

**In the Matter of the Investigation of: Miracle Man
Movers, LLC**

Docket No. TV-230503 - Vol. 2

August 8, 2023



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Investigation of)
MIRACLE MAN MOVERS, LLC,) DOCKET TV-230503
For Compliance with WAC 480-15-555,)
WAC 480-15-560, WAC 480-15-570, and) VOLUME II
480-15-590.)

HEARING
The Honorable Rayne Pearson Presiding
August 8, 2023

TRANSCRIBED BY: Angela Dutenhoffer, CET

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A P P E A R A N C E S

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

NO.	DESCRIPTION	MARKED/ADMITTED
4		
5	SY-1 June 15, 2023 Compliance Report	-- 10
6	SY-2 February 22, 2021 Compliance Report	-- 11
7	SY-3 August 11, 2022 Compliance Report	-- 12
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1 -o0o-
 2 August 8, 2023
 3
 4 THE COURT: All right. So I'm just going to briefly recap
 5 for the sake of the transcript that we did begin the hearing
 6 without recording. We took brief appearances from both
 7 staff and the company. And we were just getting ready for
 8 staff's first witness to testify. I'm about to swear
 9 Ms. Yeomans in. And staff will be testifying about the
 10 safety recommendation at this point and what staff's
 11 recommendation is with respect to the company's proposed
 12 safety management plan. After that, the company will have
 13 an opportunity to respond. And then we'll conclude with
 14 staff's penalty recommendation.
 15 Ms. Jones, is there anything else I should add or do you
 16 think that captured it pretty well?
 17 MS. JONES: I think that captured it, Your Honor.
 18 THE COURT: Okay. Great. All right. So I will go ahead
 19 and swear in Ms. Yeomans. If you could raise your right
 20 hand.
 21 Ms. Yeomans, do you swear or affirm the testimony that you
 22 give today will be the truth, the whole truth, and nothing
 23 but the truth?
 24 THE WITNESS: Yes.
 25 THE COURT: Okay. Thank you very much.

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1 Go ahead, Ms. Jones.
 2 MS. JONES: Thank you.
 3
 4 SANDRA YEOMANS: Witness herein, having first been
 5 duly sworn on oath, was examined
 6 and testified as follows:
 7
 8 DIRECT EXAMINATION
 9 BY MS. JONES:
 10 **Q. Would you please state your name and spell your last name**
 11 **for the record.**
 12 A. My name is Sandra Yeomans. Last name is Y-e-o-m-a-n-s.
 13 **Q. How are you employed?**
 14 A. I am a special investigator with Utilities and
 15 Transportation Commission.
 16 **Q. And what are -- thank you. And what are your duties as a**
 17 **special investigator?**
 18 A. I perform compliance investigation, new entrant training,
 19 destination inspections, household goods training, and
 20 technical assistance, and then any other duties as assigned.
 21 **Q. And have you received any training or education that enable**
 22 **you to carry out your duties as a -- as a special**
 23 **investigator?**
 24 A. Yes.
 25 **Q. Would you please describe those?**

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1 A. I have had CVS A Level, A and B training; AIS training;
 2 passenger vehicle inspection training. I think that it's
 3 it. And ongoing training for rules and regulations.
 4 **Q. Are you thus familiar with state and federal regulations**
 5 **governing the safe operation of household goods carriers?**
 6 A. Yes.
 7 **Q. Are you familiar with a company called Miracle Man Movers,**
 8 **LLC?**
 9 A. Yes.
 10 **Q. How did you become familiar with the company?**
 11 A. I -- the first time I become familiar was in 2021 when I did
 12 their initial compliance review -- or investigation.
 13 **Q. Okay. Okay. And was that the only other compliance**
 14 **investigation?**
 15 A. No. I did another one also in '22 and then the current one
 16 in '23.
 17 **Q. And when staff performs a review of a company's operations,**
 18 **what does it do?**
 19 A. We go in and we meet with the company. We request the
 20 records to see if they are in compliance. We then verify if
 21 there's any violations, and write up a report afterwards.
 22 **Q. When you review a carrier, do you review its records?**
 23 A. Yes.
 24 **Q. What type of records do you review?**
 25 A. Anything that verifies their powers of service. So that can

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1 be bill of lading, time sheets, schedules, everything for
 2 their driver qualification files, driver's license,
 3 applications, everything for that. And their vehicle
 4 maintenance, along with -- if they have drug and alcohol, we
 5 do that. And there's also insurance that we cover.
 6 **Q. Did you review all of those types of records when performing**
 7 **your review of Miracle Man Movers?**
 8 A. Yes. Except for the drug and alcohol because they do not
 9 have CDL drivers.
 10 **Q. Okay. When you finish a compliance review, do you produce a**
 11 **report of your findings?**
 12 A. Yes.
 13 **Q. Do you produce those reports in the ordinary course of**
 14 **business?**
 15 A. Yes.
 16 **Q. Why do you produce those reports?**
 17 A. That explains what records we receive, what violations were
 18 given, and anything that happened during the time that we
 19 were doing the inspection.
 20 **Q. Okay. And do you produce those reports contemporaneously**
 21 **with the end of your review?**
 22 A. Yes.
 23 **Q. And is it important that your reports accurately reflect**
 24 **what you found in the course of your review?**
 25 A. Very much so, yes.

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1 **Q. Did you produce such a report when you completed your review**
 2 **of Miracle Man Movers?**
 3 A. Yes.
 4 **Q. Okay. Would you please turn to the exhibit that's marked**
 5 **SY-1.**
 6 A. Okay.
 7 **Q. Can you identify that?**
 8 A. This is my compliance review of Miracle Man Movers that was
 9 closed on June 15th, 2023.
 10 **Q. Okay. And did you make that report in the ordinary course**
 11 **of business and contemporaneously with the end of your**
 12 **review?**
 13 A. Yes.
 14 **Q. Did that report that you drafted accurately reflect what you**
 15 **found?**
 16 A. Yes.
 17 **Q. And is it a true and accurate copy of the report you**
 18 **produced after completing your review of the company?**
 19 A. Yes.
 20 MS. JONES: And, Your Honor, at this time I'd like to move
 21 to admit Exhibit SY-1.
 22 THE COURT: Okay. Thank you.
 23 Mr. Bullock, do you have any objection to that?
 24 MR. BULLOCK: No, Your Honor.
 25 THE COURT: All right. Thank you. Then that is admitted.

