



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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May 12, 2021

Mark L. Johnson Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250

RE: *Washington Utilities and Transportation Commission v. I Heart Movers, LLC*
Commission Staff Recommendation to Impose Suspended Penalties of Order 01
Docket TV-200627 and TV-200628 (Consolidated)

Dear Mr. Johnson:

On August 31, 2020, the Washington Utilities and Transportation Commission (Commission) entered Order 01, Consolidating Dockets; Approving Safety Management Plan; Upgrading Safety Rating; Imposing and Suspending Penalty in Docket TV-200627 and TV-200628 (Consolidated). Order 01 granted I Heart Movers, LLC's (IHM or Company) request for mitigation, assessed a penalty of \$4,750, and suspended a \$2,250 portion of the penalty for two years, and then waived, subject to the following conditions:

- (1) Commission staff (Staff) conduct a follow-up investigation approximately six months from the date of Order 01;
- (2) IHM must not incur any repeat violations of critical regulations; and
- (3) The Company pays the \$2,500 portion of the penalty that is not suspended.

On October 15, 2020, the Commission entered Order 02, Granting Payment Arrangement. Order 02 approved a 16-month payment schedule that IHM and Staff jointly proposed to assist the Company in paying the \$2,500 portion of the penalty that was not suspended. A check with the Commission's Financial Services on May 12, 2021, shows that the Company is current on its payment schedule with a remaining balance of \$1,600.

On April 28, 2021, Staff completed the follow-up review as required in Order 01. During the follow-up review, staff identified four repeat violations of critical regulations. The repeat violations are documented as follows:

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- Ten violations of WAC 480-15-555 – Failure to complete a criminal background check for every person the carrier intends to hire.
- Eighty-two violations of 49 CFR § 391.45(a) – Using a driver not medically examined and certified.
- Ninety violations of 49 CFR § 395.8(a)(1) – Failing to require driver to make a record of duty status.
- One violation of 49 CFR § 396.17(a) – Using a commercial motor vehicle not periodically inspected.

Staff finds that IHM failed to satisfy each requirement of Order 01 by incurring repeat violations of critical regulations and recommends that the \$2,250 suspended penalty be imposed.

If you have any questions, please contact Jason Sharp, Motor Carrier Safety Supervisor, Transportation Safety at jason.sharp@utc.wa.gov or at (360) 701-1603.

Sincerely,

Mathew Perkinson

Assistant Director, Transportation Safety