

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

DOCKETS TV-170038 and  
TV-170039 (Consolidated)

DECLARATION OF  
SANDRA YEOMANS

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

I, SANDRA YEOMANS, under penalty of perjury under the laws of the state of Washington, declares as follows:

- 1 I am employed by the Washington Utilities and Transportation Commission (Commission) where I have worked as a Special Investigator in the Transportation division since August 19, 2015. My duties include conducting investigations of companies that may be operating in violation of the public service laws or Commission rules, including the rules governing the safe operation of household goods carriers.
- 2 On February 15, 2018, I completed a non-rated safety investigation of MVP Moving and Storage LLC (MVP) as a follow-up to an unsatisfactory rating from a safety investigation dated January 17, 2017.
- 3 I discovered one violation of 49 CFR § 390.19(b)(2) for failing to timely file the appropriate form under 390.19(a) (MCS-150, 150B, or 150C)
- 4 I discovered one violation of 49 CFR § 391.11(b)(6) for failing to require driver to furnish

list of motor vehicle traffic violations each 12 months. Specifically, the company failed to have driver Marvin Britton provide such a list. This was a repeat violation.

5 I discovered four violations of 49 CFR § 391.21(a) for using a driver who had not completed and furnished an employment application. The company failed to have Isidro Michael Bacalzo, Marvin Britton, Juan Carlos Molina-Cerna, and Dean Steklenburg complete employment applications.

6 I discovered two violations of 49 CFR § 391.23(a) for failing to investigate a driver's background. The company failed to investigate the driving history of Juan Carlos Molina-Cerna and Isidro Bacalzo.

7 I discovered two violations of 49 CFR § 391.23(c) for failing to investigate driver's background within 30 days of employment. The company failed to acquire a motor vehicle report within 30 days of hire for Isidro Bacalzo and Juan Carlos Molina-Cerna. This was a repeat violation.

8 I discovered one violation of 49 CFR § 391.25(a) for failing to make an inquiry into the driving record of each driver with the appropriate State agencies in jurisdictions in which the driver held a commercial motor vehicle operator's license at least once every 12 months. Specifically, the company failed to obtain a motor vehicle driving record for Marvin Britton with the frequency required by the federal rule. This was a repeat violation.

9 I discovered one critical-type violation of Title 49 CFR § 391.45(a) for using a driver not medically examined and certified. The company allowed Juan Carlos Molina-Cerna to drive two times during a lapse in his medical certification. This was a repeat violation.

10 I discovered one violation of 49 CFR § 391.51(b)(6) for failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 49 C.F.R.

§ 391.27. The company failed to have Marvin Britton self-certify compliance with motor vehicle laws and ordinances as required. This was a repeat violation.

11 I discovered two violations of 49 CFR § 391.51(b)(9) for failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver qualification file. The company failed to note verification of the medical examiner in the driver qualification file for Isidro Bacalzo and Dean Steklenburg. This was a repeat violation.

12 I discovered one critical-type violation of 49 CFR § 396.17(a) for using a commercial motor vehicle not periodically inspected. The company used vehicle 1FVACWDC57HY45655 on October 18, 2017, without its having been periodically inspected.

13 I discovered one violation of WAC 480-15-900 for failing to pay unified carrier registration fees for the 2017 calendar year.

14 On March 12, 2019, I completed a safety investigation of MVP.

15 I discovered one violation of 49 CFR § 390.19(b)(2) for failing to timely file the appropriate form under 49 C.F.R. § 390.19(a) (MCS-150, 150B, or 150C). The company had not updated the MCS-150. This was a repeat violation.

16 I discovered one violation of 49 CFR § 390.35 for making or causing to be made a fraudulent or intentionally false entry on a record in a driver qualification file. The company signed off on Michael Lesinski's annual review on February 2, 2018, despite not having a motor vehicle report for Mr. Lesinski until March 26, 2018. This is an acute-type violation.

17 I discovered one violation of 49 CFR § 391.23(a) for failing to investigate a driver's background. The company failed to investigate Marvin Britton's driving background with previous employers. This was a repeat violation.

