, just to clarify, this is an
10 opportunity, rather than providing your testimony, and
11 you'll get an opportunity to do that, but it's if you
12 have specific questions for Mr. Sharp as a follow-up to
13 the information just provided; so, you know, if you have
14 specific questions regarding what has been presented.

15 MR. FILIP: No, I don't have any
16 questions. I will present my testimony later.

17 JUDGE BONFRISCO: Okay. I guess with
18 that, Mr. O'Brien -- and I guess I was a little confused
19 on this. Are you calling Mr. Remfrey as a witness?

20 ATTORNEY O'BRIEN: Yes, your Honor. I'd
21 like to call Patrick Remfrey as a witness now.

22 JUDGE BONFRISCO: Okay. Perfect.
23 Mr. Remfrey, if you could just raise your right hand.

24 Do you swear or affirm that the testimony
25 you will give today will be the truth, the whole truth,

1 and nothing but the truth?

2 THE WITNESS: I do, your Honor.

3 JUDGE BONFRISCO: Okay. You may proceed,
4 Mr. O'Brien.

5

6 PATRICK REMFREY, witness herein, having been duly
7 sworn on oath, testified as
8 follows:

9

10 DIRECT EXAMINATION

11 BY ATTORNEY O'BRIEN:

12 Q Good morning, Mr. Remfrey. Could you please
13 state your name and spell your last name for the record.

14 A My name is Patrick Remfrey, spelled
15 R-E-M-F-R-E-Y.

16 Q And by whom are you employed and in what
17 capacity?

18 A I am employed by the Washington Utilities and
19 Transportation Commission, where my position is the
20 licensing services manager.

21 Q And what are your responsibilities in that
22 position?

23 A I oversee the permitting, application, and
24 insurance process for the transportation industries that
25 the commission regulates.

Page 19

1 Q How long have you been employed by the
2 commission?

3 A I've been employed at the commission for nearly
4 five years.

5 Q And how long have you been in your current
6 position?

7 A For the first 2.5 years at the commission, I
8 was the transportation specialist who processed
9 applications such as those for household goods moving
10 permits. I personally processed and completed hundreds
11 of transportation company applications, including several
12 dozen household goods company applications.

13 The training was largely completed through
14 on-the-job training and referencing the applicable WACs
15 and RCW's.

16 For the past two years, I've been a licensing
17 services manager and been involved with the processing
18 completion of all applications.

19 Q And you sort of answered the question already,
20 but what training or education have you received relating
21 to your role?

22 A Like I said, it's mostly been on-the-job
23 training done through referencing and procedures and the
24 applicable WAC's and RCW's.

25 When I first started, I was being trained by

1 the person who had previously been in the role, as well
2 as the licensing services manager at that time.

3 Q All right. So turning to the matter at hand,
4 are you familiar with the company Marsik Movers?

5 A Yes.

6 Q And how are you aware of this company?

7 A I've been on the distribution lists for the
8 orders associated with the company's cancellation earlier
9 this year, as well as the initial processing of the
10 company's reinstatement application.

11 Q And are you familiar with Revised Order 01 in
12 Docket TV-231020?

13 A Yes, I am.

14 Q And how are you familiar with that order?

15 A I'm familiar with that order because it was
16 distributed to me through the e-mail distribution system.
17 And I've, you know, fully read it (inaudible) times.

18 Q And did that order grant Marsik leave to apply
19 for reinstatement of authority?

20 A Yes, it did, although the option to apply to
21 reinstate involuntarily canceled household goods permit
22 is already provided for in WAC 480-15-450 (4)(a).

23 Q And how does staff normally evaluate an
24 application for reinstatement?

25 A Staff ensures that the applicant meets the

Page 21

1 requirements for the permit, to include correcting the
2 reason why the company was canceled in the first place.
3 As an example, the most common cause a household goods
4 permit is canceled is for lack of valid insurance
5 filings. In this instance, obtaining new insurance
6 filings would meet that requirement. The next common
7 cause would be for failure to provide a previous year
8 annual report. And again, it's pretty straightforward
9 for the company to make that correction so the
10 application can proceed.

