In the Matter of the Investigation of: Marsik Movers, LLC

Docket No. TV-231020 - Vol. I

January 31, 2024



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1	APPEARANCES	1	-000-
2		2	January 31, 2024
3		3	
4	On Behalf of the Washington Utilities and Transportation	4	THE COURT: Good afternoon. Let's be on the record.
5 6	Commission: COLIN O'BRIEN	5	The time is 1:30. This is Docket TV-231020. The which is the time which was set for the complaint today
7	Assistant Attorney General	7	against Marsik Movers, LLC, which I may refer to as the
8	7141 Cleanwater Drive SW	8	Company during the hearing. Before us today is an
9	P.O. Box 40128	9	assessment of penalty and the proposed cancellation of
10	Olympia, Washington 98512	10	the Company's provisional permit of authority to
11	- · · · · · · · · · · · · · · · · · · ·	11	operate as a household goods carrier.
12		12	My name is Bijan Hughes, and I'm an administrative
13	On Behalf of Marsik Movers, LLC:	13	law judge with the Washington Utilities and
14	MARCEL FILIP, Pro Se	14	Transportation Commission. So let's start by taking
15	7171 Marshall Avenue SE	15	short appearances. Staff?
16	Auburn, Washington 98092	16	MR. O'BRIEN: Good afternoon, Your Honor. My name is
17		17	Colin O'Brien, assistant attorney general, appearing on
18		18	behalf of Staff.
19		19	THE COURT: And the Company?
20		20	MR. FILIP: Good afternoon. This is Marcel Filip,
21		21	the owner of Marsik Movers.
22 23		22 23	THE COURT: Marcel. Could you spell your name for the
23 24		23	MR. FILIP: Marcel?
25		25	THE COURT: Yes.

1 (Pages 1 to 4)

1 MR, FLUP: MA-R,C-E,L-FA-L-P. 0.7 - or, Im sorry, what was the question? Sorry. 2 THE COURT: Great. So before we move to motions, I. 2 3 want to begin today by brefly summaring the 2 4 Company's instruct of compliance. And l intend to take 4 5 official noise of the information, all of which is 5 6 found in earlier dockets and filing. And I want to 5 7 found in earlier dockets and filing. And I want to 5 8 opportunity to respond during the course of the 6 9 applied in the order are. 7 10 Then I'm going to list relevant questions believe 10 11 work here to answer. And I do thit to provide clarity 11 12 applied in the order are. 12 13 applied in the order are. 12 14 So with that said. Marsik Movers, LLC, is a 13 15 THE COURT: Soles - lefs progregins to the merits. 16 goed clarity. 14 17 Approximately Zimothic and the Company aranely hol anothick to a son to anothick to a good clarity.		Page 5		Page 7
2 THE COURT: Grat. So before we move to motions. I 2 THE COURT: Sory. Would be any used as the base has a motion sore of the line of the sinformation, and intend to take the Court before we begin? 3 and total in earlier dockets and filings. And I want to start with his so that both parties have an in opportunity to respond thing the course of the hearing. 1 File P. No, no, fin good. I'm all good. 1 the arring. 1	1	MR. FILIP: M-A-R-C-E-L, F-I-L-I-P.	1	Or or. I'm sorry, what was the question? Sorry.
3 want to begin today by briefly summarizing the 3 access be helpful to you? I think we do have those 5 official notice of this information, all of which is 5 services. But I was saking if you had any motions or 6 found in earlier dockets and filings. And I want to 6 things you wanted to ask the Court before we begin? 7 fund in earlier dockets and filings. And I want to 6 things you wanted to ask the Court before we begin? 8 opportunity to respond during the course of the 8 like, I got so many questions, and I got to answer as 9 Then I'm going to list relevant questions I believe 10 Like, the last safety audit that lad with Tracy, 11 ware here to answer. And I do his to provide clarity 11 like, I got so many questions, and I got to answer as 12 as to, you know, what the standards which will be 12 well many things, what I have to Qilke, on daily 13 apple of the orderser. LLC, is a 11 like, I got so many questions, and I got to answer as 14 goo with that said, Marsik Movers, LLC, is a 11 like, I got so many and the with so and the to got so the merits, unless, Staff, you hee, like, an opening got merits, unless, Staff, you hee, like, an opening got merits, unless, Staff, y	2	THE COURT: Great. So before we move to motions, I	2	
4 Company is history of compliance. And I intend to ket 4 services. But I was askingt you had any motions or 5 offician locid of this information, all of which is 5 filing you wanted to ask the Court before we begin? 6 apportunity to respond during the course of the 5 filing you wanted to ask the Court before we begin? 7 start with this so that both parties have an 7 filing you wanted to ask the Court before we begin? 8 list = the standids with will be 10 Like, I have - like, I got notice of this, like, I dot onswer as 9 paptied in the order are. 11 We the standids which will be 12 13 applied in the order are. 13 applied in the order are. 13 14 goastarifer. The Company currently hods 16 molessin for nompany currently hods 15 Maproximately S months ago, In Company oparaticy S months ago. The Company committey hods 17 THE COURT: So lat's - lef's progress to the merits, unless, Staff, you have, like, and oparatic s molessing and provisional Permit Number TH2-088754 16 goastarifer. The Company commaticy S months ago. In Company committey Like in Social Permits Number TH3-088754 17 THE COURT: Sokay. Sowho - could you present the first wintess	3	want to begin today by briefly summarizing the	3	
5 official notice of this information, all of which is 5 things you wanted to ask the Court before we begin? 6 four din earlier deckers and fings. Anal I want to 6 MR. FLIP: No. no. no. I'm good. I'm all good. 8 apportunity to respond during the course of the 8 8 18 9 braing. 7 Like, I have like, I got notice of this, like, 18 10 Then I'm going to list relevant questions I believe 10 Like, I have like, I got notice of this, like, 12 as to, you know, what the standards which will be 12 18 18 13 appointing to its relevant questions I believe 11 Ike, I got a many questions, and I got answer as 14 So with that said, Marsik Movers, LLC, is a 13 14 20 14 So with that said, Marsik Movers, LLC, is a 14 15 THE COURT: Okay, Good. 15 and US. DOT Number 327582. 17 THE COURT: So let's - let's progress to the merits, 16 gods carrier. The Company pagang in business as a household 16 MR, CIPIE': Think we can just move on to swearing 16 and US. DOT Number 327582. 17 THE COURT: So let's - let's progress to the merits, 17 Approximately 55 months ago, in Docket TV-23068 and 20 20 24	4	Company's history of compliance. And I intend to take	4	
6 found in earlier dockets and filings. And I want to submitted a safety management plan, or an SMP, and the submitted a safety same submitted an SMP, and the commission extended the provisio	5	official notice of this information, all of which is	5	
7 start with this so that both parties have an 7 Like, I have - like, I got notice of this, Ike. 9 hearing. Isat - oh, my God. Im sory. I have emotions. 9 hearing. First - like, you know, the first time on the camera. 10 Then I'm ging to list relevant questions I believe 10 11 work here to answer. And I do this to provide clarity 11 12 as to, you know, what the standards which will be 12 13 applied in the order are. 13 14 So with that said, Marsik Movers, LLC, is a 14 15 Washington company engaging in buistness as a household 15 16 goods carrier. The Company currently holds 16 17 commission-issued Provisional Permit Number THG-088744 17 18 and U.S. DOT Number 3257682. 18 19 Approximately 16 months ago, in Docket TV-221068 and 17 12 Approximately 2 months ago, in Docket TV-221068 and 17 14 regres 6 Page 8 12 commission found the Company committed 18 24 60 regulatory violations. Nonetheless, the result of the 18 <tr< th=""><th>6</th><th>found in earlier dockets and filings. And I want to</th><th>6</th><th></th></tr<>	6	found in earlier dockets and filings. And I want to	6	
8 opportunity to respond during the course of the hearing. 9 hearing. First	7	start with this so that both parties have an	7	
10 Then I'm going to list relevant questions I believe we're here to answer: And I do this to provide clarity as to you know, what the standards which will be applied in the order are. 10 Like, the last safety audit that I had with Tracy, like, I got so many questions, and I got to answer as well many things, what I have to do, like, on daily basis and check most of the things. But, yeah, no question for now. 13 work may, what the standards which will be goods carrier. The Company currently holds 13 basis and check most of the things. But, yeah, no question for now. 14 So with that said, Marsik Movers operations as a household good carrier on May 23rd, 2019, under a provisional Permit of authority. 14 THE COURT: So let's - let's progress to the merits, unless, Staff, you have, like, an opening statement, or should we just swear in the witherss? 2019, under a provisional Permit of authority. 21 THE COURT: Okay. So who - could you present the first witness then? 21 commission extended the provisional authority for good cause. 23 THE COURT: Okay. Hit hare. All right. So can you raise your right hand. Do you swear or affirm that the testimony that you give today will be the truth, the whole truth, and nothing but the truth? 23 commission extended the provisional authority for good cause, which brings us to the present complaint, which is the result of the gory anay submitted a SNP, and the commission extended the provisional authority or good cause, which brings us to the present complaint, which is the result of the gory amer and spell your last name for the record? THE COURT: Okay	8	opportunity to respond during the course of the	8	last oh, my God. I'm sorry. I have emotions.
