

Docket No. TV-220511 - Vol. I

**In the Matter of the Investigation of: Miracle Man
Movers, LLC**

October 5, 2022



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| <p>BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION</p> <hr/> <p>In the Matter of the) DOCKET TV-220511 Investigation of))) MIRACLE MAN MOVERS, LLC))) For Compliance with) WAC 480-15-555 and) WAC 480-15-570)</p> <hr/> <p>VIRTUAL BRIEF ADJUDICATIVE PROCEEDING Pages 1-55 ADMINISTRATIVE LAW JUDGE SAMANTHA DOYLE</p> <hr/> <p>VOLUME I October 5, 2022 2:30 p.m.</p> <p>Washington Utilities and Transportation Commission 621 Woodland Square Loop Southeast Lacey, Washington 98503</p> <p>(All participants appeared via videoconference.)</p> <p>DATE TAKEN: OCTOBER 5, 2022 REPORTED BY: ROSE DETLOFF, RMR, CRR, CCR #21036100</p> | <p>1 EXAMINATION INDEX</p> <p>2 JASON SHARP PAGE</p> <p>3 By Mr. Roberson 11</p> <p>4</p> <p>5 EXHIBIT INDEX</p> <p>6 EXHIBITS FOR ADMISSION PAGE</p> <p>7 SY-1 Amended Report 16</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |
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| <p>1 A P P E A R A N C E S</p> <p>2 ADMINISTRATIVE LAW JUDGE:</p> <p>3 SAMANTHA DOYLE</p> <p>4</p> <p>5 FOR COMMISSION STAFF:</p> <p>6 JEFF ROBERSON</p> <p>7 Assistant Attorney General</p> <p>8 P.O. Box 47250</p> <p>9 Olympia, Washington 98504</p> <p>10 360-664-1188</p> <p>11 jeff.roberson@utc.wa.gov</p> <p>12</p> <p>13 FOR MIRACLE MAN MOVERS, LLC:</p> <p>14 ANNA BULLOCK</p> <p>15 CHRISTOPHER BULLOCK</p> <p>16 Miracle Man Movers, LLC</p> <p>17 14602 Northeast Fourth Plain Boulevard</p> <p>18 Suite J</p> <p>19 Vancouver, Washington 98682</p> <p>20 360-313-6566</p> <p>21 miraclemanmovers@gmail.com</p> <p>22 anna@miraclemanmovers.com</p> <p>23</p> <p>24 ALSO PRESENT: RYAN SMITH</p> <p>25 JASON SHARP</p> <p>TRACY COBILE</p> <p>KEITH QUINATA</p> <p>KATHY HUNTER</p> <p>MATTHEW PERKINSON</p> <p>JAUANDRIA EWANIKA</p> <p>*****</p> | <p>1 LACEY, WASHINGTON; OCTOBER 5, 2022</p> <p>2 2:30 p.m.</p> <p>3 -o0o-</p> <p>4 P R O C E E D I N G S</p> <p>5</p> <p>6 JUDGE DOYLE: Let's be on the record.</p> <p>7 Good afternoon. This is Docket TV-220511,</p> <p>8 which is captioned, "In the Matter of the Investigation</p> <p>9 of Miracle Man Movers, LLC for compliance with</p> <p>10 Washington Administrative Code 480-15-555 and Washington</p> <p>11 Administrative Code 480-15-570."</p> <p>12 My name is Samantha Doyle, and I'm the</p> <p>13 Administrative Law Judge presiding over today's brief</p> <p>14 adjudicative proceeding.</p> <p>15 Today is Wednesday, October 5th, 2022.</p> <p>16 And, Mr. Bullock, you are not muted. If you</p> <p>17 could mute yourself when you're not talking. Thank you.</p> <p>18 And the time is approximately 2:30 p.m.</p> <p>19 On September 13th, 2022, the Commission issued</p> <p>20 a revised notice of intent to cancel permit as a</p> <p>21 household goods carrier, notice of brief adjudicative</p> <p>22 proceeding, and setting a time for oral statements.</p> <p>23 The Commission issued the notice of intent to</p> <p>24 cancel due to a follow-up compliance review conducted by</p> <p>25 Commission Staff that was completed in June, which</p> |

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1 resulted in a proposed unsatisfactory safety rating for
 2 Miracle Man Movers.
 3 After following subsequent information from the
 4 company, Commission Staff revised the proposed safety
 5 rating and is now proposing a conditional rating and has
 6 reassessed the penalty as well. The reassessed penalty
 7 amount in this docket is \$8,000, and at this point, I
 8 think -- let's actually wait a moment to address what
 9 that request for mitigation actually entails.
 10 So the company has until October 10th to have
 11 filed and approved a plan from Staff to avoid
 12 cancellation of the company's household goods carrier
 13 permit effective October 11th, 2022.
 14 We will hear from the parties on both the
 15 proposed safety rating and the penalty assessment. When
 16 I call on each party to testify, I will swear you in
 17 with the oath of witness so that anything you tell the
 18 court will be under oath and can be considered sworn
 19 testimony.
 20 For the court reporter's benefit, please speak
 21 slowly and clearly. Once you are sworn in, you can
 22 present your testimony.
 23 And we'll first have Staff address the proposed
 24 safety rating. Following Staff's presentation, the
 25 company will have the opportunity to ask Staff's

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1 witnesses any questions, and then you may present your
 2 testimony. At that time, you can address the violations
 3 and the penalty assessment. Once you are done
 4 testifying, Staff's attorney may have some questions for
 5 you, and then Staff will make a recommendation on the
 6 penalty.
 7 Do we have any other questions before we
 8 continue and swear in?
 9 Okay. Hearing none, let's take appearances
 10 from Commission Staff, Mr. Roberson.
 11 You are on mute.
 12 MR. ROBERSON: It wouldn't be a hearing if I
 13 didn't do that at least once.
 14 Good afternoon, Judge Doyle. This is Jeff
 15 Roberson, R-O-B-E-R-S-O-N, appearing on behalf of
 16 Commission Staff. I'm an AAG, and with me at Counsel
 17 table is the motor carrier safety supervisor, Jason
 18 Sharp.
 19 JUDGE DOYLE: Thank you.
 20 And for the company, please state your name and
 21 address for the record, spelling your last name for the
 22 court reporter, please.
 23 MR. BULLOCK: Can you see me okay?
 24 JUDGE DOYLE: Can you speak up just a little
 25 bit? For some reason, you're a little muffled.

