

**In the Matter of the Investigation of: PNW Moving &
Delivery LLC**

Docket No. TV-240169 - Vol. I

May 2, 2024



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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Investigation of)
)
PNW MOVING & DELIVERY LLC)
) DOCKET NO. TV-240169
For Compliance with WAC 480-15-530,)
WAC 480-15-550, WAC 480-15-555,)
WAC 480-15-560, and RCW 81.80.075)
) PAGES 1-91

BRIEF ADJUDICATIVE PROCEEDING - VOL. I
BEFORE ADMINISTRATIVE LAW JUDGE CONNOR THOMPSON
May 2, 2024

Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, Washington 98504
(Via Zoom)

Transcribed by: Elizabeth Patterson Harvey, WA CCR 2731

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1 May 2, 2024
2 -o0o-

4 JUDGE THOMPSON: Let's be on the record.
5 Good morning. Today is Thursday, May 2, 2024, and the
6 time is 9: 35 a.m.

7 This is a hearing in Docket TV-240169.
8 This docket is captioned respectively In the Matter of
9 the Investigation of PNW Moving & Delivery LLC for
10 compliance with WAC 480-15.

11 This matter was initiated following an
12 investigation by commission staff which began in January
13 of 2024.

14 Commission staff has filed a notice of
15 intent to cancel and complaint for penalties. On April
16 9, 2024, the notice and complaint were sent to the
17 company, and an evidentiary hearing in the matter was set
18 for today.

19 My name is Connor Thompson, and I am the
20 administrative law judge presiding over today's brief
21 adjudicative proceeding.

22 Let's go ahead and take appearances from
23 both parties, and then we'll talk about how we're going
24 to proceed this morning. We'll go ahead and start with
25 commission staff.

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1 ATTORNEY JONES: Good morning, your Honor.
2 My name is Cassandra Jones, assistant attorney general
3 representing staff today. With me is Tracy Cobile,
4 special investigator; and Jason Sharp, motor carrier
5 safety supervisor.
6 JUDGE THOMPSON: Thank you. And the
7 company?
8 MR. SATIR: Hello, your Honor.
9 Dimitriy with PNW Moving & Delivery. And I don't know
10 what else I'm supposed to say. I'm sorry.
11 JUDGE THOMPSON: That's okay. And
12 Dimitriy, how do you pronounce your last name?
13 MR. SATIR: Sa-teer, S-A-T-I-R.
14 JUDGE THOMPSON: Satir.
15 MR. SATIR: Yes.
16 JUDGE THOMPSON: Okay. Thank you.
17 Since we are doing this hearing over Zoom,
18 I am going to ask that the parties be aware of background
19 noise and that you mute your microphone when you are not
20 speaking. If you need to speak or raise an issue, please
21 identify yourself when you are speaking. And we should
22 make a note not to talk over one another so the court
23 reporter can make a clear record of our hearing today.
24 Let's go ahead and talk about briefly the
25 plans for today's hearing. Because this hearing was

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1 initiated following commission staff issuing a notice of
2 intent to cancel and complaint for penalties, I am going
3 to ask staff to tender their evidence and witnesses for
4 examination first.
5 Mr. Satir may then cross-examine the
6 witness or witnesses.
7 I will then allow Mr. Satir to tender his
8 evidence and witnesses.
9 Staff may cross-examine those witnesses.
10 And we can then end the hearing by
11 allowing each party a chance to give a closing statement.
12 I have received staff exhibits and exhibit
13 lists. I've also received from staff a revised exhibit
14 list.
15 Ms. Jones, have you or can you confirm
16 that the exhibits in staff's exhibit list were sent to
17 Mr. Satir?
18 ATTORNEY JONES: Yes, they were.
19 JUDGE THOMPSON: Okay. And Mr. Satir, do
20 you have those?
21 MR. SATIR: Yes, I do.
22 JUDGE THOMPSON: Okay. Great.
23 Since I'm not aware of any prior
24 stipulation to the admission of those prefiled exhibits,
25 I would suggest that we move for admission of the

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1 exhibits as they come up for direct or cross-examination.
2 The opposing party or opposing counsel can object as
3 needed, and I think that that's how we'll go ahead and
4 handle exhibits.
5 Before we begin with staff's presentation
6 of witnesses and evidence, I would also note for the
7 record that in the Consolidated Dockets TV-220133 and
8 TV-220134, staff recently filed a recommendation to
9 cancel the payment arrangement that was previously in
10 place for the company. That was followed by Order 2 in
11 the consolidated dockets canceling that payment
12 arrangement.
13 The company subsequently filed a request
14 for extension. And with that extension request, the
15 company filed some insurance information. The request
16 itself for extension was denied in Order 3 in those
17 consolidated dockets. And we're not going to be dealing
18 with that here today.
19 However, the insurance information
20 submitted with the request is likely to be probative and
21 relevant in this proceeding, and may impact how staff
22 handles the matter moving forward. Accordingly, I would
23 like to take notice of those filings, all those filings,
24 in the consolidated dockets for this record.
25 But I will give the parties an opportunity

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1 to argue otherwise if they see fit. Does staff have any
2 objection to taking notice of those documents?
3 ATTORNEY JONES: Your Honor, thank you. I
4 have not seen the updated insurance documents in the
5 consolidated docket. So I would just like to take a
6 moment to take a look at those, if that would be okay.
7 JUDGE THOMPSON: That would be perfectly
8 fine. Counsel, would it be best for you to take a
9 five-minute recess to give you time to look over those?
10 ATTORNEY JONES: I would appreciate that.
11 Thank you.
12 JUDGE THOMPSON: At this point in time
13 we'll go ahead and take a brief recess and go off the
14 record. We will return and be back on the record at
15 9:45.
16 (Recess)
17 JUDGE THOMPSON: Okay. Thank you. It is
18 9:45 a.m., and we are back on the record.
19 Ms. Jones, have you had a chance to review
20 the filings I mentioned?
21 ATTORNEY JONES: Yes, your Honor. I've
22 reviewed that. Staff has reviewed that. And staff has
23 no objection to your Honor taking official notice of
24 that.
25 JUDGE THOMPSON: Wonderful. I will take

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<p>1 notice of the following, then: Staff's recommendation to 2 cancel payment filed March 8, 2024; Order 2 canceling 3 payment arrangement issued March 21, 2024; the company's 4 filing of a request for extension and insurance 5 information filed April 8, 2024; and Order 3 denying 6 request for review, all of which were filed under the 7 Consolidated Dockets TV-220133 and TV-220134. 8 Are there any other questions or issues 9 that need to be addressed before we proceed with staff's 10 witnesses? 11 ATTORNEY JONES: Your Honor, yes. Staff 12 has a couple of issues to raise if I might. 13 I just wanted to point out for your Honor 14 that there is -- on staff's exhibit list, there are a 15 couple of errors that I just wanted to point out. And 16 that staff has on the revised exhibit list, JS-6 and 17 JS-7. Those are mislabeled. They should actually be 18 labeled JS-1 and JS-2. 19 So JS-6 is actually JS-1, and JS-7 is 20 actually JS-2. And those exhibits are -- the exhibits 21 themselves were properly labeled. But I just, to avoid 22 any confusion, wanted to raise that issue. 23 JUDGE THOMPSON: Thank you for doing so. 24 ATTORNEY JONES: And then -- sorry. 25 JUDGE THOMPSON: No, go ahead and proceed.</p>	<p>1 referenced in -- at least Order 1 is referenced in the 2 complaint. And I believe that the cancellation and 3 reinstatement are referenced in the complaint as well. 4 If not, they are referenced in the declaration that 5 accompanies the complaint. So they are, at least 6 incorporated by reference, part of the record. 7 MR. SATIR: Okay. 8 JUDGE THOMPSON: Does that help? 9 MR. SATIR: Yeah, makes sense. 10 JUDGE THOMPSON: Okay. Wonderful. I will 11 go ahead and take notice of those. 12 And by doing so, do you still intend to 13 proffer TC-4 and TC-5 as part of your presentation? 14 ATTORNEY JONES: No. I think I won't. 15 JUDGE THOMPSON: Okay. We'll go ahead and 16 take notice of those two exhibits. 17 And at this time, if you want to introduce 18 your first witness and tender them, we can proceed. 19 ATTORNEY JONES: Thank you, your Honor. 20 At this time, staff will call Tracy Cobile. 21 THE WITNESS: Good morning. 22 JUDGE THOMPSON: Good morning. Ms. 23 Cobile, am I pronouncing your last name correctly? Okay. 24 Wonderful. If you would please raise your right hand, 25 I'll swear you in.</p>
Page 10	Page 12
<p>1 ATTORNEY JONES: I have one additional 2 issue, and this is along the lines of official notice. 3 Staff has two exhibits on the revised exhibit list. And 4 that's TC-4 and TC-5. Those are official letters of the 5 commission, which -- one which cancels the company's 6 provisional permit on the date indicated, and one which 7 reinstates the company's permit on the date indicated. 8 And staff would like to ask your Honor to take official 9 notice of those documents as well. 10 And then finally, staff would also like 11 you to take official notice of Order 01 in the 12 consolidated docket that we were just discussing, 220133 13 and 220134. 14 JUDGE THOMPSON: Okay. Mr. Satir, do you 15 have any objection? 16 MR. SATIR: No. I'm sorry. I'm not a 17 paper person, so I don't know what -- (inaudible). I 18 apologize about that. 19 JUDGE THOMPSON: That's okay. Staff is 20 just asking that I take official notice of those 21 documents so that they will be a part of the record 22 moving forward. 23 They are each of them documents which have 24 been filed with commission in that prior docket which we 25 were discussing from 2022. And they are part of, or</p>	<p>1 Do you swear or affirm that the testimony 2 you will give today will be the truth, the whole truth, 3 and nothing but the truth? 4 THE WITNESS: Yes, I do. 5 6 TRACY COBILE, witness herein, having been first 7 duly sworn on oath, was examined and 8 testified as follows: 9 10 JUDGE THOMPSON: Okay. Wonderful. 11 Counsel, you may proceed. 12 ATTORNEY JONES: Thank you. 13 14 EXAMINATION 15 BY ATTORNEY JONES: 16 Q Good morning. Would you please state your name 17 and spell your last name for the record? 18 A Tracy Cobile, C-O-B-I-L-E. 19 Q How are you employed? 20 A I am employed with the Washington Utilities and 21 Transportation Commission. 22 Q What position do you hold at the commission? 23 A Special Investigator 3 with the Motor Carrier 24 Safety Program for the Washington Utilities and 25 Transportation Commission.</p>

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1 **Q And can you describe your duties?**
 2 A Sure. As a special investigator with the Motor
 3 Carrier Safety Program for the commission, I conduct
 4 compliance investigations on regulated transportation
 5 companies, which includes inspecting the carrier's
 6 records and physically inspecting the commercial motor
 7 vehicles in their fleet.
 8 **Q Have you received any training or education to**
 9 **enable you to carry out your duties as a special**
 10 **investigator?**
 11 A Yes. So I obtained my investigative safety
 12 analysis certification from the Federal Motor Carrier
 13 Safety Administration.
 14 And I am certified through the Commercial
 15 Vehicle Safety Alliance to conduct commercial vehicle
 16 inspections.
 17 And then prior to working for the UTC, I served
 18 as a commercial vehicle enforcement officer with the
 19 Washington State Patrol for seven years. And four of
 20 those years included investigative work conducting new
 21 entrant safety audits.
 22 **Q Are you therefore familiar with state and**
 23 **federal regulations governing operation of household good**
 24 **carriers?**
 25 A Yes.

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1 **Q Are you familiar with a company called PNW**
 2 **Moving & Delivery LLC?**
 3 A Yes.
 4 **Q What type of company is PNW Moving & Delivery?**
 5 A Household goods carrier.
 6 **Q How long has the company been a household goods**
 7 **carrier?**
 8 A The company reported to be formed in 2016.
 9 **Q Is the company currently in provisional status?**
 10 A Yes.
 11 **Q How did you become familiar with the company?**
 12 A Per Order 1 in Docket 220133 and TV-220134
 13 consolidated, I was assigned PNW Moving & Delivery LLC as
 14 a followup investigation to the prior review that was
 15 conducted by myself in 2022.
 16 **Q Okay. So you've done two compliance reviews**
 17 **of this company; is that right?**
 18 A Yes.
 19 **Q Who owns the company?**
 20 A Dmitriy Satir.
 21 **Q And is Dmitriy Satir also responsible for the**
 22 **company's safety program?**
 23 A Yes.
 24 **Q Do you know how many drivers the company**
 25 **employs?**

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1 A At the time of the 2024 investigation, the
 2 carrier had five drivers.
 3 **Q How many commercial vehicles does the company**
 4 **operate?**
 5 A At the time of the 2024 investigation, the
 6 carrier leased four commercial motor vehicles from
 7 Enterprise Truck Rental in Fife, Washington.
 8 **Q So you said you performed an investigation of**
 9 **the company's compliance with the laws relating to**
 10 **household goods carriers; is that right?**
 11 A Yes.
 12 **Q And when staff performs a review of a company's**
 13 **operating – household goods operations, what does staff**
 14 **do?**
 15 A A compliance review is an on-site examination
 16 of the motor carrier's operations, such as the drivers'
 17 hours of service, driver qualification files, physical
 18 inspections of vehicles, repair and maintenance files,
 19 driver's license requirements, financial responsibility,
 20 insurance, accident history, if applicable.
 21 And the documentation required there, the
 22 hazardous materials, if applicable, and other safety and
 23 transportation records to determine whether a motor
 24 carrier meets the safety fitness standards.
 25 A compliance review may also be conducted in

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1 response to a request for a safety rating change or a
 2 follow-up to an investigation of potential violations of
 3 a safety regulation, or in response to complaints or
 4 other evidence of safety violations reported.
 5 As an investigator, and as part of a
 6 comprehensive compliance investigation, I'm checking and
 7 documenting compliance in accordance with the required
 8 Washington Administrative Codes, the Revised Codes of
 9 Washington, and the Code of Federal Regulations adopted
 10 by the state.
 11 **Q Okay. So you mentioned you're looking at**
 12 **records, correct?**
 13 A Yes.
 14 **Q As part of your review?**
 15 A Yes.
 16 **Q What type of records are you looking at?**
 17 A As mentioned before, so I'm looking at the
 18 carrier's operations to include what I had just stated.
 19 **Q Okay. And did you review all of those records**
 20 **as you just described when you were performing your**
 21 **review of Pacific Northwest Moving & Delivery?**
 22 A Yes.
 23 **Q Okay. And when you finish a compliance review,**
 24 **do you produce a report of your findings?**
 25 A Yes.

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1 **Q Do you produce those reports in the ordinary**
2 **course of business?**
3 A Yes.
4 **Q And why do you produce those reports?**
5 A The investigative report is produced to record
6 and document details of the comprehensive compliance
7 investigation that was conducted.
8 **Q Is it important that your reports accurately**
9 **reflect what you found in your review?**
10 A Yes.
11 **Q Did you produce such a report when you**
12 **completed your review of Pacific Northwest Moving &**
13 **Delivery?**
14 A Yes.
15 **Q Okay. Would you please turn to the exhibit**
16 **marked TC-3. Just let me know when you have it.**
17 A I have it.
18 **Q Okay. Can you identify that document, TC-3?**
19 A Exhibit TC-3 is the final investigative report
20 prepared by me for PNW Moving & Delivery LLC dated March
21 11, 2024.
22 **Q Okay. And did you make this report in the**
23 **ordinary course of business?**
24 A Yes.
25 **Q And is it -- does it accurately reflect what**

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1 **you found?**
2 A Yes.
3 ATTORNEY CARLSON: Okay. At this time,
4 I'll move to admit Staff Exhibit TC-3.
5 JUDGE THOMPSON: Mr. Satir, do you have
6 any objection?
7 MR. SATIR: No.
8 JUDGE THOMPSON: Okay. Staff's Exhibit
9 TC-3 is admitted.
10 (Staff Exhibit Number TC-3 admitted.)
11 JUDGE THOMPSON: Counsel, you may proceed.
12 ATTORNEY JONES: Thank you.
13 **Q (By Attorney Jones) I'd like you to turn now to**
14 **the exhibit marked TC-2.**
15 A Yes, I have that.
16 **Q Would you please identify that document, TC-2?**
17 A Sure. This is Exhibit TC-2. It's the final
18 investigative report prepared by me for PNW Moving &
19 Delivery, and it is dated February 23, 2022.
20 **Q Okay. So this is your report from the first**
21 **investigation that you did of the company; is that**
22 **correct?**
23 A Yes.
24 **Q And does this report accurately reflect what**
25 **you found in that review?**

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1 A Yes.
2 ATTORNEY CARLSON: Okay. At this time,
3 I'd like to move to admit Staff Exhibit TC-2.
4 JUDGE THOMPSON: Mr. Satir, do you have
5 any objection to admitting Staff's Exhibit TC-2?
6 MR. SATIR: No.
7 JUDGE THOMPSON: Okay. At this time
8 staff's exhibit labeled TC-2 is admitted.
9 (Staff Exhibit TC-2 Admitted.)
10 JUDGE THOMPSON: Counsel, you may proceed.
11 ATTORNEY JONES: Thank you.
12 **Q (By Attorney Jones) And finally, I'd like you**
13 **to turn to Staff's Exhibit marked TC-1.**
14 A Yes, I have that.
15 **Q Okay. Can you identify that document, TC-1?**
16 A Yes. This is Exhibit TC-1. It is the final
17 investigative report prepared by previous investigator
18 Meranda Bilbrey for PNW Moving & Delivery LLC dated May
19 6, 2020.
20 **Q Okay. So this was a report of an investigation**
21 **that occurred prior to when you did your first**
22 **investigation; is that correct?**
23 A Yes.
24 **Q Okay. And who prepared this report?**
25 A The investigator's name is Meranda,

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1 M-E-R-A-N-D-A; Bilbrey, B-I-L-B-R-E-Y.
2 **Q Okay. And does this appear to be a true and**
3 **accurate copy of Ms. Bilbrey's report?**
4 A Yes.
5 **Q Does it appear to have been prepared in the**
6 **same manner as the other two reports that were just**
7 **admitted?**
8 A Yes.
9 ATTORNEY JONES: At this time, I would
10 move to admit Staff's Exhibit TC-1.
11 JUDGE THOMPSON: Mr. Satir, do you have
12 any objection?
13 MR. SATIR: No.
14 JUDGE THOMPSON: Okay. At this time,
15 Staff's Exhibit TC-1 is admitted into evidence. You may
16 proceed.
17 (Staff Exhibit TC-1 admitted.)
18 ATTORNEY JONES: Thank you.
19 **Q (By Attorney Jones) I'd like to turn now to the**
20 **results of your review of Pacific Northwest Moving &**
21 **Delivery that occurred in 2024. As part of your safety**
22 **investigation of the company, did you review the**
23 **company's history in regards to its permit status; in**
24 **other words, did you look at whether the company had ever**
25 **had its permit canceled before?**

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1 A Yes.

2 **Q And how do you determine -- when you're looking**

3 **at that history, how did you determine whether the**

4 **company's permit had ever been canceled?**

5 A As part of the investigative process and to

6 determine the company permit status, I accessed the UTC

7 SharePoint site and specifically reviewed the permit

8 status and chronological permit history for this company.

9 **Q Did you determine whether the company has a**

10 **history of cancellation of its permit?**

11 A Yes.

12 **Q And did it have a history of cancellation of**

13 **its permit?**

14 A Yes. So during my investigation, I discovered

15 that PNW Moving & Delivery LLC had a documented pattern

16 in the UTC SharePoint system of permit cancellation

17 activity for insufficient proof of insurance.

18 **Q And what were the dates of the company's --**

19 **what were the dates that the company's permit was most**

20 **recently canceled?**

21 A A cancellation letter was issued to the company

22 on April 20, 2023, in Docket TV-230262. And the company

23 was informed in the cancellation letter to cease all

24 operations associated with its permit at that time.

25 **Q When you review a carrier's permit status for**

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1 **such periods of cancellation, do you also look -- as part**

2 **of your compliance review, do you look to see whether the**

3 **carrier was operating as a household goods carrier during**

4 **the period of cancellation?**

5 A Yes.

6 **Q And how do you review that?**

7 A PNW Moving & Delivery LLC, as a regulated

8 household goods carrier, is required to have a valid

9 permit for all household goods moves conducted. So I'm

10 looking to make sure that they are operating within

11 accordance to RCW 81.80.075.

12 **Q Okay. And so what kinds of things are you**

13 **looking for in your review that would let you know**

14 **whether a company had been operating during a period that**

15 **their permit was canceled?**

16 A So using the UTC SharePoint permit status

17 detail for the company, that's the determination of the

18 carrier's provisional permit when it was canceled on

19 April 20, 2023, due to the insufficient proof of

20 insurance.

21 The company's responsible for retaining its

22 work orders. It's all state work orders and bill of

23 ladings. Some people use one or the other or both to

24 describe their household goods moved and the

25 documentation used for that purpose. So the work orders

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1 and/or the bill of ladings for the previous three years.

2 And then during the period of cancellation for

3 this carrier, from April 20, 2023, to June 14, 2023, I

4 reviewed the work orders and bill of ladings for the

5 household goods moves conducted by PNW while not

6 permitted.

7 **Q Okay. So in reviewing the work orders and bill**

8 **of ladings as you described for this company, did you**

9 **find any evidence that this company had been operating**

10 **during that period of cancellation that you just**

11 **described?**

12 A Yes, I did.

13 **Q Okay. What evidence did you find?**

14 A I found work orders for regulated household

15 goods moves conducted during that period.

16 **Q Okay. How many times -- according to your**

17 **review of the records, how many times did you find that**

18 **the company had been operating as a household goods**

19 **carrier while its permit was canceled?**

20 A 45 times.

21 **Q Okay. And were those work orders and bill of**

22 **ladings, do those indicate to you that a company has been**

23 **transporting household goods for compensation in this**

24 **state or entered into an agreement to do that?**

25 A Yes.

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1 **Q Did you address this with the company during**

2 **your review?**

3 A Yes.

4 **Q Okay. And so what -- so did Mr. Satir -- what**

5 **did he say when you addressed it, this issue of operating**

6 **without a permit?**

7 A Dmitry Satir stated that he needed to do what

8 he needed to do to make money; and that he understood

9 that he was operating without the required insurance

10 coverage and permit.

11 **Q Thank you.**

12 **You mentioned insurance coverage. So I'd like**

13 **to ask you now, as part of your safety investigation of**

14 **the company, did you review the company's cargo insurance**

15 **coverages?**

16 A Yes.

17 **Q And why do you review cargo insurance coverage,**

18 **and what are you looking for?**

19 A In accordance with 480-15-550, I'm looking to

20 determine if the company has adequate cargo insurance as

21 required. Verifying insurance coverage with the

22 insurance companies, I will review the work orders and

23 bill of ladings to determine household goods conducted

24 while not having cargo insurance in place.