- 18 I discovered one violation of 49 CFR § 391.23(c) for failing to investigate a driver's background within 30 days of employment. The company did not acquire a motor vehicle report for Marvin Britton or Michael Lesinski within 30 days of when their employment began. This was a repeat violation.
- 19 I discovered one violation of 49 CFR § 391.51(b)(9) for failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners in a driver qualification file as required by 49 C.F.R. § 391.23(m). The company did not place a note in the driver qualification file of Marvin Britton verifying the medical examiner on the driver's medical certificate. This was a repeat violation.
- 20 I discovered one violation of 49 CFR § 396.11(a) for failing to require a driver to prepare driver vehicle inspection report. On October 18, 2018 Michael Lesinski failed to prepare a driver vehicle inspection report for vehicle 1FVACWDC45DN63236 that required repairs. This is a critical-type violation.
- 21 I discovered one violation of 49 CFR § 396.17(a) for using a commercial motor vehicle not periodically inspected. The company used vehicle 1FVACWDC45DN63236 on October 18, 2018 without performing a periodic inspection on the vehicle. This is a repeat critical-type violation.
- 22 I discovered three violations of 49 CFR § 396.3(b)(1) for failing to keep a maintenance record which identifies the vehicle, including make, serial number, year and tire size. Vehicle files for vehicles 1FVCACWDC57GT45655, JALC4B16267000130, and 1FVACWDC45DN63236 did not have tire size marked on the description.
- 23 I discovered three violations of 49 CFR § 396.3(b)(2) for failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to

be performed. The company failed to list for vehicles 1FVCACWDC57GT45655, JALC4B16267000130, and 1FVACWDC45DN63236 maintenance nature and the due dates.

24 I discovered three violations of 49 CFR § 396.3(b)(3) for failing to keep a record of inspection, repairs, and maintenance indicating their date and nature. The company failed to keep records of maintenance and inspections performed on vehicles 1FVCACWDC57GT45655, JALC4B16267000130, and 1FVACWDC45DN63236 as required.

25 I discovered three violations of 49 CFR § 396.21(b) for failing to retain periodic inspection report for 14 months from date of inspection. The company did not retain periodic inspection reports for vehicles 1FVCACWDC57GT45655, JALC4B16267000130, and 1FVACWDC45DN63236 in the maintenance file.

26 I discovered two violations of WAC-480-15-900 for carrier operating under interstate authority failing to pay fees as required by the Uniform Carrier Registration (UCR) program. The company failed to pay UCR fees for 2017 and 2018. This is a repeat violation of investigation dated February 15, 2018.

27 I discovered seven violations of WAC-480-15-555 for failure to complete a criminal background check for every person the carrier intends to hire. The company did not complete criminal background checks on Rele Malik Collins-Neal, Edgar Esparza, Deandre Nixon, Daniel Herrera, Justin Bell, Taalili Williams, and Omar Vargas. These are critical-type violations. They are also repeat violations of investigation dated February 15, 2018.

28 On June 7, 2018, Jason Sharp (the Commission's Motor Carrier Safety Supervisor) asked me to work with Jason Garcia (the owner of MVP) to give guidance in preparing and

completing a safety management plan as required by Order 04 in consolidated dockets TV-170039 and TV-170038.

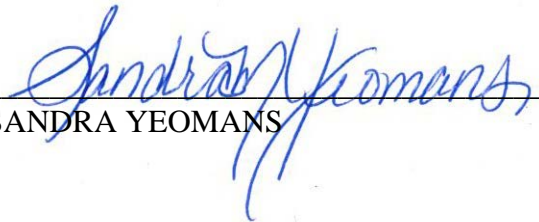
29 I contacted Mr. Garcia on June 13, 2018, and sent a template safety management plan to assist the company in complying with the requirement that it submit a safety management plan. Mr. Garcia acknowledged receipt via email on June 13, 2018.

30 On August 3, 2018, Katie Hancock, another employee of the Commission's Motor Carrier Safety Section, sent a letter to Mr. Garcia directing MVP to submit a safety management plan to Commission Staff by August 31, 2018. MVP did not do so.

31 On February 7, 2019, I met with Mr. Garcia to complete a focused investigation and at that time inquired about the safety management plan. On March 12, 2019, I met again with Mr. Garcia for the closing of his investigation and discussed the safety management plan again.

32 MVP finally submitted a safety management plan on March 12, 2019.

DATED this 26th day of March, 2019, at Olympia, Washington.



SANDRA YEOMANS