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1 MR. BULLOCK: Yes. Can you hear me?
 2 JUDGE DOYLE: I'm hearing you a little bit
 3 better.
 4 Can the court reporter hear you? We might need
 5 a little bit more.
 6 THE COURT REPORTER: Just barely.
 7 JUDGE DOYLE: Okay. If there's any way to
 8 maybe get closer to your mic; otherwise, we will do our
 9 best.
 10 Now I don't hear you at all. Maybe before was
 11 better.
 12 MR. BULLOCK: Now?
 13 JUDGE DOYLE: That's better. Thank you.
 14 Also, I put in a cough drop. Apologies.
 15 Okay. Go right ahead. Thank you.
 16 MR. BULLOCK: Sorry about that. Can you
 17 hear me okay?
 18 Okay. My name is Chris Bullock with Miracle
 19 Man Movers, LLC. I also have Anna here. She's our
 20 compliance manager and handles a lot of this, but for
 21 some reason, she just got kicked out of the room.
 22 JUDGE DOYLE: One, maybe try again.
 23 Sometimes it's Zoom itself. I don't believe that was
 24 intentional. Also, make sure that she has it muted
 25 because there is a little bit of interference and that

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1 her audio and your audio aren't simultaneously playing.
 2 Does that make sense?
 3 Okay. Go ahead and state your name, your
 4 address, and please spell your last name for the court
 5 reporter.
 6 MR. BULLOCK: Address -- home address or
 7 business address?
 8 JUDGE DOYLE: Your business address. And
 9 unfortunately, we didn't hear your name.
 10 MR. BULLOCK: Okay. Christopher Bullock.
 11 Did you hear that? Okay. And my address is 14602
 12 Northeast Fourth Plain Boulevard, Suite J, Vancouver,
 13 Washington 98682.
 14 Was there one other thing you needed?
 15 JUDGE DOYLE: Just spell your last name and
 16 then give a business phone number and e-mail address.
 17 MR. BULLOCK: Okay. Last name,
 18 B-U-L-L-O-C-K. Business phone number, 360-313-6566.
 19 E-mail, miraclemanmovers@gmail.com.
 20 M-I-R-A-C-L-E-M-A-N-M-O-V-E-R-S, @gmail.com.
 21 MR. ROBERSON: And, Judge Doyle, if I may,
 22 Mr. Smith has dropped some advice in the chat about --
 23 I'm sorry. I don't know her last name, but Anna's last
 24 name. In case she needs to dial in, he's provided the
 25 information for her to do that.

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1 MS. BULLOCK: My name is Anna Bullock,
 2 B-U-L-L-O-C-K. The phone number is 360-313-6566.
 3 E-mail address, anna, A-N-N-A, @miraclemanmovers.com.
 4 JUDGE DOYLE: Perfect. That's great. Thank
 5 you both.
 6 And with that, has the company filed a proposed
 7 safety management plan with the Commission?
 8 MS. BULLOCK: Yes.
 9 JUDGE DOYLE: Okay.
 10 Has Staff -- go right ahead, Mr. Roberson.
 11 MS. BULLOCK: And it's being reviewed at
 12 this time.
 13 JUDGE DOYLE: Yeah. Thank you.
 14 MR. ROBERSON: Judge Doyle, Mr. Sharp
 15 informed me about ten minutes before the hearing that he
 16 had just received the most recent version. He has not,
 17 in the ten minutes, had a chance to review it, but it is
 18 in progress.
 19 JUDGE DOYLE: Okay. Great.
 20 So just to clarify, Staff still needs to
 21 review. If there are any revisions that need to take
 22 place, they need to be done so with enough time for
 23 Staff to approve it before the 10th.
 24 So just for your information, there might be --
 25 if there's any deficiencies, Staff will let you know,

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1 and you will still have until the 10th to make that
 2 happen. However, you need to keep in mind that Staff
 3 needs time to review, so filing on the morning or the
 4 end of the day of the 10th would not be enough time.
 5 So I believe the 10th is a Monday. Just stay
 6 in touch with Staff about -- if there's any revisions
 7 that need to be done.
 8 The next order would be -- so yesterday,
 9 October 4th, we received -- Staff received an e-mail
 10 requesting mitigation of the penalties.
 11 The form itself -- as Mr. Roberson notified us
 12 ahead of the hearing, in order to request -- you can
 13 request mitigation; however, with requesting mitigation,
 14 are you also admitting to the penalties and requesting
 15 mitigation? We'd like to clarify.
 16 MS. BULLOCK: Judge Doyle, my understanding
 17 is -- I think what I'm trying to do is -- I wanted
 18 mitigation. However, there are some issues still in the
 19 report that -- let's say we admit to most of them.
 20 There's a few that we still question, and I've talked to
 21 Jason a little bit about that. That's where I'm at.
 22 JUDGE DOYLE: Okay. Well, I think with
 23 that, we're going to go forward and have Staff present
 24 their case. I'm going to swear Staff in. If you have
 25 any questions for Staff, you could do so at that time

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1 when they're done.
 2 And then we'll also walk through all the
 3 penalties, and you'll have an opportunity to speak to
 4 them one at a time. And that will be after I swear you
 5 in.
 6 Mr. Roberson, would you like to make comment?
 7 MR. ROBERSON: Yeah. Given what Staff has
 8 just heard, it seems to make more sense to go through
 9 the penalties and the factual basis for the
 10 recommendation about the safety rating first. Do you
 11 mind if that's the order that Staff proceeds in?
 12 JUDGE DOYLE: That sounds great. I agree.
 13 So go ahead and begin with what you'd like,
 14 Mr. Roberson.
 15 MR. ROBERSON: Staff would call Jason Sharp.
 16 (Jason Sharp sworn.)
 17 JUDGE DOYLE: Thank you. You may begin.
 18 E X A M I N A T I O N
 19 BY MR. ROBERSON:
 20 **Q. Would you please state your name and spell your**
 21 **last name for the record.**
 22 A. My name is Jason Sharp, S-H-A-R-P.
 23 **Q. Who employs you?**
 24 A. The Washington Utilities and Transportation
 25 Commission.

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1 **Q. What position do you hold at the Commission?**
 2 A. My position is the motor carrier safety
 3 supervisor.
 4 **Q. What are your duties as the motor carrier**
 5 **safety supervisor?**
 6 A. I assign safety investigations and
 7 interventions to our motor carrier staff. I review
 8 their safety reports and provide recommendations for
 9 follow-on action that are consistent with the
 10 Commission's enforcement policy.
 11 **Q. Have you received any training or education to**
 12 **allow you to carry out those duties?**
 13 A. Yes. So I've been in my position for nearly
 14 five years now, and prior to becoming the supervisor of
 15 our team, I was a safety investigator getting
 16 certification training through the Federal Motor Carrier
 17 Safety Administration as well as the Commercial Vehicle
 18 Safety Alliance to perform safety interventions and
 19 commercial vehicle inspections.
 20 **Q. And are you, therefore, generally familiar with**
 21 **the state and federal regulations governing the safe**
 22 **operations of household goods carriers?**
 23 A. Yes.
 24 **Q. Are you familiar with a company called Miracle**
 25 **Man Movers, LLC?**

1 A. Yes.
 2 **Q. And how did you become familiar with that**
 3 **company?**
 4 A. I've actually reviewed two separate safety
 5 investigations as part of the company's provisional
 6 authority at the Commission.
 7 **Q. And when Staff performs a review of a company's**
 8 **operations, what does it do?**
 9 A. It sets up an appointment with the company. It
 10 notifies the company of what records they will need to
 11 review for compliance purposes. They go through the
 12 documentation and document any deficiencies in their
 13 compliance plan in an investigative report.
 14 **Q. And what records does Staff generally look at**
 15 **when it performs this type of review?**
 16 A. So in a comprehensive review, they will, in
 17 general, review insurance information, driver
 18 qualifications, paperwork. In the household goods
 19 industry, they'll review criminal background check
 20 information, vehicle maintenance files. They'll check
 21 for documentation on drivers, hours of service, or
 22 what's referred to as a record of duty status.
 23 And then just verifying any other Commission
 24 regulations, you know, such as, have they filed an
 25 annual report or paid their regulatory fees? They'll

