



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY 1-800-833-6384 or 711

March 18, 2025

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

RE: *Washington Utilities and Transportation Commission v. MTMOVERS LLC*
Commission Staff's Response to Application for Mitigation of Penalties
Docket TV-250071

Dear Mr. Killip:

On February 24, 2025, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against MTMOVERS LLC (MTMOVERS or Company) in the amount of \$6,600 for violations of Washington Administrative Code (WAC) 480-15-555, Criminal Background Checks for Prospective Employees, and WAC 480-15-560, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 391 – Qualification of Drivers and 49 C.F.R. Part 396 – Inspection, Repair, and Maintenance, as follows:

- **Two violations of WAC 480-15-555(1) – Failure to complete a criminal background check for every person the carrier intends to hire.** The Company failed to acquire criminal background checks prior to hiring employees Elias Castro and Mario Duran.
- **Eighty violations of 49 C.F.R. § 391.45(a) – Using a driver not medically examined and certified.** MTMOVERS allowed driver Mario Duran to operate a motor vehicle without a valid medical certificate on 63 occasions between August 1, 2024, and December 27, 2024.
- **One violation of 49 C.F.R. § 396.17(a) – Using a commercial motor vehicle not periodically inspected.** The Company failed to annually inspect its commercial motor vehicle.

On March 6, 2025, MTMOVERS filed with the Commission its application for mitigation of penalties. In the request for mitigation, David Kravchenko, owner of MTMOVERS, admits the violations, states the Company misunderstood the medical certification requirements, and that the Company has provided Commission staff (Staff) with evidence that it has corrected the violations.

In response to the Company's application for mitigation of penalties, Staff addresses the penalties, as follows:

- The Commission assessed a penalty of \$100 for each occurrence (two) of WAC 480-15-555(1), for a total of \$200. At the time of inspection, MTMOVERS had state background checks on its employees and not the required national checks. On February 27, 2025, the Company provided Staff with national background checks for employees Elias Castro and Mario Duran. MTMOVERS had a system in place to run criminal background checks on its potential employees and has corrected its error in using state checks. Staff recommend the \$200 penalty be reduced to \$100 for these first time critical violations.
- The Commission assessed a penalty of \$6,300 for 63 violations of 49 C.F.R. § 391.45(a). Kravchenko claims that he believed medical certificates were only required for commercial driver license (CDL) drivers. MTMOVERS provided a current medical certificate for Duran. Staff recommend the \$6,300 penalty be reduced to \$3,150 for these first time critical-type violations.
- The Commission assessed a penalty of \$100 for one violation of 49 C.F.R. § 396.17(a). The Company has not provided Staff with evidence that it has corrected this violation. Staff recommend no mitigation of the \$100 penalty.

Staff recommend the assessed penalty of \$6,600 be reduced to \$3,350. Staff further recommend that \$1,575 of the reduced penalty be suspended for a period of two years, and then waived, subject to the following conditions:

1. Staff conduct a focused review of the Company's driver's medical certification in two years from the date of an order.
2. MTMOVERS must not incur any repeat violations identified in the penalty assessment; and
3. The Company pays the \$1,775 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 Jason Sharp, Motor Carrier Safety Supervisor, Transportation Safety, at (360) 701-1603, or by email at jason.sharp@utc.wa.gov.

Sincerely,

Jason Sharp
Motor Carrier Safety Supervisor, Transportation Safety