11 we're here foarswer. And I do thist provide clarity 11 like, I got so many questions, and I got to answer as 12 as to, you know, what the standards which will be 12 well many things, what I have to do, like, on daily 13 applied in the order are. 13 basis and check most of the things. But, yeah, no 14 So with that said, Marsik Movers, LLC, is a 14 question for now. 14 goods carier. The Company currently holds 16 MR. FILIP. Thank you. 17 commission-issued Provisional Permit Number THG-068754 17 THE COURT: Okay. Good. 18 and U.S. DOT Number 3257682. 18 muless, Staff, you have, like, an opening statement, or 19 Approximately 55 months ago, in Docket TV-220168 and 17 THE COURT: Okay. So who oould you present the 21 astic a sacker management plan, or an SMP, and the 28 18 First Wirnes Shen? 22 Approximately 21 months ago, in Docket TV-220167, and the commission extended the provisional authority for good cause, which bring us to the present complaint, which is the result of the turb? 11 THE COURT: Okay. Hi there. All right. So can you raise your right hand. Do you swear or affirm that the turb? 24 Approximately 28 for 3. South that contexi mend, thave to to the	9	hearing.	9	First like, you know, the first time on the camera.
12 as to, you know, what the standards which will be 12 well many things, what I have to do, like, on daily 13 applied in the order are. 13 basis and check most of the things. But, yeah, no 14 So with hat said, Marsik Movers, LLC, is a 13 basis and check most of the things. But, yeah, no 15 Washington company engaging in business as a household 15 THE COURT: So let's let's progress to the merits, 18 and U.S. DOT Number 3257862. 17 THE COURT: So let's let's progress to the merits, 19 Approximately 57 months ago, in Dockets TV-220168 and 17 THE COURT: Okay. So who could you present the 20 gregitatry violations. Nonetheless, the Company committed 22 THE COURT: Okay. So who could you present the 21 commission extended the provisional authority for good 11 THE COURT: Okay. So who could you present the 23 proximately 51 months ago, in Docket TV-23061, 4 MR. OBRIEN: Yes, Your Honor. First we'd like to 24 cause. Page 6 Page 8 1 commission extended the provisional authority for good cause, which brings 1 34 ave the recompaint, which is the result of the 1 35 u	10	Then I'm going to list relevant questions I believe	10	Like, the last safety audit that I had with Tracy,
13 applied in the order are. 13 basis and check most of the things. But, yeah, no 14 So with that said, Marsik Movers, LLC, is a 14 15 Washington company engaging in business as a household 14 16 godo carrier. The Company currently holds 16 17 commission-issued Provisional Permit Number THG-068754 16 18 and U.S. DOT Number 3257682. 17 19 Approximately 55 months ago, the Company began 19 2019, under a provisional permit of authority. 19 21 2019, under a provisional permit of authority. 19 22 2019, under a provisional permit of authority. 21 23 ruless, that Company 23 24 60 regulatory violations. Nonetheless, the Company 24 25 submitted a safety management plan, or an SMP, and the 25 26 Page 6 Page 8 1 THE COURT: Okay. Hi here. All right. So can you raise you right hand. Do you swear or affirm that the testimory that you give today will be the truth; the whole truth, and you give today will be the truth; the whole truth, and you give today will be the truth; the whole truth, and you give today will be the truth; the station or uter equiditory violations. Nonetheless, the company tad commis	11	we're here to answer. And I do this to provide clarity	11	like, I got so many questions, and I got to answer as
14 So with that said, Marsik Movers, LLC, is a 14 question for now. 15 Washington company engaging in business as a household 15 THE COURT: Now, like, an opening statement, or 16 goods carrier. The Company commits with business as a household 15 THE COURT: Now, like, an opening statement, or 17 and U.S. DOT Number 3257682. 17 THE COURT: Now, like, an opening statement, or 18 and U.S. DOT Number 3257682. 18 unless, Staff, you have, like, an opening statement, or 19 Approximately 51 months ago, in Dockets TV-220168 and 12 THE COURT: Nay. So who could you present the 22 riss witness then? MR. OBRIEN: Yes, Your Honor. First we'd like to call Special Investigator Tracy Cobile. Page 6 THE COURT: Okay. Hi there, All right. So can you a commission extended the provisional authority for good 2 commission extended the provisional authority for good 1 3 THE COURT: Okay. Hi there, All right. So can you raise your right hand. Do you swear or affirm that the 4 the commission found Company had committed five 5 THE COURT: Okay. Hi there, All right. So can you 18 company submitted a SMP, and the com	12	as to, you know, what the standards which will be	12	well many things, what I have to do, like, on daily
15 Washington company engaging in business as a household godds carrier. The Company currently holds 15 THE COURT: Colay. Good. 16 mmission-issued Provisional Permit Number THG-068754 16 MR. FLIP: Thank you. 19 Approximately 55 months ago, the Company began 19 should we just swear in the witness? 20 operations as a household good carrier on May 23rd, 2019, under a provisional permit of authority. 21 THE COURT: Okay. So who -: could you present the first witnesses, Your Honor. 24 60 regulatory violations. Nonetheless, the Company submitted a safety management plan, or an SMP, and the cause. Page 6 Page 8 1 commission extended the provisional authority for good cause. THE COURT: Okay. So who -: could you present the first witness then? 24 commission found Company had committed fire the provisional authority for good cause. which hings 1 3 Approximately 21 months ago, in Docket TV-230061, the provisional authority for good cause. which hings 1 3 us to the present complaint, which is the result of the gatest safety inspection. 1 THE COURT: Very good. All right. Please proceed, Counselor. 3 us to the present complaint, who's Movers' cartical or acute regulatory violations. Nonetheless, cartical or acute regulatory violations. Nonetheless, cartical or acute regulatory violate the regulations 1	13	applied in the order are.	13	basis and check most of the things. But, yeah, no
16 goads carrier. The Company currently holds 16 MR. FLIP: Thank you. 17 commission-issued Provisional Permit Number THG-068754 17 THE COURT: So let's - let's progress to the merits, 18 and U.S. DOT Number 325762. 19 should we just swear in the witness? 20 operations as a household goad carrier on May 23rd, 20 MR. O'BRIEN: I think we can just move on to swearing 21 2019, under a provisional permit of authority. 20 MR. O'BRIEN: I think we can just move on to swearing 22 Approximately 21 months ago, in Docket TV-220168 and 22 THE COURT: O kay. So who could you present the 23 submitted a safety management plan, or an SMP, and the 23 THE COURT: O kay. So who could you present the 24 cause. Page 6 Page 8 2 cause. Page 6 Page 8 3 Approximately ten months ago, in Docket TV-230061, 3 THE COURT: O kay. Hi there. All right. So can you raise your right hand. Do you swear or affirm that the testimony that you give today will be the truth, the whore with a company submitted five MS, COBLE: Yes. 3 us to the present complaint; two, is Marsik Movers 11 THE COURT: O kay. Hi there. All right. Please proceed., Courselor. 11 <th>14</th> <th>So with that said, Marsik Movers, LLC, is a</th> <th>14</th> <th>question for now.</th>	14	So with that said, Marsik Movers, LLC, is a	14	question for now.