1 A. It is. In this case, we actually issued an
 2 amended report after additional information was received
 3 as we were leading up to the initial date of the BAP
 4 that was scheduled previously. So we did actually issue
 5 an amended report to reflect the true and accurate
 6 finding of Staff.
 7 **Q. And speaking of that report, do you have the**
 8 **exhibit marked SY-1 in front of you?**
 9 A. I do.
 10 **Q. Are you familiar with that exhibit?**
 11 A. Yes, I am. This is the amended report that
 12 Staff issued to the company on August 11th of this year.
 13 **Q. Is that a true and accurate copy of the report**
 14 **that Staff -- the amended report?**
 15 A. It is. The only thing that I noticed was not
 16 complete was the final pages of our report that we
 17 submit, which is an explanation of the safety fitness
 18 breakdown, but that's also captured at the end of the
 19 section considered Part B where the violations are
 20 listed at. So it was given to the company.
 21 **Q. But what's there is a true and accurate copy of**
 22 **the report?**
 23 A. Yes.
 24 MR. ROBERSON: Judge Doyle, at this point,
 25 Staff would move to admit Exhibit SY-1.

1 document any noncompliance with that as well.
 2 **Q. Does Staff examine the carriers' vehicles when**
 3 **it performs a review like this?**
 4 A. Yes. It's part of the vehicle maintenance
 5 aspect.
 6 **Q. Okay. When Staff finishes conducting its**
 7 **review, does it write a report?**
 8 A. Yes. It writes a report that's reviewed by me,
 9 and then once it's approved to close with the carrier,
 10 that investigator assigned to the case will meet with
 11 the company and go over the findings of the
 12 investigation.
 13 **Q. So that report is drafted contemporaneously**
 14 **with the end of Staff's review as a part of**
 15 **communicating with the carrier?**
 16 A. Yes. It's a way for the company to become
 17 aware of the findings and areas where the company can
 18 focus on its improvements, along with just -- you know,
 19 a notation of the violations is also recommendations for
 20 corrective action.
 21 **Q. And that report is produced in the ordinary**
 22 **course of business? It's produced for every review?**
 23 A. Yes.
 24 **Q. And is it important that that report be correct**
 25 **and accurate?**

1 JUDGE DOYLE: Okay.
 2 Does the company have any objections to
 3 admitting the exhibit?
 4 MS. BULLOCK: No.
 5 JUDGE DOYLE: Okay. Thank you.
 6 Exhibit SY-1 is now admitted to the record.
 7 (Exhibit SY-1 admitted.)
 8 BY MR. ROBERSON:
 9 **Q. So, Mr. Sharp, you just said that Staff reviews**
 10 **a company's vehicles when it performs kind of a**
 11 **compliance review.**
 12 **Did it do that when it reviewed Miracle Man**
 13 **Movers' operations?**
 14 A. Yes.
 15 **Q. And did it find anything of note when it looked**
 16 **at those vehicles?**
 17 A. Yes. There were vehicle violations identified
 18 in this case. For the actual inspections themselves,
 19 there were some repairs that had been documented on
 20 maintenance records that hadn't been performed on the
 21 vehicles that were notated. But as far as the vehicle
 22 inspections themselves, we only found general
 23 maintenance violations. Nothing that would be
 24 considered out of service.
 25 **Q. So does federal law require carriers to**

1 promptly repair parts or accessories that are broken or
2 deficient?

3 A. Yes. Yes. They are supposed to be repaired
4 prior to being redispached if it affects the safety
5 operation of the vehicle.

6 **Q. Does the Federal Motor Carrier Safety
7 Administration treat the failure to properly repair
8 parts or accessories as a critical or acute violation?**

9 A. Yes. They consider it an acute violation.

10 **Q. And what does it mean for a violation to be
11 considered an acute violation?**

12 A. An acute violation is one that's considered
13 serious because it is linked -- or the noncompliance
14 with acute regulations are linked to higher than average
15 accident rates. So acute are considered the most
16 serious, meaning there can be an imminent threat if the
17 vehicle or driver or the condition present leading to
18 that violation were to continue on. It's considered the
19 most high risk.

20 And that differs from, say, critical
21 violations, which are also considered serious. But
22 critical violations are more so based on a carrier's
23 management controls and their overall safety posture and
24 based on a pattern of noncompliance, where an acute
25 violation can be one thing, and that's why it's

1 **Q. And did it find all of the background checks
2 that it needed to find?**

3 A. No. Well, there were some that were not found.
4 There were others that were provided, but after the
5 stated hire date that the company provided the
6 investigator. And there were also a couple of them that
7 were requested but received a pending response, meaning
8 the results were not shared on the background checks we
9 received.

10 **Q. Now, earlier you mentioned that Staff looks for
11 records of duty status when it performs a compliance
12 review. I can't remember if you explained what a record
13 of duty status was, but if you didn't, could you just
14 give a quick explanation here.**

15 A. Yes. So commercial drivers are limited on the
16 amount of hours that they can be on duty and then
17 perform driving operation of a commercial motor vehicle.
18 It is a regulation designed to reduce driver fatigue, as
19 fatigued driving is one of the leading causes of
20 accidents in a commercial motor vehicle.

21 So in a way to do this, the Federal Motor
22 Carrier Safety Administration has created the
23 requirement for motor carriers to require their drivers
24 to prepare a time record, which documents all of their
25 time on duty as well as driving. In general, that would

1 considered more serious.

2 **Q. And did the nonrepairs that Staff noted fall
3 within what the FMCSA would consider an acute violation?**

4 A. Yes.

5 **Q. Okay. When Staff reviews a carrier's
6 operations, does it look to see if it has performed
7 criminal background checks on all of its employees if
8 it's a household goods carrier?**

9 A. Yes.

10 **Q. And how does Staff do that?**

11 A. Staff will request information such as a hire
12 date for all employees, not just drivers in this case,
13 and they will request a criminal background check be
14 provided for those employees and compare the hire date
15 with the date that a background check is received.

16 **Q. Sorry. Go ahead.**

17 A. I was going to say -- so what we're looking for
18 in that case is compliance with the company receiving a
19 criminal background check and qualifying that individual
20 as laid out in WAC 480-15-555 and for them to have
21 obtained and reviewed that prior to hiring an
22 individual.

23 **Q. And did Staff examine Miracle Man's records for
24 these background checks?**

25 A. Yes.

1 be registered on what's called a driver log or record of
2 duty status, or in more over-the-road-type operations,
3 an electronic logging device.

4 In this case, in the majority of the
5 operations, the company does qualify for what's called a
6 short-haul exception, which is a time sheet requirement,
7 meaning that they need to be able to document the time
8 that a commercial driver reports to work, the time they
9 quit working, and the total hours that they were on duty
10 on any given day.