25 **Q And did you follow this process in your review**

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1 of the company in this case?
 2 A Yes.
 3 **Q Okay. Can you just describe specifically the**
 4 **actions that you took when you were reviewing the cargo**
 5 **insurance status of Pacific Northwest Moving & Delivery?**
 6 A Can you ask me that again?
 7 **Q Yes. I'm just asking you to describe what**
 8 **actions you took as you were looking to -- as you were**
 9 **reviewing this company's cargo insurance coverage?**
 10 A So as I'm reviewing the coverage, PNW leases
 11 all of its vehicles from Enterprise Truck Rental out of
 12 Fife, Washington. And Satir, Dmitriy Satir, Mr. Satir,
 13 was made aware from my 2022 investigation that Enterprise
 14 does not provide the minimum level of liability or cargo
 15 coverage on leased commercial motor vehicles, and needed
 16 to have them insured through their own policy.
 17 And at the time of the 2024 investigation,
 18 Satir had insurance coverage on one vehicle -- that was
 19 Unit Number 4 -- through his insurance company. But not
 20 on the other three.
 21 **Q Okay. And we're still just talking about cargo**
 22 **insurance, right, at this point?**
 23 A Yes. That was regarding the cargo insurance.
 24 **Q Okay. So you found evidence that their three**
 25 **vehicles were being operated without cargo insurance; is**

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1 that correct?
 2 A Yes.
 3 **Q Okay. Did you request from Mr. Satir any**
 4 **documentation for those other vehicles?**
 5 A I was able to determine, based on the work
 6 orders and the bill of ladings for review, that the
 7 company was conducting household goods moves without the
 8 cargo insurance coverage for the specific vehicles used
 9 to conduct household goods moved while not insured.
 10 So just to be clear, the actual vehicles that
 11 were not insured, I was looking at the bill of lading and
 12 work orders for those specific vehicles and those trips
 13 made while not covered with cargo insurance.
 14 **Q Thank you.**
 15 A You're welcome.
 16 **Q How many instances did you find of the company**
 17 **operating those vehicles that did not have cargo**
 18 **insurance during the period that you were looking at?**
 19 A 120 times.
 20 **Q Okay. And did you review this requirement for**
 21 **cargo insurance with the company during your compliance**
 22 **review?**
 23 A Yes.
 24 **Q Okay. What did Mr. Satir say recording the**
 25 **requirement to have cargo insurance?**

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1 **Did he acknowledge that he understood that?**
 2 A He did. Again, it was that he needed to do
 3 what he needed to do, and to make money and acknowledge
 4 that he understood that he was operating without the
 5 required cargo insurance coverage.
 6 **Q Okay. And had this company been in violation**
 7 **of this requirement related to cargo insurance in any**
 8 **past safety investigations?**
 9 A Yes.
 10 **Q Which one?**
 11 A The TC- -- Exhibit TC-2, safety investigation
 12 Docket 220133 and 220134 consolidated.
 13 **Q Okay. So in your first review, you also found**
 14 **this company in violation of the cargo insurance rules?**
 15 A Correct.
 16 **Q Okay. Thank you.**
 17 **Is this violation related to cargo insurance,**
 18 **is this an acute innovation?**
 19 A Yes.
 20 **Q Can you describe what it means to be an acute**
 21 **violation?**
 22 A Acute violations are defined as those where
 23 noncompliance is so severe that they require immediate
 24 corrective action by a motor carrier regardless of the
 25 overall safety position, such as one-time occurrences.

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1 **Q Okay. I'd like to turn now to discussing**
 2 **public liability and property damage insurance. As part**
 3 **of your compliance review, did you also review whether**
 4 **the company was operating with the required levels of**
 5 **public liability and property damage insurance?**
 6 A Yes.
 7 **Q And why do you review a company's insurance**
 8 **status and what are you looking for when you do that?**
 9 A In this case -- so in accordance with WAC,
 10 Washington Administrative Code 480-15-530, looking to
 11 determine if the company has adequate liability insurance
 12 in place, and I'm verifying that through the insurance
 13 companies. And I will review the -- I will -- I did. I
 14 reviewed the work orders and the bill of ladings to
 15 determine the household goods moves conducted while not
 16 having the adequate liability coverage in place.
 17 **Q And is that the process that you followed in**
 18 **this case with this company?**
 19 A Yes.
 20 **Q And in your review of Pacific Northwest Moving**
 21 **& Delivery, did you find any evidence that the company**
 22 **was conducting household goods moves without adequate**
 23 **public liability and property damage coverage?**
 24 A Yes. So based on the bill of ladings and work
 25 orders provided for review by the carrier, the company

1 was conducting household goods moves without the required
2 liability coverage.

3 **Q How did you determine that the company did not
4 have adequate liability and property damage coverage?**

5 A By verifying the insurance coverage with the
6 insurance company or the lack thereof, and also looking
7 at the bill of lading and work orders for those trips
8 conducted while not insured.

9 **Q And can you describe which vehicles were the
10 ones – was it the vehicles that were not insured, or
11 which ones?**

12 A Unit Number 5, Unit Number 6, and Number 7 were
13 not insured.

14 **Q How many times did you find that the company
15 operated without adequate public liability and property
16 damage insurance?**

17 A 120 times.

18 **Q And is this a requirement that you reviewed
19 with the company during your review?**

20 A Yes.

21 **Q And again, did Mr. Satir have any comments on
22 this particular requirement?**

23 A Yes. That he needed to do what he needed to
24 do; that, you know, there was a monetary issue; and that,
25 you know, he acknowledged and understood. He was

1 **review a household goods carrier, do you look to see if
2 the carrier has performed criminal background checks on
3 each of its employees?**

4 A Yes.

5 **Q And how do you do that?**

6 A I am requesting the company provide the
7 required background checks for all employees currently
8 employed by the company for review.

9 **Q When you conducted your review of PNW Moving &
10 Delivery, did you examine the company's records for these
11 background checks?**

12 A Yes. Those that were provided.

13 **Q Did the company have those records for all of
14 its employees?**

15 A No.

16 **Q How many employees did the company not perform
17 criminal background checks on?**

18 A So there were 11 violations of WAC 480-15-555
19 for not having background checks conducted for 5 out of
20 the 11, where none were conducted at all. Six out of the
21 11 were in violation for the background checks not being
22 conducted prior to the date of hire or the first day
23 worked.

24 **Q And is the failure to meet this requirement
25 related to criminal background checks, is this a critical**

1 forthcoming. He understood that he was in violation of
2 not having the required insurance in place.

3 **Q And is this violation that we're discussing, is
4 this also an acute violation?**

5 A Yes.

6 **Q Okay. And did you ask for -- did you ask the
7 company to provide any updated insurance policies to
8 cover those vehicles that were identified as not insured
9 in your review?**

10 A Yes. I asked for an updated insurance policy
11 numerous times, and Satir was unable to provide an
12 updated policy to include the vehicles in operation
13 conducting household goods moves covered under the
14 policy.

15 And the carrier provided an insurance policy
16 to the commission as part of its reinstatement
17 application with an effective date of -- let me get that
18 date. With an effective date of May 12, 2023. However,
19 the policy submitted as part of that reinstatement only
20 had coverage for one vehicle out of the four vehicles
21 currently in operation at the time of the investigation.
22 And Truck Number 4 was the only vehicle insured under the
23 submitted policy.

24 **Q Thank you.**

25 **Turning now to a different topic, when you**

1 **violation?**

2 A Yes.

3 **Q What does it mean that a violation is a
4 critical violation?**

5 A A critical violation is that which is
6 identified as such where noncompliance is indicative of
7 breakdowns of a company's safety management controls and
8 demonstrates a pattern of noncompliance.

9 **Q Has this company previously been in violation
10 of this requirement related to completion of criminal
11 background checks?**

12 A Yes.

13 **Q Can you identify when those previous violations
14 were?**

15 A The 2022 safety investigation and the 2020
16 safety investigation.

17 **Q Okay. All right.**

18 **Turning now to records of duty status, when you
19 review operational records of a carrier, do you look for
20 records of duty status?**

21 A Yes.

22 **Q What is a record of duty status?**

23 A A motor carrier is subject to the requirements
24 of hours of service, or the record of duty status. They
25 must require each driver used by the motor carrier to

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1 record the driver's record of duty status for each
 2 24-hour period using the appropriate method applicable to
 3 its operations.
 4 **Q Did you look to records of duty status during**
 5 **your investigation of PNW Moving & Delivery?**
 6 A Yes.
 7 **Q Did you find any missing records of duty**
 8 **status?**
 9 A Yes.
 10 **Q How many records of duty status were missing in**
 11 **the documents that you reviewed?**
 12 A The sample size for review in relation to the
 13 hours of service, which is 49 C.F.R. Part 395 of this
 14 investigation, was five drivers. So for each of those
 15 five drivers, the review would be 30 days or 30-day
 16 period checked, which would be a total of 150 records
 17 checked. There were 61 violations discovered for failure
 18 to make a record of duty status using the appropriate
 19 method.
 20 **Q So 61 violations, you said?**
 21 A 61 total violations, yes.
 22 **Q And is failure to maintain these records of**
 23 **duty status, is this a critical violation?**
 24 A Yes.
 25 **Q Has the company had previous violations of this**

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1 **requirement related to record of duty status?**
 2 A Yes.
 3 **Q When were those violations found?**
 4 A The 2022 safety investigation and the 2020
 5 safety investigation.
 6 **Q And just for the record, the 2022 safety**
 7 **investigation, is that Docket TV-220133 and 220134**
 8 **consolidated?**
 9 A Yes.
 10 **Q And the 2020 investigation, is that Docket**
 11 **TV-200421 and 200419 consolidated?**
 12 A Yes.
 13 **Q Did you ask Mr. Satir why this repeat violation**
 14 **was allowed to occur?**
 15 A Yes. Satir stated that they didn't get around
 16 to doing them.
 17 **Q Okay. Turning now to vehicle maintenance**
 18 **records, you stated that as part of your compliance**
 19 **review of the carrier that you -- I think you stated that**
 20 **you review vehicle maintenance records; is that correct?**
 21 A Yes.
 22 **Q Okay. What are the minimum records related to**
 23 **inspection and maintenance that a carrier is required to**
 24 **maintain?**
 25 A If the carrier controls a motor vehicle for 30

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1 consecutive days, the carrier must maintain a vehicle
 2 maintenance file for each vehicle in their control.
 3 **Q And when you are reviewing a carrier's records,**
 4 **are you looking to see if it has these records of**
 5 **inspection and vehicle maintenance?**
 6 A Yes.
 7 **Q Okay. Did you review PNW Moving & Delivery's**
 8 **records relating to inspection and maintenance of**
 9 **vehicles?**
 10 A Yes.
 11 **Q Were there any orders of inspection and vehicle**
 12 **maintenance missing from the company's records?**
 13 A Yes.
 14 **Q Which records were missing?**
 15 A The carrier failed to maintain a vehicle
 16 maintenance file for leased vehicle Unit Number 6.
 17 **Q Okay. So how many violations there did you**
 18 **find?**
 19 A One.
 20 **Q And is this violation a critical type**
 21 **violation?**
 22 A Yes.
 23 **Q What does it mean to be a critical type**
 24 **violation?**
 25 A A critical type violation may demonstrate a

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1 pattern of noncompliance; however, in this case, did not
 2 equal the 10 percent or more of the sample, therefore,
 3 causing the critical type definition versus the critical.
 4 **Q Thank you.**
 5 **Has the company had previous violations of this**
 6 **requirement?**
 7 A Yes.
 8 **Q And when did those previous violations occur?**
 9 A In this case, the 2022 safety investigation.
 10 Do I need to say the docket numbers?
 11 **Q No. I think the record is clear on that.**
 12 **Thank you.**
 13 A Okay.
 14 **Q All right. Turning now to discussing accident**
 15 **registers, can you explain what an accident register is?**
 16 A An accident register is a form or record used
 17 to record an accident that meets the definition of a
 18 reportable accident if applicable.
 19 **Q Are household goods movers required to maintain**
 20 **an accident register for a certain period of time after**
 21 **an accident occurs?**
 22 A Yes. If applicable, an accident register must
 23 be maintained for a period of three years after the date
 24 of each accident.
 25 **Q Did you review PNW Moving & Delivery?**

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1 **Did you review their records for compliance**
 2 **with this requirement relating to accident registers?**
 3 A Yes.
 4 **Q What did you find in your review?**
 5 A That the carrier failed to maintain an accident
 6 register for a reportable accident that occurred in the
 7 previous 365 days.
 8 **Q And how many violations are associated with**
 9 **this in your review?**
 10 A One.
 11 **Q All right. I'd like to ask you now to describe**
 12 **what is a Form MCS-150?**
 13 A The MCS-150 form is required by the Federal
 14 Motor Carrier Safety Administration, or FMCSA, to either
 15 obtain or renew a U.S. DOT number, and is required to
 16 collect company data for safety purposes.
 17 **Q When you review a carrier's records as part of**
 18 **a safety investigation, do you review whether this Form**
 19 **MCS-150 has been filed according to the required**
 20 **schedule?**
 21 A Yes.
 22 **Q What is the schedule under which the form needs**
 23 **to be filed?**
 24 A There are routine updates, and then there are
 25 biennial updates to the MCS-150 form that are required.