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1 Thanks.
 2 (Exhibit No. SY-1 admitted into evidence.)
 3 MS. JONES: Thank you.
 4 **Q. (By Ms. Jones) And I'd like to -- like you to turn now to**
 5 **Exhibit SY-2.**
 6 A. Okay.
 7 **Q. Can you identify that document?**
 8 A. -2?
 9 **Q. Um-hum.**
 10 A. Is that the August 11th, '22 -- 2022 document? I didn't
 11 have --
 12 **Q. I believe --**
 13 A. -- numbers on them. Sorry.
 14 **Q. Oh. So SY-2 -- if the record could reflect that that was**
 15 **the report dated February 22nd, 2021.**
 16 A. Okay. Thank you. Yes, I have that.
 17 **Q. Okay. And is that -- can -- what is that document?**
 18 A. This is the findings and the report written for Miracle Man
 19 Movers that I closed with them on February 22nd, 2021, which
 20 was their initial investigation with me.
 21 **Q. Okay. And is this report -- did you make this report in the**
 22 **ordinary course of business and contemporaneously with the**
 23 **end of that review?**
 24 A. Yes.
 25 **Q. And is it a true and accurate copy of the report you**

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1 **produced after that review?**
 2 A. Yes.
 3 MS. JONES: Okay. And, Your Honor, I'd like to move for
 4 admission of Exhibit SY-2.
 5 THE COURT: All right. Mr. Bullock, do you have any
 6 objection to that exhibit?
 7 MR. BULLOCK: Sorry. I was muted out. No, Your Honor.
 8 THE COURT: Okay. Thank you.
 9 (Exhibit No. SY-2 admitted into evidence.)
 10 **Q. (By Ms. Jones) Okay. And, Ms. Yeomans, can you turn to the**
 11 **exhibit marked SY-3.**
 12 A. Yeah. That's the 8/11/22?
 13 **Q. Correct.**
 14 A. Okay.
 15 **Q. Can you -- can you identify that document for the record?**
 16 A. This is also a report after my compliance investigation with
 17 Miracle Man Movers that I closed with them on August 11th,
 18 2022.
 19 **Q. Okay. And did you make that report in the ordinary course**
 20 **of business and contemporaneously with the end of your -- of**
 21 **that review?**
 22 A. Yes, I did.
 23 **Q. And is it a true and accurate copy of the report you**
 24 **produced after that review?**
 25 A. Yes.

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1 MS. JONES: Okay. I'd like to move to admit SY-3.
 2 THE COURT: Thank you.
 3 Mr. Bullock, do you have any objection to that exhibit?
 4 MR. BULLOCK: No, Your Honor.
 5 THE COURT: Okay. Then it is admitted.
 6 (Exhibit No. SY-3 admitted into evidence.)
 7 MS. JONES: Thank you.
 8 **Q. (By Ms. Jones) I'd like to turn now to discuss the**
 9 **compliance review from your report, as described in SY-1.**
 10 **When you review a household goods carrier, do you look to**
 11 **see if it has performed criminal background checks on each**
 12 **of its employees?**
 13 A. Yes.
 14 **Q. Okay. How do you do that?**
 15 A. We get a list of all employees that they have had in the
 16 last year and then ask for the reports that they ran from
 17 the company that gives all of their background.
 18 **Q. Okay. When you conducted your review of Miracle Man Movers**
 19 **in June of 2023, did you examine the company's records for**
 20 **these background checks?**
 21 A. Yes.
 22 **Q. Did the company have those records for all its employees?**
 23 A. No.
 24 **Q. How many employees did Miracle Man fail to have those**
 25 **criminal background checks for?**

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1 A. They were four that were not pulled prior to hire.
2 **Q. Okay. And is the failure to have the criminal background**
3 **checks a critical violation?**
4 A. Yes.
5 **Q. What does it mean that it's a critical violation?**
6 A. That it's -- the violation is directly -- related directly
7 to the carrier's management of the company.
8 **Q. Okay. Have you previously found Miracle Man in violation of**
9 **their requirement to complete the background checks?**
10 A. Yes.
11 **Q. When was -- when were the previous violations?**
12 A. August of 2022.
13 **Q. Okay.**
14 A. That would be the SY-3.
15 **Q. Okay. And was that -- were those previous violations**
16 **associated with the prior case docket TV-220511?**
17 A. Yes.
18 **Q. Okay. All right. Turning to the issue of records of duty**
19 **status. When you review operational records of a carrier,**
20 **do you look for records of duty status?**
21 A. Yes.
22 **Q. What is a record of duty status?**
23 A. Record of duty status is the time that a driver is on duty.
24 **Q. Did you look for records of duty status during your review**
25 **of Miracle Man Movers?**

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1 A. Yes.
2 **Q. Did you find any missing records of duty status in your --**
3 **in your review?**
4 A. Yes.
5 **Q. And how many records of duty status were missing in the**
6 **records you examined?**
7 A. 60.
8 **Q. How do you calculate that 60 -- the 60 violations?**
9 A. There is a violation for each day they don't have a record
10 of duty status. And so for two of the drivers, they were
11 incomplete, and that makes them that they don't have any.
12 So for the -- we have a sample size that we get for 30 days.
13 And so of that 30 days, two of the drivers did not have true
14 and accurate records.
15 **Q. Thank you. And does the Federal Motor Carrier Safety**
16 **Administration consider the failure to have records of duty**
17 **status a critical violation?**
18 A. Yes.
19 **Q. Okay. And turning to past compliance -- compliance reviews**
20 **of Miracle Man Movers, have you previously found the company**
21 **in violation of the requirement to have the records of duty**
22 **status?**
23 A. Yes.
24 **Q. Okay. And when were those previous violations?**
25 A. With the August '22 and also the February '21.

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1 **Q. Okay. Thank you. Turning now to requirements associated**
2 **with leased vehicles. When you review a carrier's records,**
3 **do you look for copies of leases?**
4 A. Yes.
5 **Q. And what are you looking for specifically?**
6 A. They have to have an accurate lease record that says when
7 they leased the vehicle, start/end date, who is responsible
8 for the charges, and all those various other ones. I don't
9 have the full list in front of me. But they have to have a
10 lease explaining who is responsible for what; who signed it;
11 who's been -- how much -- when they're -- who is supposed to
12 be paid; who is the leaser; who is the lessee. I think I
13 got them all.
14 **Q. Did you look for those copies of leases in your review of**
15 **Miracle Man Movers?**
16 A. Yes.
17 **Q. Did you find all the leases that you were looking for?**
18 A. No.
19 **Q. How many were missing?**
20 A. 15.
21 **Q. Have you previously found Miracle Man Movers in violation of**
22 **their requirement to maintain the vehicle lease agreements?**
23 A. Yes.
24 **Q. And when were the previous violations?**
25 A. August of '22 and February of '21.

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1 **Q. Thank you. Okay. Turning now to road tests and**
2 **certifications. When you review a carrier's driver records,**
3 **do you look to see if the carrier has performed a road test**
4 **for the driver or has been issued a certificate of the**
5 **driver's road test?**
6 A. Yes. They have to perform a road test and supply a
7 certificate. It's two parts.
8 **Q. Okay. Can you just explain what the road test is, what the**
9 **certificate is attesting to?**
10 A. The road test is a graded test on how a driver performs when
11 driving the commercial motor vehicle. And the carrier, or
12 whoever is qualified to do so, can give them passing or
13 failing. If they passed, then they are then issued a
14 certificate that whoever gave the test is attesting to the
15 fact that they can drive the vehicles that they own.
16 **Q. Did you look for these records in your review of Miracle Man**
17 **Movers?**
18 A. Yes.
19 **Q. And did Miracle Man perform the necessary road tests and**
20 **have the necessary certificates for its drivers?**
21 A. No.
22 **Q. How many drivers lacked the road test and certificate?**
23 A. One.
24 **Q. Have you previously found Miracle Man in violation of this**
25 **requirement regarding road tests and certificates?**

1 A. Yes. In an August '22 report.
 2 **Q. Okay. When you review driver records, do you look to make**
 3 **sure a carrier's file for a driver includes a completed**
 4 **employment application?**
 5 A. Yeah.
 6 **Q. What constitutes a completed employment application?**
 7 A. They have to have all information included in the
 8 application. If there is any blank spaces that they have
 9 not marked that is not applicable or put something in there
 10 that's considered an incomplete application.
 11 **Q. Did you look for completed applications when you reviewed**
 12 **Miracle Man Movers' records?**
 13 A. Yes.
 14 **Q. And did the company have them for all its drivers?**
 15 A. No.
 16 **Q. How many drivers were lacking a completed employment**
 17 **application? I'm sorry. Did --**
 18 A. Four.
 19 **Q. Oh, thank you.**
 20 A. Four.
 21 **Q. I didn't hear you. Thank you.**
 22 **Have you previously found the company in violation of the**
 23 **requirement to maintain completed employment applications?**
 24 A. Yes. August 22 and the February 21 reports.
 25 **Q. Turning now to the investigation of a driver's performance**

1 A. August of '22 report.
 2 **Q. And are carriers required to inquire about a driver's record**
 3 **with the -- with licensing agencies?**
 4 A. Yes.
 5 **Q. Okay. And is this an annual -- is this requirement an**
 6 **annual review?**
 7 A. Yes. Oh, I think I might have messed up. There's two
 8 different ones. I think I was on the wrong one. So for the
 9 performance history, they have to acquire one. The previous
 10 one was -- I get these confused. Sorry. That is for --
 11 when they're hired, they have to get a driver's abstract
 12 within 30 days of employment, either 30 days before or 30
 13 days after their hire date. And they did not have four of
 14 those reports that they needed.
 15 **Q. Okay. So you're referring to the investigation of the**
 16 **driver's performance history with --**
 17 A. Yes. Yes.
 18 **Q. -- the Department of Transportation?**
 19 A. Right. Yeah. Sorry. I skipped ahead.
 20 **Q. Okay. All right. So let's just -- let's just go back a**
 21 **little bit and clarify that.**
 22 A. Okay.
 23 **Q. So when you're reviewing a company's records, you're looking**
 24 **to see if a carrier has investigated their driver's**
 25 **performance history with Department of Transportation**

1 **history. When you review a company's records, do you**
 2 **examine them to see if a carrier has investigated their**
 3 **drivers' performance history with Department of**
 4 **Transportation regulated employers?**
 5 A. Yes.
 6 **Q. Can you explain what you're looking for when you're checking**
 7 **for this?**
 8 A. What we're looking for is any driver that has been there
 9 over a year. It requires that they have another driver's
 10 abstract pulled. And then it's a requirement to review that
 11 abstract and verify that the driver is still in compliance
 12 to be driving.
 13 **Q. When you reviewed Miracle Man's records, did you determine**
 14 **whether they had investigated their driver's performance**
 15 **history as required and as you explained?**
 16 A. Yes.
 17 **Q. Okay. And were there any records missing of this check?**
 18 A. Yes. One.
 19 **Q. Okay. And so how many -- sorry. How many drivers did**
 20 **Miracle Man --**
 21 A. There was only one that required it. They only had one
 22 driver that had been there for a year, and that one driver
 23 did not have a -- have a new abstract after a year.
 24 **Q. Okay. Thank you. And is this -- were there any previous**
 25 **violations from other reviews on this one?**

1 **related employers; is that right?**
 2 A. Correct. Um-hum.
 3 **Q. Okay. And you reviewed Miracle -- did you review Miracle**
 4 **Man's records of the --**
 5 A. Yes.
 6 **Q. Okay. And were there any drivers that lacked that**
 7 **investigation into their performance history?**
 8 A. Four.
 9 **Q. There were -- there were four drivers?**
 10 A. Four drivers.
 11 **Q. Okay. So now turning to the requirement regarding the**
 12 **checking a driver's license with the licensing agency. Is**
 13 **that something -- is that something that you are required to**
 14 **look for in your review?**
 15 A. With -- for the annual review?
 16 **Q. Yeah. So I'm talking now about the inquiry into a driver's**
 17 **record with licensing agencies.**
 18 A. Okay. That is for -- that's the annual review, and, yes --
 19 **Q. Okay.**
 20 A. -- you do need it.
 21 **Q. Okay. And did you look to see whether Miracle Man had made**
 22 **the annual reviews into the -- into driver's records with**
 23 **license agencies?**
 24 A. Yes.
 25 **Q. Did you find those for all the drivers?**

1 A. There was only one that required it, and one was -- and that
 2 one was missing.
 3 **Q. Okay. When you review a record -- the records of a carrier,**
 4 **do you look to see whether the company is using drivers that**
 5 **are medically examined and certified?**
 6 A. Yes.
 7 **Q. What are you looking for regarding the medical examination**
 8 **and certification?**
 9 A. It's required that they have a valid medical certificate, a
 10 DOT medical certificate for each driver. And they need to
 11 maintain that in their file for three years. So usually
 12 that requires two medical certificates.
 13 And when I look at those, I'm looking to see if there's
 14 any lapses between one medical certificate or another, or if
 15 a medical certificate has not been acquired at all. Because
 16 it is required for any driver of a commercial motor vehicle
 17 to have a DOT medical.
 18 **Q. Did you determine whether Miracle Man Movers was using any**
 19 **drivers that were not medically examined and certified?**
 20 A. Yes.
 21 **Q. How many drivers lacked the medical examination and**
 22 **certification?**
 23 A. One.
 24 **Q. Okay. Turning now to items now that are required to be**
 25 **maintained in the driver's qualification file. Can you**

1 **driver qualification files?**
 2 A. Yes. There was one not maintained.
 3 **Q. So one was missing?**
 4 A. Yeah.
 5 **Q. Okay. When you review a carrier's operations, do you look**
 6 **to see if it has required or permitted drivers to drive**
 7 **after having been on duty for more than 70 hours in 8 days?**
 8 A. Yes. That's one thing we look for.
 9 **Q. How do you -- how do you get that information from the**
 10 **carrier?**
 11 A. From their time sheets and bills of lading we determine when
 12 they've been driving, what days they drove, how long they
 13 drove.
 14 **Q. Did you look to see if Miracle Man had any drivers that were**
 15 **allowed to drive over 70 hours in 8 consecutive days?**
 16 A. Yeah. Yes.
 17 **Q. And how many drivers did Miracle Man require permit to drive**
 18 **after having been on duty for that period of time: 70 hours**
 19 **in 8 consecutive days?**
 20 A. It was one driver.
 21 **Q. Okay. How many times did that occur where that driver**
 22 **exceeded that limit?**
 23 A. Fourteen times in a 30-day period.
 24 **Q. Okay. Have you found -- have you previously found Miracle**
 25 **Man in violation of this rule in previous compliance**

