

Service Date: November 3, 2021

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: TV-210787
PENALTY AMOUNT: \$6,600

↓ less
1000

Ultimate Movers LLC
8310 84th Ave. SW, Apt. #828
Lakewood, WA 98498

The Washington Utilities and Transportation Commission (Commission) believes Ultimate Movers LLC (Ultimate Movers or Company) violated Washington Administrative Code (WAC) 480-15-555, Criminal Background Checks for Prospective Employees; WAC 480-15-560, Equipment Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 CFR) Part 396 – Inspection, Repair and Maintenance; and WAC 480-15-570, Driver Safety Requirements, which adopts 49 CFR Part 391 – Qualification of Drivers and 49 CFR Part 395 – Hours of Service of Drivers.

Revised Code of Washington (RCW) 81.04.405 allows penalties of \$100 for each violation. In the case of an ongoing violation, every day's continuance is considered a separate and distinct violation.

On October 7, 2021, Commission Motor Carrier Investigator Edward Steiner completed a routine safety investigation of Ultimate Movers and documented the following violations:

- **Two violations of WAC 480-15-555 – Failing to conduct or retain paperwork containing criminal background check for a household goods carrier in the state of Washington as required.** Ultimate Movers failed to conduct a criminal background check for employees Jumanne Khiranga and Rodney Stokes.
- **Sixty violations of 49 CFR § 391.45(a) – Using a driver not medically examined and certified.** The Company allowed drivers Moses Ngathu, Jumanne Khiranga, and Rodney Stokes to operate a commercial motor vehicle without a valid medical certificate on 60 occasions between March 7 and September 2, 2021.
- **Three violations of 49 CFR § 391.51(a) – Failing to maintain driver qualification file on each driver employed.** Ultimate Movers failed to maintain driver qualification files for Moses Ngathu, Jumanne Khiranga, and Rodney Stokes.
- **Ninety violations of 49 CFR § 395.8(a)(1) – Failing to require a driver to prepare a record of duty status.** The Company failed to require Moses Ngathu, Jumanne Khiranga, and Rodney Stokes to complete a record of duty status on 90 occasions between August 1 and August 30, 2021.

Received
Records Management

11/17/21 08:52

State Of WASH.
UTIL. AND TRANSP.
COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT TV-210787

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 violations occurred and enclose \$6,600 in payment of the penalty.

2. **Contest the violation(s).** I believe that the alleged violation(s) did not occur for the reasons I describe below (if you do not include reasons supporting your contest here, your request will be denied):

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.

3. **Application for mitigation.** I admit the violations, but I believe that the penalty should be reduced for the reasons set out below (if you do not include reasons supporting your application here, your request will be denied):

I understand the violations happened but this is the first time. I am new to the industry and I have been working with your staffs and investigators. We have reviewed our plans and all the mistakes have been rectified

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: 11/15/12 [month/day/year], at Lakewood - wa [city, state]

Ultimate Motors LLC
Name of Respondent (company) – please print

[Signature]
Signature of Applicant

I have been having meeting with
UCC ~~of~~ Staff and Safety Management
and our review / guidelines on Safety
measures are in process

I presented my plans on how we
~~are~~ gonna present our safety
measures. As the company owner
this is my solemn
obligation. The process is on
going. And yet ~~when~~ when
~~the~~ started its wasn't
quite crystal clear
on what exactly I
needed to do

I DO know
Cognizant and
aware. Thanks

all, and yes
we have the
documents to proof
we undertake all safety
measures

~ ~ ~ Moses N.