



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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April 14, 2022

Amanda Maxwell, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Martinson Piano Moving, LLC*
Commission Staff's Response to Application for Mitigation of Penalties
Docket TV-220148

Dear Ms. Maxwell:

On April 4, 2022, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Martinson Piano Moving, LLC (Martinson Piano or Company) in the amount of \$13,800 for violations of Washington Administrative Code (WAC) 480-15-560, Equipment Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 396 – Inspection, Repair, and Maintenance; and WAC 480-15-570, Driver Safety Requirements, which adopts 49 C.F.R. Part 391 – Qualification of Drivers., as follows:

- **One hundred and thirty-six violations of 49 C.F.R. § 391.45(a) – Using a driver not medically examined and certified.** The Company allowed drivers Darin Gable, Eric Martinson, and Michael Martinson to operate a commercial motor vehicle (CMV) without a valid medical certificate on 136 occasions between August 9, 2021, and February 9, 2022.
- **Three violations of 49 C.F.R. § 391.51(a) – Failing to maintain driver qualification file on each driver employed.** The Company failed to maintain the required driver qualification files for Darin Gable, Eric Martinson, and Michael Martinson.
- **Two violations of 49 C.F.R. § 396.17(a) – Using a CMV not periodically inspected.** The Company failed to have two CMVs periodically inspected.

On April 12, 2022, Martinson Piano filed with the Commission a request for mitigation of penalties. In the request for mitigation, Eric Martinson, owner of Martinson Piano, admits the

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violations, describes the actions taken to correct the violations, and details safety management controls implemented to prevent recurrence.

Commission staff (Staff) addresses the penalties below:

- The Commission assessed a penalty of \$100 for each occurrence of 49 C.F.R. § 391.45(a). The Company took corrective action and implemented protocols to ensure future compliance. Staff recommends the \$13,600 penalty be reduced to \$6,800.
- The Commission assessed a “per category” penalty of \$100 for three violations of 49 C.F.R. § 391.51(a). Because the Company was penalized by violation category rather than per occurrence, Staff recommends no mitigation of this penalty.
- The Commission assessed a “per category” penalty of \$100 for two violations of 49 C.F.R. § 396.17(a). Because the Company was penalized by violation category rather than per occurrence, Staff recommends no mitigation of this penalty.

Staff recommends the assessed penalty of \$13,800 be reduced to \$7,000. Staff further recommends that \$3,500 of the reduced penalty be suspended for a period of two years, and then waived, subject to the following conditions:

1. Staff conducts a follow-up investigation focused on driver qualifications in two years, or as soon thereafter as practicable;
2. Martinson Piano must not incur repeat violations of 49 C.F.R. § 391; and
3. The Company pays the \$3,500 non-suspended portion of the reduced penalty within 10 days of an order or enter into a mutually agreeable payment arrangement with Staff.

If you have any questions, please contact Michael Dotson, Compliance Investigator, Transportation Safety, at (360) 480-5420, or by email at Michael.Dotson@utc.wa.gov.

Sincerely,

Jason Sharp
Motor Carrier Safety Supervisor, Transportation Safety