1 **explain what a driver's qualification file is?**
 2 A. A driver's qualification file is the collection of
 3 information to make sure that the driver is able and to --
 4 able to drive.
 5 **Q. When you review driver's qualification files, do you look to**
 6 **see if the carriers maintained inquiries into the driver's**
 7 **driving record?**
 8 A. Yes.
 9 **Q. Okay. And is that -- just for clarity, is that driving**
 10 **record called an abstract -- a driver abstract?**
 11 A. A driver abstract, yeah.
 12 **Q. Okay. And what are you looking for when you're checking for**
 13 **this?**
 14 A. I am making sure that they have it within the 30 days of
 15 hire.
 16 **Q. Did you review Miracle Man's driver qualification files for**
 17 **inquiries -- those inquiries or those driver abstracts?**
 18 A. Yes.
 19 **Q. Were there any missing inquiries into the -- into the**
 20 **driving record?**
 21 A. One.
 22 **Q. Do you also look to see whether a carrier has maintained**
 23 **road test certificates in the qualification files?**
 24 A. Yeah.
 25 **Q. And did you look for road test certificates in Miracle Man's**

1 **reviews?**
 2 A. Yes. August of '22 and February of '21 reports.
 3 **Q. Okay. All right. And when you review a carrier's**
 4 **operations, do you look to see if it has obtained from its**
 5 **drivers signed statements giving the total time on duty**
 6 **during the preceding seven days?**
 7 A. Yes.
 8 **Q. Okay. And what are you looking for with these statements?**
 9 A. When they hire a new employee or someone that works
 10 intermittently, maybe just, like, on weekends or on -- an
 11 on-call type of person, they need to know what they have
 12 been working prior to coming and working for them because
 13 any on-duty time, regardless of whether it's driving or not,
 14 needs to be considered in the 70 hours per week to make sure
 15 that you don't have a fatigued driver.
 16 **Q. Did you look for those signed statements in Miracle Man's**
 17 **records?**
 18 A. Yes.
 19 **Q. Did you find that the company had obtained all the necessary**
 20 **signed statements?**
 21 A. No.
 22 **Q. And how many drivers had failed to provide those statements?**
 23 A. One.
 24 **Q. Okay. During the course of your compliance review, did the**
 25 **company have any problems locating and presenting the**

1 required information?
 2 A. At times, yes.
 3 Q. Did the company appear to correct violations as they were
 4 discovered?
 5 A. Some they did.
 6 MS. JONES: Okay. Thank you. I have no further
 7 questions.
 8 THE COURT: Okay. Thank you.
 9 And, also, just for the record, I want to clarify that the
 10 other parties proceeding -- appearing on behalf of the
 11 company are Chris and Anna Bullock.
 12 And in a moment, Mr. Bullock, I'll ask you if you have any
 13 questions for Ms. Yeomans. I did have -- oh, I have a
 14 question for you, Ms. Yeomans.
 15 What is the 61st day that we're up against right now?
 16 THE WITNESS: The six- -- I don't know. Jason would know
 17 that.
 18 THE COURT: Okay. Mr. Sharp, do you know the answer to
 19 that question?
 20 THE WITNESS: He says August 15th.
 21 MR. SHARP: August 15th.
 22 THE COURT: Okay. Thank you.
 23 All right. And, Mr. Bullock, did you have any questions
 24 for Ms. Yeomans?
 25 MR. BULLOCK: No, Your Honor.

1 know, jobs that need to be done that were already set, and
 2 we didn't want to let customers down. You know, times, you
 3 know, you want to get, you know, someone to be able to help
 4 the customer. And, you know, we did things that we -- you
 5 know, we're in violation. I mean, I can't really -- I don't
 6 want to make any excuses. It's just that we got put into
 7 some tough situations throughout the -- you know, the
 8 last -- you know, since I've started this business. You
 9 know, it's highly regulated. There's a lot to stick to.
 10 And I messed up.
 11 Anna may have something to say. She deals, you know, with
 12 this stuff, as well.
 13 Do you have anything you want to say?
 14 MS. BULLOCK: Do I need to be sworn in?
 15 THE WITNESS: She's asking does she need to be sworn in.
 16 THE COURT: Yes.
 17 THE WITNESS: Yes.
 18 THE COURT: All right. If you could just raise your right
 19 hand.
 20 Do you swear or affirm the testimony you give today will
 21 be the truth, the whole truth, and nothing but the truth?
 22 MS. BULLOCK: I do.
 23 THE COURT: Okay.
 24 ///
 25 ///

1 THE COURT: No. Okay. All right. Well, at this time,
 2 you have an opportunity to respond to staff's testimony and
 3 kind of give your side of the story, explain what happened,
 4 and why the violations occurred. So let me swear you in.
 5 If you'll raise your right hand.
 6 MR. BULLOCK: So are you going to ask questions or am I
 7 just supposed to just speak freely?
 8 THE COURT: I have some questions, but I need to swear you
 9 in first. So raise your right hand.
 10 Do you swear or affirm the testimony that you give today
 11 will be the truth, the whole truth, and nothing but the
 12 truth?
 13 THE WITNESS: Yes.
 14
 15 CHRIS BULLOCK: Witness herein, having first been
 16 duly sworn on oath, was examined
 17 and testified as follows:
 18
 19 THE COURT: Okay. So my first question is whether you had
 20 any response to what you just heard from Ms. Yeomans or if
 21 you have anything that you wanted to say about what went
 22 wrong; maybe explain what happened here.
 23 THE WITNESS: I mean, I don't really have much to say.
 24 You know, we've gotten into tough situations. We have a
 25 hard time, you know, finding employees. And we've had, you

1 ANNA BULLOCK: Witness herein, having first been
 2 duly sworn on oath, was examined
 3 and testified as follows:
 4
 5 MS. BULLOCK: I will agree with Chris that there are
 6 mistakes that has been made. However, I don't believe we
 7 were intentionally trying to violate the regulations because
 8 we understand we are a highly regulated industry.
 9 But through the process and through Covid, it was very
 10 hard and difficult to find and keep employees. People
 11 appeared not to want to work. You'd bring them in. You'd
 12 background them. You'd wait two and three weeks sometimes
 13 just to get a background check, depending on what company
 14 we're using. And with that said, sometimes the people
 15 cleared. Sometimes they don't. So we tried doing it by the
 16 book.
 17 I do most of the background checks -- the majority of
 18 them. And what happens is usually people pan out. They
 19 either have a felony or misdemeanor, so we can't hire. But
 20 because we've committed to the client, I think Chris just
 21 tries to make it work for them rather than let them down
 22 because it's still the reputation of the company and to the
 23 community. And I think he invests in the community, as well
 24 as our clients.
 25 There are only a few things. I have no questions for

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1 Ms. Yeomans. She has been very pleasant to work with.
 2 She's been on our site. We've enjoyed her.
 3 However, on some items, I tend to have an issue with them.
 4 I want to go by them. I'm not as good as an attorney, like
 5 Ms. Jones, but I would like to just comment on a couple. I
 6 don't necessarily disagree with the report. But there are
 7 some clarifications I'd just like to make, if it's okay.
 8 THE COURT: Sure. Go ahead.
 9 MS. BULLOCK: I will go -- I can only go by the reports,
 10 the Part B violations. And I'm starting on Page 3, I
 11 believe, of the report SY-1.
 12 And the first one there appears to be -- we had a
 13 background check for every person. And it's alleged that we
 14 only -- they discovered four out of 25 they checked. So we
 15 had four violations.
 16 The person on here -- Niky Dayton (phonetic) had a
 17 background check and it was done previous to his employment.
 18 It was so long getting, he kept calling to try to get here.
 19 So I did have those dates until the report that I tried or
 20 attempted to submit to Jason yesterday. And so he reviewed
 21 that, responded to us this morning.
 22 Robert Allinger (phonetic) -- and I don't know if I can
 23 put names on the record, but they're in my report.
 24 The second one, number two, record duty of status, I agree
 25 with that 100 percent. I looked at it when Ms. Sandy was

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1 here. I did correct it, and I did submit it with my safety
 2 report that I sent in.
 3 The third one, number three, we rent from Penske. Penske
 4 has an electronic version of all the leases for any vehicle
 5 that we get. So we use their safety system that's online to
 6 main- -- we're a small business, so we try to use whatever
 7 we can electronically. But because we're leasing from them;
 8 they keep all of the leases in this file.
 9 So I attempted to submit all of those leases. I can't say
 10 they went through because a lot of times when I was
 11 submitting things that were too large, it would go into a
 12 Google drive, which Ms. Yeomans necessarily didn't have
 13 access to get, was my understanding. So I don't know if the
 14 days she's indicating I just didn't have a lease in there.
 15 But we only leased from Penske.
 16 Item 3 -- number 4, the road test, she is correct. I have
 17 nothing to do say on that. Robert Allinger was a returning
 18 employee. I was not in the office when he returned. We
 19 were down an employee. I just assumed they used him because
 20 we had some jobs and had nobody to do them.
 21 The only -- the employee application is correct on the
 22 first audit. Ms. Yeomans talked to me about it personally,
 23 and I did a supplemental to our application just for drivers
 24 to complete. And I do know one was completed by one of the
 25 people listed in the report: Mr. Rayon Dayton. The others

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1 I do not have and I concur with that.
 2 On number 6, I looked up Rayon -- Rayon Dayton is the same
 3 person in that one, and the problem with him is he came from
 4 a different state, and I kept submitting the paperwork, but
 5 I never got a response. So I have that.
 6 Number -- this report is two pages, so it's hard. I'm on
 7 number 8, use a driver not medically examined. I agree with
 8 that. But I have sent in the last reported process that I
 9 would review medical cards and I would review driver's
 10 license abstract every year in July. That was agreed on in
 11 the last one. This audit was done prior to July, and I
 12 missed it because I'm waiting for July. But everybody is
 13 ran in July, and that was part of the safety plan that was
 14 accepted in the last review.
 15 Number 9, driving record, driver qualification files, I
 16 admit to that. That wasn't done. I thought it was a year.
 17 It was within 30 days. He came in. I think I was not here,
 18 so they put him to work.
 19 And the last response I have is on number 11, which is our
 20 driver 14 out of 150. I will say there's no excuse for the
 21 candidate that's in here are the employee that's in the
 22 report driving as many hours as he has during this period.
 23 However, with Covid and people not working, I assume
 24 dispatch just assigned him, even though he knew the rule. I
 25 just think he did it to take care of the customer.

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1 Yes, it was not a safe issue. It was not a safety -- it
 2 was a safety concern. So, you know, I just want to respond
 3 to that because I think Sandy did a -- she does a very good
 4 job when she comes on-site and work with us. So I
 5 appreciate that.
 6 And the last one was failing to acquire seven-day
 7 statement when for the first time.
 8 And Robert Allinger worked for us for three years off and
 9 on. And so I just assumed when he came in, Chris just
 10 didn't think to do that report. I don't -- we have a
 11 process. We have a worksheet. We have a process that we
 12 submitted to UTC at our last audit. And we follow that the
 13 best that we can. I think he probably came in and we had
 14 jobs and Chris put him to work without having that seven-day
 15 record.
 16 So that's all I can say in response to that, other than
 17 thanking the staff for working with us, and us trying to
 18 meet the requirements as a small business trying to do the
 19 very best we can for our community.
 20 Thank you, Your Honor.
 21 THE COURT: Okay. Thank you for that.
 22 Ms. Jones, did you have questions for either Mr. or Ms.
 23 Bullock?
 24 MS. JONES: I do not, Your Honor. Thank you.
 25 THE COURT: Okay. Thanks.

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1 Okay. So are you going to have Mr. Sharp testify with
 2 respect to the penalty?
 3 MS. JONES: Yes, Your Honor.
 4 THE COURT: Is that your plan? Okay. Then I will -- I
 5 have a question that I'd like to start off with before you
 6 begin your direct examination, if that's okay.
 7 MS. JONES: Yes, Your Honor.
 8 THE COURT: Okay. So, Mr. Sharp, if you -- there you are.
 9 Okay. If you'll raise your right hand, I'll swear you in.
 10 Do you swear or affirm the testimony you give today will
 11 be the truth, the whole truth, and nothing but the truth?
 12 THE WITNESS: Yes, I do.
 13
 14 JASON SHARP: Witness herein, having first been
 15 duly sworn on oath, was examined
 16 and testified as follows:
 17
 18 THE COURT: Okay. You can probably anticipate my
 19 question. It's my usual inquiry about whether you believe
 20 that the company, with the state that the proposed safety
 21 management plan is in now and the assistance you've been
 22 giving them, if you think it's realistic that they can get
 23 it where it needs to be before the 15th of August.
 24 Oh, I can't hear you. I don't know what's going on with
 25 your audio. You're not muted, but I can't hear you.

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1 THE WITNESS: Can you hear me now?
 2 THE COURT: Yes.
 3 THE WITNESS: Okay. Sorry. My speakers just out of
 4 nowhere went mute and it affected everything. So really
 5 what I was hearing you saying before my speaker was muted is
 6 do I believe that the company can get an acceptable plan
 7 prior to the cancellation date. And the answer would be no.
 8 At this -- at this point, no. And the reason being is I'm
 9 the one to review those. Their 60-day period expires next
 10 Monday, so the 61st day would be August 15th. And I am on
 11 leave from August 9th until the 22nd, so I made the company
 12 aware of this, so they understand that today was the day to
 13 have it ready to go.
 14 THE COURT: Okay. All right. Go ahead, Ms. Jones.
 15 MS. JONES: Thank you, Your Honor.
 16
 17 DIRECT EXAMINATION
 18 BY MS. JONES:
 19 **Q. Okay. Just for the record, would you please state your name**
 20 **and spell your last name.**
 21 A. Yes. My name is Jason Sharp, S-h-a-r-p.
 22 **Q. How are you employed?**
 23 A. I am the motor carrier safety supervisor with the Washington
 24 Utilities and Transportation Commission.
 25 **Q. How long have you worked for the commission?**

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1 A. Almost seven years.
 2 **Q. What are your duties as motor carrier safety supervisor?**
 3 A. In my role as supervisor, I review investigators' reports.
 4 I issue recommendations that are consistent with federal and
 5 state regulations and the commissions enforcement policy as
 6 a result of the findings in those reports. Yeah.
 7 **Q. Have you had any training to enable you to carry out your**
 8 **duties?**
 9 A. Yes. Prior to becoming supervisor, I was a motor carrier
 10 safety investigator receiving federal training through the
 11 Federal Motor Carrier Safety Administration for conducting
 12 compliance investigations, as well as the Commercial Vehicle
 13 Safety Alliance to perform commercial motor vehicle
 14 inspections.
 15 **Q. So are you familiar with the state and federal rules**
 16 **governing operation of motor carriers of household goods?**
 17 A. Yes.
 18 **Q. Are you familiar with Miracle Man Movers, LLC?**
 19 A. Yes, I am.
 20 **Q. How did you become familiar with the company?**
 21 A. I provided recommendations, and during the -- all three of
 22 the investigation reports that are submitted as evidence.
 23 And I also provided recommendations for follow-on action,
 24 and performed evaluations of the company's three safety
 25 management plans, as a result.