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1 Routine updates to the MCS-150 should be made
 2 in a timely manner when significant changes to contact
 3 information, corporate contacts, or overall operations
 4 occur.
 5 The biennial updates must be filed with FMCSA
 6 within -- or every 24 months. And the time to file is
 7 determined based on the next to the last digit of the
 8 U.S. DOT number. If it's an odd number, then you would
 9 file in an odd-numbered year. If it's an even number,
 10 then you would file in an even-numbered year. Is that
 11 too much?
 12 **Q No, that's helpful. Thank you.**
 13 **Did you review the company's MCS-150 form?**
 14 A Yes.
 15 **Q Did you know any issues or violations**
 16 **associated with this form?**
 17 A Yes. The carrier did not update the form
 18 routinely or according to the schedule.
 19 **Q Okay. All right.**
 20 **And so how many -- sorry. Did you say how many**
 21 **violations were associated with this form?**
 22 A I did not. But would you like -- there was one
 23 violation.
 24 **Q Have you found the company has previously**
 25 **violated this requirement in the past?**

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1 A Yes.
 2 **Q And which safety investigation was that**
 3 **violation found in?**
 4 A The 2022 safety investigation.
 5 **Q Okay. Turning now to your review of the**
 6 **company's driver qualification files, can you explain**
 7 **what a driver qualification file is?**
 8 A A driver qualification file, or DQ file, is a
 9 file containing documents as required by C.F.R. 391.51 to
 10 maintain on current drivers and previous drivers with a
 11 retention of employment plus three years.
 12 **Q And can you just kind of generally describe the**
 13 **type of documentations that are included in those files?**
 14 A Sure. The application for employment, the road
 15 test, and certificate or equivalent, safety performance
 16 history inquiries, an MVR or motor vehicle report, a
 17 medical examiner certificate or MEC, the MEC verification
 18 note from the carrier verifying the MEC, a skills
 19 performance evaluation or an SPE, if applicable, annual
 20 requirements of the MVR, all general requirements as
 21 outlined in 391.51.
 22 **Q So when you're reviewing these driver**
 23 **qualification files, you're looking to -- do you look to**
 24 **make sure the carrier's file includes a complete**
 25 **employment application?**

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1 A Yes.
 2 **Q What constitutes a completed employment**
 3 **application?**
 4 A The completed employment application needs to
 5 be signed by the applicant and must contain the
 6 information listed in accordance with C.F.R. 391.21(a).
 7 **Q Did you look for those completed applications**
 8 **when you reviewed PNW Moving & Delivery's records?**
 9 A Yes.
 10 **Q Did the company have them for all its drivers?**
 11 A No. The carrier had applications on file that
 12 were incomplete and failed to meet the requirements of
 13 the 391.21(a).
 14 **Q Sorry. How many applications were not**
 15 **complete?**
 16 A Three.
 17 **Q And has this company been previously in**
 18 **violation of this requirement related to maintaining**
 19 **complete employment applications?**
 20 A Can you ask me that again? I was looking away.
 21 **Q Yes. Has this company previously violated this**
 22 **requirement to maintain complete employment applications?**
 23 A Yes.
 24 **Q When were the previous violations?**
 25 A The 2022 safety investigation.

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1 **Q Okay. And when you're reviewing a household**
2 **goods carrier's records, are you reviewing whether a**
3 **carrier has investigated a driver's motor vehicle record**
4 **within 30 days of hire?**
5 A Yes.
6 **Q And how do you look for that information?**
7 A The MVR needs to be conducted within 30 days of
8 hire as a requirement of C.F.R.391.23(a)(1) to be
9 compliant with the driver qualification requirements.
10 **Q Did you review PNW Moving & Delivery's records**
11 **to see if the company had investigated the driving record**
12 **of its drivers within 30 days as is required?**
13 A Yes.
14 **Q And what did you find when you reviewed?**
15 A That there were two -- that the company
16 sustained two violations for not adhering to pulling the
17 MVR within 30 days of hire.
18 **Q Okay. Turning now to investigation of a**
19 **driver's performance history, when you review a company's**
20 **records, do you examine them to see if a carrier has**
21 **investigated their driver's performance history with**
22 **Department of Transportation regulated employers?**
23 A Yes.
24 **Q And can you explain what you're looking for**
25 **when you're checking for this?**

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1 A Sure. If an applicant has previous driving
2 history with a Department of Transportation regulated
3 employer during the preceding three years, it is required
4 for the carrier to investigate that.
5 **Q When you reviewed Pacific Northwest Moving &**
6 **Delivery's records, did you determine whether they**
7 **investigated their driver's performance history as**
8 **required?**
9 A Yes.
10 **Q Did they do that for all their drivers?**
11 A No, they did not.
12 **Q Okay. How many drivers did the company fail to**
13 **investigate their performance history?**
14 A Three.
15 **Q All right. When you review a carrier's driver**
16 **qualification files, do you look to see whether a carrier**
17 **has maintained road test certificates in the driver's**
18 **qualification files?**
19 A Yes.
20 **Q Okay. What is the road test certificate?**
21 A A road test certificate is testing the driver's
22 ability to operate the vehicles that the company has,
23 that they're currently operating. And they do that on a
24 road test form.
25 And then the second part of that would be to

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1 certify the driver that they are cleared to drive. So
2 it's kind of a two-part process.
3 **Q Did you look for road test certificates in PNW**
4 **Moving & Delivery's driver qualification files?**
5 A Yes.
6 **Q And were there any files that were missing the**
7 **road test certificates?**
8 A Yes.
9 **Q How many were missing?**
10 A Three.
11 **Q And has the company had previous violations of**
12 **that requirement related to road test certificates?**
13 A Yes.
14 **Q And when were those previous violations?**
15 A The 2022 safety investigation.
16 **Q And when you're reviewing a carrier's driver**
17 **qualification files, do you also look to see whether a**
18 **carrier has maintained responses from each state agency**
19 **for the annual driver record inquiry?**
20 A Yes.
21 **Q What are you looking for with this requirement?**
22 A I'm looking to see if the carrier maintained
23 the annual driver abstract in the driver qualification
24 file.
25 **Q Did you look for these state agency responses**

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1 **in PNW Moving & Delivery's driver qualification files?**
2 A Yes.
3 **Q Were there any that were missing?**
4 A Yes.
5 **Q How many were missing?**
6 A One.
7 **Q When you are reviewing a carrier's driver**
8 **qualification files, do you also look to see whether the**
9 **carrier has maintained a record of annual review of the**
10 **driver's driving record?**
11 A Yes.
12 **Q What are you looking for with this requirement?**
13 A For this requirement, is -- I'm looking to see
14 if the carrier has verified if the company maintained a
15 note in the driver qualification file to -- directly
16 related to the annual review of the driver's MVR; that
17 they've reviewed that as required.
18 **Q Did you review PNW Moving & Delivery's files**
19 **for these annual reviews of the driver's driving record?**
20 A Yes.
21 **Q And were any of those missing?**
22 A Yes.
23 **Q How many were missing?**
24 A (Inaudible).
25 **Q Sorry. I didn't catch that.**

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1 A There were two missing.
 2 **Q Thank you.**
 3 **Okay. I'm going to turn now to requirements**
 4 **related to the use of seat belts. As part of a safety**
 5 **investigation, do you review whether a carrier is meeting**
 6 **requirements related to the use of seat belts in**
 7 **commercial motor vehicles?**
 8 A I will access the FMCSA documented roadside
 9 inspections for the carrier in the last 365 days to
 10 determine if any violation of local laws or ordinances
 11 has been violated, which may include a seat belt
 12 violation.
 13 **Q And that database you said, can you just**
 14 **describe that a little bit and how that's used?**
 15 A Sure. The FMCSA portal provides documentation
 16 for roadside inspections for the carrier. And it will
 17 allow us to review those roadside inspections for such
 18 local laws and ordinances being violated.
 19 **Q Okay. And did you review those roadside**
 20 **inspections, any that existed for Pacific Northwest**
 21 **Moving & Delivery as part of your review?**
 22 A Yes.
 23 **Q And what did you find when you reviewed that?**
 24 A The roadside inspections that Washington State
 25 Patrol Officers identified, there were two violations for

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1 operating a property-carrying CMV with the passenger not
 2 properly restrained using a seat belt.
 3 **Q And so you said there were two instances that**
 4 **were recorded?**
 5 A Yes. There were two cited violations reported,
 6 yes.
 7 **Q Okay. Turning to motor vehicle inspections**
 8 **now, can you describe what records a household goods**
 9 **carrier is required to maintain of any vehicle**
 10 **inspections?**
 11 A All roadside inspections must be retained for a
 12 period of 12 years from the date of inspection in the
 13 event of an audit.
 14 **Q And so is this a form that the carrier has to**
 15 **maintain?**
 16 A Yes.
 17 **Q For roadside inspection?**
 18 A Yes.
 19 **Q Okay. And when you were doing your safety**
 20 **investigation, you were -- are you reviewing whether the**
 21 **carrier has maintained those roadside inspection forms**
 22 **properly?**
 23 A Yes.
 24 **Q Did you review PNW Moving & Delivery's records**
 25 **to see whether it had maintained completed roadside**

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1 **inspection forms?**
 2 A Yes.
 3 **Q What did you find when you did that review?**
 4 A That the roadside inspections were not
 5 maintained. The carrier failed to maintain the completed
 6 roadside inspections from the previous 12 months from the
 7 date of inspection. The requirement is that they need to
 8 keep those at the principal place of business, or the
 9 PPOB. And three violations were discovered for not
 10 having those roadside inspections, but two of them were
 11 seat belt related.
 12 **Q So a total of three violations for that?**
 13 A Correct.
 14 **Q (Inaudible). Okay. All right.**
 15 **What was the safety rating that resulted from**
 16 **your review of the company in 2024?**
 17 A Conditional.
 18 **Q And did Mr. Satir cooperate with your**
 19 **investigation?**
 20 A Yes, he did.
 21 **Q Did you ask him why repeated acute and critical**
 22 **violation were allowed to occur?**
 23 A Yes, I did.
 24 **Q What was his response?**
 25 A Dmitriy Satir stated that he was busy, and that

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1 he didn't have the money and didn't get around to fixing
 2 the issues.
 3 **Q Okay. Finally I want to ask you about**
 4 **something addressed in your 2024 compliance report, and**
 5 **that's TC-3. In your report, you state that the company**
 6 **was required to attend household goods training as part**
 7 **of Docket TV-220134. Can you explain what was required**
 8 **there regarding household goods training?**
 9 A Yes. Per Order 1 in Docket TV-220134, the
 10 carrier was required to have all of its employees attend
 11 the June, 2022 household goods training offered by the
 12 UTC, either through the learning management system, LMS,
 13 or the virtual live class, but no later than June of
 14 2022.
 15 **Q Did you review any records to indicate whether**
 16 **the company had completed the training as required?**
 17 A Yes. The LMS and virtual class roster was
 18 reviewed for attendees. And although Satir registered
 19 for the training, the carrier did not complete the
 20 household goods training required by the order.
 21 **Q And did you discuss this required training with**
 22 **Mr. Satir as part of your 2024 safety investigation?**
 23 A Yes, I did.
 24 **Q Did he give any reason why he did not complete**
 25 **the training?**

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1 A He stated he was busy.
 2 **Q But he did acknowledge that he hadn't completed**
 3 **it; is that correct?**
 4 A Yes. Mr. Satir was always very forthcoming and
 5 did admit to being busy at that time.
 6 ATTORNEY JONES: Thank you.
 7 At this time, I have no further questions
 8 of Investigator Cobile.
 9 JUDGE THOMPSON: Okay. At this time,
 10 Mr. Satir, you have the opportunity to cross-examine.
 11 And so if you have any questions pertaining to the
 12 testimony that was just given, you may now ask them. Do
 13 you have any cross?
 14 MR. SATIR: Cross examine meaning to kind
 15 of, like, basically drill into the question, or what does
 16 that mean?
 17 JUDGE THOMPSON: Cross-examination is --
 18 yes. It's your opportunity to ask questions of
 19 Investigator Cobile regarding the testimony that she just
 20 gave. And so if you have any questions pertaining to
 21 that testimony, now would be the time to ask those.
 22 If you have any statements to provide
 23 regarding what she said, that would be more appropriate
 24 during your time to present testimony and evidence.
 25 So if you have any specific questions

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1 regarding any of the violations, any of the testimony
 2 that she just gave, now is the time to ask those
 3 questions. But otherwise, we'll reserve any testimony by
 4 you for later in the proceeding.
 5 MR. SATIR: All right. Then I don't think
 6 I have any questions. She came here and asked questions,
 7 and she -- and I was upfront as I could be. And she did
 8 her job at the end of the day, which that's it.
 9 JUDGE THOMPSON: Okay. And I presume
 10 there will be no redirect by staff. But staff, do you
 11 have any redirect?
 12 ATTORNEY JONES: No, your Honor.
 13 JUDGE THOMPSON: Okay. I do have a couple
 14 of questions regarding a couple of items that you
 15 testified to. In Exhibit TC-3,
 16 in the complaint, you've noted the violation of 392.16(b)
 17 that we just heard discussion of regarding the seat belt
 18 violations; specifically a passenger not wearing a seat
 19 belt properly. Do you know what violation I'm speaking
 20 of?
 21 THE WITNESS: Yes, your Honor.
 22 JUDGE THOMPSON: Okay. And we heard you
 23 state that you obtained that information from the FMCSA
 24 portal. Which agency reported that violation, do you
 25 know?

