

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT TV-143123

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

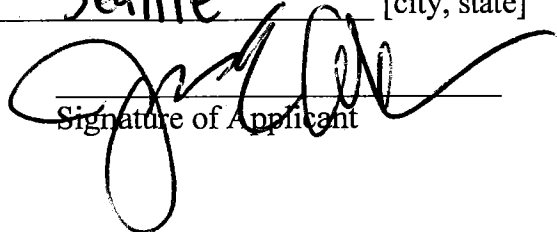
- 1. **Payment of penalty.** I admit that the violation occurred and enclose \$ _____ in payment of the penalty.
- 2. **Request for a hearing.** I believe that the alleged violation did not occur for the reasons I describe below, and I request a hearing based on those reasons for a decision by an administrative law judge:
- 3. **Application for mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reasons set out below:

- a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision
- OR b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: 9-2-14 [month/day/year], at Seattle [city, state]

JASON CATES
Name of Respondent (company) – please print


Signature of Applicant

STATE OF WASH
UTIL. AND TRANSP
COMMISSION
RECEIVED
RECORDS MANAGEMENT
2014 SEP 12 AM 8:50

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”

Application for Mitigation

I, Jason Cates, owner of A Better Moving Company, accept full responsibilities for all violations waged against my company by John Foster on July 23rd, 2014 during the safety compliance review. Since this review I have taken all the necessary steps to assure proper compliance from this point forward.

During the review Mr. Foster stated that it was an informational / friendly review and that no fines would be given to my company. I was told that another safety review would be scheduled in January of 2015 where I would then be accountable for any fines waged against my company.

I fully will accept the council's decision on this matter and appreciate any consideration given.

Thank You.

Jason Cates

A Better Moving Company

A Better Moving Company (A Better Company LLC dba)

U.S. DOT # 2298784

State #THG064629

Review Date 08/01/2014

Attention: John Foster - Washington Utilities and Transportation Commission

In the time following A Better Moving Company's safety compliance review I have taken the following steps to reach a satisfactory rating. I have set a program forth and conducted the training necessary to achieve compliance and set a standard that will enable the company to maintain the appropriate standards in the future. I appreciate the commission's time and patience in considering our rating and hope the following will allow us to have a satisfactory rating.

Part B Violations

1 State Critical

Description

Using a driver not medically examined and certified during the preceding 24 months.

Example

Drivers' previous medical certificate expired 5/23/14. Current medical certificate issued 7/22/14. The driver drove 11 days in June without a valid medical certificate.

Action

I assume full responsibility for this violation. I was unaware of the drivers' medical cards expiration and had made no plan to ensure it was current.

Since the inspection I have set forth an annual plan to ensure this mistake is not made again. The first week of May each year I will meet with my driver and review the date on his medical certificate. At this time an appointment will be scheduled to get a new updated medical certificate. After this appointment has been fulfilled and a new card is issued, I will make copies of said card for the driver's folder and permanent records. This action should guarantee this violation does not occur again.

2 State Critical

Description

Failing to require driver to make a record of daily status.

Example

Driver Matthew Forza, Trip date 06/14/14

Driver worked 8.5 hours and failed to submit hours of service records.

Action

I assume full responsibility for this violation. I did not understand that non CDL drivers (working within the 100 air mile radius) were required to keep time record. I understand this now.

I have printed out 5 years' worth of the driver time record (page 169 of the WA UTC guide) and have had a training meeting with my driver where I explained the importance of drivers log and how to properly use one. At the end of each month the driver record will be collected and filed for the company's permanent records.

3 State Critical

Description

Using a commercial motor vehicle not periodically inspected.

Example

Using a vehicle not periodically inspected.

Action

I assume full responsibility for this violation. I didn't understand the necessity of an annual plan to ensure that the trucks get inspected every 12 months without any delays. From this point forward I have set up a plan for the first week of May to set up an inspection with the WA UTC. This will guarantee an annual inspection and prevent any future violation of this type. On 7/23/14 John Foster inspected #1 of my company's two trucks. I have called Mr. Foster and am in the process of setting up an inspection of truck #2 currently. It will remain parked until that inspection is completed.

4 State

Description

Using a driver who has not completed and furnished an employment application.

Example

Driver's application failed to list accident and traffic conviction history.

Action

I have had a meeting with Matt Forza and had him update his application to include his accident and traffic history. A copy has been made and placed in the driver file and permanent records.

5 State

Description

Failure to inspect the driver's background.

Action

I have recently contacted Express Movers in an attempt to acquire an "inquiry to past employer" document for Matt Forza. To date, they have not responded to my request, but I will continue to request the document until it is in hand.

6 State

Description

Failing to maintain record of annual review in driver's qualification file.

Action

I assume full responsibility for this violation. Upon realizing my violation, I have had a meeting with my driver and filled out the annual violation and review record, performed a driver annual review and made sure the driver qualification checklist was complete. From this point forward I have added this review to the company's annual compliance plan and will give my driver this review the first week of May every year.

7 State

Description

Failing to maintain a list relating to violations of motor vehicle laws and ordinances.

Action

I have had a meeting with my driver as mentioned in the preceding violation and have completed the violation and review record. This will be completed annually the first week of May from this point forward as well as the collecting and filing of said drivers' most current driving abstract.

8 State

Description

Failing to keep a maintenance record which identifies the vehicle, including make, serial number and tire size.

Action

I assume full responsibility for this violation. While I have kept records for any maintenance and repairs on the trucks, I had failed to compile the information required on the Inspection, Repair and Maintenance Record sheet. I will from this point forward be sure to do this as repairs and general maintenance occur. Now that I understand the rule on this, it will be a simple adjustment.

9 State

Description

Failing to certify that repairs were made or not necessary.

Example

Driver noted inoperative lights. Mechanic failed to sign DVIR that repairs were made.

Action

I have had a training session with both mechanic and driver explaining the DVIR and how to fill it out correctly and sign off on it. Documenting problems more accurately and following up with written explanations of repairs and maintenance. Since the inspection date this has been addressed and is going well.

A BETTER MOVING COMPANY ---- FIRST WEEK OF MAY ANNUAL DUTIES

TO BE ACCOMPLISHED THE FIRST WEEK OF MAY ANNUALLY

- MEET WITH DRIVER AND GIVE AN ANNUAL REVIEW.
- INSPECT DRIVERS' MEDICAL CERTIFICATE AND SET APPOINTMENT FOR A NEW ONE.
- OBTAIN DRIVING ABSTRACT FOR DRIVER AND UPDATE VIOLATIONS AND REVIEW RECORD.
- CALL WA UTC TO SET UP VEHICLE INSPECTION ASAP.