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1 **Q. Did you review the report drafted by special investigator**
 2 **Yeomans' -- after her review? And that's the exhibit marked**
 3 **SY-1.**
 4 A. Yes, I did.
 5 **Q. Do staff use the results of the compliance review to**
 6 **calculate a proposed safety rating for the company?**
 7 A. Yes. The commission adopts the federal regulations, and
 8 specifically in Title 49 CFR Part 385, breaks down the
 9 safety fitness standards. So we, as the State, adopted that
 10 rating methodology. And that methodology was used in this
 11 case. It is -- it is -- the safety rating is generated
 12 based on negative points. So each point the company gets
 13 for acute or critical violations or a high accident rate
 14 will adversely affect the company's safety rating. And so
 15 we use that same methodology here. It's broken down by six
 16 separate factors.
 17 In this case, if we look at SY-1 on Page 17, it is the
 18 safety fitness rating explanation. And the two critical
 19 violations that were identified per 392.2, which is the
 20 federal code for WAC 480-15-555 for the criminal background
 21 checks, as well as 395.8(a)(1) for failing to have a record
 22 of duty status, those adversely affected the company's
 23 factor 3 for operational and driving, creating one
 24 unsatisfactory factor.
 25 And then if we went to Page 18, there's a formula

1 calculation table that would show that one unsatisfactory
 2 factor would provide an overall safety rating of
 3 conditional, which was a sign proposed at the result of this
 4 investigation.
 5 **Q. Okay. So the proposed safety rating for Miracle Man Movers**
 6 **was conditional; is that correct?**
 7 A. Correct.
 8 **Q. Okay. Can a carrier improve its proposed safety rating**
 9 **after receiving a conditional rating?**
 10 A. Yes. The carrier has the opportunity to request an upgrade
 11 to their safety rating, and that is done by submitting a
 12 safety management plan.
 13 **Q. What is a safety management plan?**
 14 A. A safety management plan is a response to violations that
 15 are identified during a compliance investigation. They have
 16 to meet certain factors for staff to be -- to accept the
 17 plan. It would entail the company acknowledging the
 18 violations, stating why the violations were allowed to
 19 occur, demonstrating if the violations have been corrected.
 20 With that demonstration, they would provide actual
 21 documentation to back that up, as well as outline steps or
 22 processes that the company has implemented to ensure that
 23 those violations were not going to reoccur in the future.
 24 **Q. Okay. So I just want to turn for a moment to -- you**
 25 **mentioned prior compliance reviews that you -- that you**

1 **Q. And did you review the plan?**
 2 A. I did.
 3 **Q. Is the plan -- does staff consider the plan satisfactory?**
 4 A. No. Staff cannot accept the plan as it fails to meet all
 5 the requirements of the safety management plan.
 6 **Q. What do you recommend the commission do with Miracle Man's**
 7 **safety rating?**
 8 A. I would recommend that the commission allow the conditional
 9 safety rating to become permanent and cancel the company's
 10 provisional period -- or provisional permit.
 11 **Q. I'd like to turn now to discuss any penalties that you may**
 12 **recommend regarding Miracle Man Movers. Does staff have any**
 13 **recommendation about whether the commission should assess**
 14 **penalties against the company for violations that were**
 15 **documented by Special Investigator Yeomans in the current**
 16 **case, TV-230503?**
 17 A. Yes. Staff has a -- is complaining for violations. We
 18 looked at it from an overall accumulation of the company's
 19 safety performance consistent with escalated enforcement in
 20 our enforcement policy. And we have also recommended that
 21 the suspended penalty of \$5,000 in docket TV-220511 be
 22 imposed as we found that the company had repeat critical
 23 violations from the August 2022 investigation -- I believe
 24 that was SY-3 -- for a total penalty of the 5,000 imposed,
 25 as well as 48,500 in new penalties. And I can break that

1 **reviewed. How many prior compliance reviews did you review**
 2 **for this company, did you say?**
 3 A. There's been a total of three. And they were all three the
 4 Exhibits SY-1 through 3.
 5 **Q. Okay. And was the company subject to safety management**
 6 **plans as a result of the prior two reviews?**
 7 A. Yes, they were.
 8 **Q. Okay. And in the current -- in the current review that**
 9 **we're talking about, were there -- were there violations in**
 10 **this current case which were addressed in previous safety**
 11 **management plans?**
 12 **I can't hear you.**
 13 A. Sorry. I'm having a technical issue with my speaker that is
 14 randomly muting and taking out the sound. Could you repeat
 15 that question?
 16 **Q. Yeah. My question is: Are there violations as part of the**
 17 **current case -- this most recent -- most recent compliance**
 18 **review? Are there violations that were addressed in any of**
 19 **the previous safety management plans?**
 20 A. Yes. This third -- this most recent report had several
 21 repeat violations.
 22 **Q. Okay. And then, you know, turning to the current case, the**
 23 **most recent review. Did Miracle Man Movers submit a safety**
 24 **management plan regarding this most current review?**
 25 A. Yes, they did.

1 down.
 2 **Q. Thank you. Yes. Let's do that.**
 3 A. Okay. So, for starters, the company was found to have four
 4 critical violations of WAC 480-15-555 for failure to
 5 complete a criminal background check on four employees it
 6 intended to hire. Staff recommends a \$500 per occurrence
 7 penalty for a total of \$2,000.
 8 Staff identified 15 violations of Washington
 9 Administrative Code 480-15-590 for failure to meet all
 10 conditions for leasing vehicles. Staff recommends a \$100
 11 per occurrence -- per occurrence of violation for a total of
 12 1,500, as this was a repeat violation from both the August
 13 2022 and February 2021 investigation report.
 14 Staff further recommends a \$100 penalty for a repeat
 15 violation of 391.11(b)(7) for using a driver who has not
 16 taken a road test and acquired a certificate of completion.
 17 Next, for the four violations of 49 CFR 391.21(a), for
 18 using a driver who has not completed and furnished an
 19 employment application -- this is a repeat, again, from the
 20 August 2022 and February 2021 compliance investigation.
 21 Staff recommends a penalty of \$100 per occurrence for a
 22 total of \$400.
 23 Next, there were four violations of 49 CFR 391.23(a)(2)
 24 for failure to investigate a driver's performance history
 25 with the Department of Transportation regulated employer.

1 That is a repeat violation for the August 2022 compliance
2 investigation. Staff recommends a \$100 per category penalty
3 for this repeat -- these repeat violations.

4 Next, there were three occurrences of violations on 49 CFR
5 391.45(a) for using a driver not medically examined and
6 certified. Staff recommends that the commission issue a
7 \$100 per occurrence penalty for these critical-type
8 violations for \$300.

