

## WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

### NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS OF LAWS AND RULES

PENALTY ASSESSMENT: TV-091178  
PENALTY AMOUNT: \$900

OLYMPIC MOVING & STORAGE, INC.  
935 POPLAR STREET EAST  
OLYMPIA, WA 98501

The Washington Utilities and Transportation Commission (Commission) believes that you have committed one or more violations of Washington Administrative Code (WAC) 480-15-560, Equipment safety requirements, which requires household goods carriers to comply with Title 49, Code of Federal Regulations (CFR), including Part 396, which governs inspection, repair and maintenance, and for eight violations of WAC 480-15-570, Driver safety requirements, which requires household goods carriers to comply with CFR Parts 382, 391 and 395, which govern controlled substance and alcohol use and testing, qualification of drivers and hours of service of drivers. Revised Code of Washington (RCW) 81.04.405 allows penalties of up to one hundred dollars for every such violation.

As a result, the Commission hereby notifies you that it has assessed penalties against you in the amount of \$900, as follows:

On June 24, 2009, the Commission's Transportation Safety Enforcement staff received information from the Washington State Patrol that an Olympic Moving & Storage Inc. (Olympic Moving) employee had been cited for driving with a suspended license. Commission staff conducted an unannounced visit to Olympic Moving that same day. During the visit, staff found that the employee had been hired on June 22. Company officials failed to check the employee's driver's license status, require a drive test, conduct a background check and ensure that the employee had a current medical card before directing the employee to drive a company moving truck on June 24.

Commission staff scheduled a full compliance review audit of Olympic Moving on June 30 and July 1. During the audit, staff found additional violations of WAC 480-15-560, Equipment safety requirements and WAC 480-15-570, Driver safety requirements. As a result of both compliance visits, Commission staff found the following violations:

- One violation of WAC 480-15-560, which adopts by reference Title 49, CFR Part 396.11(c)(1), Failing to certify that (vehicle) repairs were made or were not necessary.
- One violation of WAC 480-15-570, which adopts by reference Title 49, CFR Part 382.603, Failing to ensure persons designated to determine that drivers undergo

reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.

- One violation of WAC 480-15-570, which adopts by reference Title 49, CFR Part 391.11(b)(3), Using a driver lacking training or experience to safely operate the vehicle being driven.
- One violation of WAC 480-15-570, which adopts by reference Title 49, CFR Part 391.11(b)(8), Using a driver who has not taken a road test or who has not been issued a certificate of driver's road test or presented an operator's license, or certificate of road test which the motor carrier has accepted as equivalent.
- One violation of WAC 480-15-570, which adopts by reference Title 49, CFR Part 391.15(a), Using a disqualified driver.
- One violation of WAC 480-15-570, which adopts by reference Title 49, CFR Part 391.25(a), Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every twelve months.
- One violation of WAC 480-15-570, which adopts by reference Title 49, CFR Part 391.45(a), Using a driver not medically examined and certified.
- One violation of WAC 480-15-570, which adopts by reference Title 49, CFR Part 395.1(e)(1)(ii), which allows for a record of duty status exemption if the driver returns to the work reporting location and is released from work within 12 consecutive hours (the driver actually worked 18 hours).
- One violation of WAC 480-15-570, which adopts by reference Title 49, CFR Part 395.3(a)(2), Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14<sup>th</sup> hour after coming on duty.

These violations present a serious danger to public safety. Olympic Moving received recent and thorough technical assistance from the Commission on how to comply with the rules. Staff of Olympic Moving attended the Commission's Household Goods Training on November 4, 2008, and all equipment and driver safety requirements were covered. Olympic Moving staff signed a form acknowledging that training was received for each subject.

This information, if proved at a hearing and not rebutted or explained, is sufficient to support the penalty assessment.

Your penalty is due and payable now. If you believe the violations did not occur, you may request a hearing to contest the penalty assessment. If there is a reason for the violations that you think should excuse you from the penalty, you may ask for mitigation (reduction) of this penalty. See RCW 81.04.405.

You have the right to present your request for review or mitigation at a hearing, but you are not required to do so. If you do, the Commission will review the evidence supporting your request in an informal hearing, called a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider your plea and notify you of his or her decision.

**You must act within 15 days after receiving this notice** to do one of the following:

- Pay the amount due.
- Request a hearing to contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

**If you do not act within 15 days**, the Commission may refer this matter to the Office of the Attorney General for collection. The Commission may then sue you to collect the penalty.

DATED at Olympia, Washington, and effective July 31, 2009.



ANN E. RENDAHL

Director, Administrative Law Division, and  
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TV-091178

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

- [ ] 1. Payment of penalty. I admit that the violations occurred and enclose \$900 in payment of the penalty.
[ ] 2. Request for a hearing. I believe that the alleged violations did not occur, based on the following information, and request a hearing for a decision by an administrative law judge:

- [ ] 3. Application for mitigation. I admit the violation, but I believe that the penalty should be reduced for the reason(s) set out below.
[ ] a) I ask for a hearing for a decision by an administrative law judge
OR [ ] b) I waive a hearing and ask for an administrative decision on the information I present here:

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: [month/day/year], at [city, state]

Name of Respondent (company) - please print

Signature of Applicant

RCW 9A.72.020:

Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor's mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony."