

SERVICE DATE

APR 15 2011

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

NOTICE OF PENALTIES INCURRED AND DUE  
FOR VIOLATIONS OF LAWS AND RULES

PENALTY ASSESSMENT: TV-110656  
PENALTY AMOUNT: \$500

MOVING AND STORAGE SOLUTIONS, INC.  
1365 STONEGATE WAY  
FERNDALE, WA 98248

RECEIVED  
APR 25 2011  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

The commission believes that you have committed one or more violations of Washington Administrative Code (WAC) 480-15-570, which requires household goods carriers to comply with parts of Title 49, Code of Federal Regulations (CFR), including Title 49, Code of Federal Regulations (CFR), Part 382, which governs controlled substance and alcohol use and testing. Revised Code of Washington (RCW) 81.04.530 allows penalties of up to five hundred dollars for every such violation.

As a result, the commission hereby notifies you that it has assessed penalties against you in the amount of \$500, as follows:

On April 5 and 6, 2011, Motor Carrier Safety Inspector Ray Gardner conducted a compliance review inspection on Moving & Storage Solutions. Mr. Gardner found:

- One violation of CFR Part 382.301(a), which requires companies to ensure each driver receives a negative pre-employment controlled substance test result. (Employee Chad Luna drove prior to having received a pre-employment controlled substance test.)

This information, if proved at a hearing and not rebutted or explained, is sufficient to support the penalty assessment.

Your penalty is due and payable now. If you believe the violations did not occur, you may request a hearing to contest the penalty assessment. If there is a reason for the violations that you think should excuse you from the penalty, you may ask for mitigation (reduction) of this penalty. See RCW 81.04.405.

You have the right to present your request for review or mitigation at a hearing, but you are not required to do so. If you do, the commission will review the evidence supporting your request in an informal hearing, called a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider your plea and notify you of his or her decision.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**  
**PENALTY ASSESSMENT TV-110656**

**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 \$500 in payment of the penalty.
2. **Request for a hearing.** I believe that the alleged violation did not occur, based on the following information, and request a hearing 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 reason(s) set out below, *See attached form*
- a) I ask for a hearing for a decision by an administrative law judge  
OR  b) I waive a hearing and ask for an administrative decision on the information I present directly 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: 4-22-11 [month/day/year], at 1365 Stonegate wa <sup>Ferndale, WA, 98248</sup> [city, state]

Moving and Storage Solutions  
Name of Respondent (company) – please print

Thomas J. [Signature]  
Signature of Applicant

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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.”

To whom it may concern,

4/22/11

This is our response letter concerning our penalty assessment # TV-110656.

We as a rapidly growing company were unaware that we had to do a pre employment ourselves as all of our class a driver's are to be under our carrier as a driver and they require a drug test. This is only the second class a driver that we have hired and we have no issues with drug testing prior to their hire date, we were simply not aware that this needed to be done. In the future all C.D.L. drivers hired at this company will be required to complete a pre employment drug test. That being said we would like to request that the penalty amount of \$500 that follows this violation be waived this one time. Thank you for your assistance with this issue.

Thomas Leeper,  
  
Operations Manager  
Moving and Storage Solutions  
(360)676-5267