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1 THE WITNESS: Yes. Washington State
 2 Patrol.
 3 JUDGE THOMPSON: Okay. And do you know if
 4 the company was cited for that violation?
 5 THE WITNESS: They were.
 6 JUDGE THOMPSON: Okay. Do you know if
 7 they paid for that citation?
 8 THE WITNESS: I do not.
 9 THE ARBITRATOR: Okay.
 10 MR. SATIR: Is it okay for me to ask a
 11 question?
 12 JUDGE THOMPSON: Does it pertain to this
 13 witness? Or does it pertain to the violation itself?
 14 MR. SATIR: I'm not sure. I guess the
 15 violation itself.
 16 JUDGE THOMPSON: Let's go ahead and hold
 17 that question, then.
 18 MR. SATIR: Okay.
 19 JUDGE THOMPSON: And you can go ahead and
 20 explain. And I'll ask you the same question when it
 21 comes time for your testimony.
 22 MR. SATIR: Okay.
 23 JUDGE THOMPSON: Okay. Great.
 24 Let's see. I do have another question
 25 regarding proof of insurance submitted. And I just want

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1 to clarify this for the record.
 2 So I heard you say that after the
 3 company's permit was canceled in April of 2023, they
 4 submitted proof of insurance on May 12 of 2023. Was that
 5 -- do I understand it correctly that that proof of
 6 insurance was only for one vehicle of the four that the
 7 company was operating?
 8 THE WITNESS: Yes, your Honor.
 9 JUDGE THOMPSON: Okay. And the company
 10 has been operating under that insurance for one vehicle
 11 since that date, or since they were reinstated?
 12 THE WITNESS: Yes, your Honor.
 13 JUDGE THOMPSON: Okay. And just a couple
 14 of specifics. There were 45 times that the company
 15 operated without a permit between April 20 and
 16 reinstatement. Do you know or happen to know how many of
 17 those instances occurred prior to May 12 and after May
 18 12? Was it spread?
 19 Let me rephrase the question. Were the
 20 violations spread throughout the period fairly evenly?
 21 If you don't have any recollection, that's
 22 okay.
 23 THE WITNESS: I was taking a moment to
 24 look at TC- -- Exhibit TC-3. In reference to your
 25 question -- give me one second to look through here.

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1 So if I understand your question
 2 correctly, during the unpermitted time frame, you're
 3 asking if the times of operation were equally conducted
 4 throughout the months of April, May, and June?
 5 JUDGE THOMPSON: Correct.
 6 THE WITNESS: So if you look at TC- --
 7 Exhibit TC-3, you're going to see the final report. It's
 8 going to indicate Violation 16 or primary RCW
 9 81.80.075(1). And it shows the months, April, May and
 10 June, and the dates that the carrier operated to equal
 11 the 45 days.
 12 In direct answer to your question, yes, it
 13 looks like as though those are equally spaced, with May
 14 outnumbering the other months. But there were nine
 15 occasions in April, 25 occasions in May, and 11
 16 indications in June.
 17 JUDGE THOMPSON: And that's on page 9 of
 18 26 of Exhibit TC-3? Is that --
 19 THE WITNESS Yes, your Honor.
 20 JUDGE THOMPSON: Okay. Thank you. Those
 21 are all the questions that I have at this time.
 22 Barring any further questions for this
 23 witness, Ms. Cobile, I think you can step down.
 24 THE WITNESS: Thank you very much.
 25 JUDGE THOMPSON: Okay. Ms. Jones, do you

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1 have another witness?
 2 ATTORNEY JONES: I do, your Honor. My
 3 next witness will be Jason Sharp.
 4 JUDGE THOMPSON: And I see Mr. Sharp on
 5 the screen.
 6 Mr. Sharp, if you could please raise your
 7 right hand. Do you swear or affirm that the testimony
 8 you will give today will be the truth, the whole truth,
 9 and nothing but the truth?
 10 THE WITNESS: Yes.
 11 JUDGE THOMPSON: Okay. Wonderful.
 12 Ms. Jones, you may proceed.
 13 ATTORNEY JONES: Thank you.
 14
 15 JASON SHARP, witness herein, having been first
 16 duly sworn on oath, was examined and
 17 testified as follows:
 18
 19 EXAMINATION
 20 BY ATTORNEY JONES:
 21 **Q Mr. Sharp, would you please state your name and**
 22 **spell it for the record.**
 23 A Jason Sharp, S-H-A-R-P.
 24 **Q How are you employed?**
 25 A I'm employed by the Washington Utilities and

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1 Transportation Commission.
 2 **Q And what position do you hold with the**
 3 **commission?**
 4 A Can you hear me?
 5 **Q I can hear you now, yes.**
 6 A Let's see. Can you hear me?
 7 **Q Yes, can you hear me?**
 8 A Sometimes I unfortunately get a glitch with my
 9 Zoom. So hopefully this is the first time it's happened
 10 on the call. So can you speak? I want to make sure I
 11 can hear you.
 12 **Q Yes.**
 13 A Okay. I can hear you again.
 14 **Q Great. Okay. I was just asking what position**
 15 **you hold at the commission?**
 16 A I'm the motor carrier safety supervisor.
 17 **Q How long have you worked for the commission?**
 18 A I'm in my seventh year with the commission now.
 19 **Q And can you describe your duties as motor**
 20 **carrier safety supervisor?**
 21 A Yes. I assign the safety investigations to our
 22 safety investigators like Investigator Cobile.
 23 I review the investigative reports that they
 24 produce as a result of their investigations.
 25 And I provide staff recommendation to the

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1 commission for any type of follow-up or enforcement
 2 action of the findings.
 3 **Q Have you had any training to enable you to**
 4 **carry out your duties?**
 5 A Yes. Prior to coming into my current position,
 6 I was a motor carrier safety investigator with the UTC.
 7 I underwent investigator training put on through the
 8 Federal Motor Carrier Safety Administration.
 9 And I'm also certified to conduct commercial
 10 vehicle inspections through the Commercial Vehicle Safety
 11 Alliance, or the CVSA.
 12 **Q Are you therefore familiar with state and**
 13 **federal rules governing operations of motor carriers and**
 14 **household goods carriers?**
 15 A Yes, I am.
 16 **Q Are you familiar with the company PNW Moving &**
 17 **Delivery?**
 18 A Yes.
 19 **Q How did you become familiar with the company?**
 20 A Initially I became aware of the company when I
 21 was a senior investigator coaching Investigator Bilbrey
 22 on the company's initial 2020 safety investigation. I
 23 reviewed that report and the two following investigation
 24 reports, as well as reviewed and provided staff
 25 recommendations on the company's previous two safety

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1 management plans that they submitted as a result of those
 2 2020 and 2022 investigations.
 3 **Q Do you know when the company first received its**
 4 **provisional operating authority?**
 5 A Yes. The company was initially issued
 6 (inaudible) --
 7 **Q Mr. Sharp, couldn't hear that.**
 8 A Apologies. Can you hear me now?
 9 **Q Yes.**
 10 A February 28, 2017.
 11 **Q Okay. So February 28, 2017, was when the**
 12 **company received provisional status?**
 13 A They got their initial provisional permit, yes.
 14 **Q And in general, how long is a company's**
 15 **provisional status intended to -- what's the expected**
 16 **duration of a company's provisional status?**
 17 A The provisional period should be no less than
 18 six months but not more than 18 months, unless the
 19 commission determines that good cause exists for
 20 extending a company's provisional period of time.
 21 **Q Did you review the report drafted by**
 22 **Investigator Cobile after its 2024 review?**
 23 **And this is the Exhibit marked TC-3.**
 24 A Yes.
 25 **Q Okay. Does staff use the results of a**

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1 **compliance review to calculate a proposed safety rating**
 2 **for a company?**
 3 A Yes.
 4 **Q How does staff calculate the proposed safety**
 5 **rating?**
 6 A The UTC adopts the Federal Motor Carrier Safety
 7 Administration's safety rating methodology as its lined
 8 out in Title 49, Part 385.
 9 So a safety rating is determined by a company's
 10 performance in six different factor categories, which are
 11 on the final two pages of TC-3. It lines out the
 12 performance of each factor. And so there's a calculation
 13 that is done based on how many critical violations or
 14 acute violations that would negatively impact a company's
 15 overall safety score, and each factor is calculated to
 16 determine a proposed overall rating.
 17 **Q Did staff calculate a proposed safety rating**
 18 **for PNW Moving & Delivery?**
 19 A Yes.
 20 **Q What was the proposed safety rating?**
 21 A It was a proposed conditional safety rating.
 22 **Q Can a carrier improve its proposed safety**
 23 **rating after receiving either an unsatisfactory or**
 24 **conditional rating?**
 25 A Yes.

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1 **Q How would it do so?**
 2 A They would do so by submitting and having
 3 approved a safety management plan.
 4 **Q What is a safety management plan?**
 5 A A safety management plan is a company's written
 6 response to identified safety deficiencies. The plan is
 7 structured so that the company will identify why
 8 violations were allowed to occur. It would state what
 9 the company has done to correct the violations and
 10 outline and document how the company will prevent
 11 occurrences of those violations in the future.
 12 A supporting element of a safety management
 13 plan would be including evidence of actual corrective
 14 action. So for example, if a company was found to not
 15 require their drivers to do a record of duty status, they
 16 would include those records and their safety plan showing
 17 that they've corrected it.
 18 **Q Did PNW Moving & Delivery submit a safety**
 19 **management plan regarding this case?**
 20 A Yes, they did.
 21 **Q Did you review the plan that the company**
 22 **submitted?**
 23 A Yes, I did.
 24 **Q Is the plan satisfactory to staff?**
 25 A No, staff has not accepted the plan.

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1 **Q And why -- could you just generally describe**
 2 **why that is the case?**
 3 A Yeah. The plan has not met the legal
 4 requirements as laid out in Part 385.
 5 I've received two renditions of the safety plan
 6 from the company and have responded to them with detail
 7 as to where it is deficient. I would say that the
 8 company is making substantial progress towards correcting
 9 the violations identified in the plan, but there's still
 10 more work to do.
 11 **Q And prior to this case, this docket, has the**
 12 **company ever had safety management plans approved in the**
 13 **past?**
 14 A Yes. They've had two previous plans approved.
 15 **Q Okay. I'd like to turn your attention to**
 16 **staff's exhibit marked JS-1. Can you identify that**
 17 **exhibit?**
 18 A This is the company's 2020 safety management
 19 plan.
 20 **Q Okay. And are there any redactions in that**
 21 **document?**
 22 A There are some personally identifiable
 23 information that's been removed for record purposes here
 24 in the docket. But that appears to be all that has been
 25 redacted.