17 commission-issued Provisional Permit Number THG-068754 17 THE COURT: So lets – let's progress to the merits, unless, Staff, you have, like, an opening statement, or should we just swear in the witness? 18 and U.S. DOT Number 3257682. 18 19 Approximately 55 months ago, the Company began operations as a household good carrier on May 23rd, 2019, under a provisional permit of authority. 19 NR. O'BRIEN: I think we can just move on to swearing in witnesses, Your Honor. 2019, under a provisional permit of authority. 2019, under a provisional permit of authority. 2011 THE COURT: Solary. So who - could you present the first witness then? 21 Comparitions. Nonetheless, the Company committed a safety management plan, or an SMP, and the commission extended the provisional authority for good cause. 21 THE COURT: Okay. Hi there. All right. So can you raise your right hand. Do you swear or affirm that the testimory that you give today will be the truth? 2 commission extended the provisional authority for good cause. 1 THE COURT: Okay. Hi there. All right. So can you raise your right hand. Do you swear or affirm that the testimory that you give today will be the truth? 3 us to the present complaint, which is the result of the latest safety inspection. 9 THE COURT: Very good. All right. Please proceed, Counselor. 4 for equired by 48 CFR 285.17, Subsection (c); and, three, fire y and the complaint, which is the result of the required by 48 CFR 285.17, Su	15	Washington company engaging in business as a household	15	THE COURT: Okay. Good.
18 and U.S. DOT Number 3257682. 18 unless, Staff, you have, like, an opening statement, or should we just swear in the witness? 19 Approximately 55 months ago, the Company began 19 20 Operations as a household good carrier on May 23rd, 19 21 2019, under a provisional permit of authority. Approximately 21 months ago, in Docket TV-220168 and 10 24 60 regulatory violations. Nonetheless, the Company 21 THE COURT: Okay. So who - could you present the first witness then? 24 commission extended the provisional authority for good cause. Page 6 Page 8 1 commission found Company had committed five critical or acute regulatory violations. Nonetheless, company subinited an SMP, and the commission found Company had committed five critical or acute regulatory violations. Nonetheless, company subinited an SMP, and the commission found Company had committed five critical or acute regulatory violatoms. Nonetheless, company subinited an SMP, and the commission found Company had committed five critical or acute regulatory violatoms. Nonetheless, company subinited an SMP, and the commission extended fite provisional authority for good cause, which brings 1 THE COURT: Very good. All right. Please proceed, Counselor. 19 latest afely inspection. 8 THE COURT: Very good. All right. Please proceed, Counselor. 10 And so we're here today to determine three things: 0 0	16	goods carrier. The Company currently holds	16	MR. FILIP: Thank you.
19 Approximately 55 months ago, the Company began 19 should we just swear in the witness? 2019, under a provisional permit of authority. Approximately 21 months ago, in Dockets TV-220168 and 201 21 2019, under a provisional permit of authority. Approximately 21 months ago, in Dockets TV-220168 and 201 22 approximately 21 months ago, in Dockets TV-220168 and 7 7 23 submitted a safety management plan, or an SMP, and the 20 THE COURT: Okay. So who could you present the 24 first winesses. Your Honor. First winesses. Your Honor. First winesses. Your Honor. 25 submitted a safety management plan, or an SMP, and the 20 Call Special Investigator Tracy Cobile. 26 commission extended the provisional authority for good cause, which brings 1 THE COURT: Okay. Hi there. All right. So can you raise your right hand. Do you swear or affirm that the testimony that you give today will be the truth, the whole truth, and nothing but the truth? 3 Approximately ten months ago, in Docket TV-230061, the provisional authority for good cause, which brings 1 THE COURT: Okay. Cause or affirm that the testimony that you give today will be the truth, the whole truth, and nothing but the truth? 4 the provisional authority for good cause, which brings 1 THE COURT: Okay. Canse oright t	17	commission-issued Provisional Permit Number THG-068754	17	THE COURT: So let's let's progress to the merits,
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22 Approximately 21 months ago, in Dockets TV-220168 and 22 THE COURT: Okay. So who could you present the 23 G0 regulatory violations. Nonetheless, the Company 23 MR. O'BRIEN: Yes, Your Honor. First we'd like to 24 60 regulatory violations. Nonetheless, the Company 24 MR. O'BRIEN: Yes, Your Honor. First we'd like to 25 submitted a safety management plan, or an SMP, and the 25 Call Special Investigator Tracy Cobile. 26 Page 6 Page 8 1 commission extended the provisional authority for good cause. 1 THE COURT: Okay. Hi there. All right. So can you raise your right hand. Do you swear or affirm that the testimony that you give today will be the truth, the whole truth, and nothing but the truth? 4 the commission found Company had committed five critical or acute regulatory violations. Nonetheless, 6 6 Company submitted an SMP, and the commission extended 7 7 And so we're here today to determine three things: 6 10 And so we're here today to determine three things: 10 11 One, did Marsik Movers violate the regulations 11 12 described in the complaint; two, is Marsik Movers' 12 13 currently in compliance with safety standards as are there any mot	20	operations as a household good carrier on May 23rd,	20	MR. O'BRIEN: I think we can just move on to swearing
 TV-220169, the commission found the Company committed 60 regulatory violations. Nonetheless, the Company submitted a safety management plan, or an SMP, and the Page 6 commission extended the provisional authority for good cause. Approximately ten months ago, in Docket TV-230061, the commission found Company had committed five orritical or acute regulatory violations. Nonetheless, Company submitted an SMP, and the commission extended the provisional authority for good cause, which brings us to the present compliant, two, is Marsik Movers currently in compliance with safety standards as are there any motions? Staff? MR. O'BRIEN: None at the moment, Your Honor. THE COURT: Sorry. I was asking if you had any motions, but- MR. FILIP: Yes, I'm here. THE COURT: Sorry. I was asking if you had any motions, but- MR. FILIP: Any motions? Like, I see, but I see just 	21	2019, under a provisional permit of authority.	21	in witnesses, Your Honor.
24 60 regulatory violations. Nonetheless, the Company submitted a safety management plan, or an SMP, and the 24 MR. O'BRIEN: Yes, Your Honor. First we'd like to call Special Investigator Tracy Cobile. Page 6 1 commission extended the provisional authority for good cause. 1 THE COURT: Okay. Hi there. All right. So can you raise your right hand. Do you swear or affirm that the testimony that you give today will be the truth, the whole truth, and nothing but the truth? 3 Approximately ten months ago, in Docket TV-230061, the commission found Company had committed five ortical or acute regulatory violations. Nonetheless, for Company submitted an SMP, and the commission extended the provisional authority for good cause, which brings 1 THE COURT: Very good. All right. Please proceed, Counselor. 8 us to the present complaint, which is the result of the latest safety inspection. 9 TRACY COBILE: Witness herein, having first been duly sworn on ath, was examined and testified as follows: 11 One, did Marsik Movers violate the regulations 11 11 TRACY COBILE: Witness herein, having first been duly sworn on ath, was examined and testified as follows: 12 described in the complaint; two, is Marsik Movers' 12 13 DI R E C T E X A M I N A T I O N 14 14 required by 48 CFR 285.17, Subsection (c); and, three, dees good cause exist to extend Marsik Movers' 15 0	22	Approximately 21 months ago, in Dockets TV-220168 and	22	THE COURT: Okay. So who could you present the
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25 two people active in this chat, like, three people. 25 Q. What are your responsibilities?			1	
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2 (Pages 5 to 8)

	Page 9	Page 11
1	A. As a special investigator with the Motor Carrier Safety	1 inspections, repair and maintenance files, drivers'
2	Program for the commission, I conduct compliance	2 license requirements, financial responsibility,
3	investigations on regulated transportation companies,	3 accidents, hazardous materials if they apply, and other
4	which includes inspecting the carrier's records and	4 safety and transportation records to determine whether
5	physically inspecting the commercial motor vehicles in	5 a motor carrier meets the safety fitness standards.