11 Q And did you make the determination to deny
12 Marsik Movers the application for reinstatement?

13 A Yes.

14 Q Why did you make that determination?

15 A In the case of Marsik Movers, the company did
16 not offer any specific correction to the safety issues
17 that caused them to be canceled in TV-231020.

18 Q Did Marsik's application contain any evidence
19 that new policies and procedures had been put in place to
20 correct the problems identified in Order 01?

21 A Not as such. There were vague references in
22 the letter attached to the application, but no indication
23 as to what those corrections actually were.

24 Q And did the application contain any
25 inaccuracies regarding Marsik's history before the

1 Commission?

2 A Yes. In Question 12 of the application, Has
3 any person named in this application been found to have
4 violated commission rules, the company answered no.

5 Q To your knowledge, did Marsik separately
6 contact staff for technical assistance to correct any of
7 the problems identified by the order?

8 A No. I am not aware of any contact for
9 technical assistance following the cancellation of the
10 company's permit.

11 Q And did staff receive any other information
12 that might have led it to believe Marsik had corrected
13 the problems identified in the order?

14 A No, not that I'm aware of.

15 ATTORNEY O'BRIEN: That's all my
16 questions, your Honor.

17 JUDGE BONFRISCO: Okay. Thank you.

18 And I guess with that, I am going to --
19 Mr. Filip, if you would like to provide your testimony,
20 this is really your chance to kind of respond from what's
21 been presented, and, you know, outline what you'd like
22 the court to consider.

23

24 UNSWORN NARRATIVE TESTIMONY

25 MR. FILIP: Yes. Thank you for this opportunity.

Page 23

1 First, I would like to start with the
2 website Marsik Movers, what we have. Like, we pay for
3 the domain each two years. And the website still stayed
4 visible.

5 But if you check the Google page that
6 directs you to the website, it says temporary closed.
7 All the platforms we were using for advertising, they
8 were stopped. And I can provide statements, like, there
9 is no advertising during these months.

10 I have attempted collection for about
11 \$3500 for Yelp and Google, what they're extending from
12 December of last year. I was not able to cover them
13 anymore and we cannot provide any more advertising, what
14 we didn't provide. But the website still stayed visible,
15 but everywhere it's mentioned it's temporary closed.
16 We're not open. We don't provide any services.

17 The second testimony what I have to
18 provide is, like, we got to hire a company. It's called
19 Safety System, LLC. What they -- they help me. And we
20 have, like, all of the emails going through with UTC
21 about what we can do to solve the problem.

22 And they started to work with the Data Q
23 base. They removed some of the violations, what was very
24 acute.

25 And they're, like, kind of right now

1 representing the company. And I hired them for this
2 matter, like, to help me to keep all the documentation
3 right on files and be -- like, be able to provide them
4 anytime I need them. They help me.

5 And even the training, what I have
6 received, I guess, in March -- yeah, I got to receive a
7 new training from UTC. And I got more familiar with all
8 the regulations, what UTC are requesting from a moving
9 company to have them on file. And yeah, pretty much
10 that's it for now.

11 JUDGE BONFRISCO: Okay. I guess I have
12 some, you know, follow-up questions for you.

13 I guess specifically, what do you believe
14 are the corrective actions or steps you've taken to
15 demonstrate that you're currently meeting -- or that you
16 have brought the company safety practices into compliance
17 with all of the different commission requirements, rules,
18 and regulations that have been outlined in these other
19 matters of those prior violations?

20 MR. FILIP: Well, to be honest, when I got
21 the -- obtained the permit for moving and had the first
22 training, I was about, like, 23 years old. I was very
23 young. And on my mind was just money, and to wake up,
24 maybe about 5:00 a.m, do a good job, and work on my
25 dream.

Page 25

1 I wasn't paying that much attention for
2 all the safety regulations. I didn't think they were
3 that important. For example, the hours of operation,
4 like I was doing them, but I was not doing them right.
5 There was, like, a lot of mistakes that got to be
6 repeated.