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1 **Q And other than those redactions of personally**
2 **identifiable information, is this exhibit a true and**
3 **accurate copy of the safety management plan that was**
4 **submitted by the company to staff related to the Docket**
5 **200421 and 200429?**
6 A Yes.
7 **Q At this time, staff moves to admit staff**
8 **Exhibit JS-1.**
9 JUDGE THOMPSON: Mr. Satir, do you have
10 any objection?
11 MR. SATIR: No. Not at this time.
12 JUDGE THOMPSON: Thank you.
13 At this time, Staff Exhibit JS-1 is
14 admitted into the record.
15 Ms. Jones you may proceed.
16 (Staff Exhibit JS-1 admitted).
17 ATTORNEY JONES: Thank you.
18 **Q (By Attorney Jones) Now I'd like to refer your**
19 **attention to staff's exhibit marked JS-2. Can you**
20 **identify that exhibit?**
21 A Yes. This is the safety plan -- safety
22 management plan that was submitted following the 2022
23 safety investigation.
24 **Q And does this exhibit also contain redactions**
25 **of personally identifiable information?**

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1 A I'm reviewing. Yes, it does.
2 **Q Okay. And other than those redactions, is this**
3 **exhibit a true and accurate copy of the safety management**
4 **plan that was submitted by the company to staff related**
5 **to Docket TV-220133 and 220134?**
6 A Yes.
7 ATTORNEY JONES: Staff moves to admit
8 Staff's Exhibit JS-2.
9 JUDGE THOMPSON: Mr. Satir, any
10 objection?
11 MR. SATIR: No objection.
12 JUDGE THOMPSON: Okay. At this time,
13 Staff's Exhibit JS-2 is admitted into the record.
14 (Staff Exhibit JS-2 admitted).
15 JUDGE THOMPSON: You may proceed.
16 **Q (By Attorney Jones) Is the fact that the**
17 **company has entered into two previous safety management**
18 **plans a factor in your recommendation to the commission**
19 **in this docket?**
20 A It does play a role in staff's overall
21 recommendation that we'll get to.
22 You know, following the two previous
23 investigations, acknowledging that the company has
24 repeated violations, especially of critical and acute
25 violations, with prior technical assistance and

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1 acknowledgement and committed to practices, they appear
2 to have not been kept up with as a result of our
3 findings.
4 In this case, staff would have a hard time
5 feeling confident that the company with any subsequent
6 safety management plan would stick to those commitments
7 either.
8 So that performance does factor into how staff
9 feels about this case.
10 **Q Thank you.**
11 **I'd like to ask you a couple questions about**
12 **Order 01 from a previous docket we've been discussing**
13 **today. And I'll just note within my question, I'm**
14 **referring to Docket 220133 and 220134, consolidated.**
15 **So referring to -- are you familiar with the**
16 **commission's Order 01 in that docket?**
17 A Yes.
18 **Q And can you generally describe what that order**
19 **does?**
20 A Order 01 approved PNW Moving's safety
21 management plan following the 2022 investigation. It
22 extended the company's provisional period, and it
23 mitigated a portion of the assessed penalty against the
24 company.
25 With the element of extending the provisional

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1 period, there were some conditions that were set and
2 which the company needed to abide by, and if the company
3 failed to meet any of those conditions, it could
4 constitute grounds for a cancellation of the company's
5 permit moving forward.
6 **Q And what were those conditions?**
7 A One of them Investigator Cobile already hit on
8 was that PNW Moving send all of its employees to
9 commission-sponsored training. And that would be done
10 either through the commission's online learning system or
11 through the live presentation of the virtual training
12 that's provided by staff. There was a deadline of that,
13 June 15, 2022.
14 Another condition was that staff would come and
15 perform a follow-up safety investigation in one year from
16 the date of the Order 01 or as soon thereafter as
17 practicable.
18 As a result of that safety investigation, PNW
19 must obtain a satisfactory safety rating following the
20 investigation.
21 Upon reinspection, PNW Moving may not repeat
22 any violations of any acute, critical, or critical type
23 regulations.
24 The company must get current with any annual
25 regulatory fees and penalties as a result of late report

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1 filings by June 30 of 2022; PNW Moving pay its assessed
 2 penalty through a mutually agreeable payment arrangement
 3 approved by staff. The payments must be made by the
 4 specified date in the payment arrangement unless approved
 5 by staff prior to the established deadline.
 6 And again, failing to meet any of these
 7 conditions would constitute grounds for cancellation of
 8 the company's provisional permit.
 9 **Q And to your knowledge, is the company out of**
 10 **compliance with any of those conditions that you just**
 11 **outlined?**
 12 A Yes. I believe the company failed to meet four
 13 of those conditions.
 14 **Q And what are those conditions that the company**
 15 **failed to meet?**
 16 A As Investigator Cobile testified to, our
 17 commission records show that the owner had registered for
 18 commission-sponsored training, but failed to complete it.
 19 Additionally, the company has failed to send
 20 all of its remaining employees to commission-sponsored
 21 training, let alone by the deadline of June 15 of 2022.
 22 The company did not obtain a satisfactory
 23 rating during the third safety investigation.
 24 The company incurred repeat acute, critical,
 25 and critical type violations upon reinspection.

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1 And the company did not pay its assessed
 2 penalty in accordance with the payment arrangement. That
 3 payment plan was canceled on March 21 after the company
 4 missed multiple payments.
 5 **Q And regarding the repeat acute, critical, and**
 6 **critical type violations, which ones of those were**
 7 **repeated in the 2024 investigation?**
 8 A Right. So the WAC 480-15-555 -- or I'm sorry;
 9 555 was a repeat of all three investigations. It was the
 10 critical type.
 11 The company had a repeat violation of
 12 480-15-550 for operating commercial vehicles without
 13 cargo insurance.
 14 There was a critical violation repeated,
 15 395.8(a)(1) for failing to require drivers to prepare a
 16 record of duty status using the appropriate method.
 17 Additional critical type violation that was
 18 identified was failing to maintain a vehicle maintenance
 19 file, which is coded as 396.3(b).
 20 Those are the only acute, critical, and
 21 critical types that were repeated, although the company
 22 did have other repeat violations.
 23 **Q Okay. I'd like to turn now to discuss the**
 24 **issue of penalties and if staff has a recommendation on**
 25 **penalties.**

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1 **So does staff have any recommendation about**
 2 **whether the commission should assess penalties against**
 3 **PNW Moving & Delivery for those violations that have been**
 4 **documented by Investigator Cobile?**
 5 A Yes. Staff would recommend that -- or staff
 6 will file a complaint for penalties as a result of
 7 identified violations.
 8 **Q Okay. What is staff's recommendation regarding**
 9 **penalties in this case?**
 10 A How would -- would you like me to go violation
 11 by violation, or subtotal, or what would you prefer?
 12 **Q I would say violation by violation, just so the**
 13 **-- so the commission has a record on what staff's**
 14 **recommendation is for each violation.**
 15 A Okay. So for -- I'm going to start off with
 16 the WAC violations, the acutes. So for WAC 480-15-530,
 17 this were 129 occurrences of this acute violation that
 18 staff identified. Staff's going to recommend a \$500 per
 19 occurrence penalty, which totals \$64,500 for the repeat
 20 acute violations for operating without cargo insurance.
 21 I'm sorry. That was for -- I think I got that
 22 backwards. I think 530 is liability. I'm reading off my
 23 notes here. Let me pull up the right response here. I
 24 want to make sure I get this right.
 25 I'm sorry. That should have been for 550. So

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1 480-15-550 for repeat violations of operating without
 2 having the adequate cargo insurance.
 3 Now I will pivot to 480-15-530. This is not a
 4 repeat violation. However, staff is going to recommend a
 5 \$100 per occurrence of 129 occurrences for operating a
 6 motor vehicle without having in effect the required
 7 minimum levels of financial responsibility coverage for
 8 12,900.
 9 For violations of WAC 480-15-550, this is a
 10 repeat critical type violation that's been present in all
 11 three investigations. Staff is going to recommend a \$500 per
 12 occurrence of 11 occurrences for \$5,500.
 13 Again, a repeat from all three of the company's
 14 investigations, the critical violations of Title 49
 15 C.F.R. Part 395.8(a)(1), for failing to require drivers
 16 to prepare a record of duty status using the appropriate
 17 methods. Staff's going to recommend a \$500 per
 18 occurrence of 61 occurrences for \$30,500.
 19 The next several are going to be for \$100
 20 recommendations. So for 49 C.F.R 396.3(b), which is
 21 failing to maintain a vehicle maintenance file, staff is
 22 going to recommend a \$100 penalty for this critical type
 23 repeat violation. The company had this same violation in
 24 the 2020 investigation, but with one count was not
 25 penalized for it. This time we're going to recommend a

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1 penalty, as it's a repeat.
 2 49 C.F.R. Part 391.51(b)(3), staff is going to
 3 recommend a \$100 penalty for this repeat violation for
 4 failing to maintain a road test certificate in the
 5 driver's qualification file.
 6 The next one is for 49 C.F.R. Part
 7 391.51(b)(4). Staff's going to recommend a \$100 penalty
 8 for the repeat violation for failing to maintain the
 9 response of each state agency to the annual driver record
 10 inquiry required by 391.25(a).
 11 Next one is for 49 C.F.R. Part 391.21(a).
 12 Staff is going to recommend a \$100 violation for repeat
 13 violation of failing to require driver to complete and
 14 furnish an employment application.
 15 Additionally, 49 C.F.R Part 390.19(b)(2), staff
 16 is recommending a \$100 penalty for repeat violation of
 17 failing to file the appropriate form under 390.19(a),
 18 which is the MCS-150 violation.
 19 Additionally, and finally, is the penalty
 20 recommendation for operating while not permitted by the
 21 commission, a violation of RCW 81.80.7501. Staff is
 22 going to recommend the maximum allowable penalty of
 23 \$5,000 per occurrence of 45 occurrences, for a total of
 24 225,000.
 25 Staff considers that the company has a history

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1 of operating while not maintaining its permit through the
 2 commission back in 2018, following cancellation for
 3 failing to have insurance on file. The company was
 4 classified in Docket TV-180214 for operating following
 5 the cancellation for no insurance.
 6 Following the company's cancellation in 2023,
 7 where our staff just documented 45 instances in between
 8 the period in which the company was canceled and when it
 9 was granted operating authority through the commission
 10 again where they continued to operate.
 11 And staff believes that this penalty is
 12 appropriate to encourage the company to conform to
 13 commission orders and cease and desist requirements.
 14 I also float that the company still does have
 15 the \$9,800 suspended penalty from the previous docket in
 16 2022 that is now payable and due.
 17 I think that's what we -- yes. That's our
 18 recommendation. So the total would come out to minus the
 19 -- what the company currently owes is \$338,900.
 20 **Q Does staff have any recommendation related to**
 21 **what the commission should do with this penalty if it**
 22 **determines that the company's permit should be canceled?**
 23 A Yes. Staff would recommend that upon
 24 cancellation, that the penalty, including the \$9,800
 25 penalty, be suspended in its entirety for two years.

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1 The goal here for staff is to hold the company
 2 accountable. If the commission decides to cancel their
 3 permit, that they're -- the company is not going to
 4 continue its prior practices of operating in this
 5 regulated industry without authority to do so.
 6 We've identified that there's safety gaps in
 7 the company's performance while they're not regulated,
 8 such as they're not carrying appropriate insurance
 9 requirements on the vehicles they're operating.
 10 There are other elements of qualifications and
 11 insuring that people are cleared via background checks to
 12 operate in this industry.
 13 There's a lot of consumer protection concerns
 14 as well as on-the-road safety concerns.
 15 There's a lot in this record today that we've
 16 reviewed that are very concerning to staff.
 17 That's -- you know, we recognize this penalty
 18 is large. And our intent is to encourage the company to
 19 abide by commission rules and orders, and we find that
 20 this is an effective recommendation to do so.
 21 **Q Does staff have any further reasons underlying**
 22 **its penalty recommendation that you haven't already**
 23 **expanded upon?**
 24 A No.
 25 **Q And do you have a position -- excuse me. Do**

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1 **you have an overall recommendation for the commission on**
 2 **whether it should cancel the company's permit?**
 3 A Yes. Staff is recommending that regardless of
 4 any -- you know, I testified that the company is making
 5 progress towards meeting the legal requirements of Part
 6 385 in its submissions of its safety plan. Based on the
 7 company's performance following the last two approved
 8 safety plans, staff does not have confidence that the
 9 company will stick to its commitments for what it lays
 10 out in the process. If they had, they wouldn't be here
 11 today. Our recommendation is that the commission cancel
 12 their permit.
 13 ATTORNEY JONES: Thank you.
 14 At this time, I have no further questions
 15 for Mr. Sharp.
 16 JUDGE THOMPSON: Mr. Satir, do you have
 17 any cross-examination for Mr. Sharp?
 18 MR. SATIR: I don't -- I -- so safety,
 19 even a safety management plan, if we come to an agreement
 20 on that, it will not be accepted; is that the point that
 21 you made? I'm sorry.
 22 JUDGE THOMPSON: The safety management
 23 plan, as I understand it, can still be completed, and
 24 staff will issue a recommendation according to that
 25 completed safety management plan in writing to the