6	their fleet.	6 A compliance review may also be conducted in response
7	Q. And what training or education have you received	7 to a request for an upgrade or a of their safety
8	relating to your role as an investigator?	8 rating or to follow up on the potential of violations
9	A. I obtained my investigative safety analysis certificate	9 of the safety regulations or complaints or other
10	or certification from the Federal Motor Carrier Safety	10 evidence of safety violations.
11	Administration, and I am certified through the	11 Q. And what codes or standards are you checking in the
12	Commercial Vehicle Safety Alliance to conduct	12 in these investigations?
13	commercial vehicle inspections.	13 A. Compliance with the Washington Administrative Codes, or
14	Prior to UTC, I served as a commercial vehicle	14 the WACs; the Revised Codes of Washington, or the RCWs;
15	enforcement officer with the Washington State Patrol	and the Code of Federal Regulations, or the CFRs, which
16	for seven years. And four of those years included	16 are adopted by the State.
17	investigative work conducting new-entrant safety audits	17 Q. And how often do these reviews occur?
18	on a federal level.	18 A. For, okay, household goods companies, they're operating
19	Q. All right. Thank you. And turning to the matter at	19 under a provisional permit, so they have a review
20	issue today, are you familiar with the company Marsik	20 conducted within the first 18 months of retaining of
21	Movers?	21 obtaining their provisional permit. And if a
22	A. Yes.	22 satisfactory safety rating is not achieved, then a
23	Q. And how did you become aware of that company?	23 follow-up investigation will occur, as specified in the
24	A. Per Order 01 in Docket TV-230061, a follow-up	24 docket, in the docket.
25	investigation was assigned to me on November 1st, 2023.	25 Q. All right. And just to confirm, you did conduct a
	Page 10	Page 12
1	And I met with the carrier for an on-site follow-up	1 compliance review of Marsik Movers. And when did you
2	investigation on November 16th, 2023.	2 conduct that review?
3	Q. And did you conduct that compliance review?	3 A. The on-site investigation was conducted on November
4	A. Yes.	4 16th, 2023, and the closing appointment then occurred
5	Q. Did you summarize or did you write a report	5 on December 14th.
6	summarizing your review?	6 Q. And what was the method that you conducted this review?
7	A. Yes, I did.	7 A. The method? Well, it was an on-site comprehensive
8	Q. Turning to the document identified as Proposed Exhibit	3
9	JS1, Ms. Cobile, what is that exhibit?	9 carrier's principal place of business.
10	A. Exhibit JS1 is the final compliance review report	10 Q. And who did you speak with on site?
11	submitted by me. And this document or report	11 A. The owner of Marsik Movers, Marcel Filip.
12	documents the investigation of the compliance the	12 Q. And during your investigation, did you find that Marsik
13	Company's regulatory compliance with the commission's	13 Movers had any violations?
14	rules and standards.	14 A. Yes.
15	Q. And did you write or fill out this compliance review	15 Q. How many violations did you find during your review?
16	report?	16 A. There were nine violations identified. Those those
17		
18	A. Yes.	17 are nine types of violations. And then there were
1.0	Q. Is the information contained in this exhibit true and	18 seven counted, seven violations.
19 20	Q. Is the information contained in this exhibit true and correct, to the best of your knowledge?	 18 seven counted, seven violations. 19 Q. And did you find any acute violations?
20	Q. Is the information contained in this exhibit true and correct, to the best of your knowledge?A. Yes.	 seven counted, seven violations. Q. And did you find any acute violations? A. No.
20 21	 Q. Is the information contained in this exhibit true and correct, to the best of your knowledge? A. Yes. Q. And just for a bit of background, can you explain what 	 seven counted, seven violations. Q. And did you find any acute violations? A. No. Q. And just just for the record, what is an acute
20 21 22	 Q. Is the information contained in this exhibit true and correct, to the best of your knowledge? A. Yes. Q. And just for a bit of background, can you explain what is a compliance review? 	 seven counted, seven violations. Q. And did you find any acute violations? A. No. Q. And just just for the record, what is an acute violation?
20 21 22 23	 Q. Is the information contained in this exhibit true and correct, to the best of your knowledge? A. Yes. Q. And just for a bit of background, can you explain what is a compliance review? A. A compliance review is an on-site examination of the 	 seven counted, seven violations. Q. And did you find any acute violations? A. No. Q. And just just for the record, what is an acute violation? A. Acute violations, they're defined where noncompliance
20 21 22	 Q. Is the information contained in this exhibit true and correct, to the best of your knowledge? A. Yes. Q. And just for a bit of background, can you explain what is a compliance review? 	 seven counted, seven violations. Q. And did you find any acute violations? A. No. Q. And just just for the record, what is an acute violation?

12 speaking? 12 and that was discussed with Mr. Filip in detail as well. 13 A. Critical violations are those identified where 13 well. 14 noncompliance is indicative of the breakdowns in the Company's safety management controls and demonstrated by a pattern of noncompliance. 0. Ckgs. And do you have any changes you'd like to m to your report at this time? 16 A. There were two repeat violations. One, WAC 480-15-590, failure to maintain the original lease agreement; and a company? If you responded, you're muted. Sorry. THE COURT: Before Ido, any objection from the company? If you responded, you're muted. Sorry. 12 Marsik Movers at the time of this investigation did under a company called Fiek Moving, which Marsik Movers. 10 NR. FILIP: I dont have any - any questions. 14 wask davers at the time of the accident that occurred on May 19th, 2023, recordable accident or Page 14 Page 15 supporting documentation for the accident their autority and DOT number. And after further investigation and admittance from Mr. Filip, the MR. FiLIP: No. 1 admitted into evidence) MR. FiLIP: No. 1 admitted into evidence) 16 A. A cocrdable accident is one involving a motor vehicle where there at theirs on the scale accident; MR. FiLIP: No. 1 admitted into evidence) 17 Na condable accident is one involving a motor vehicle way from the scene of the accident; MR. FiLIP: No. 1 motality fine. 1 got to go <th></th> <th></th> <th>Page 13</th> <th></th> <th>Page 15</th>			Page 13		Page 15	
3 O. And right. And during your review, did you find any critical violations? 3 O. And did you notify the Company of this result? 4 A. Yes. A. Yes. A. Yes. So that December 14th, 2023, closing data, I met - I had a closing interview with Marcel Flip, the effering to the report, there is a critical repeat widation of CR 395 8(a)(1). That's hours of service, and that's for failing to prepare a record of duty status using the appropriate method as required. 5 Ferror. We went over the entire report in detail. To company a status using the appropriate method as required. 10 6 Ch And did you notify the Conviced him a copy of the recommendiations. and the safety firmes rating of the safety - the safety management plan, the SMP process and that was failed were any changes you'd like to me to your report at this time? 11 Ch And do you have any changes you'd like to me to your report at this time? 13 A. Critical violations. Cone, WAC 480-15-590, failure to mainsin the original lease agreement; and a company? I shour report at this time? 12 Marce Approximation for the accident that accumed on the were the federally recordable accident or 25 14 Cortical violations. Fair enough. So I will agrant the motical so were over will be antiming – it will a safety - the safety management plan, the safety firme safety and population from the company? If you respond (youre muted. Sory. 14 Marsik Movers at the time of this investigation did not have the federally recordable accident in the Company? If you respond (youre muted. Sory. MR. FLIP: Nou functions. Fair enough. So I will agrant the motical so thave wil	1		its overall safety position, such as one-time	1	what safety rating did Marsik Movers receive?	