9 For the -- now, this next one is one that staff feels was
10 within the company's control to ultimately avoid having
11 happen for the third consecutive investigation. And this
12 was related to the 14 violations of 49 CFR 395.3(b)(2) for
13 permitting a property carrying commercial motor vehicle
14 driver to drive after having been on duty for 70 hours in
15 eight consecutive days.

16 Again, this is repeat from the 2022 and 2021
17 investigation. Staff recommends the maximum penalty per
18 occurrence of \$1,000 for these critical-type violations for
19 a total of \$14,000.

20 Next is 60 critical violations of 395.8(a)(1) for failing
21 to require drivers to make a record of duty status. Staff
22 recommends a penalty of \$500 per occurrence of this
23 violation for a total of \$30,000. This is, again, a repeat
24 from both the August 2022 and February 2021 compliance
25 investigation.

1 two years, staff would recommend that the commission suspend
2 half of the recommended penalty of 53,800, which equates to
3 26,900, for the remainder of that two-year period, subject
4 to the company not receiving any repeat violations of
5 critical regulations during that time frame.

6 And then staff would also recommend that the company would
7 be required to pay the other half, the 26,900 in penalties
8 that is not suspended, as well as any other balances,
9 penalties in full or as part of a payment plan that would be
10 agreed upon at that time with staff at that time of
11 reinstatement.

12 We make that recommendation understanding that this is a
13 small business. We don't take the amount lightly. We
14 also -- we also want to encourage the company's future
15 compliance, should they come back into the -- into
16 regulation with us, and feel a penalty of that size would
17 provide the motivation to follow through with their safety
18 plans, as they are approved by staff, and keep their systems
19 in place so that they can be successful and achieve a
20 satisfactory rating.

21 MS. JONES: Thank you. I have no further questions.

22 THE COURT: Thank you.

23 Mr. Bullock, do you have any questions for Mr. Sharp?

24 MR. BULLOCK: No, ma'am.

25 THE COURT: Okay. All right. Ms. Jones, do you have

1 And, finally, staff recommends one \$100 penalty for one
2 repeat violation of 395.8(j)(2) for failing to obtain from a
3 driver use for the first time or intermittently, a signed
4 statement giving the total time on duty during the preceding
5 seven days.

6 So that breakdown comes out to 48,500 in new penalties
7 staff is recommending.

8 **Q. And that was in addition to the suspended penalty from the
9 previous case, 220511, that docket?**

10 A. Yes.

11 **Q. Okay.**

12 A. And staff has further -- if I may -- connection between our
13 recommendation for the cancellation of the permit and how it
14 relates to the penalties. Because the company has not
15 submitted an acceptable plan, as I've already mentioned,
16 staff would recommend that the commission continue on with
17 the cancellation process.

18 In that case, if the company is cancelled, staff would
19 recommend that the entire penalty be suspended for two years
20 and then waived subject to conditions that Miracle Man
21 Movers refrain from operating as a household goods carrier,
22 unless and until the company obtains from the commission the
23 permit required to conduct household goods operations.

24 And then in the event that Miracle Man Movers applies for
25 and obtains a household goods carrier permit within the next

1 anything further?

2 MS. JONES: Nothing further from staff, Your Honor.

3 THE COURT: All right. Mr. Sharp, can I ask that you send
4 me your recommendation in writing? I can't hear you.

5 MR. SHARP: Sorry. Yes, I can have my recommendation.
6 Would you like that submitted to the docket? I can have
7 that to you before the end of the day.

8 THE COURT: Yeah, that would be great if you can email me
9 a copy.

10 MR. SHARP: Absolutely.

11 THE COURT: All right. Okay. Is there anything else that
12 we need to address while we're here today?

13 MR. BULLOCK: Oh, I did want to just read a statement, if
14 I get a chance.

15 THE COURT: Okay. Sure.

16 MR. BULLOCK: And I apologize. The wind -- the wind is
17 out of me a little bit, but I understand. And the only
18 reason why I wrote it was just because I wanted to, you
19 know, be as -- I didn't want to forget anything and I wanted
20 to be as sincere as possible.

21 So it just says: First of all, I do want to say thank you
22 to the staff at the UTC for their diligence and their -- and
23 this is weird. I'm good. Just give me a sec. Give me a
24 second, please.

25 And the only reason why I think I feel like this is

1 because I have tried to put my heart into building this
 2 business. But I understand that they're just doing what
 3 they need to do, you know. And, I mean, it's right.
 4 Anyhow, for the diligence and the willingness to try to
 5 help us succeed. We fully acknowledge that we have had a
 6 tough time working to create processes that would allow us
 7 to be fully compliant.
 8 Over the last couple of audits, we have made some
 9 incremental improvements, but just haven't quite been able
 10 to hit the mark.
 11 To tell you a little bit about myself, my goal is and
 12 always will be to provide our community with great service.
 13 And I don't like to let people down, if at all avoidable.
 14 When I started this company, I started thinking you could
 15 get just a truck and start moving people, and quickly found
 16 out that this is highly regulated industry with a lot of
 17 requirements that we needed to understand.
 18 We attended numerous UTC training sessions and slowly
 19 started to do -- to more clearly understand how things
 20 needed to operate. We have tried to implement numerous
 21 standard operating procedures along the way to find out that
 22 even when your intentions are pure and you try to implement
 23 systems, if people aren't enforcing them consistently or
 24 sticking to them, things can fall apart.
 25 We are in a place now where our ability to continue to

1 average service and don't really care. But we truly do care
 2 and we truly -- we truly -- we try to provide an exemplary
 3 service.
 4 We have repeat customers that have already scheduled their
 5 moves with us in the near future because they love our
 6 services and know that we will treat them with respect and
 7 care. And to have to cancel them -- their jobs will really
 8 hurt.
 9 With that said, I do understand staff's recommendations
 10 and that in most cases, it is the recommendation that you
 11 favor.
 12 I am asking for one last extension for 14 days. I will
 13 work tirelessly to construct a safety plan that will more
 14 clearly outline the processes we are implementing to ensure
 15 compliance. I will attach pictures of the process and
 16 copies of the forms we'll be using, along with the
 17 individual names we have put in place to make sure the
 18 processes don't fail and that we don't fail if you give us
 19 this last opportunity.
 20 It is my understanding that Mr. Jason will be out until
 21 the 22nd -- 22nd of this month and that's the reason why
 22 we're not getting the full, you know, 61 days. And,
 23 interestingly enough, that's about 14 days out. If you
 24 grant us this one-time permission, I will make sure to have
 25 a safety plan on Mr. Jason's desk on the day he returns.