11 **Q. So given what you said about the applicability
12 of that exception, is it fair to assume that Staff
13 looked at records of duty status when it reviewed
14 Miracle Man's records?**

15 A. Yes.

16 **Q. And did it find compliant records of duty
17 status for all of the company's drivers?**

18 A. No. There were two of the five drivers that
19 were sampled that did not have record of duty status
20 provided.

21 **Q. Does the Federal Motor Carrier Safety
22 Administration consider the failure to have proper
23 records of duty status a critical or an acute violation?**

24 A. They consider it a critical violation based on
25 the pattern.

1 **Q. You said above that that goes more to**
2 **management breakdowns as opposed to just -- safety**
3 **threats, I guess, is the best way to put it?**

4 A. Correct.

5 **Q. Okay. When Staff reviews a carrier's driver**
6 **records, does it look to see if the carrier has**
7 **performed a road test or obtained a certificate about**
8 **the driver's road test?**

9 A. Yes. As it checks for the driver qualification
10 file, that is one of the required documents in that
11 file.

12 **Q. And can you briefly explain what the road test**
13 **is or what this certificate attests to.**

14 A. Yes. So a commercial driver, as they're being
15 onboarded, is subject to a road test by a carrier
16 official where they will go out on the roadway with that
17 individual and make sure that they have the skill to
18 operate, you know, a commercial vehicle.

19 Commercial vehicles are larger than your
20 passenger vehicle that you'll drive. They weigh more.
21 They're longer. They take longer to stop. And so the
22 idea is that the carrier qualifies their drivers to
23 operate their vehicles prior to cutting them loose and
24 allowing them to operate on the roadways.

25 **Q. Did Staff look for those records when it**

1 that we sampled that the carrier did not have that
2 abstract pulled within the 30 days of hire.

3 **Q. Okay. And speaking to the FMCSA's regulations,**
4 **is the requirement that the carrier perform a background**
5 **check within 30 days separate from the requirement that**
6 **it obtain the abstract, or are those the same?**

7 A. Oh, my mistake. I think you're referring to
8 the 39-123-82, which is actually the investigation into
9 a previous employer where that individual may have
10 operated under DOT regulation. So my mistake.

11 Yes. Staff did not locate any paperwork
12 related to that investigation occurring.

13 **Q. So there's two separate things going on here,**
14 **is what I understand.**

15 A. Correct.

16 **Q. The carrier is required to inquire of the**
17 **driver's previous employers and then obtain an abstract?**

18 A. Correct. Correct. So the abstract is going to
19 be a copy of their performance via motor vehicle record,
20 while the other requirement is -- if they operated for
21 another DOT-regulated company, then they must do a
22 safety investigation by reaching out to the previous
23 employer and getting a response from them on their
24 safety performance. So two separate things.

25 **Q. And now, separate and apart from both of those,**

1 **reviewed Miracle Man's records?**

2 A. Yes.

3 **Q. And did it perform the necessary road tests or**
4 **obtain the necessary certificate for all of its drivers?**

5 A. No.

6 **Q. Okay. When you review a driver's files, do you**
7 **make sure that the carrier's file includes a completed**
8 **employment application?**

9 A. Yes.

10 **Q. And did Staff look for those completed**
11 **applications when it reviewed Miracle Man's records?**

12 A. Yes.

13 **Q. And did Staff find all of Miracle Man's drivers**
14 **had completed employment applications?**

15 A. No. Two of the drivers sampled had incomplete
16 applications. They did have applications on file, but
17 they didn't have all of the required information.

18 **Q. And now kind of keeping with the drivers'**
19 **files, did Staff look to see if the carrier has**
20 **investigated the drivers' background within 30 days of**
21 **the date of employment?**

22 A. Yes. The requirement is that any commercial
23 vehicle driver has a motor vehicle report or what's
24 referred to as a driver abstract obtained within 30 days
25 of the hire date. In this case, there was one driver

1 **are carriers required to inquire about a driver's record**
2 **with licensing agencies?**

3 A. Yes. So at the time of hire, as I just pointed
4 out, as well as once every 12 months, the company needs
5 to obtain a motor vehicle report on the driver.

6 **Q. And did you look for those records -- did Staff**
7 **look for those records when it reviewed Miracle Man's**
8 **records?**

9 A. Yes.

10 **Q. And did it find records of those inquiries for**
11 **all of Miracle Man's drivers?**

12 A. The violation was a result of the company
13 failing to run a -- or obtain a motor vehicle report on
14 the owner, Christopher Bullock. The company provided a
15 motor vehicle report dated in January of 2021 and didn't
16 run another abstract until July of 2022, exceeding that
17 12-month requirement.

18 **Q. So Staff would have expected to see an inquiry**
19 **in January 2022, and it was not performed?**

20 A. Yes. Or provided to Staff.

21 **Q. Okay. When you review a driver's records, I**
22 **believe you talked about driver qualifications files at**
23 **the top of your testimony. Could you explain what those**
24 **are.**

25 A. Yes. So for every commercial driver, a motor

1 carrier needs to obtain a completed application. They
2 need to -- if applicable, meaning if the driver had
3 worked for a previously regulated DOT company -- do a
4 safety investigation. They must obtain a motor vehicle
5 report within 30 days of hire or switching position
6 from -- to become a driver. They need to obtain that
7 within 30 days of that date.

8 They need to perform the road test that I
9 discussed earlier. They need to obtain a medical
10 certificate. They need to verify that the medical
11 examiner listed on the national registry is on that
12 national registry, and they all need to be contained
13 within a driver qualification file.

14 **Q. Did Staff -- sorry. Go ahead.**

15 A. And then that qualification file would also
16 contain the annual -- meaning the 12-month -- abstracts
17 for a three-year period of time.

18 **Q. Did Staff look for Miracle Man's driver
19 qualification files?**

20 A. Yes.

21 **Q. And did it find them for all of Miracle Man's
22 drivers?**

23 A. No. There was one employee that a driver
24 qualification file was not provided for.

25 **Q. When you review a carrier's operations, do you**

1 record of duty status.

2 And so within any eight-day period or any
3 eight-day period within that 30-day sample, if an
4 investigator identifies that the driver has driven after
5 being on duty for 70 hours without obtaining what's
6 called a reset to their time, then that becomes a
7 violation.

8 **Q. And did Staff perform that calculation when it
9 reviewed Miracle Man's records?**

10 A. Yes. So of the total 150 records that were
11 reviewed for the sample period, there were ten instances
12 where the company allowed a driver to operate a
13 commercial vehicle after being on duty for 70 hours in
14 an eight-day period.

15 **Q. Now, when Staff reviews a carrier's operations,
16 does it look to see if it has obtained from -- the
17 carrier has obtained from its drivers signed statements
18 giving the total time on duty during the preceding seven
19 days and the time at which the driver was last removed
20 from duty?**

21 A. Yes. So the time when investigators will look
22 for this is when a driver works for multiple employers,
23 for one, or they may have a second or third job, or if
24 it's their first time driving for the company.

25 And so what they'll look for is a record, which

1 **look to see if it has filed an annual report with the
2 Commission?**

3 A. Yes. Our team looks to the Commission's
4 database to determine if they filed the annual report
5 and paid regulatory fees.

6 **Q. And did Staff look to see if Miracle Man had
7 made that filing?**

8 A. Yes.

9 **Q. And had it?**

10 A. No.

11 **Q. Turning back to kind of driver-related issues,
12 when you review a carrier's operations, do you look to
13 see if it has required or permitted drivers to drive
14 after having been on duty for more than 70 hours in
15 eight days?**

16 A. Yes.

17 **Q. And how does Staff do that?**

18 A. Staff will request a sample of 30 days within
19 the last six months leading up to the investigation, the
20 start of the investigation, and they will sample however
21 many drivers. It's based off of a sample size of how
22 many drivers the company has.

23 And so they'll review a 30-day period for each
24 driver's sample, and they will calculate the hours and
25 the driving time that is on the previously mentioned

1 is a certification from the driver notifying the company
2 of their eligibility to drive that vehicle based off of
3 their hours that they've worked in the seven days
4 leading up to that opportunity.

5 **Q. Did Staff have cause to ask Miracle Man for
6 that type of signed statement?**

7 A. Yes.

8 **Q. And was Miracle Man able to produce that
9 statement for all of its drivers -- all of the affected
10 drivers -- the relevant drivers?**

11 A. No.

12 **Q. When you review carrier files, you mentioned
13 that you look at vehicle maintenance records.**

14 **What does Staff look for when it's looking at
15 those records?**

16 A. So a vehicle maintenance file requires several
17 things. For property carriers such as household goods,
18 they require a vehicle identification on each vehicle
19 that they own or operate, and that would entail the
20 vehicle year, the make, the VIN number, as well as the
21 tire size. Within that, there must also be a record of
22 vehicle inspection, repair, and maintenance that has
23 occurred on the vehicle, as well as a preventative
24 maintenance plan.

25 **Q. Is a carrier allowed to kind of create a**

1 combined collective vehicle maintenance file, or is it
2 required to have a maintenance file for every vehicle?

3 A. Each vehicle needs to have its own maintenance
4 file.

5 **Q. Did Staff look for vehicle maintenance files
6 for each of Miracle Man's vehicles?**

7 A. Yes.

8 **Q. And did the company have a maintenance file for
9 each of its vehicles?**

10 A. The company had a maintenance file for one of
11 the two vehicles we sampled. So, no, they didn't have
12 it for each vehicle.

13 **Q. When Staff looks at the vehicle maintenance
14 file, does it look to see if the carrier has certified
15 that repairs were made or unnecessary?**

16 A. Yeah. That would be part of the driver vehicle
17 inspection report requirements. So for any motor
18 carrier with more than one vehicle, at the end of the
19 day, their drivers must do a post-trip inspection and
20 document any defects on that vehicle on what's referred
21 to as a driver vehicle inspection report.

22 If a defect is notated, then they will turn it
23 in to the motor carrier or dispatch or whoever is
24 responsible for the vehicle maintenance, and the carrier
25 would then need to review that and determine whether it

1 doing this in addition to the certification we were just
2 talking about?

3 A. Our Staff did, yes.

4 **Q. Sorry. Staff did.**

5 **And did all of Miracle Man's drivers do this?**

6 A. No.

7 **Q. Okay. When you review a carrier's vehicle
8 files and when you're looking at vehicle maintenance
9 records, do you look to see if the vehicle has been
10 periodically inspected? And "you" here being Staff.
11 Sorry.**

12 A. Yes.

13 **Q. And did Staff look to see if Miracle Man's
14 vehicles were periodically inspected?**

15 A. Staff did look for that, yes.

16 **Q. And were all of those vehicles periodically
17 inspected?**

18 A. No. One of two of the sampled vehicles were
19 not periodically inspected.

20 **Q. Okay. Changing gears somewhat, did Staff ever
21 ask Miracle Man to produce records that they did not
22 timely produce?**

23 A. Yes.

24 **Q. Can you explain -- sorry. Go ahead.**

25 A. Yeah. So Staff had some initial difficulty

1 was -- if it's a safety item that needs to be repaired,
2 and if not, then sign off on the report, or if it is
3 something that is in need of repair, they need to have
4 it fixed prior to being redispached. And then
5 following -- or the next driver must review that same
6 form and certify that either the repair was done or not
7 necessary.

8 So this violation was related to that process,
9 and that the carrier failed to certify that repairs were
10 made or not necessary on the driver vehicle inspection
11 report form.

12 **Q. So just for clarity, then, Staff looked for
13 these certifications when it reviewed Miracle Man's
14 files?**

15 A. Correct.

16 **Q. And it did not find all of the necessary
17 certifications?**

18 A. Correct.

19 **Q. When you review a carrier's operations -- I
20 believe you've kind of just answered this -- Staff looks
21 to see whether the driver has signed the DVIR when he or
22 she notes defects or deficiencies. That's what you just
23 testified to, correct?**

24 A. Correct.

25 **Q. And did you also look to see if Miracle Man was**

1 establishing the start of the investigation. The
2 company had some -- the company had some personal items
3 that they've addressed in their previous contest to the
4 initial penalty assessment.

5 They also had a job that ran late as we had an
6 investigator waiting for a commercial vehicle, and so
7 the investigator found that there had been a pattern of
8 not having records produced in an appropriate timeframe
9 to their liking. Generally, that means within 48 hours.

10 **Q. And last set of questions on Staff's review
11 before we turn to the safety rating.**

12 **When Staff reviews a carrier's operations, does
13 it look for copies of leases?**

14 A. Yes.

15 **Q. And what specifically is it looking for?**

16 A. The WAC requirements for leasing a vehicle is
17 that a copy of the lease be stored in the leased vehicle
18 throughout the timeframe of the rental of that vehicle,
19 and it also needs to maintain a copy of that lease for a
20 year at the -- wherever the vehicle is housed.

21 **Q. And did Staff look for those lease copies in
22 those two places when it reviewed Miracle Man's
23 operations?**

24 A. Yes.

25 **Q. And did it find a copy in every place it**

1 expected to?
 2 A. No.
 3 **Q. Okay. I would like to turn to the topic of the**
 4 **safety rating.**
 5 **So you reviewed the compliance report produced**
 6 **by Staff's investigator here, correct?**
 7 A. Yes.
 8 **Q. That's the exhibit marked SY-1?**
 9 A. Yes.
 10 **Q. It's the -- amended report, I guess, is a**
 11 **better way to put it, correct?**
 12 A. Yes.
 13 **Q. And what does Staff do with the results of the**
 14 **compliance review?**
 15 A. So Staff will review the overall safety posture
 16 of the company, which is determined by Part 385 of Title
 17 49 CFR. The Commission adopts that safety rating
 18 methodology from the Federal Motor Carrier Safety
 19 Administration.
 20 And when looking at the totality of the
 21 violations, which negatively impact the overall posture,
 22 the company received downgrades in two factors. So
 23 there's six factors that encompass the overall safety
 24 compliance for a motor carrier, and so their performance
 25 in each factor determines the overall proposed safety

1 closing interview. And the plan must address why each
 2 violation occurred, what the company has done to correct
 3 that violation, and any safety measures that they
 4 presented to prevent each recurrence of those
 5 violations.
 6 The plan must include documentation -- actual
 7 documentation of corrective action such as new driver
 8 time sheets in the instance of failing to maintain a
 9 record of duty status or a driver qualification file
 10 where one was absent previously, and the plan must also
 11 be signed by a carrier official with the statement that
 12 the company operations are and will continue to operate
 13 within the safety fitness requirements identified in
 14 Part 385.
 15 **Q. And you just said that Miracle Man has**
 16 **submitted a safety management plan; is that correct?**
 17 A. Yes. I've been working with the company over
 18 the last couple weeks, and they're making progress on
 19 their plan. And I see that they just submitted one
 20 about ten minutes prior to the BAP here today, so I'll
 21 need to continue to evaluate that.
 22 **Q. So the fact that they've continued to submit**
 23 **plans implies that they have not yet submitted a**
 24 **satisfactory plan. Is that how you would describe it?**
 25 A. Correct. Yeah. Staff has not accepted their

1 rating.
 2 So in this case, factor three, which is related
 3 to operational and driving regulations, resulted in an
 4 unsatisfactory with three negative points. Those would
 5 be for the record of duty status -- driver RODS that
 6 were missing, as well as the operational aspect of the
 7 criminal background checks. And then factor four was
 8 conditional for the one acute violation for failing to
 9 repair the defects on the commercial motor vehicles.
 10 And so with those two factors being rated -- or
 11 downgraded, I should say -- the overall rating
 12 methodology for one unsatisfactory factor and one
 13 conditional factor is an overall proposed safety rating
 14 of conditional, and that's what was presented to the
 15 company on August 11th.
 16 **Q. Can a company upgrade its safety rating after**
 17 **receiving an unsatisfactory or conditional rating -- a**
 18 **proposed unsatisfactory or conditional rating?**
 19 A. Yes. A company has -- a property company such
 20 as this has 60 days to request an upgrade to its safety
 21 rating based on acceptance of a safety management plan,
 22 and that is what the company has been working towards.
 23 **Q. And what is a safety management plan?**
 24 A. The plan identifies each violation that was
 25 discovered during the -- and presented to it at the

1 plan yet.
 2 **Q. So Staff at this point cannot recommend to the**
 3 **Commission that it upgrade Miracle Man's safety rating**
 4 **to satisfactory?**
 5 A. Correct.
 6 **Q. But is Staff willing to continue working with**
 7 **Miracle Man until their 60 days has lapsed?**
 8 A. Yes, absolutely. I think that the company is
 9 making great progress towards an acceptable plan. And I
 10 believe we -- the company's cancellation date is next
 11 Tuesday, October 11th.
 12 I would recommend that I'd be allowed to
 13 continue to work with the company up until their
 14 cancellation point and provide a written evaluation of
 15 any finalized plans to the docket, I guess, no later
 16 than probably close of business on Friday the 7th to
 17 allow ALD time to issue an order.
 18 But, yes, I have confidence that the company
 19 can continue to work towards obtaining an acceptable
 20 plan.
 21 **Q. So given all that we've talked about in terms**
 22 **of Staff's findings and the company's good faith in**
 23 **attempting to address the violations, do you have a**
 24 **recommendation for the Commission about the appropriate**
 25 **penalty that it should impose for the violations that**

1 **Staff has found?**

2 A. I would recommend that I address the penalties
3 as well in the evaluation of that safety plan, if that's
4 okay, just so that the company can demonstrate with the
5 actual documentation of corrective action to warrant
6 that.

7 One factor that I would consider in my
8 recommendation is that the company is already operating
9 on a safety management plan. They did have repeat
10 violations, so it would likely not warrant a reduction
11 of the penalty, but would likely favor a suspension of a
12 portion to encourage the company to stick with their
13 current safety plan once accepted and, you know, is an
14 incentive to continue to operate safely.

15 **Q. So then, in conclusion, Staff's two**
16 **recommendations are basically the same, which is allow**
17 **Staff to let the process play out and evaluate the**
18 **safety management plan and their appropriate penalty**
19 **later this week depending on what the company does?**

20 A. Yes.

21 MR. ROBERSON: I have no further questions.

22 JUDGE DOYLE: Thank you, Mr. Roberson.

23 At this time, if the company has any questions
24 about the testimony given by Mr. Sharp, you may do so
25 now. However, if not, I'll swear you in in a moment and

1 MS. BULLOCK: Well, my statement was a good
2 statement. I just wanted to say that I think Staff has
3 diligently worked with us, and it has been a long road
4 for a small business, but they have worked with us. And
5 our goal is always to be compliant. We know we have
6 some falls. We're working on those.

7 And that's all I want to do, is give them a
8 shout-out for being kind enough to work with us.

9 JUDGE DOYLE: Thank you. That's
10 appreciated.

11 Okay. Well, moving forward, we'll just go one
12 by one and then give you an opportunity to address each
13 violation.

14 So to begin, there's the Washington
15 Administrative Code 480-15-555. So that's the failure
16 to conduct a criminal background check prior to hiring
17 each employee. They had noted 14 violations. Would you
18 like to speak to that?

19 MS. BULLOCK: Well, I'm looking at the
20 corrective action plan in front of me, and I don't
21 believe that's number one.

22 JUDGE DOYLE: Oh, sure. I might be in a
23 different order. So I'll give you a moment to find
24 where you're at.

25 MS. BULLOCK: I think that's violation two,

1 you'll have the opportunity to testify about each of
2 those individual penalties. But at this point, it's
3 just if you have questions for Mr. Sharp about any of
4 the testimony given.

5 MR. BULLOCK: I don't have any questions.

6 MS. BULLOCK: Judge Doyle, I have no
7 questions. I have a comment.

8 JUDGE DOYLE: Okay. Hold the comments. I'm
9 going to swear you in first, and then you'll have the
10 opportunity to give testimony.

11 (Christopher Bullock sworn.)

12 (Anna Bullock sworn.)

13 JUDGE DOYLE: Great. Thank you so much.
14 I'm just going to say a short brief segment here, and
15 then I'll give you an opportunity.

16 So at this point, I'm just going to clarify
17 that we didn't receive any exhibits ahead of the
18 hearing. And so we'll proceed with your testimony by
19 walking through each of the violations and the penalty
20 assessment, and then you can briefly explain why the
21 violation occurred and then describe the steps you have
22 taken to correct the violation and prevent the violation
23 from occurring again.

24 Was your statement more general, or as we talk
25 through each violation --

1 failing to acquire background check preceding
2 employment. And that's WAC 480-15-555?

3 JUDGE DOYLE: Correct.

4 MS. BULLOCK: Is that the one?

5 JUDGE DOYLE: Yes.

6 MS. BULLOCK: On this one, we did do a
7 background check on this particular employee. And what
8 I use is a professional company, so they keep all the
9 information in a file for us. And so what had happened
10 is I had failed to put that background check in a file.

11 But I'd like to say going into this, the things
12 that I provided -- we had a huge family emergency at the
13 last minute. Matter of fact, when I was told regarding
14 this audit that the inspector was coming or the
15 investigator, I just happened to be in Seattle in a
16 hotel. And, of course, the company is in Vancouver,
17 Washington.

18 And right after I got the call, I notified
19 Chris, who is the owner of the company, that we were
20 going to have it. We were already headed up to
21 California because we had just lost my father-in-law and
22 Chris' grandfather, and we could not change that because
23 of the process and Chris being his favorite grandson.

24 And so we didn't -- we tried to send as much
25 electronically that we had on our laptops, but when we

1 would send it, it was so large in cases that it went
2 Google. And so the investigator said she didn't get it
3 because she didn't have access to Google.

4 So that's the reason we're still working. We
5 ended up sending all that to Jason after it was over
6 there. There's still some missing. I'm not saying we
7 had them all. I'm only addressing the driver that they
8 listed in number two violation.

9 Okay. So our corrective action is we've
10 implemented a standard operating procedure using a
11 checklist which we submitted with our safety plan, and
12 this outlines the order and requirements we want to take
13 to be able to hire appropriately and get people in place
14 as quick as possible. The process in this is the
15 employer will not be hiring anyone until the background
16 is done and in hand.

17 JUDGE DOYLE: Great. Thank you. Okay.

18 The next one I have listed -- again, apologies.
19 We're probably going to be a little out of order
20 together, so we'll figure it out.

21 It's WAC 480-15-590, and it was the failure to
22 keep copies of all the leases and permit files for at
23 least a year after the lease expires.

24 MS. BULLOCK: I can answer that without
25 finding that one.

1 without looking it up.

2 We were accepting applications. What I had was
3 an employment application, and on that, we would run --
4 if they applied for a driving position, we were having
5 people get their own background checks -- I mean, their
6 own driving record. They would have to bring that in.
7 And to me, because we were small, we were doing that.
8 If they really wanted to work here, they could get their
9 driving abstract.

10 Well, the investigator suggested that we should
11 pull it. Not that we had to, but that we should. So
12 what we started to do in order to fix that is when
13 they're a driver or they apply for a driver position, we
14 immediately put the background check -- have our
15 background investigation company run that background
16 with that employee's authorization. That added a burden
17 to us of \$30 a person, whereas before, it was \$7.50 for
18 them.

19 Okay. So that's what we were doing. If they
20 were working -- and I think some of the misunderstanding
21 is because they don't look at our personnel files. When
22 we hire a person, they're hired as a mover. They only
23 have a basic background check. During the time, they
24 may get promoted to a driver because that's an
25 opportunity for them to grow with the company. And a

1 We did not have them, and the reason we didn't
2 is because there's compliance when you have a company.
3 We lease with Penske, so they keep everything in a file
4 that we have access to. So I know it's there.

5 What my investigator explained to me -- which I
6 wasn't aware because we're small -- is I should have
7 that attached to every bill of lading, and, correct, it
8 isn't. It is with the vehicle every day it goes out
9 when we lease.

10 That particular truck, when it goes -- it's a
11 leased vehicle. It's not a rented vehicle. We don't
12 have anything other than that agreement, which we can
13 put in the glove compartment.

14 And so the way I rectified that is by saying
15 we'll have it in the glove compartment. When it comes
16 back, a lease agreement, the truck rental agreement is
17 attached to the bill of lading. So the next time, if
18 they pull our bill files, they'll have all that right
19 there.

20 JUDGE DOYLE: Okay. That makes sense.
21 Thank you. Okay.

22 So then for 49 CFR Part 391.21A, using a driver
23 who has not completed and furnished an employment
24 application. So this was the unfinished applications.

25 MS. BULLOCK: I can address that quickly

1 lot of times, these people don't come from places, past
2 employment, where they were drivers. So when the
3 application is done, it's left blank.

4 So what we found is -- what we were being
5 written up for according to our investigator is every
6 spot needs to have a line or N/A. I was not requiring
7 that because I'm a retired HR director from City
8 government. We never required that. And so if you just
9 didn't put it there, we didn't do anything with that
10 area, right?

11 But she has recommended that it's incomplete
12 because those areas are not completed on the
13 application. We did have the application, but they were
14 not completely filled out according to her. And we're
15 remedying that. Every box is checked. Everything has
16 got a mark.

17 JUDGE DOYLE: Perfect. Great. Okay. I
18 think we've got four or five more. Okay.

19 So 49 CFR Part 391.25A. So the failure to make
20 an inquiry into the driving record of each driver to the
21 appropriate State agencies; the driver held a CMV
22 operator's license at least every 12 months. So there
23 was just one violation.

24 MS. BULLOCK: I got to find that one because
25 I'm lost on that one. What was the number again?

1 JUDGE DOYLE: It's 49 CFR 391.25A. This
2 was -- the company failed to acquire the driving record
3 for Christopher Bullock.
4 MS. BULLOCK: Okay. I will explain that.
5 When Christopher started the company, we hired
6 an outside company to do his background. I produced
7 that to her later, right? It wasn't in the file, but
8 they had it because they were maintaining the driver
9 file. I got that. I presented it.
10 For his driving record, when she was here the
11 first time, we agreed that I didn't have to do it
12 January 1st, but we would do it July every year. So
13 when Chris came due, I didn't do it until July instead
14 of doing it in January, and that was what we discussed.
15 And I said, Well, I got guys who are starting
16 in June, you know, and October being hired. Do I have
17 to do it again in January?
18 And she said, Well, you don't want to do it
19 every month because you'll forget it. So let's just say
20 you do everybody at a certain time.
21 So what I was doing was attempting to do Chris
22 as well as everyone else in the month of July. And in
23 order to rectify that, what we started is I have a
24 calendar where I do -- in the whole month of July,
25 everybody's driving records get ran and their background

1 strictly by that. They will sign it. We will sign it.
2 It will be placed in their driver file.
3 JUDGE DOYLE: Great. Okay. Just three
4 more.
5 49 CFR Part 395.3B2, requiring or permitting a
6 property-carrying CMV driver to drive after having been
7 on duty 70 hours in eight consecutive days.
8 MS. BULLOCK: I can give you a bunch of
9 excuses for that because we're a small business.
10 Sometimes people get sick, and, you know, you got a job,
11 and you're trying to get to the job, and if they called
12 in, like, just before the job, it's sort of hard to say,
13 well, we're not going to go move you.
14 So we did violate that. We've worked on that.
15 We've set up a pro plan where we monitor their hours.
16 And, also, they monitor their hours, and we train with
17 them. So we have three people now checking all those
18 hours. And so I presented that format and process into
19 the plan also.
20 JUDGE DOYLE: Okay. Thank you. I
21 appreciate your frankness on that as well. Okay. Two
22 more.
23 49 CFR 395.8A1, failure to require driver to
24 make a record of duty status. And this had 60
25 violations.