4 A. Yes. 5. So that December 14th, 2023, closing date, I. 5 A. Yes. 5 met - Thed a closing interview with Amcel Filip, the owner of Marsk, where I provided him a copy of the report. We want over the entire report in detail, to include Pars A. B. the requirements and recommendators, and the safely interes rating of the - of the ropt. We also went over in detail to include Pars A. B. the requirements and recommendators, and the safely interes rating of the - of the ropt. We also went over in detail to a safely interes rating of the - of the ropt. We also went over in detail to a safely interes rating of the - of the ropt. We also went over in detail to a safely interes rating of the - of the ropt. We also went over in detail the safely interes report. We also went over in detail the is a safely interes rating of the - of the ropt. We also went over in detail the ordinal close indicative of the breakdowns in the is opur report at this time? 13 A. Critical violations, and the word in a copy of the iso and their was discussed with Mr. Filip in detail as well. 14 Company's safety management controls and demonstrated by a pattern of noncompliance. 10 14 Company's safety management controls and demonstrated failing to maintain an accident register with supporting documentation in the Company files. 11 15 Company's Safety management controls and generation in the Company files. 12 NR. OBRIEN: Your Honor, at this time? I like to move to admit Proposed safety can you assoched, you're mutad. Sory. 16 Marsik Movers at the line of this investigation of the acorident to accound the wore y	2		occurrences.	2	A. A proposed conditional rating.	
5 A. Yes. 5 met – I had a clasing interview with Marcel Fillp, the owner of Marsk, where I prior wide Marcel Fillp, the owner of Marsk, where I prior wide Marcel Fillp, the owner of Marsk, where I prior Wide Marcel Fillp, the owner of Marsk, where I prior Wide Marcel Fillp, the feedback of the safety I fill the safety management plan. It is characterized of duty status using the appropriate method as required. 10 0. And what is a critical violation, just generally speaking? 10 11 and that's for failing to prepare a record of duty speaking? 11 12 safety - the safety management plan. It is duty for the safety inters safety and management plan. It is a critical violation, just generally speaking? 12 13 A. Critical violations are those identified where 13 14 0. And what is a critical violations. One, WAC 480-15-590, failure to mainsin the original lease agreement; and a 12 14 Marsk Movers at the time of this investigation did 12 THE COURT: Before I do, any objection from the file. 15 not have the federally recordable accident or 12 THE COURT: No questions. Fair enough. So I will agr omain an accident or 16 A. There were two repeat violations. One, WAC 480-15-590, failure to mainsin the origin lease agreement; and a associated with Marsk Movers. The file were found and than to ofigin lease agreement and the origin go mainsin an a accident and the origin go mainter motican accident the origin the motican accident the oreacid	3	Q.	All right. And during your review, did you find any	3	Q. And did you notify the Company of this result?	
6 O. And what was that violation? 6 7 A. Referring to the report, there is a critical repeat 8 violation of CFR 395.8(a)(1). That's hours of service, and that's for failing to prepare a record of duly 9 and that's for failing to prepare a record of duly 9 and that's for failing to prepare a record of duly 10 C. And what is a critical violation, just generally 11 C. And what is a critical violation, just generally 12 speaking? 13 A. Critical violations are those identified where 10 14 Concomplains acide management controls and demonstrated 11 15 for generative management controls and demonstrated 12 16 Impacted your review and assessment? 13 17 A. There were there any other factors that 14 18 Marsik Movers at the time of this investigation did 14 19 A. There were there any controls and demonstrated 16 16 Inglate management controls and demonstrated 16 16 failure to maintain an accident 17 17 C. R. No. MR. FILLP: I don't have any - any questions. 17	4		critical violations?	4	A. Yes. So that December 14th, 2023, closing date, I	
7 A. Referring to the report. Here is a critical repeat wiolation of CFR 395.8(a)(1). That's hours of service, and that's for falling to propare a record of duy status using the appropriate method as required. 7 report. We went over the entite report in detail, to include Parts A, B, the requirements and recommendations, and the stably fitness rating of the e-of the report. We also went over in detail the of the report. We also went over in detail the safety times rating of the e-of the report. We also went over in detail the of the report. We also went over in detail the original the original the processed with Mr. Filip in detail as well. 10 0. And what is a critical violations, are those identified where incompliance is indicative of the breakdowns in the Company's safety management controls and demonstrated by apterm of noncompliance. 10 11 0. All right. And were there any other factors that impacted your review and assessment? 11 0. Okay. And do you have any changes you'd like to m to your report at this time? 12 0. All right. And were there any other factors that impacted your review and assessment? 11 0. Okay. And do you have any changes you'd like to m to your report at this time? 12 0. All right. And were there any other factors that impacted your review and assessment? 12 0. No. 13 16 17 MR. O'BRIEN: Your any questions. 11 14 Marsik Movers at the time of this investigation did any any objection form the cord for the - not have the federality recordable accident or investigation and admittanc	5	Α.	Yes.	5	met I had a closing interview with Marcel Filip, the	
8 violation of CFR 395.8(a)(1). That's hours of service, and that's for failing to prapare a record of duty 8 9 and that's for failing to prapare a record of duty 9 10 status using the appropriate method as required. 10 11 0. And what is a critical violation, just generally 11 12 and that's for failing to prapare a record of duty 11 13 A. Critical violations are those identified where 12 14 noncompliance is indicative of the breakdowns in the 12 15 Company's safety management controls and demonstrated 16 16 No. MR. OBRIEN: Your Honor, at this time? 17 A. There were two reapid violations. One, WAC 480-155-90. 16 18 maxis Movers at the time of this investigation did 20 19 A maxis Movers at the time of this investigation did 21 10 not have the federally recordable accident or 11 23 supporting documentation in the Company 23 24 Page 14 25 not have the federally recordable accident or 11 26 not have the federally recordable accident or 25 <td>6</td> <th>Q.</th> <td>And what was that violation?</td> <td>6</td> <td>owner of Marsik, where I provided him a copy of the</td>	6	Q.	And what was that violation?	6	owner of Marsik, where I provided him a copy of the	
9 and that's for failing to prepare a record of duty 9 recommendations, and the safety fitness rating of 10 C. And what is a cricical violations, just generally 10 the - of the report. We also went over in detail the 11 S. And what is a cricical violations are those identified where 10 the - of the report. We also went over in detail the 12 and that's of failing to minitation surfaced 10 well. 13 A. Critical violations are those identified where 11 oncompliance is indicative of the breakdowns in the 14 C. Okay. And do you have any changes you'd like to m to your report at this time? 14 D. Okay. And do you have any changes you'd like to m to your report at this time? 15 the - of the report. We also seesement? A. No. 16 mapatch your review and assessment? A. No. 17 A. There were two repeat violations. One, WAC 480-15-580, FIE COURT: Before I do, any objection from the 16 files. THE COURT: Before I do, any objections. Fair enough. So I will 18 marsik Movers at the time of this investigation did grant the motion, and we will be admitting - I woll the admitting - I woll be admitting - I woll be admitting - I woll be admitting - I woll. 14 Marsi	7	Α.	Referring to the report, there is a critical repeat	7	report. We went over the entire report in detail, to	
10 status using the appropriate method as required. 10 the of the report. We also went over in defail the 11 20. And what is a critical violation, just generally speaking? 11 safety the safety management plan, the SMP process and that was discussed with Mr. Filip in detail as well. 12 A. Critical violations are those identified where noncompliance is indicative of the breakdowns in the Company's safety management controls and demonstrated by a pattern of noncompliance. Co Kay. And do you have any changes you'd like to m to your report at this time? 13 A. There were thor appeat violations. One, WAC 480-15-590, in failure to maintain an accident register with supporting documentation in the Company? MR. O'BRIEN: Your Honor, at this time I'd like to move to admit Proposed Exhibit J.S into evidence. 14 Marsik Movers at the time of this investigation did in the dearally recordable accident or 12 MR. FILIP: I don't have any - any questions. 15 company? If you responded, you're muted. Sorry. 13 14 24 26 16 MR. Stage and a secondent or 25 15 16 16 16 16 Marsik Movers at the time of this investigation did as associated with Marsik Movers. The files were found autorid, which Marsik Movers. 17 17 26 17 18 17 18 18 18 18 18	8		violation of CFR 395.8(a)(1). That's hours of service,	8	include Parts A, B, the requirements and	
11 Q. And what is a critical violation, just generally speaking? 11 safety the safety management plan, the SMP process and that was discussed with Mr. Filip in detail as and that was discussed with Mr. Filip in detail as well. 12 A. Critical violations are those identified where noncompliance is indicative of the breakdowns in the company's safety management curles and that was discussed with Mr. Filip in detail as well. 14 Q. Okay. And do you have any changes you'd like to m to your report at this time I'd like to m to your report at this time I'd like to many state was any company's safety were two repeat violations. One, WAC 480-15-590, failure to maintain the original lease agreement; and a company fugure state the original lease agreement; and a company fugure state is a company fugure state. Some state time of this investigation did files. A. No. 12 CFR 390.15(b) for failing to maintain an accident register with supporting documentation in the Company is affer the motion, and we will be admitting - any any questions. Fair enough, So I will grant the motion, and we will be admitting - it will be in the record for the - for the order. Fage 14 Page 14<	9		and that's for failing to prepare a record of duty	9	recommendations, and the safety fitness rating of	
12 speaking? 12 and that was discussed with Mr. Filip in detail as well. 13 A. Critical violations are those identified where innocompliance is indicative of the breakdowns in the Company's safety management controls and demonstrated by a pattern of noncompliance. 0. Okay. And do you have any changes you'd like to m to your report at this time? 14 noncompliance is indicative of the breakdowns in the Company's safety management controls and demonstrated by a pattern of noncompliance. 16 15 A. There were two repeat violations. One, WAC 480-15-590. THE COURT: Before Ido, any objection from the repeat violations. One, WAC 480-15-590. 12 register with supporting documentation in the Company 17 MR. FILIP: I don't have any - any questions. 12 register with supporting documentation in the Company 18 grant the motion, and we will be admitting - it will be in the record for the - 14 Marsik Movers at the time of this investigation did and a company called Fiex Moving, which Marsik Movers 14 Page 15 supporting documentation for the accident that occurred on May 19th, 2023, recordable accident so hare further investigation and admittance from Mr. Filip, the 14 Page 16 were the result is either a fatality, a personal and whits grait with series at here any toring accident so collable accident; or disabling a mark throwers is that need to be towed awary from the scene of the accident, or disabling admange	10		status using the appropriate method as required.	10	the of the report. We also went over in detail the	
13 A. Critical violations are those identified where 13 well. 14 0. Okay. And do you have any changes you'd like to m 15 Company's safety management controls and demonstrated 16 by a pattern of noncompliance. 14 0. Okay. And do you have any changes you'd like to m 17 0. All right. And were there any other factors that 17 MR. O'BRIEN: Your Honor, at this time 'd like to 18 impacted your review and assessment? A. No. MR. O'BRIEN: Your Honor, at this time 'd like to 19 A. There were two repeat violations. One, WAC 480-15-500, 18 MR. O'BRIEN: Your Honor, at this time 'd like to 20 failure to maintain an accident 17 MR. O'BRIEN: Your Honor, at this time 'd like to 21 register with supporting documentation in the Company 18 Gompany's alfed with were wore repeat violations. One, WAC 480-15-500, 22 register with supporting documentation in the Company 19 THE COURT: No questions. The weill be additing - it will 23 not have the federally recordable accident or 20 Company's alfed Hawark Movers. The files were found 24 well. Marsik Movers took responsibility for that 9 3 associdat with Marsik Movers took re	11	Q.	And what is a critical violation, just generally	11	safety the safety management plan, the SMP process,	
14 noncompliance is indicative of the breakdowns in the 14 0. Okay. And do you have any changes you'd like to m 15 Company's safety management controls and demonstrated 15 to your report at this time? 16 Dy a pattern of noncompliance. A. There were two repeat violations. One, WAC 480-15-590. A. No. 17 M. There were two repeat violations. One, WAC 480-15-590. THE COURT: Before I do, any objection from the violence. 18 There were two repeat violations. One, WAC 480-15-590. THE COURT: Before I do, any objection from the violence. 19 A. There were two repeat violations. One, WAC 480-15-590. THE COURT: Before I do, any objection from the company (all for this investigation did provides accident or THE COURT: No questions. Fair enough. So I will grant the motion, and we will be admitting - it will be in the record for the - for the order. 20 Tage 14 Page Page 14 supporting documentation for the accident that occurred on May 18th, 2023, recorded or presented as being associated with Marsik Movers. The files were found under a company called Filex Moving, which Marsik Movers or conducted household goods moves for under their autority and DOT number. And after further associated with Marsik Movers took responsibility for that particular accident through Enterprise Rental and their for the scident or whick as the rany questions fait you would like related to this. 19 So recordable accident so ne involving a motor v	12		speaking?	12		
15 Company's safety management controls and demonstrated by a pattern of noncompliance. 15 to your report at this time? 16 A. Iright. And were there any other factors that impacted your review and assessment? 16 A. No. 17 G. All right. And were there any other factors that impacted your review and assessment? 17 MR. O'BRIEN: Your Honor, at this time I'd like to move to admit Proposed Exhibit JS1 into evidence. 18 A. There were two repeat violations. One, WAC 480-15-590, failure to maintain the original laces agreement; and a company? If you responded, you're muted. Sorry. 21 CFR 390.15(b) for failing to maintain an accident register with supporting documentation in the Company affiles. 18 THE COURT: No questions. Fair enough. So I will grant the motion, and we will be admitting – it will be Exhibit 1. So that will be in the record for the - for the order. Page 14 asuporting documentation for the accident that occurred on May 19th. 2023, recorded or presented as being a associated with Marsik Movers. The files were found under a company called Flex Moving, which Marsik Movers oconducted household goods moves for under their for investigation and admittance from Mr. Flip, the particular accident through Enterprise Rental and their Company.		Α.				
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21 CFR 390.15(b) for failing to maintain an accident register with supporting documentation in the Company files. 21 MR. FILIP: I don't have any any questions. Fair enough. So I will grant the motion, and we will be admitting it will be Exhibit 1. So that will be in the record for the for the order. 23 files. MR. FILIP: I don't have any any questions. Fair enough. So I will grant the motion, and we will be admitting it will be Exhibit 1. So that will be in the record for the for the order. 24 Marsik Movers at the time of this investigation did on thave the federally recordable accident or 23 25 not have the federally recordable accident or 25 26 may 19th, 2023, recorded or presented as being a associated with Marsik Movers. The files were found under a company called Flex Moving, which Marsik Movers for conducted household goods moves for under their authority and DOT number. And after further investigation and admittance from Mr. Filip, the a particular accident through Enterprise Rental and their particular accident through Enterprise Rental and their particular accident through Enterprise Rental and their further so recordable accidents such as these discovered in the past 365 days are key factors that negatively impact the proposed safety rating. MR. FILIP: No. I'm totally fine. I got to go the the past 365 days are key factors that negatively impact the proposed safety rating. MR. FILIP: No. I'm totally fine. I got to go the where the result is either a fatality; a personal away from the scene. MR. GBRIEN: Yes. At this time Id like to call Jason Sharp, Your Honor. 14 A recordable accid		Α.				
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24 Marsik Movers at the time of this investigation did 24 be Exhibit 1. So that will be in the record for thefor the order. 25 not have the federally recordable accident or 25 for the order. Page 14 1 supporting documentation for the accident that occurred 1 (Exhibit No. 1 admitted into evidence) 2 on May 19th, 2023, recorded or presented as being 2 M.R. O'BRIEN: Thank you, Your Honor. Staff has not further questions for Investigator Cobile at this time. 4 under a company called Flex Moving, which Marsik Movers 4 THE COURT: And you said that you don't have any questions for her either? 6 authority and DOT number. And after further 6 M.R. FILIP: Are you asking me? 7 investigation and admittance from Mr. Filip, the 7 THE COURT: Yes. You have an opportunity to ask ask her any questions that you would like related to this. 10 Company. 10 M.R. FILIP: Are you asking me? 11 11 So recordable accident such as these discovered in the past 365 days are key factors that negatively 12 No question. 12 the past 365 days are key factors that negatively 13 THE COURT: Yes. At this time I'd like to call 13 inpact the preson is required to be treat						
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1 0.4 A Veo recordeble conjugate Correct 1 0.4						
	24		Yes, recordable accidents. Correct.	24	duly sworn on oath, was examined	
25 Q. Based on the violations you found during your review, 25 and testified as follows:	25	Q.	Based on the violations you found during your review,	25	and testified as follows:	

4 (Pages 13 to 16)

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		Page 17		Page 19
1		DIRECT EXAMINATION	1	operational and driving performance, which encompasses
2	BY	MR. O'BRIEN:	2	49 CFR Parts 392 and 395, resulted in an unsatisfactory
3	Q.	Good afternoon, Mr. Sharp. Please state your name and	3	marking on that particular factor. And so if we go to
4		spell it for the record.	4	the next page, on page 16, it has a formula chart that
5	Α.	My name is Jason Sharp, S-H-A-R-P.	5	breaks down, you know, what the overall rating would be
6	Q.	And what is your current position with the commission?	6	determined by the number of unsatisfactory or
7	Α.	I am the motor carrier safety supervisor with the	7	conditional factors. Here the Company had factor 3,
8		Washington Utilities and Transportation Commission.	8	resulting in an unsatisfactory factor, with zero or
9	Q.	And what are your responsibilities in that position?	9	two or fewer conditional factors for the overall rating
10	Α.	As supervisor, I assign safety investigations to our	10	to come out as a proposed condition.
11		investigations staff, such as Investigator Cobile. I	11	Q. Okay. And since the date that the Company received
12		review their investigative reports and provide	12	notification of this proposed fitness rating, has the
13		recommendations for follow-on action, enforcement, and	13	Company requested an upgrade to the safety rating by
14		so forth as a result of any violations that they	14	way of submitting a safety management plan?
15		discover during their review process.	15	A. Yes. The Company has submitted a plan several times.
16	Q.	And what kind of training have you received in order to	16	Q. And has that management plan been accepted at this
17		prepare you to carry out those responsibilities?	17	point?
18	Α.	So similar to how Investigator Cobile responded to the	18	A. The plan has not been accepted as of today. The
19		question, prior to being the supervisor for the team, I	19	Company is continuing to address Staff's concerns with
20		was also a safety investigator. So I received training	20	their plan as as he's working towards getting an
21		through the Federal Motor Carrier Safety Administration	21	approved plan. But as of right now, we Staff cannot
22		to conduct compliance reviews as well as certification	22	accept the plan.
23		through the Commercial Vehicle Safety Alliance to	23	Q. And, therefore, Staff is Staff able to provide any
24		conduct commercial vehicle safety inspections.	24	recommendation to upgrade the Company's safety rating?
25	Q.	All right. And how long have you been in your current	25	A. Not at this time.
		Page 18		Page 20
1		position?	1	Q. And has the Company responded to the penalty assessment
2		Six years.	2	in this case?
3	Q.	So moving on to the matter at hand today, are you	3	A. The Company paid the \$300 penalty in full, I believe,
4	•	familiar with Marsik Movers?	4	yesterday.
5		Yes, I am.	5	MR. O'BRIEN: Thank you, Mr. Sharp. I have no
6		And how did you become aware of the Company?	6	further questions for the witness at this time, Your
7	А.	I have assigned each of the three safety investigations	7	Honor. You're muted.
8		as far as determining the Company's provisional status, and I've reviewed each of the assignments as well as	8	THE COURT: Okay. Mr. Sharp, to your knowledge, is
9			9	the Company currently in compliance?
10 11		the subsequent safety management plans as a as a result of the findings of those investigations.	10 11	MR. SHARP: Not at this time.
11	~	6 6	1	THE COURT: Okay. And I wanted to ask about that.
13	ч.	And turning to the exhibit now entered as JS1, have you had a chance to review that exhibit?	12 13	So let me find my citation.
	۸	Yes.	1	MR. SHARP: Sure.
14 15		And are you familiar with how the safety rating was	14 15	THE COURT: Okay. So 49 CFR 385.17(c), I believe,
16	ч.	determined in this case?	1	requires a company to currently be in compliance in
17	Δ	Yes. The commission adopts the federal safety rating	16 17	order to request a safety rating change. So I suppose my question is, does Staff believe that CFR applies, or
18	л.	methodology. And the exhibit actually points out how	1	
10		the safety rating became a proposed conditional on	18 19	does Staff check whether or not they are currently in
20		pages 15 and 16. When conducting a safety	1	compliance before making a recommendation?
20		investigation, there are several different parts of a	20 21	MR. SHARP: In order for Staff to accept a safety
<u> </u>		company's operations that are checked. In this case,	21	management plan from a company, we like to determine if
22			44	the documentation that the company has implemented
22 23			22	
23		there are six factors that are graded to determine an	23	supports that what they are doing is in compliance.
			23 24 25	

5 (Pages 17 to 20)

	Page 21		Page 23
1	doesn't contain corrective action and demonstration of	1	to make sure I'm doing it right. That's pretty much
2	the company's understanding and ability to comply with	2	yeah. Nothing more to say. I already made some
3	the regulations.	3	mistakes, and I'm trying to solve them. I'd like to
4	THE COURT: Okay. Sorry. Go ahead. No? Okay.	4	put them in case and be right.
5	385.17(g), I believe, covers the extension for	5	THE COURT: I would like to ask, there's there's a
6	provisional authorities. But I believe it only in the	6	repeat violation. So you submitted an SMP ten months
7	CFRs lists unsatisfactory ratings as being able to be	7	ago, and I believe in the last inspection you violated
8	extended. And, further, it limits it only to 60 days	8	a provision which was in that SMP. Can you speak to
9	or I think maybe 120. But, in any event, there is a	9	that at all? Because you made similar representations
10	limitation. Are those limitations of the CFR at all	10	last time, so I'm just trying to assess
11	part of the calculation making a recommendation?	11	MR. FILIP: Well, on this time, there was there
12	MR. SHARP: So there's this is where the	12	was less less violations. But the one of the
13	commission rules are differ slightly from the	13	violations which occurred, the rental truck, what I got
14	federal rules, in that we are because provisional	14	from Enterprise, it was by mistakes. And I don't know
15	carriers, through WAC, require that companies move on	15	for sure, like, I have to have the accident on my
16	from the from the provisional to a permanent status	16	accident register. I had the old one for the previous
17	within 18 months unless they're extended for good	17	accidents, but I I didn't have the new one, because
18	cause, then they may obtain a satisfactory rating.	18	I was not sure.
19	And so in these cases, with a provisional company, if	19	The car the truck was rental. Someone was using
20	a company receives a conditional or a proposed	20	it, like, for I was using for the other company to
21	conditional rating, they are treated as or they are	21	do jobs, not for me. But it was my driver. And I was
22	given the same opportunity to request an upgrade as	22	not sure how to like, if I had to add this on the
23	those companies that, through the CFR, receive a	23	register, and I miss it. Well, that's, like I don't
24	proposed unsatisfactory rating.	24	know. I need to inform more about this and make sure,
25	So the conditional rating wouldn't apply,	25	like, this not going to happen.
1 2 3	necessarily, per the CFR element of 385.17, because they they did not receive an unsatisfactory rating. However, because of the requirement for household goods	1 2 3	But I have all the details about that accident. No one was injured. There was just towing who got the truck. Even the police officer who had been on the
4	companies to obtain that satisfactory rating, that is	4	on the side, he didn't made any reports. He just ask
5	why we're here today.	5	it, like, hey, remove the truck from Enterprise, and
6	THE COURT: Okay. I thank you. I know that's a	6	that's it. There was no accident, no car involved, no
7	novel question, so I appreciate that response. Oh.	7	passenger. The driver was fine. He didn't need any
8	Okay. We can move on. So, thank you, Mr. Sharp.	8	medical medical assistance. And, yeah.
9	So okay. Does the Company have any questions for	9	But the other violation what I had, the hour of
10	the witness?	10	service, it was as well from my from my fault and
11	MR. FILIP: No, I don't have any questions.	11	the lack of accuracy to to maintain them and keep
12	THE COURT: Thank you. Okay. Any other witnesses?	12	them on file for at least six months. And, yeah,
13	MR. O'BRIEN: Staff has no other witnesses to call,	13	that's about it.
14	Your Honor.	14	THE COURT: Thank you. I actually my apologies.
15	THE COURT: Okay. Well, thank you. Would Marsik	15	I forgot to swear you in. Could you please raise your
16	Movers like to present any evidence, or you can proceed	16	right hand.
17	by testifying in a narrative, if you'd like, make some	17	MR. FILIP: Oh, sorry. My name's Marcel Filip. I'm
18	sort of statement. But this would be your opportunity	18	the owner of Marsik Movers from 2019.