<p style="text-align: right;">Page 73</p> <p>1 commission, to me. 2 Ultimately, that decision will come down 3 to an order, which I will write following this proceeding 4 and that submission of the recommendation upon the 5 completion of the safety management plan. 6 And so staff can't testify, really, to 7 whether or not that is sufficient. They can only give 8 their recommendation. 9 I will give Mr. Sharp the opportunity to 10 answer the question regarding the safety management plan. 11 And perhaps, Mr. Sharp, you can elaborate on whether or 12 not staff's recommendation might change based on 13 completion of a safety management plan. 14 But to the rest, I don't think that 15 Mr. Sharp can answer. 16 MR. SATIR: Okay. 17 THE WITNESS: Yes. I'll continue to 18 review any submissions. The company's 60-day window for 19 cancellation ends on May 11, I believe. And as such, 20 we'll continue to provide technical assistance and review 21 of any submitted plans in order to determine if the plan 22 meets the legal requirement. 23 As I just testified, though, staff is of 24 the position right now that the company has demonstrated 25 through three investigations now that it doesn't follow</p>	<p style="text-align: right;">Page 75</p> <p>1 something else to say? 2 THE WITNESS: Please. Do you have a deadline 3 that you would like that submitted to the docket? 4 JUDGE THOMPSON: I think that's a little 5 bit dependent on whether or not the safety management 6 plan gets completed. 7 The order in this proceeding is required 8 to be issued ten days after the proceeding. However, if 9 we do have a safety management plan submitted and a 10 recommendation on that safety management plan, I'll ask 11 that the parties waive that ten-day requirement so that I 12 can get the transcript of this proceeding, review the 13 recommendation, and issue an order at that time. 14 It sounds like a safety management plan is 15 in the works. And so I think we should sort of assume 16 that is the case and that any completion of the safety 17 management plan and recommendation would be submitted 18 before the cancellation date of May 11. Does that work 19 for staff? 20 THE WITNESS: Yes. I think in this case, 21 finding an opportune time to give staff time to draft the 22 evaluation would be helpful. 23 In similar cases in the past -- I see that 24 May 11 falls on a Saturday. If -- and the reason I ask 25 this is the company may continue to submit and submit and</p>
<p style="text-align: right;">Page 74</p> <p>1 through on its commitments in its safety plans. And the 2 company doesn't appear to be making substantial progress 3 towards obtaining a satisfactory rating. 4 So what I will do representing staff is 5 continue to work with you on the submitted drafts. I 6 will notify the commission if the plan meets the legal 7 requirements as laid out. 8 But as far as, like, what staff can do, 9 like the judge said, we just provide the recommendation 10 as part of that review. 11 MR. SATIR: I understand. Thank you for 12 the clarification. 13 THE WITNESS: Yes. 14 JUDGE THOMPSON: Mr. Satir, do you have 15 any followup questions? 16 MR. SATIR: No. 17 JUDGE THOMPSON: Okay. And Ms. Jones, do 18 you have any redirect? 19 ATTORNEY JONES: I do not. Thank you. 20 JUDGE THOMPSON: Okay. Mr. Sharp, I would 21 just ask that the penalty recommendation be submitted in 22 writing as well as any subsequent recommendation on the 23 safety management plan so that I have that in preparing 24 the order. And I do not believe I have any further 25 questions for you. So at this time, do you have</p>	<p style="text-align: right;">Page 76</p> <p>1 submit drafts if they're not accepted. And so it's good 2 to give us an opportunity to review, draft, and submit to 3 the docket prior to that date. 4 So I would maybe request the final SMP for 5 this period be due by end of business on the 9th, which 6 is a Thursday, allowing staff Friday to draft its 7 response and submit it to the docket. 8 JUDGE THOMPSON: Okay. Mr. Satir, do you 9 have any problem with completing the SMP by May 9? 10 MR. SATIR: No. 11 JUDGE THOMPSON: Okay. We will go ahead 12 and proceed and expect that the final SMP will be 13 submitted by close of business May 9, giving staff time 14 on the 10th to submit any recommendation. And that is 15 the schedule that we'll operate under. 16 If I don't see -- what I'll do is I'll 17 reach out to the parties on the 10th to see if the 18 completed SMP has been submitted and whether or not staff 19 intends to file a recommendation on the 10th. And based 20 upon that answer, I'll go ahead and proceed accordingly. 21 Okay. Any other questions, Mr. Sharp, for 22 me? 23 THE WITNESS: No, your Honor. 24 JUDGE THOMPSON: Okay. Wonderful. At 25 this time, having heard from the parties, I believe you</p>

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<p>1 can step down. 2 Okay. Ms. Jones, does that conclude 3 staff's witnesses and exhibits and testimony? 4 ATTORNEY JONES: Yes, your Honor. 5 JUDGE THOMPSON: Okay. Mr. Satir, at this 6 point in time -- well, first let me ask this: We've been 7 going for about two hours now. Does anybody need a brief 8 recess before we proceed, or would the parties prefer to 9 continue on? 10 ATTORNEY JONES: I'm fine continuing, your 11 Honor. 12 JUDGE THOMPSON: Okay. Mr. Satir, do you 13 need a brief recess? 14 MR. SATIR: No. I'm okay. 15 JUDGE THOMPSON: Okay. We'll go ahead and 16 proceed, then. At this point in time, Mr. Satir, you can 17 go ahead and present any evidence or testimony that you 18 might have. Before doing so, I will ask, do you have the 19 ability to turn on your camera? 20 MR. SATIR: Yes, I do. 21 JUDGE THOMPSON: Okay. 22 MR. SATIR: Is it on? 23 JUDGE THOMPSON: It is. 24 MR. SATIR: Okay. 25 JUDGE THOMPSON: Okay. At this time, I'll</p>	<p>1 Right now, we do -- so the insurance 2 company that was only -- we filed for trying to get 3 insurance with multiple carriers last year, like 4 Berkshire Hathaway, Progressive, Transguard, other 5 companies as well. I just can't remember all of them. 6 And no one would insure us. 7 And the only one we could find was Prime, 8 which was predatory kind of insurance. And this is why 9 it's not on the UTC recommended list or vendors approved 10 list. So we didn't know that until we got the policy and 11 I paid the down payment on that and everything. So we 12 couldn't step back and kind of get our money back when 13 the business was struggling with that. 14 So -- and I was not able to afford to pay 15 -- I can't recall right now. For one of the trucks, they 16 quoted us right around \$30,000. And if we had three 17 trucks, we would be out of business within -- we wouldn't 18 be able to make the needed payments on that. 19 So -- and at the moment for this year, we 20 rewrote the policy with Berkshire Hathaway. And this one 21 includes the three trucks and all the necessary filings 22 and everything, which is a lot more cost and able to be 23 actually delivered. We're able to pay the payments on 24 that, for the company to have cargo insurance and 25 liability insurance that is required by the state to</p>
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<p>1 Go ahead and ask that you raise your right hand, and I'll 2 swear you in. 3 Do you swear or affirm that the testimony 4 you will give today will be the truth, the whole truth, 5 and nothing but the truth? 6 MR. SATIR: Yes. 7 JUDGE THOMPSON: Okay. You are now sworn 8 in, and you may proceed and present any testimony or 9 evidence that you have. 10 11 DIMITRIY SATIR, witness herein, having been 12 first duly sworn on oath, 13 testified as follows: 14 15 NARRATIVE TESTIMONY 16 THE WITNESS: The testimony is I'm working 17 on the safety management plan with Jason to get that all 18 cleared up and to satisfactory as needed. And I'll 19 continue working with him, with that. 20 To this point, I was basically keeping the 21 business just to get this going, the business, and I did 22 not pay attention to the legal side of things. 23 And at the moment, I am going to stop 24 pursuing to grow the business of any kind in the next 25 year or two until I get the legal paperwork corrected.</p>	<p>1 have. And that is good for -- the down payment was made 2 on the 26th of April, which was \$9,000, and it's a 3 monthly payment of 3,800 with some change. 3,800. And 4 this includes the three trucks that we have right now 5 through Enterprise. 6 And we do not intend to, but if we do 7 lease a truck, Berkshire Hathaway also required to us do 8 30 days; no short-term leasing less than 30 days, as well 9 as they have to be written in the policy for it. And 10 they will grant us insurance if we need it for the short 11 period of time. Let's just say if we lease the truck for 12 three months, they will insure it for three months. They 13 approved that. So that's with the insurance right now. 14 And the background checks, that's the other 15 issue that was discussed. When I hired someone from the 16 community, I did not do my due diligence to make sure the 17 paperwork is due, and I take full charge of that. And 18 I'm writing an SMP plan, safety management plan, for 19 that. 20 And working through all the other issues 21 at the moment, I think those are the few things that I 22 wanted to present, especially with the insurance, where 23 it stands. 24 JUDGE THOMPSON: Okay. Does staff have 25 any cross-examination?</p>

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1 ATTORNEY JONES: I don't have any
2 questions for the company, your Honor.
3 JUDGE THOMPSON: Okay. I do have a couple
4 of questions.
5 So earlier, you interjected and said that
6 you would like to speak about the seat belt violations.
7 I'd like to give you an opportunity now to address that.
8 And what did you have to say about the seat belt
9 violation?
10 THE WITNESS So the seat belt violation, I
11 just wanted to interject and ask, because I wasn't aware,
12 was the company fined too, or the person, the passenger
13 that was in there?
14 And I wasn't aware that the company was
15 fined for that, if that's the case. (Inaudible).
16 JUDGE THOMPSON: So to your knowledge, the
17 company was not cited for that seat belt violation?
18 THE WITNESS: To my knowledge. I know
19 that the passenger did get this (inaudible), and we got a
20 report from that. Not to my knowledge.
21 JUDGE THOMPSON: Okay. Let me ask you
22 this: Looking at Staff's exhibits, TC-1, TC-2, and TC-3,
23 I see that your company has doubled in size just about
24 every two years. So every single time staff does an
25 inspection, it looks like the company, at least the

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1 revenue of the company, has doubled in size. Is that
2 about accurate?
3 THE WITNESS: More or less. Yes. So last
4 one didn't double as much, but yes. The growth was there
5 with the COVID. It was interesting. And then to come
6 back from it was also a whole different story as well.
7 JUDGE THOMPSON: Okay. Has the growth of
8 the company impacted your ability to keep up with
9 paperwork and compliance?
10 THE WITNESS Yes.
11 JUDGE THOMPSON: Go ahead and elaborate on
12 that, if you have any elaboration.
13 MR. SATIR: Just the same way as I
14 basically -- Tracy, when she did the investigation,
15 Cobile -- I'm pronouncing that incorrectly. When she did
16 the investigation and we discussed it, and she commended
17 me on saying keep trying, keep going for it, and
18 everything.
19 But one of the things I had explained to
20 her is the marketing. I had no previous experience on
21 marketing. And with anything, I read books, educated
22 myself to move the company forward to this point.
23 Then I've never hired people before. I'd
24 never been, unfortunately, employed more than two days
25 for anyone. I only worked for two days for someone. So

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1 I had no prior experience on how to hire people, train
2 people, anything like that.
3 So I sat down, kind of educated myself
4 with everything, books. And at the same time, all this
5 information, I fell behind on the legal side of stuff.
6 JUDGE THOMPSON: And speaking of growth,
7 the insurance that you submitted last month, the
8 insurance documentation, you said it's for three
9 trucks?
10 THE WITNESS: Yes.
11 JUDGE THOMPSON: And when the
12 investigation occurred, you had four trucks?
13 THE WITNESS: So it was the investigation
14 -- she investigated a period of time. And some of the
15 time points, we did lease a fourth truck. At the time
16 when she investigated, we had three. But in that period
17 of six months, there was additional truck.
18 JUDGE THOMPSON: But right now, you only
19 have three?
20 THE WITNESS: Yeah.
21 JUDGE THOMPSON: And all three of those
22 are insured.
23 THE WITNESS: Yes.
24 JUDGE THOMPSON: Okay. You've got a
25 history of violations with the commission. Many of these

