

Adam's Moving and Delivery Service, LLC
17355 1st Ave NW
Shoreline, WA 98177
206.251.1725
HG 62045

WUTC
PO BOX 47250
Olympia, WA 98504

To Whom It May Concern,

11/25/2014

I am writing to ask for leniency in the penalty assessed to my company following a recent safety review. This is the first safety review that we have had since being in operation. Before Mr. Dickson submitted his report of his findings, we had corrected all violations and issues. We take this very seriously, and there will be no future safety violations of any kind. We have all taken steps to make sure we follow every law to a T. I submitted such evidence to Mr. Dickson prior to his finalizing his report, as well as to Lindsay Martin.

In my initial email to Ms. Martin, it was pointed out to me that I had not be clear enough about what steps we had taken to be in compliance. I am including both the first and second email to Ms. Martin with my letter today. In my second email, I stated in detail what steps we took to make sure we were in compliance. I assure you that we are in 100% compliance, and look forward to the follow up safety review to demonstrate that.

In your penalty assessment TV-143801, you stated that I attended the household goods industry training in November 2013. I did in fact attend the 2nd half of the class, which covered the bill of lading, estimates, etc. The first half of the day covered safety requirements. I am also submitting emails between myself and Susie Paul that show I only attended the 2nd half of the class. In hindsight, I should have come to the first half as well. We would not have these safety violations had that been the case.

I wanted to assure you that all violations have been fixed and we are in 100% compliance. Going forward, I feel confident to report that there will be no further violations. I was open and transparent with Mr. Dickson and provided all documents and information he requested. Once I was aware of what the UTC required, I immediately took steps to comply. I plead for leniency in the penalty assessed by the UTC for the safety violations.

Thank you for your time and consideration, and I look forward to your reply. Happy Holidays

Sincerely,



Adam J. French, Owner

STATE OF WASHINGTON
UTIL. AND TRAFFIC
COMMISSION

2014 DEC -5 AM 8:04

RECEIVED
REGULATORY MANAGEMENT

in:sent UTC safety

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More

COMPOSE

Adam's Moving Service Safety Review

Inbox x

Inbox (15,126)

Starred

Important

Sent Mail

Drafts (463)

All Mail

Circles

+Square CC Pay...

2008 (190)

adam@adamsmo...

April 1-15 (1)

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Search people...

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- Britt Rognes
- Chauncey Schultz
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- Lauren King http://www.buzzfe...
- Kenny Coleman
- Elise Roberts



Adam's Moving Service <adamsmoving1@gmail.com> to Imartin

To Whom It May Concern,

Adam's Moving Service recently went through a safety inspection with Alan Dickson. We soon realized that there were several things that were re thought they pertained to moving companies doing long distance moves. Our radius is 50 miles around Seattle, so we thought they did not apply t

After meeting with Mr. Dickson, we learned what we needed to do to become compliant with all the safety regulations. I am pleased to report that drivers have DOT certified medical cards. We verified the doctors were certified with the DOT to provide the DOT medical evaluations as well. W driver with all the required documents. All of our trucks have their DOT inspection completed.

Attached to our email today will be evidence of our compliance. You have my assurance that we will maintain 100% compliance to all UTC and D application, drivers abstract, road test, medical cards, daily inspection logs, maintenance records and DOT inspection reports.

I realize this is a lot of documents to send all at once, so I will break them up into a few emails to make sure they all go through. Please let me k

Thank you,

Adam French, Owner
www.AdamsMovingService.com
adam@adamsmoving-service.com
[206-251-1725](tel:206-251-1725)

25 Attachments

The attachments include several 'APPLICATION FOR EMPLOYMENT' forms, a 'DOT Medical Card', and various inspection logs and reports. The thumbnails are arranged in a grid, with some showing text and others showing graphical elements like logos or tables.

in:sent UTC safety

Gmail

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COMPOSE

Adam's Moving Service

Inbox (15,126)

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Important

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Drafts (463)

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- Kenny Coleman
- Elise Roberts

Adam's Moving Service <adamsmoving1@gmail.com>
to Lindsay

Hi Lindsay,

Mr. Foster was in touch today with a few suggestions. I wanted to clarify in my response to the safety review what steps we are taking and will take

- 1) We will always have medical cards on file for all drivers, with annual or 2 year renewals per state law.
- 2) We will maintain applications and road test for all drivers
- 3) We will maintain driver abstracts for all drivers, and update annually.
- 4) We will maintain a file for each truck that will have copies of annual and periodic inspections, along with daily inspection.
- 5) A file for accidents and incidents for each truck has been started and will be maintained

It is our intent to follow every law, to the letter. We have made huge changes that were implemented immediately. I assure you that there will be no consideration into this matter.