7 But more times we get in this situation,
8 like, you understand how important they are. And even
9 when I got to obtain the last training and when I wrote
10 the SMP plan, like, I got to understand how important
11 they are.

12 And it's not just the part what the
13 (inaudible) customer to be on time and do a good job.
14 There's something in the background, what I have to
15 provide daily basis, not just for me, but to have them on
16 file for the UTC commission and make sure, like, everyone
17 know how the company is running.

18 It's taken time. It's taken time to
19 understand many things. It's been five years, five years
20 from 2002 [sic] when I obtained this permit. And I'm
21 pretty sure that, like, the safety system, the company,
22 what I got hired, they got to change many things on my
23 safety record.

24 And as well, I got to understand for
25 myself, like, how important is -- to have all these

1 files. For me, I always think they're not that
2 important, like, again, but they are.

3 Even the last time when I was applying for
4 -- to reinstate the permit in May, I got to pay the
5 insurance, like about \$5,200, like, just for an
6 assessment and have it on file. It got denied. And I
7 got to lose, like, a bunch of money for spending time on
8 waiting.

9 And as well, like there is a lot of even
10 -- I paid for two months in advance, still was waiting
11 for the permit. There's another 2,500 I have to pay for
12 the insurance. And there was just a bunch of collection
13 on my end what I cannot cover at this moment.

14 But, yeah, I'm kind of ready to do -- to
15 provide and make sure, like, all the safety regulations
16 what they're asking for us from the company to be on a
17 daily basis. And this company who I got hired, Safety
18 System, they will do all this work for me.

19 And I guess I got to understand my lesson,
20 learn it. Once you have to pay more money, like, you
21 learn it much faster. And the penalty what I got to
22 receive for my violations, it was, like, a very low
23 amount for the penalty, and, like, compared to the other
24 companies who had the same issues. And I'm thankful that
25 I think I got, like, a very big penalty.

Page 27

1 But still, I'm pretty sure I'm not, like,
2 the worst owner for a moving company. I don't have any
3 claims from the customers that they are complaining with
4 the service what we provided.

5 And I'm pretty sure we can try it one more
6 time, at least, let's say for another six months, and
7 maybe the last option is what we have for the six months.
8 But I'm willing to try again. I'm willing to try again
9 and for coming back --

10 JUDGE BONFRISCO: Let me ask you, because
11 I'm not really clear if you've addressed this. You keep
12 referencing that you've hired this company to help you
13 get the paperwork and other prior violations addressed
14 and rectified. What is your understanding of the
15 violations that need to be rectified?

16 MR. FILIP: Well, the hours of operation,
17 that's one.

18 The driver application file, it wasn't
19 right. And I had a driver with a different driver's
20 license not from Washington State.

21 And there was as well -- with the DOT
22 inspection for the trucks, there was some issues.

23 Those were the three main ones, what I
24 can't -- I didn't pay much attention for them.

25 JUDGE BONFRISCO: So I guess again, I

1 guess the follow-up question I would have is what steps
2 have you taken to assure the commission that the nature
3 and extent of your past violations are not going to
4 interfere with your proper operation?

5 And I'm still not clear what corrective
6 actions have been taken currently to demonstrate you're
7 able to demonstrate you'd be in compliance.

8 MR. FILIP: The corrective actions what I
9 brought in the SMP plan, like what we will do for future
10 to not -- I pretty much wrote in there, like, we'll make
11 sure, like, once we hire a driver, like, we have a
12 checklist what they need to provide to us to be hired.

13 We have a checklist on the calendar for
14 the next DOT inspection, when they need to be provided,
15 and we'll have to check the trucks in advance.

16 For the hours of operation, we have to do
17 it, like, on a daily basis and make sure I know, like,
18 when I left the parking lot and when I got back and how
19 many hours I've been on the job during from parking lot
20 to parking lot arrival.

