

Arnella Manges, Safety Manager
Two Men and a Moving Van
LLC 8637 S 212th St Kent, WA
98031 US DOT #: 3073774

November 30, 2020

Addressed to:

WA Utilities & Transportation Commission
Olympia, WA

**Request for Upgrade of Safety Rating based on Corrective Action
(Compliance review date: 11/19/2020)**

Received
Records Management
12/07/20 08:24
State Of WASH.
UTIL. AND TRANSP.
COMMISSION

I am writing this letter to request an upgrade to Two Men and a Moving Van LLC's safety rating based on corrective actions. The safety and security of our company is of utmost importance to our entire management team. We understand that serious violations have been discovered during the compliance review and the corrective actions have been taken, as described in this letter, which are intended to correct those violations.

Attachments:

1. Vehicle registrations
2. Evidence of insurance
3. Motor vehicle reports for active drivers
4. Copies of commercial driver license for active drivers
5. WSP WATCH criminal background inquiries for active drivers

1. CFR 382.115(a) Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.

This violation occurred because of a misunderstanding of the applicable regulation regarding drug & alcohol testing requirements. The driver in this case, Erzhan Nabiev, was operating a box truck, the actual weight of which at the time of inspection was not over 26,000 lbs. gross weight. However, the manufacturer's gross vehicle weight rating (GVWR) was at 34,000 lbs. We understood that the weight in question would be the actual weight, and not the manufacturer's weight rating. For this reason, we believed that the driver would not be subject to the drug & alcohol regulations and allowed him to drive.

At this time, the driver is no longer used by our company and we no longer own or operate the vehicle in that inspection. We only have 2 drivers operating for our company, Yuriy Deyneka, and Almaz Nurmanbetov. All the vehicles that we currently use are rated for under 26,000 lbs. GVWR. As such, we are not required to have a DOT drug & alcohol testing program in place. I have included copies of the truck registrations that we currently use as evidence of the GVWR. There are also copies of the driver's CDL's and MVR's attached to this letter as evidence.

From now on we will make sure to check that the box trucks we use have a GVWR of under 26,000 lbs. For any vehicles above that weight, we will require the driver to be subject to the drug & alcohol testing regulations. I, Arnella Manges, will be the person responsible for checking vehicle registrations. I promise that I will obey all federal and state regulations on drug & alcohol testing.

2. WAC 480-15-530 / CFR 387.7(a) Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage.

This violation occurred because we did not have sufficient insurance coverage during this operating period from June 20, 2020 until July 15, 2020. Our insurance policy was canceled, and we did not know about it since our insurance agent assured us that he is looking for a less expensive option. However we had general liability and cargo coverage active. Due to COVID we were on the edge of shutting down our company and renewal came in 2 times more expensive so our insurance agent was looking for a new policy he did not explain that our policy will be canceled during his search. It took almost a month for him to find a new insurance policy. I have attached evidence of insurance with this letter. We never had policy laps in our company history but this agent is new in business and clearly did not perform his job correctly. We have since then maintained our insurance policy in place. I, Arnella Manges, will be the person responsible for monitoring our insurance policy and making sure that it is renewed in time before expiration. I promise that all federal and state insurance regulations will be obeyed going forward.

3. CFR 383.23(a) Operating a commercial motor vehicle without a valid commercial driver's license

This violation occurred because of a misunderstanding of the applicable regulation regarding commercial driver licensing (CDL) requirements. The drivers in this case were operating a box truck, the actual weight of which at the time of inspection was not over 26,000 lbs. gross weight. However, the manufacturer's gross vehicle weight rating (GVWR) was at 34,000 lbs. We understood that the weight in question would be the actual weight, and not the

manufacturer's weight rating. For this reason, we believed that the driver would not be required to have a CDL.

At this time, the driver is no longer used by our company and we no longer own or operate the vehicle in that inspection. All the vehicles that we currently use are rated for under 26,000 lbs. GVWR. I have included copies of the truck registrations that we currently use as evidence of the GVWR.

From now on we will make sure to check that the box trucks we use have a GVWR of under 26,000 lbs. For any vehicles above that weight we will require the driver be subject to the commercial driver licensing regulations. I, Arnella Manges, will be the person responsible for checking vehicle registrations. I promise that I will obey all federal and state regulations on driver licensing.

4. CFR 391.51(b)(2) Failing to maintain inquiries into driver's driving record in driver's qualification file

This violation occurred because we failed to obtain pre-employment driving records for the drivers we were using. We did not have a person responsible for making sure that all necessary documents were maintained on our drivers. We have now pulled all active drivers' pre-employment motor vehicle records (MVR). I have attached the current MVRs for our active drivers with this letter as evidence that we are now in compliance with regulations regarding pre-employment driving records for our drivers.

I, Arnella Manges, will be the person responsible for obtaining and maintaining MVR's in the driver's qualification files. This will be done at least once each year during regular reviews of the driver's qualifications. I promise that as the owner, and as a company, we will obey all state and federal regulations on periodic inspections on record-keeping of all required driver documents.

5. WAC 480-15-555 / RCW 81.80.130 / CFR 392.2 Failing to conduct or retain paperwork containing criminal background check for a household goods carrier in the state of Washington as required.

This violation occurred because we did not know about the requirements to conduct criminal background checks for our drivers. We did not have a person responsible for complying with this regulation. Since the time of the review, we learned that the background checks may be

done using Washington State Patrol's WATCH program (watch.wsp.wa.gov). We have conducted criminal background checks on 2 currently active drivers, Yuriy Deyneka and Almaz Nurmanbetov, both of which came back as "No Record Found". I have attached the printouts of these checks with this letter as evidence.

From now on, and with each new driver, we will conduct the criminal background checks using this program prior to hiring the driver. I, Arnella Manges, will be the person responsible for doing the background checks and maintaining evidence of them in the driver's qualification files. I promise that I will obey all the state and federal regulations on drivers' criminal background checks.

It is my intention to operate this company safely by complying with all federal and state safety regulations. Please consider this letter as my corrective action plan and upgrade the safety rating of Two Men and a Moving Van LLC to satisfactory.

I, Arnella Manges, Safety Manager, certify that Two Men And A Moving Van LLC will operate in compliance with the federal and state regulations and our operations currently meet the safety standard found in Title 49 CFR Sections 385.5 and 385

Should you have any questions, or require any additional information, please do not hesitate to contact me. Thank you for your assistance in this matter.

Sincerely, Arnella Manges,

Safety Manager, Two Men and a Moving Van LLC