19	to to address the things that have been said.	19	THE COURT: Thank you. I'm going to ask you a
20	MR. FILIP: Yes. I totally understand my violations,	20	question, and then you can affirm. But no worries.
21	what they occurred, about the hours of service and the	21	Please raise your right hand. Do you swear or affirm
22	accident of the trucks, and I know how important it is.	22	that the testimony that you give today will be the
23	Like, I got to familiarize myself again. I will try	23	truth, the whole truth, and nothing but the truth?
24	for future just to make sure they will never occur	24	MR. FILIP: Yes, I swear.
25	again and make sure to check with them on daily basis	25	THE COURT: Okay. And you affirm the statements that

6 (Pages 21 to 24)

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	Page 25		Page 27
1	you just made previously was nothing but the truth?	1	have to
2	MR. FILIP: Yes, all tell the truth.	2	THE COURT: Sure.
3	(Mr. Filip sworn under oath.)	3	MS. COBILE: look at that CFR. Maybe my
4	THE COURT: Thank you. Okay. My apologies for that.	4	supervisor can provide more information on that
5	MR. FILIP: No worries.	5	question if if that's okay with you.
б	THE COURT: Okay. Well, if you if you are done	6	THE COURT: Absolutely. I'm and it was a bit of a
7	with your narrative, would Staff like to ask any	7	curve ball, but I since we're here, I thought I'd
8	questions?	8	I'd ask.
9	MR. O'BRIEN: No questions for the Company, Your	9	MS. COBILE: I appreciate it. Thank you.
10	Honor.	10	MR. SHARP: Yes. So, Your Honor, the household goods
11	THE COURT: Okay. Okay. I want to ask is Ms.	11	carriers rules are specifically in WAC 480-15, as
12	Cobile still here?	12	opposed to the common carrier rules identified in
13	MS. COBILE: Hi, sir, or Your Honor.	13	480-14, and that's why that exclusion exists in 14,
14	THE COURT: I'm going to ask you the same question of	14	because they don't apply in the household goods
15	is the Company currently compliant, as far as you know?	15	operation. So if it's but they if it's a WAC
16	MS. COBILE: No, sir, they are not.	16	480-15, they are required to follow those rules.
17	THE COURT: And just for the record, were any of the	17	THE COURT: Sure, but I believe the testimony was one
18	violations in this complaint similar to previous	18	of the violations was under Title 14.
19	complaints?	19	MR. SHARP: If so, then that was probably a misquote.
20	MS. COBILE: Yes.	20	I'm looking at the exhibit and the violations starting
21	THE COURT: Which ones specifically?	21	on page 3. Oh, you know what I see is a secondary
22	MS. COBILE: The 395.8(a)(1) that was identified in	22	reference to 480-14-300, and I believe that that is
23	my response and the repeat violation of pardon me	23	a a miscalculation, with the primary violation being
24	while I reference the WAC 480-15-590, the accident	24	a 392.2, which is a local rule. So is that what you're
25	register. And also the sorry. That was for the	25	referring, where the reference is 480-14-300?
	Page 26		Page 28
1	lease agreement. And then I apologize.	1	THE COURT: Yes.
2	THE COURT: Well, that's that's good.	2	MR. SHARP: Okay. That I just caught that. I
3	MS. COBILE: CFR 390.15(b), which was the failure to	3	
			apologize. I I see that. The primary violation
4	retain an accident register which was complete and	4	apologize. I I see that. The primary violation should is 392.2. And the applicable, it has the
4 5	retain an accident register which was complete and compliant.	4 5	apologize. I I see that. The primary violation should is 392.2. And the applicable, it has the report has an incorrect secondary WAC reference there.
	o i		should is 392.2. And the applicable, it has the
5	compliant.	5	should is 392.2. And the applicable, it has the report has an incorrect secondary WAC reference there.
5 6	compliant. THE COURT: Okay. Was one of those you said	5 6	should is 392.2. And the applicable, it has the report has an incorrect secondary WAC reference there. THE COURT: What, if any, effect does that have on
5 6 7	compliant. THE COURT: Okay. Was one of those you said 480-14-590?	5 6 7	should is 392.2. And the applicable, it has the report has an incorrect secondary WAC reference there. THE COURT: What, if any, effect does that have on the calculation?
5 6 7 8	compliant. THE COURT: Okay. Was one of those you said 480-14-590? MS. COBILE: Yes.	5 6 7 8	should is 392.2. And the applicable, it has the report has an incorrect secondary WAC reference there. THE COURT: What, if any, effect does that have on the calculation? MR. SHARP: Zero. That doesn't affect the safety
5 6 7 8 9	compliant. THE COURT: Okay. Was one of those you said 480-14-590? MS. COBILE: Yes. THE COURT: So I suppose this could be a question for	5 6 7 8 9	 should is 392.2. And the applicable, it has the report has an incorrect secondary WAC reference there. THE COURT: What, if any, effect does that have on the calculation? MR. SHARP: Zero. That doesn't affect the safety rating.
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1	potentiality of approving a safety management plan. So	1	CERTIFICATE
2	if that were to happen, do you know how much notice you	2	
3	would like in order to have an approved plan so that we	3	STATE OF WASHINGTON)
4	can extend so that we can suspend the conditional	4) ss
5	rating?	5	COUNTY OF KING)
6	THE COURT: I I would like some time, because I	6	
7	think there's perhaps some complexity here. I would	7	I, the undersigned, do hereby certify under penalty
8	the CFRs I cited, I if that is the path that Staff	8	of perjury that the foregoing court proceedings or legal
9	goes, I would like in some form 49 CFR 385.17(g) and	9	recordings were transcribed under my direction as a certified
10	(c) addressed, if only to clarify which rules, the WAC	10	transcriptionist; and that the transcript is true and accurate
11	or the CFR, controls, in Staff's view.	11	to the best of my knowledge and ability, including changes, if
12	So I can I mean, so I would like a few days with	12	any, made by the trial judge reviewing the transcript; that I
13	it. I do think I'd benefit from the transcript. That	13	received the electronic recording in the proprietary court
14	date is pretty set. So I will I will do my best	14	format; that I am not a relative or employee of any attorney
15	to to get something then. But as much time as	15	or counsel employed by the parties hereto, nor financially
16	possible would be my preference if a safety management	16	interested in its outcome.
17	plan does get approved.	17	IN WITNESS WHEREOF, I have hereunto set my hand
18	MR. O'BRIEN: Okay. Thank you, Your Honor.	18	this 9th day of February, 2024.
19	THE COURT: Okay. Any other matters?	19	ADTCA .
20	MR. O'BRIEN: Nothing more from Staff, Your Honor.	20	
21 22	THE COURT: Okay. Company, any anything else	21 22	Survey of the second
22	before we wrap this up? MR. FILIP: No, I don't have nothing else to say.	22	Debra M. Moore, CCR
23 24	THE COURT: Okay. Well, thank you, sir.	23	Debra M. Moore, CCR
25	MR. FILIP: Thank you.	25	
25	WIN. HEIF. HIAINK YOU.	23	
	Page 30		
1	THE COURT: Okay. It is 2:09, and let us get off the		
2	record. We are adjourned.		
3	(Conclusion of hearing)		
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