21 JUDGE BONFRISCO: Okay. Does staff have
22 any redirect?

23 ATTORNEY O'BRIEN: Just a couple of
24 questions, your Honor.

25

Page 29

1 JUDGE BONFRISCO: Okay. Sure.

2

3 UNSWORN CROSS-EXAMINATION BY ATTORNEY O'BRIEN

4 ATTORNEY O'BRIEN: So Mr. Filip, in past
5 cases with the commission, past times when your permit
6 was potentially going to be canceled, staff worked with
7 you to create a safety management plan, an SMP, correct?

8 MR. FILIP: Yes.

9 ATTORNEY O'BRIEN: And staff offered
10 probably large amounts of technical guidance on how to
11 correct things that led to violations, correct?

12 MR. FILIP: Yes.

13 ATTORNEY O'BRIEN: And I guess the thing
14 that I'm confused about is why is this safety company,
15 Safety Systems, LLC -- what are they doing for you that
16 is more than what staff did during all these past
17 cases?

18 MR. FILIP: In my case, like, I'm lucky to
19 -- I'm a small company. And being pretty much one-man
20 company, and taking care of all these things, you kind of
21 get -- like, I'm a human being, too, and you kind of get
22 exhausted doing things on a daily basis. And besides the
23 company and doing all the papers, I have a little bit to
24 leave for me. And once you get more time for yourself to
25 live, like, you don't do all the things on purpose.

1 And it's better to have someone who is
2 specialized in something to take care of it than doing
3 everything myself. Like, I don't have a problem with,
4 like, waking up at 5:00 a.m. and going to bed at 10:00
5 p.m. But still, there is not enough time to do
6 everything that they want in this day and to make sure,
7 like, I got my lunch, I did all the papers, and I put
8 everything on file. That's a lot of work to do.

9 And if they are specialized in this --
10 like, they work with many trucking companies. I'm the
11 first moving company for them. It's for them, like, as
12 well, experience. But they're -- pretty much they will
13 take care of it. And they'll provide all the
14 information, whatever I need, and I will provide all the
15 information from my side for them to keep the files and
16 safety record to be clear for everyone and correct.

17 ATTORNEY O'BRIEN: And when did you first
18 hire this company or contract with this company?

19 MR. FILIP: Yeah. I started to speak with
20 them -- like, I know this company for a while. But the
21 first I started to talk with them, like, when I had the
22 third safety audit for the company. Like, I was more
23 confused than ever. And I give them a call, ask it what
24 they can help and what they can do for me.

25 And they started to work with the Data Q

Page 31

1 base. They got to remove some violations because they
2 was old, it was like maybe two or three more years old.
3 And they said, like, it's possible to remove them from
4 the record and keep the record clean and go forward with
5 what we can start again.

6 ATTORNEY O'BRIEN: So that was before your
7 last cancellation, though?

8 MR. FILIP: Yeah, when I had the last
9 safety audit problem in November last year, yeah. That
10 was the time when I started to chat with them and provide
11 all the information, all the documentation that I was
12 receiving from UTC.

13 ATTORNEY O'BRIEN: So why only seek out
14 this company to help after the third time that you had a
15 failed safety investigation?

16 MR. FILIP: I was thinking I'm still doing
17 everything right. I'm able to do it. But I was wrong.

18 ATTORNEY O'BRIEN: And last question: You
19 referenced a new training that you had in March of 2024.
20 What was that?

21 MR. FILIP: The safety training what UTC
22 provide when you open a moving company. They get you
23 familiar with -- starting from driver application, with
24 hours of service, and everything what the company need to
25 keep on file for satisfactory records. And I got to

1 receive again this training.

2 And to be honest, like, a difference of
3 five years, and my mind got changed. And I got to
4 receive the information like something more new. I got
5 to receive more information. It was the same
6 information. But my mind receive it different because --
7 yeah, it's been a while of time.