1 checks get reviewed to keep up with what's going on.
2 And I presented that in our plan to Jason.
3 JUDGE DOYLE: Okay. Great. Okay.
4 Next we have 49 CFR 391.51A. That was failing
5 to maintain driver qualification files on each driver
6 employed. And just one violation.
7 MS. BULLOCK: I don't remember who that was
8 on. I have to find it here.
9 JUDGE DOYLE: Yeah. It looks like T. Walker
10 Anderson.
11 MS. BULLOCK: We did have a file on T.
12 Walker Anderson. It's not a completed file. Let me
13 just answer it that way, okay? We did not have a
14 seven-day drive. He didn't work for a company before he
15 came here. There was no one to send it to. He worked
16 for a hotel, and he was doing maintenance. So sending
17 them a driving request is irrelevant, so I didn't send
18 it.
19 I do have a file on him, and as Sandy was
20 asking -- as the regs state, I would determine it's not
21 complete because I didn't have the seven-day drive on
22 it.
23 What we've done to rectify that -- we put
24 together a drivers' checklist, and I submitted that in
25 our safety plan. Each person that drives -- we will go

1 MS. BULLOCK: How many? Oh. Well,
2 sometimes it's just hard because we're using the UTC's
3 log that tracks the hours. So we've implemented some
4 different processes now to try to not have that happen
5 again.
6 We're now using a form that's designed by FMCSA
7 to track hours, so the employee will track them. I look
8 at them on a weekly basis. I look at them on a two-week
9 basis because we pay every two weeks. So I'm looking.
10 They'll bring it to our attention if they're getting
11 close.
12 We don't allow fatigued drivers on the road no
13 more than you guys want them. But we submitted a copy
14 of that book that we're getting ready to use as well as
15 using the UTC time drivers' record. We're using those
16 in conjunction with each other, and we met with our
17 Staff and we've gone over it with our drivers.
18 We only have three drivers. We've gone over
19 with our drivers this process, how to count -- calculate
20 property-carrying drivers and their conditions of
21 working 70 hours in an eight-day period. So we've tried
22 to eliminate that by that. We've been monitoring that
23 now for the last three or four weeks really close. And
24 I submitted, with the plan, those documents that we're
25 attempting to use to rectify that problem.

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1 JUDGE DOYLE: Okay. Thank you. Okay.
2 And then the final violation I have listed is
3 49 CFR 396.17G, failure to promptly repair parts and
4 accessories in accordance with Appendix G of 49 CFR Part
5 396.
6 MS. BULLOCK: I will address that, and I
7 want to make a correction. It was stated, I believe,
8 that we did not have those DVRs that track whether
9 they're doing walkarounds or checks. We have DVRs and
10 walkarounds and checks, and actually, I have them back
11 for almost two and a half years. I haven't gotten rid
12 of them.
13 Yes, we failed on some of them by not trying to
14 get things taken care of. And sometimes when they're
15 doing that, it's determining whether it's causing us to
16 take a truck out of service or not.
17 So what we've done is now we've implemented a
18 system where we have a daily log. On the back of the
19 daily log is the walkaround. That walkaround is handed
20 to the dispatch immediately in the morning. So when he
21 comes in in the morning, the driver from the evening
22 before has placed that in his box. He reads and reviews
23 it and determines whether that vehicle needs to go out
24 of service or whether or not it's something that can be
25 repaired.

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1 We do check our vehicles. We don't
2 necessarily -- when our driver goes out in the morning,
3 they do a walkaround checking the tires, checking the
4 windshield wiper fluid, checking the blades. They do
5 those kinds of things. But the little repairs that --
6 some of them could be minor, but we haven't had super
7 minor repairs. Those have been, like, light covers that
8 were missing. And sometimes we can't find it because of
9 the age of our vehicle, so we're trying to order it in.
10 And so the way we've done that is we'll take it
11 out of service if there's something that meets the
12 requirement of the vehicle going out of service, and
13 that will be done daily each morning by the dispatcher
14 who is here before any jobs are sent out.
15 JUDGE DOYLE: Okay. So that was the end of
16 the listed violations that I have. I didn't hear that
17 you were contesting any of them.
18 MS. BULLOCK: My contesting was not
19 necessarily contesting because, I mean, one, I feel bad
20 because they are working with us. They've been very
21 good to work with us. And we are appreciative because
22 we want to grow and stay in business.
23 The only issue that I have is there are still
24 things that we submitted that couldn't get opened
25 because of this Google issue.

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1 JUDGE DOYLE: I see. Okay.
2 MS. BULLOCK: And because it was so large.
3 So there are some backgrounds that they -- it was
4 mixed -- I don't like saying "they" -- that was mixed up
5 with naming.
6 Like, I don't know if I can put this on the
7 record, but we have one person. He has an African name,
8 but on everything else, his name is spelled totally
9 different, right? So when they sent the report, he's in
10 there with the American title as well as with the
11 African name.
12 And so those are the only little things that I
13 have as far as violations, and the fact that --
14 JUDGE DOYLE: You were being duplicatively,
15 like, penalized twice when it was actually the same
16 individual?
17 MS. BULLOCK: Yes. Yes. So that's what I
18 felt. Jason did work with us to correct some of that.
19 We have since sent him a few of those trying to get them
20 corrected. I still have some I need to send him, which
21 I have laying here on the floor. I'm sending them
22 tonight.
23 But other than that, I don't want to say we're
24 really contesting because some of the stuff we did.
25 We're willing to admit that that happened. However,

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1 we're trying to fix it, and we're submitting a plan that
2 we hope will fix those issues.
3 And I guess Chris wants to end this with you,
4 if you don't mind.
5 JUDGE DOYLE: Sure.
6 MS. BULLOCK: Thank you so much.
7 JUDGE DOYLE: Thank you. Thank you,
8 Ms. Bullock.
9 MR. BULLOCK: Can you hear me okay?
10 JUDGE DOYLE: You're a little bit soft
11 again.
12 MR. BULLOCK: Let's see if this works. Can
13 you hear me okay?
14 JUDGE DOYLE: That was better. Thank you.
15 MR. BULLOCK: Okay. Awesome.
16 So I just wanted to acknowledge that, you know,
17 we're not taking this lightly, and that I am going to be
18 even more involved and we're going to do everything we
19 need to do to make things right.
20 And I know Anna talks because she has the HR
21 background in compliance and things like that, but I
22 just wanted you to know that I'm all in, and I really do
23 care about having a good business practice when you
24 guys -- when the investigators come out and, you know,
25 also a good business to customers.

1 You know, I really care. I truly do. So I
 2 just wanted to acknowledge that and let you know.
 3 JUDGE DOYLE: Thank you. I appreciate that.
 4 Thank you both.
 5 Mr. Roberson, do you have any questions for the
 6 company?
 7 MR. ROBERSON: I do not, Judge Doyle.
 8 JUDGE DOYLE: Okay. Okay.
 9 Well, it sounds like we will be waiting -- I
 10 will be waiting to hear from Staff regarding its
 11 evaluation on the safety management plan and also the
 12 penalty recommendation once these final issues are
 13 sorted out. And so I will then -- when I hear back, I
 14 will issue an order reflecting my decision.
 15 Also, I just want to clarify, I heard that
 16 Staff said that if there's any further work on the
 17 safety management plan, that that should be finalized by
 18 the end of the day on the 7th to allow time to issue an
 19 order and for them to make their recommendation and for
 20 me to issue an order.
 21 Thank you everyone for your participation. And
 22 is there anything else before we go off the record?
 23 MR. ROBERSON: Not from Staff.
 24 MR. BULLOCK: No, ma'am.
 25 JUDGE DOYLE: Okay. Thank you all. Have a

1 CERTIFICATE
 2
 3 STATE OF WASHINGTON
 4 COUNTY OF KING
 5
 6 I, Rose Detloff, a Certified Court Reporter in
 7 and for the State of Washington, do hereby certify that
 8 the foregoing transcript is true and accurate to the
 9 best of my knowledge, skill and ability.
 10
 11  
 12
 13 ROSE DETLOFF, RMR, CRR, CCR #21036100
 14
 15 My commission expires:
 16 DECEMBER 6, 2022
 17
 18
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 25

1 great afternoon. We are adjourned.
 2 (Proceedings adjourned at 3:41 p.m.)
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