Thank you,

Adam French, Owner
www.AdamsMovingService.com
adam@adamsmoving1@gmail.com
206-251-1725

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COMPOSE

11/13/13

Inbox x adam@adamsmoving.com x

Inbox (15,127)

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Important

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adam@adamsmo...

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More labels



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- Express Installati...
- Jennifer Rowe
- Kenny Coleman
- Eise Roberts

Adams Moving Service <adam@adamsmoving.com>
to Susie

Hi Susie,

I signed up for the class on 11/13. Per your suggestion, I'll show up about noon for the 2nd half segment that starts at 1230PM.

Thank you,

Adam French, Owner
www.adamsmoving.com
adamsmoving1@gmail.com
206-251-1725

Please leave us a review!

<https://plus.google.com/114195444103753665973/about?hl=en>

<http://www.yelp.com/biz/adams-moving-and-delivery-service-seattle>

🌟 Yelp - Links from this email

Adam's Moving & Delivery Service Movers - Mapleleaf - (206) 251-1725
★★★★★ based on 296 reviews

Paul, Susie (UTC) <SPaul@utc.wa.gov>
to Adams

Thanks for signing up for the training. I suggested 12:30 to allow enough travel time for the 1:00 session. The training breaks from 12 to 1 for lunch.

Susie Paul
Compliance Investigator
Consumer Protection and Communications
Washington Utilities and Transportation Commission
Phone: (360) 664-1105 / email: spaul@utc.wa.gov

From: Adams Moving Service [mailto:adam@adamsmoving.com]
Sent: Tuesday, November 05, 2013 6:02 PM
To: Paul, Susie (UTC)
Subject: 11/13/13

Adams Moving Service <adam@adamsmoving.com>
to Susie



NOV 19 2014

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

NOTICE OF PENALTIES INCURRED AND DUE
FOR VIOLATIONS OF LAWS AND RULESPENALTY ASSESSMENT: TV-143801
PENALTY AMOUNT: \$4,500

Adam's Moving and Delivery Service, LLC
17355 1st Ave. N.W.
Shoreline, WA 98177

The Washington Utilities and Transportation Commission (Commission) believes that you have committed violations of the following two rules: (1) Washington Administrative Code (WAC) 480-15-560 – Equipment safety requirements, which requires household goods carriers to comply with parts of Title 49, Code of Federal Regulations (CFR), Part 396 - Inspection, repair and maintenance; and (2) WAC 480-15-570 – Driver safety requirements, which requires household goods carriers to comply with CFR Part 391 – Qualification of drivers.

On October 27, 2014, Motor Carrier Safety Inspector Alan Dickson conducted a compliance review inspection of Adam's Moving and Delivery Service, LLC. (Adams Moving or Company). Mr. Dickson found 104 total violations – 97 of these included violations of the following critical regulations:

- **44 violations of CFR Part 391.45(a)** – Using a driver not medically examined and certified. In September 2014, four of the Company's drivers drove without the required medical certification for a total of 44 days. Driver Maurice Boulton drove nine days, driver Andrien Hawtree drove 10 days, driver Derrick Williams drove eight days, and driver Anthony Olullette drove 17 days.
- **53 violations of CFR Part 396.11(a)** – Failing to require a driver to prepare a vehicle inspection report. The Company failed to have its five drivers prepare daily vehicle inspection reports on 53 separate occasions.

Although authorized to assess \$9,700 in penalties for these violations, the Commission finds that a lesser penalty would be more appropriate based on consideration of the following factors:

1. **How serious or harmful the violation is to the public.** The violations are serious and potentially harmful to the public. Drivers who are not medically certified put the traveling public at risk. If there is an undocumented medical condition, this could present serious safety concerns. In addition, vehicles that are not periodically inspected could potentially harm the public in the event of a malfunction or mechanical problem during transit.

2. **Whether the violation is intentional.** Considerations include:

- Whether the Company ignored staff's previous technical assistance; and
- Whether there is clear evidence through documentation or other means that show the company knew of and failed to correct the violation.

