

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of a Penalty Assessment  
Against

CAN'T STOP MOVING, LLC

in the amount of \$51,900

DOCKET TV-170293

DECLARATION OF WAYNE GILBERT

1 I, WAYNE GILBERT, hereby declare under penalty of perjury under the laws of the state of  
Washington that the following is true and correct:

2 I am, and at all times hereinafter mentioned have been, a citizen of the United States, over  
the age of 18, have personal knowledge regarding the matters stated herein, and am  
competent to testify as a witness.

3 I am employed by the Washington Utilities and Transportation Commission  
("Commission") where I have worked as a Special Investigator in the Transportation  
Division since March 16, 2015. As a Special Investigator, my responsibilities include  
conducting investigations of companies that may be operating in violation of Commission  
rules or State statutes enforced by the Commission. As part of those duties, I investigate  
whether companies are in compliance with the safety rules of the Commission, found in  
WAC 480-15 and Title 49 C.F.R.

4 On April 24, 2018, I completed a safety investigation of Can't Stop Moving, LLC ("Can't  
Stop Moving" or "the Company").

5 I discovered one violation of Title 49 CFR Part 391.45(a) – Using a driver not medically  
examined and certified. The Company allowed its employee Andrii Iepifanov to operate a  
company vehicle on 10 occasions between September 2017 and February 2018 without  
having been medically examined and certified.

6 I discovered two violations of Title 49 CFR Part 391.51(b)(2) – Failing to maintain inquiries  
into driver's driving record in driver's qualification file. Can't Stop Moving failed to acquire  
and maintain motor vehicle reports (driving records) for employees Andrii Glukhyi and  
Andrii Iepifanov.

7 I discovered one violation of Title 49 CFR Part 392.2 – Operating a motor vehicle not in  
accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being  
operated. The Company allowed its employee Michael Salcito to operate a company vehicle  
on 32 occasions between October 2017 and February 2018 without having a valid driver's  
license.

- 8 I discovered 30 violations of Title 49 CFR Part 395.8(a)(1) – Failing to require driver to prepare a record of duty status using appropriate method. On 30 occasions during January 2018, the Company failed to retain hours of service records for its employee Prince Austin.
- 9 I discovered four violations of Title 49 CFR Part 396.3(b) – Failing to keep minimum records of inspection and vehicle maintenance. Can't Stop Moving failed to maintain required maintenance and inspection records for any of its four vehicles.
- 10 I discovered three violations of Title 49 CFR Part 396.17(a) – Using a commercial motor vehicle not periodically inspected. Can't Stop Moving failed to provide proof of periodic inspections for three of the four vehicles I checked.
- 11 My assignment report, detailing the violations I discovered during the safety investigation, is attached to my declaration as Attachment A.

DATED this 25th day of April, 2018, at Olympia, Washington.

  
WAYNE GILBERT