1 provide local household goods moving services is in
 2 jeopardy.
 3 Every day I come to work it weighs on me that the
 4 livelihood of each individual that works here is on my
 5 shoulders. And the idea of having to, you know, let all my
 6 employees go because I failed to clearly understand and
 7 implement the right processes is scary.
 8 We have worked very hard to build a reputation our
 9 community as a company that has integrity; that cares; and
 10 that will provide a very good service. That's how we
 11 obtained, you know, a 4.6 rating with over 350 reviews on
 12 Google.
 13 We are not a company that is in it just for the money. We
 14 are a community-driven company that works to find a family
 15 every month that we can help as well as other ways to give
 16 back, from furnishing a family's home that escaped from --
 17 escaped from the Ukraine to find a better life, to weighted
 18 teddy bears for the children's hospital, to donated
 19 refrigerators to the homeless kitchen, to doing a free move
 20 for a child with autism who found a passion for the piano,
 21 but was -- and was given a piano but couldn't afford to have
 22 it moved to his house.
 23 I say this not to toot our horn but to show you we are a
 24 company legitimately trying to be an ethical, upright, and
 25 loving contributor to our community. Some companies offer

1 Thank you for taking time to listen, and I hope you will
 2 allow for this extension. Thank you, again. That's it.
 3 THE COURT: All right. Does staff want to respond to
 4 that?
 5 MS. JONES: No, Your Honor. Thank you.
 6 THE COURT: And just give me one minute. I'm looking at
 7 the complaint.
 8 So it does look to me, Mr. Sharp, that this is the
 9 proposed conditional safety rating, not a proposed
 10 unsatisfactory, right? Is that correct? I can't hear you
 11 if you're talking.
 12 MR. SHARP: Sorry, Judge Pearson. Are you talking to me?
 13 THE COURT: I am talking to you, yes.
 14 MR. SHARP: Okay.
 15 THE COURT: I'm asking you if this is a --
 16 MR. SHARP: I'm going to -- I'm going to need to get in
 17 touch with IS. I apologize.
 18 THE COURT: Okay.
 19 MR. SHARP: If this is in response to what regulations
 20 cover our time frames, I would point to 385.13, which we
 21 adopt. And what that is related to is unsatisfactory rated
 22 motor carriers and prohibition on transportation,
 23 specifically motor carriers transporting property -- or
 24 their proposed ratings become final on the 61st day
 25 following notification.

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<p>1 And so with the way that provisional household goods 2 companies are regulated, they are required within an 3 18-month period to achieve a satisfactory rating. The 4 company has had two previous extensions of their 5 provisional, paired with the acceptance of safety management 6 plans. 7 In this case, we don't have an acceptable safety 8 management plan, and, therefore, we've treated conditional 9 ratings as unsatisfactory because they've failed to meet 10 that requirement. But the regulation where that comes from 11 would be 385.13. 12 THE COURT: Okay. But my point is that this is not an 13 unsatisfactory safety rating. So it's -- you're using that 14 as the -- as the time frame, but it doesn't actually legally 15 apply. 16 MR. SHARP: Correct. We've given companies who achieve a 17 conditional rating the same opportunity to request an 18 upgrade as a company that achieves an -- or that has a 19 proposed unsatisfactory rating. 20 THE COURT: Sure. I understand that. But there's no 21 federal rule binding the commission to cancel it on the 61st 22 day is my point. 23 So what I'm not comfortable with is not giving this 24 company the same opportunity that we give other companies 25 just because you will be out of the office. Because many</p>	<p>1 THE COURT: Sure. With the understanding that it will be 2 waiting for you when you get back to the office on the 22nd? 3 MR. SHARP: Correct. 4 THE COURT: Okay. All right. That makes sense to me. So 5 what we'll do, then, Mr. Bullock, is you'll have an 6 opportunity to make the corrections that staff has most 7 likely already provided you feedback with respect to what 8 needs to change. That way, you'll still get your full time 9 that all other companies are afforded in these situations 10 where there's 61 days. 11 And rather than assigning it to a different staff person, 12 we'll just extend the time period so that Mr. Sharp can be 13 the one to review the safety management plan when he gets 14 back from leave. And then he will let me know within a 15 couple of days, and we will -- do you want an extension for 16 you until the 25th, Mr. Sharp? 17 MR. SHARP: Yes. If the plan was available for me when I 18 got back on the 22nd, that would provide me enough time to 19 give it a thorough review. 20 THE COURT: Okay. So that would -- would you be providing 21 me with a recommendation by the end of the day on the 25th? 22 MR. SHARP: Yes. 23 THE COURT: Okay. So we'll extend, then, the order date 24 until August 30th to give me time to review your 25 recommendation and draft an order based on that</p>
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<p>1 times we have given companies up until that -- close to the 2 61st day to continue working with staff. 3 So you need to appoint someone who can work with the 4 company in your absence so that they get the same 5 opportunity and due process that other companies are 6 afforded. 7 MR. SHARP: Okay. 8 THE COURT: So who would that person be? 9 MR. SHARP: That would likely be Matthew Perkinson, 10 assistant director for transportation safety. 11 THE COURT: Okay. And to your knowledge, will he be in 12 the office? 13 MR. SHARP: I believe he will be. I'll confer with him. 14 THE COURT: Okay. All right. So, Mr. Bullock -- 15 Or your other option is that we can -- Mr. Sharp, is that 16 we can give the company an extension because the 61 days is 17 a fiction and you can review it when you get back from 18 vacation. So I'll leave that up to you. Which do you 19 prefer? 20 MR. SHARP: I would prefer to be the one who is able to 21 review it since I've been working with the company and I'm 22 familiar with their history. So I would -- I would prefer 23 to give them an extension. And may I recommend until 24 Friday, August 25th, to allow me time to review and 25 communicate with the company?</p>	<p>1 recommendation. Okay? Does that make sense? Does anyone 2 have any questions about that? 3 MR. SHARP: No questions. 4 THE COURT: Mr. Bullock, do you understand? 5 MR. BULLOCK: No, Your Honor. Or I thank you for giving 6 me the opportunity. 7 Mr. Jason, I will make sure that it's on your desk by the 8 22nd. And hopefully it will be everything that it's 9 supposed to be. I'm going to do the absolute best that I 10 can. And thank you for the opportunity. Thank you. 11 THE COURT: Okay. You're welcome. 12 All right. Thank you all for being here today. 13 MS. JONES: Thank you, Your Honor. 14 THE COURT: Is there anything else? 15 MS. JONES: No, Your Honor. 16 THE COURT: All right. 17 MR. SHARP: Just -- 18 THE COURT: Oh, go ahead. 19 MR. SHARP: -- one clarification. Within an evaluation 20 coming, would you like me to submit my penalty 21 recommendation all in one or would you still like that 22 today? 23 THE COURT: No. You can send it all at once -- 24 MR. SHARP: Okay. Thank you. 25 THE COURT: -- when you -- when you send it by the 25th.</p>

1 That works.
 2 MR. SHARP: Okay.
 3 THE COURT: All right. Thank you all. And we're
 4 adjourned.
 5 MR. BULLOCK: Thank you.
 6 MS. JONES: Okay. Thank you.
 7 (August 8, 2023 hearing concluded)

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CERTIFICATE

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 3 STATE OF WASHINGTON)
 4)
 5 COUNTY OF KING)

6 I, the undersigned, do hereby certify under penalty
 7 of perjury that the foregoing court proceedings or legal
 8 recordings were transcribed under my direction as a certified
 9 transcriptionist; and that the transcript is true and accurate to
 10 the best of my knowledge and ability, including changes, if any,
 11 made by the trial judge reviewing the transcript; that I received
 12 the electronic recording in the proprietary court format; that I
 13 am not a relative or employee of any attorney or counsel employed
 14 by the parties hereto, nor financially interested in its outcome.

15 IN WITNESS WHEREOF, I have hereunto set my hand this
 16 22nd day of August, 2023.

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21 s/ Angela Dutenhoffer, CET

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