In November 2013, Company owner Adam French attended the Commission's household goods industry training. The training reviews the requirements for driver qualifications and outlines the requirements of the daily driver vehicle inspection report. Commission staff does not believe that the Company ignored previous technical assistance. Staff believes the violations are based on lack of oversight by the Company owner and do not appear to be intentional.

3. **Whether the company self-reported the violation.** Adam's Moving did not self-report these violations.
4. **Whether the company was cooperative and responsive.** Adam's Moving has been cooperative with Commission staff. The Company provided a compliance plan addressing each violation and provided clarifying information for future compliance within 15 days of the review, as requested by staff. While the compliance plan does not fully explain the steps that will be taken to ensure future compliance, Staff will re-inspect in six months to determine if the Company's compliance plan has been effective.
5. **Whether the company promptly corrected the violations and remedied the impacts.** Adam's Moving has assured staff that it has corrected the violations noted in the October 2014 compliance review.
6. **The number of violations.** Staff is concerned with the high number of critical violations noted in the compliance review. While the Company received a satisfactory safety rating, staff will re-inspect the drivers and the vehicles in six months to ensure the Company has corrected the violations.
7. **The number of customers affected.** Customers were not affected by these violations.
8. **The likelihood of recurrence.** Commission staff will conduct a follow-up inspection in approximately six months. Staff expects the Company will improve its safety management controls and avoid recurrence of these critical violations.
9. **The company's past performance regarding compliance, violations, and penalties.** The Company's last compliance review was conducted in 2006 and resulted in a satisfactory safety rating. During that inspection, UTC Inspector Leon Macomber found that one driver was not medically examined and certified. Adam's Moving has had no safety compliance issues with the Commission since that time.

9. **The company's existing compliance program.** The Company provided a compliance plan addressing each violation and provided clarifying information for future compliance. While the plan does not fully explain the steps that will be taken to ensure future compliance, staff will re-inspect in six months to determine if the Company's compliance plan has been effective.
10. **The size of the company.** Adam's Moving reported approximately \$886,000 in gross intrastate operating revenue for 2013.

The Commission's Enforcement Policy outlines that some Commission requirements are so fundamental to safe operations that the Commission may issue penalties for a first-time violation, even if staff has not previously provided technical assistance on specific issues.¹

The Commission has weighed these factors and determined that Adam's Moving should be penalized \$4,500 as follows:

- **\$100 for one violation of WAC 480-15-560, which adopts CFR Part 396, as follows:**
 - **One violation of CFR Part 396.11(a) – Failing to require a driver to prepare a vehicle inspection report.** The Company failed to have all five drivers prepare daily vehicle inspection reports 53 times during the month of September 2014. This is a critical regulation but these are first-time violations, so we assess a penalty of \$100 for one violation of this type. Future violations of this regulation will result in penalties assessed for each violation.
- **\$4,400 for violations of WAC 480-15-570, which adopts CFR Part 391, as follows:**
 - **44 violations of CFR Part 391.45(a) – Using a driver not medically examined and certified.** Four drivers drove a total of 44 times during the month of September 2014. These are first-time violations, but the Commission grants no leeway with this type of violation. Drivers who are not medically certified put the traveling public at risk.

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. The Commission will grant that request only if material issues of law or fact require consideration of evidence and resolution in a hearing. A request for a hearing must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. If there is a reason for the violations that you think should excuse you from the penalty, you may ask for mitigation

¹ Docket A-120061 – Enforcement Policy of the Washington Utilities & Transportation Commission – Section V.

(reduction) of this penalty through evidence presented at a hearing or in writing. A request for mitigation must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. See RCW 81.04.405.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding before an administrative law judge. The administrative law judge will consider the evidence and will notify you of his or her decision.

You must act within 15 days after receiving this notice to do one of the following:

- Pay the amount due.
- Request a hearing to contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, Post Office Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

If you do not act within 15 days, the Commission may refer this matter to the Office of the Attorney General for collection. The Commission may then sue you to collect the penalty.

DATED at Olympia, Washington, and effective, November 19, 2014.



GREGORY J. KOPTA
Administrative Law Judge

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT TV-143801

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: 11/25/11 [month/day/year], at Shoreline WA [city, state]

Adam French
Name of Respondent (company) – please print

[Signature]
Signature of Applicant

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.”