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1 violations are repeat. Many of them have to do with not
2 keeping records that you are required to keep by law.
3 At the same time, as we've just discussed,
4 you've experienced significant growth in the company.
5 Have you considered hiring someone to handle
6 compliance for you, perhaps taking away, you know,
7 marketing expenses and moving towards hiring somebody to
8 handle compliance?
9 THE WITNESS: So at the moment, I don't
10 have anyone that I hired, am hiring for compliance.
11 And -- but I am hiring a coach to help me
12 take stuff off my plate and focus on the compliance, the
13 same thing as when Ms. Cobile investigated me,
14 recommended at this moment for me to know everything
15 that's going on in the company, especially with the
16 compliance, and that I need to be the one who is keeping
17 this up and going. And that's what I intend to do.
18 JUDGE THOMPSON: Are you one of the
19 drivers for the company?
20 THE WITNESS: Yes.
21 JUDGE THOMPSON: Okay. So you're driving,
22 doing moves, and taking care of the company?
23 THE WITNESS: Yeah. And unfortunately,
24 growth does suck in general, because there's not enough
25 money, and there's -- it's no secret that I'm behind on

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1 my own, even personal bills. So I'm stepping back and
 2 trying to dial back because this growth has taken a lot
 3 more from me than I would like it to do.
 4 JUDGE THOMPSON: You heard Mr. Sharp say
 5 that staff doesn't have much confidence that anything
 6 contained in an SMP in this docket will have
 7 follow-through.
 8 So do you have anything to state on behalf
 9 of the company today regarding, you know, commitments or
 10 changes that are occurring?
 11 I've heard you say that you are hiring a
 12 coach to look at taking things off your plate.
 13 But I think what I hear Mr. Sharp say is
 14 the company would need significant commitments or changes
 15 to the way that it operates to persuade staff
 16 differently. Do you have anything to say in regards to
 17 that?
 18 THE WITNESS: The big change that is
 19 happening is the growth is not going to be pursued and
 20 has not been able to be pursued for last -- starting this
 21 year, we have not been able to even -- some of it was
 22 matched, like one month, but we have not been able to
 23 match what we did last year. We are now trying to focus
 24 correcting (inaudible).
 25 JUDGE THOMPSON: Okay. Okay. I don't

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1 have any further questions.
 2 At this point in time, I will give staff
 3 an opportunity to provide a brief closing statement.
 4 Would staff like to do so?
 5
 6 CLOSING ARGUMENTS BY COUNSEL FOR STAFF
 7 ATTORNEY JONES: Yes, your Honor. Thank
 8 you.
 9 Very briefly, you've heard a lot of
 10 testimony this morning from staff's witnesses,
 11 Investigator Cobile and from Mr. Sharp, regarding the
 12 factual basis for the complaint that's been filed in this
 13 matter. So I won't go back and rehash all of that.
 14 I'll just briefly summarize by saying that
 15 staff's recommendation here is really supported by the
 16 company's operational history over a period of, I think
 17 nearly eight years that the company has been in business.
 18 It's been the subject of three safety investigations, as
 19 you've heard. And in each of those instances, the
 20 company was offered technical assistance and was given
 21 opportunity to correct -- take corrective action in the
 22 form of the safety management plans. And those plans, as
 23 Mr. Sharp testified, are an opportunity for the company
 24 to explain how it has taken corrective action in regard
 25 to each violation that was discovered, and that the --

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1 that a company would be able to then follow those plans
 2 and reduce the likelihood that they would have future
 3 violations.
 4 In this instance, the company has had two
 5 prior safety management plans. And unfortunately, as you
 6 heard in testimony today, the company has incurred repeat
 7 violations from, you know, across those different plans;
 8 some of them being acute violations as well as critical
 9 violations that were repeated, and critical type
 10 violations. And as Mr. Satir acknowledged, he hasn't
 11 focused on the legal side of operating his business.
 12 But I guess I would just stress to your
 13 Honor that those legal requirements are there for a very
 14 good reason, and that is that they're there to protect
 15 the public. They're there to promote public safety.
 16 Background checking employees, having adequate insurance,
 17 these are things that have -- have been repeated by the
 18 company.
 19 And so staff is really basing its
 20 recommendation in those matters, those repeated -- those
 21 repeated violations as well as the new violations that
 22 have cropped up in each one of these safety
 23 investigations. So staff views this as a public safety
 24 concern and is recommending a large fine, and that it be
 25 suspended if the company's permit is canceled. And that

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1 large fine, again, is rooted in the seriousness of the
 2 violations and the fact that they were repeated over
 3 time.
 4 And with that, I'll conclude. Thank you.
 5 JUDGE THOMPSON: Thank you. Mr. Satir, do
 6 you have a closing statement that you would like to
 7 provide?
 8
 9 CLOSING ARGUMENT BY PNW MOVING & DELIVERY
 10 MR. SATIR: So yeah. I would like to
 11 provide a statement. Even though on the legal paperwork
 12 side of things, I have not been keeping up and
 13 everything, we've serviced about 700 customers last year.
 14 We held our Google review, or just review
 15 online rating of at least 3.8, 3.9. So we have delivered
 16 and carried out to the public really well moves and
 17 everything. This is -- we have over 380 reviews. Right
 18 now it's right around there. But let's just say at the
 19 time, it was around 350, at the end of last year. And we
 20 have delivered great service to our customers, to the
 21 community.
 22 I've employed and provided good working
 23 experience to the guys. I don't have a turnaround of
 24 guys that's that high. It's just normal. They're moving
 25 on to the next job or in their career, moving on to the

1 next thing in their career.
 2 So even though I have not be able to focus
 3 on the legal side, we care about the customer. I've
 4 taken care of customers. A simple example is the guys
 5 moved a couch incorrectly and scraped it. The company
 6 honored the customer and paid out a \$7,000 couch that we
 7 just honored because we could have went back to say hey,
 8 there's a (inaudible) thing that you signed. But no, we
 9 decided to do that. And we have done that multiple
 10 times, making sure we stand right by our customers. So I
 11 want to include that in there.

12 JUDGE THOMPSON: Thank you. Thank you all
 13 for your appearances and for presenting your cases today.

14 I will take all of this under advisement
 15 and issue an order soon.

16 Before we adjourn, I'd like to request
 17 that the parties waive the requirement to issue an order
 18 in ten days. As I mentioned earlier, I'd like to have
 19 the transcript available to me when writing the order in
 20 this matter. And we usually receive that transcript
 21 within seven to ten days. I'd anticipate issuing an
 22 order shortly thereafter.

23 Does either party object to waiving that
 24 requirement?

25 ATTORNEY JONES: No objection from staff.

1 CERTIFICATE

2 STATE OF WASHINGTON)

3) ss

4 COUNTY OF KING)

5 I, Elizabeth Patterson Harvey, a Certified
 6 Court Reporter and Registered Professional Reporter
 7 within and for the State of Washington, do hereby certify
 8 under penalty of perjury that the foregoing legal
 9 recordings were transcribed under my direction; that I
 10 received the electronic recording in the proprietary
 11 format; that I am not a relative or employee of any
 12 attorney or counsel employed by the parties hereto, nor
 13 financially interested in its outcome.

14 IN WITNESS WHEREOF, I have hereunto set my
 15 hand this 15th day of May, 2024.

16
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 22
 23
 24
 25

Elizabeth Patterson Harvey



Elizabeth Patterson Harvey, CCR 2731

1 MR. SATIR: No.

2 JUDGE THOMPSON: I heard no from both
 3 parties.

4 Does either party have anything further
 5 before we go off the record?

6 ATTORNEY JONES: Nothing further from
 7 staff. Thank you.

8 MR. SATIR: No.

9 JUDGE THOMPSON: Okay. Thank you all for
 10 coming here today. We are off the record. Have a good
 11 rest of your day.

12 MR. SATIR: Thank you.

13 ATTORNEY JONES: Thank you.

14 (Conclusion of Proceedings)

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<p style="text-align: center;">A</p> <p>a.m 4:6 8:18 abide 64:2 71:19 ability 42:22 77:19 82:8 able 26:5 79:14,18 79:22,23 85:20,21 85:22 87:1 89:2 abstract 43:23 accepted 59:25 72:20 76:1 access 45:8 accessed 21:6 accident 15:20 36:14,15,16,17,18 36:20,21,22,24 37:2,5,6 accompanies 11:5 accountable 71:2 accurate 20:3 61:3 62:3 82:2 accurately 17:8,25 18:24 acknowledge 27:1 27:3 49:2 acknowledged 29:25 87:10 acknowledgement 63:1 acknowledging 62:23 action 27:24 56:2 59:14 86:21,24 actions 25:4,8 activity 21:17 actual 26:10 59:13 acute 27:18,20,22 30:4 47:21 58:14 62:24 64:22 65:24 66:5,20 67:17,20 87:8 acutes 67:16 additional 10:1 66:17 83:17 Additionally 65:19</p>	<p>69:15,19 address 24:1 81:7 addressed 9:9 24:5 48:4 adequate 24:20 28:11,16,22 29:4 29:15 68:2 87:16 adhering 41:16 adjourn 89:16 adjudicative 1:9 4:21 Administration 13:13 37:14 56:8 Administration's 58:7 administrative 1:10 4:20 16:8 28:10 admission 6:24,25 admit 18:4 19:3 20:10 49:5 61:7 62:7 admitted 18:9,10 19:8,9 20:7,15,17 61:14,16 62:13,14 admitting 19:5 adopted 16:9 adopts 58:6 advisement 89:14 affirm 12:1 54:7 78:3 afford 79:14 agency 43:18,25 50:24 69:9 agreeable 65:2 agreement 23:24 72:19 ahead 4:22,24 5:24 7:3 8:13 9:25 11:11,15 51:16,19 76:11,20 77:15,17 78:1 82:11 Alliance 13:15 56:11 allow 6:7 45:17</p>	<p>allowable 69:22 allowed 34:14 47:22 59:8 allowing 6:11 76:6 analysis 13:12 and/or 23:1 annual 39:19 43:19 43:23 44:9,16,19 64:24 69:9 answer 53:12 73:10 73:15 76:20 anticipate 89:21 anybody 77:7 Apologies 57:8 apologize 10:18 appear 20:2,5 63:1 74:2 appearances 4:22 89:13 appears 60:24 applicable 15:20,22 33:2 36:18,22 39:19 applicant 40:5 42:1 application 30:17 39:14,25 40:3,4 69:14 applications 40:7 40:11,14,19,22 68:16 69:17 70:12 71:8 approved 59:3 60:12,14 63:20 65:3,4 72:7 79:9 80:13 April 4:15 9:5 21:22 22:19 23:3 52:3,15 53:4,9,15 80:2 ARBITRATOR 51:9 argue 8:1</p>	<p>ARGUMENT 88:9 ARGUMENTS 3:3 3:4 86:6 arrangement 7:9 7:12 9:3 65:2,4 66:2 asked 30:10 50:6 asking 10:20 25:7 53:3 55:14 assess 67:2 assessed 63:23 65:1 66:1 assign 55:21 assigned 14:13 assistance 62:25 73:20 86:20 assistant 5:2 associated 21:24 37:8 38:16,21 assume 75:15 attend 48:6,10 attendees 48:18 attention 60:15 61:19 78:22 attorney 2:7 3:8,10 5:1,2 6:18 8:3,10 8:21 9:11,24 10:1 11:14,19 12:12,15 18:3,12,13 19:2 19:11,12 20:9,18 20:19 49:6 50:12 54:2,13,20 61:17 61:18 62:7,16 72:13 74:19 77:4 77:10 81:1 86:7 89:25 90:6,13 91:14 audit 46:13 audits 13:21 authority 57:4 70:9 71:5 available 89:19 avoid 9:21 aware 5:18 6:23 25:13 56:20 81:11</p>	<p>81:14 <hr/> <p style="text-align: center;">B</p> <hr/> <p>B 3:13 B-I-L-B-R-E-Y 20:1 back 8:14,18 70:2 79:12,12 82:6 85:1,2 86:13 89:7 background 5:18 31:2,7,11,17,19 31:21,25 32:11 71:11 80:14 87:16 backwards 67:22 Barring 53:22 based 26:5 28:24 38:7 58:13 72:6 73:12 76:19 basically 49:15 78:20 82:14 basing 87:19 basis 86:12 began 4:12 behalf 85:8 believe 11:2 65:12 73:19 74:24 76:25 believes 70:11 belt 45:11 46:2 47:11 50:17,19 81:6,8,10,17 belts 45:4,6 Berkshire 79:4,20 80:7 best 8:8 biennial 37:25 38:5 big 85:18 Bilbrey 3:17 19:18 20:1 56:21 Bilbrey's 20:3 bill 22:22 23:1,4,7 23:21 24:23 26:6 26:11 28:14,24 29:7 bills 85:1 bit 45:14 75:5 books 82:21 83:4</p> </p>
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