



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY 1-800-833-6384 or 711

May 19, 2021

RE: *In the Matter of the Investigation of I Heart Movers, LLC, for Compliance with WAC 480-15-555, WAC 480-15-560, WAC 480-15-570, and WAC 480-15-590, and the Matter of the Penalty Assessment Against I Heart Movers, LLC, in the Amount of \$9,100, Dockets TV-200627 & TV-200628 (Consolidated)*

TO ALL PARTIES:

On July 20, 2020, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Intent to Cancel and Notice of Brief Adjudicative Proceeding: Setting Time for Oral Statements in the Matter of the Investigation of I Heart Movers, LLC, (IHM or Company) for Compliance with Washington Administrative Code (WAC) 480-15-555, WAC 480-15-560, WAC 480-15-570, and WAC 480-15-590 (Notice). The Notice informed the Company of its proposed “unsatisfactory” safety rating and directed IHM to file a proposed safety management plan by August 12, 2020.

On July 21, 2020, the Commission assessed a \$9,100 penalty (Penalty Assessment) against IHM for 151 violations of Washington Administrative Code (WAC) 480-15-555, Criminal Background Checks for Prospective Employees; WAC 480-15-560, Equipment Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 CFR) Part 396 – Inspection, Repair and Maintenance; and WAC 480-15-570, Driver Safety Requirements, which adopts 49 CFR Part 391 – Qualification of Drivers and 49 CFR Part 395 – Hours of Service of Drivers.

On July 22, 2020, the Company responded to the Penalty Assessment, requesting mitigation of the penalty and waiving its right to a hearing.

On August 31, 2020, the Commission entered Order 01, Order Consolidating Dockets; Approving Safety Management Plan; Upgrading Safety Rating; Imposing and Suspending Penalties (Order 01), which reduced the penalty to \$4,750, a \$2,250 portion of which was suspended for a period of two years, subject to the following conditions: (1) IHM must either

pay the \$2,250 portion of the penalty that is not suspended or file jointly with Commission staff (Staff) a proposed payment arrangement within 10 days of the effective date of the Order; and (2) IHM may not incur any repeat violations of critical regulations.

On October 15, 2020, the Commission entered Order 02, Granting Payment Arrangement (Order 02), which allowed IHM to pay the unsuspended portion of the penalty in 16 payments, with the first installment due on November 2, 2020. The Company is current on the payment schedule.

On May 12, 2021, Staff filed a letter in this docket informing the Commission that, upon re-inspection, Staff discovered that IHM had incurred repeat violations of critical regulations.

Due to IHM's failure to comply with the terms of Order 01, the \$2,250 suspended portion of the penalty is now due and payable.

MARK L. JOHNSON
Executive Director and Secretary