8 ATTORNEY O'BRIEN: All right. That's all
9 my questions, your Honor. Thank you. And you're muted,
10 your Honor.

11 JUDGE BONFRISCO: Thank you. I guess,
12 Mr. Filip, would you like to make a closing statement?

13

14 CLOSING STATEMENT BY THE COMPANY

15 MR. FILIP: Closing statement, I think I
16 pretty much said everything what I needed to say. Like,
17 it's already the decision on you.

18 But I would like to have a new chance,
19 let's say for the next half year. I'll have to apply for
20 new insurance. It will take some time to get some funds
21 and pay the debt what I have for the last insurance. But
22 I can get a new chance and see if I get the satisfactory
23 record next time.

24 JUDGE BONFRISCO: And thank you,
25 Mr. Filip.

Page 33

1 And Mr. O'Brien, do you have any closing
2 statements?

3 ATTORNEY O'BRIEN: Just briefly, your
4 Honor.

5
6 CLOSING STATEMENT BY STAFF

7 ATTORNEY O'BRIEN: So the issue here is
8 ultimately fairly simple. WAC 480-15-450(4) requires a
9 company to correct all conditions that led to the
10 cancellation of their permit.

11 What Marsik has provided here is exactly
12 in line with the past rounds that we have gone through of
13 BAPs and investigations with them. They offer
14 assurances. They offer -- even in the case of prior
15 investigations, they offer safety management plans that
16 staff goes through with them.

17 Staff has done trainings with them in the
18 past. Staff is the ones that know these regulations
19 inside and out.

20 Now they're claiming that this outside
21 company is somehow going to bring them into compliance
22 despite three rounds of investigations already that have
23 shown that they have a problem with being in compliance,
24 and Revised Order 01 that has identified a systemic issue
25 within the company with being in compliance, and a

1 consistent flaunting of the rules. That's the order's
2 language.

3 And I simply don't see anything here, and
4 I would say staff doesn't see anything here, that should
5 lead the commission to believe the company will somehow
6 fix things on the fourth go-around when it's already had
7 three times before to try, and as Mr. Filip has
8 testified, he wasn't paying much attention to the safety
9 regulations and was only focused on money.

10 I would say that the commission and staff
11 can't in good conscience allow such a company to operate
12 when the company has shown nothing that would clear the
13 high bar that Revised Order 01 has set.

14 Thank you, your Honor.

15 JUDGE BONFRISCO: Okay. Thank you. I
16 appreciate you both presenting your cases. I am going to
17 be taking this under advisement and issue an order soon.

18 But before I adjourn, I'd like to request
19 if the parties will waive the requirement of issuing the
20 order in ten days, because I'd like to be able to have
21 the transcript available when I'm writing my decision.
22 And so usually, it can take up to ten days to get that
23 transcript. Are the parties willing to waive the ten-day
24 requirement?

25 ATTORNEY O'BRIEN: If you could give me

Page 35

1 just half a second to consult with my client, your
2 Honor?

3 JUDGE BONFRISCO: Sure.

4 ATTORNEY O'BRIEN: No problem with
5 waiving, your Honor.

6 JUDGE BONFRISCO: Okay. Mr. Filip, do you
7 have any concerns with waiving that requirement?

8 I can't hear you.

9 MR. FILIP: I don't have any problem.

10 JUDGE BONFRISCO: Okay.

11 MR. FILIP: I will wait (inaudible).

12 JUDGE BONFRISCO: And my goal will be,
13 once have I the transcript, to try to get it out within,
14 you know, five business days. So my goal will be to get
15 it out as quickly as possible upon receipt of that
16 transcript.

17 So if either party doesn't have anything
18 further, we will close today's proceeding and go off the
19 record.

20 Thank you, Mr. Filip.

21 Thank you Mr, O'Brien.

22 ATTORNEY O'BRIEN: Thank you, your Honor.

23 JUDGE BONFRISCO: All right. Have a good
24 day.

25 (Proceedings concluded at 10:10 a.m.)

C E R T I F I C A T E

STATE OF WASHINGTON)
) ss
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 2nd of October, 2024.

Elizabeth Patterson Harvey



Elizabeth Patterson Harvey, WA CCR 2731