

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

ARTUR DUBONOSOV d/b/a
MOVING ART,

For Compliance with WAC 480-15-560
and WAC 480-15-570.

DOCKET TV-220048

NOTICE OF INTENT TO CANCEL

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME
FOR ORAL STATEMENTS
**(Set for March 9, 2022,
at 10 a.m.)**

- 1 Pursuant to RCW 81.80.130, the Washington Utilities and Transportation Commission (Commission) regulates the safe operation of motor freight carriers, including household goods carriers.
- 2 Artur Dubonosov d/b/a Moving Art, (Moving Art or Company) engages in business as a household goods carrier under Commission-issued provisional permit number THG-069175.
- 3 Between December 2021 and January 2022, the Commission’s staff (Staff) reviewed Moving Art’s compliance with the requirements of Washington Administrative Code (WAC) 480-15-560 and WAC 480-15-570, which adopt, among other provisions, Title 49 of the Code of Federal Regulations (C.F.R.) Parts 391, 392, 395, and 396. Staff also reviewed the Company’s compliance with WAC 480-15-555.
- 4 In January 2022, Staff completed an investigation of Moving Art’s compliance with the safety requirements in WAC 480-15. As a result of the compliance investigation, Staff documented 56 violations of Commission rules, including 30 critical violations.¹ On January 14, Staff notified the Company that the investigation resulted in a proposed Conditional safety rating based on the critical violations discovered and provided the Company a copy of the investigation report.
- 5 A carrier may request a change in its safety rating based on evidence that it has taken corrective actions to address the identified violations and that company operations currently meet the safety fitness standard specified in 49 C.F.R. § 385.5 and § 385.7.
- 6 The Commission will grant permanent operating authority to a carrier that successfully completes its provisional period. Successful completion requires, among other things, that

¹ A critical violation is a violation of a regulation where “noncompliance relates to management and/or operational controls. These are indicative of breakdowns in a carrier’s management controls.” 49 C.F.R. Part 385, Appendix B.II.c; WAC 480-15-560; WAC 480-14-999.

the carrier receives a satisfactory safety rating based on a review conducted by Staff.² If a carrier fails to receive a satisfactory safety rating within 18 months of obtaining its provisional permit, the Commission will cancel the carrier's provisional permit and dismiss the company's application for permanent authority unless the Commission finds good cause to extend the provisional period. WAC 480-15-305(3).

7 Under the circumstances presented in this case, the Commission determines that it will afford Moving Art the same opportunity as companies that have received a proposed unsatisfactory rating to provide evidence, in the form of an approved safety management plan, showing that it has taken corrective action to address the identified violations. Moving Art must come into compliance with applicable laws by obtaining Commission approval of a safety management plan no later than March 15, 2022. If the Company fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective March 16, 2022. Thereafter, as an unregistered company, Moving Art would be prohibited from providing household goods carrier services in the state of Washington.

8 **THE COMMISSION GIVES NOTICE That it intends to cancel the permit and authority of Moving Art to provide services as a household goods carrier effective March 16, 2022, for cause, following a hearing on the factual allegations set out above, unless Moving Art obtains Commission approval of a safety management plan prior to that date.**

9 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission schedules a hearing on its own initiative and determines that a brief adjudicative proceeding is appropriate to determine whether the Commission should cancel Moving Art's household goods carrier permit.

10 **THE COMMISSION GIVES FURTHER NOTICE That it will hold a virtual brief adjudicative proceeding in this matter at 10 a.m. on March 9, 2022. To attend the hearing by telephone, please call (253) 215-8782 and enter the Meeting ID: 944 2783 6030# and use the Passcode: 561326#. To attend via Zoom, please use the following link: [Click here to join meeting](#).**

11 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.

12 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The

² WAC 480-15-305(1)(e).

Commission will provide at its offices in Lacey, Washington, copies of documents in the current record for use by the parties or others who may want to review them.

- 13 **Moving Art must submit its proposed safety management plan no later than 5 p.m. on February 23, 2022.** Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and describing any such documents **no later than 5 p.m. on February 2, 2022**, and provide any such documents to Staff counsel and the presiding officer by email **by 5 p.m. on February 2, 2022**.
- 14 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**
- 15 The names and mailing addresses of all parties and their known representatives are shown as follows:

Commission: Washington Utilities and Transportation
Commission
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Harry Fukano
Assistant Attorney General
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1225
harry.fukano@utc.wa.gov

Respondent: Artur Dubonosov
Owner/Operator
12605 E. Gibson Road Unit #37
Everett, WA 98204
206-291-0420
movingart@yahoo.com

16 Administrative Law Judge Samantha Doyle, from the Commission's Administrative Law Division, will preside during this proceeding.³

DATED at Lacey, Washington and effective February 1, 2022

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION



AMANDA MAXWELL
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

³ Judge Doyle can be reached by email at samantha.doyle@utc.wa.gov or by phone at (360) 664-1164.

NOTICE

Hearing facilities are accessible to persons with disabilities and persons who do not speak English as a first language. If limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please provide the information requested below via email to Paige Doyle, paralegal, at paige.doyle@utc.wa.gov. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired: (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____