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 1 BEFORE THE WASHINGTON

 2 UTILITIES AND TRANSPORTATION COMMISSION

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 4 In the Matter of the ) DOCKETS TV-170038 and

 Investigation of, ) TV-170039 (Consolidated)

 5 )

 )

 6 MVP MOVING AND STORAGE LLC )

 )

 7 For Compliance with )

 WAC 480-15-560 and )

 8 WAC 480-15-570 )

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10 CANCELLATION OF PERMIT HEARING, VOLUME III

11 Pages 59-99

12 ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

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14 May 16, 2019

15 10:00 a.m.

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 Washington Utilities and Transportation Commission

17 1300 South Evergreen Park Drive Southwest

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14 FOR MVP MOVING:

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16

 ALSO PRESENT:

17

 JASON SHARP

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 1 OLYMPIA, WASHINGTON; MAY 16, 2019

 2 10:00 A.M.

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 4 P R O C E E D I N G S

 5

 6 JUDGE PEARSON: So let's be on the record.

 7 Good morning. We are convened here today for a hearing

 8 on Staff's renewed motion to cancel MVP Moving and

 9 Storage LLC's household goods permit for failure to

10 comply with the terms of Order 04 in consolidated

11 Dockets TV-170038 and TV-170039.

12 My name is Rayne Pearson. I am the

13 administrative jaw judge presiding over the hearing this

14 morning. Today is Thursday, May 16th, 2019, at

15 approximately 10:00 a.m.

16 So we are here today because we had a

17 hearing originally last June, June 5th, 2018, when Staff

18 filed a motion, its original motion, to cancel the

19 company's permit. The Commission entered Order 04,

20 which denied Staff's motion subject to a number of

21 conditions. And then on May 9th, 2019, Staff renewed

22 its motion to cancel the company's provisional household

23 goods carrier permit alleging, among other things, that

24 the company violated Order 04 by committing repeat

25 violations of critical safety regulations, failing to

0063

 1 submit an acceptable safety management plan, and failing

 2 to attend Commission-sponsored household goods training

 3 in the manner prescribed.

 4 So today, MVP Moving will have an

 5 opportunity to respond to Staff's motion. So let's

 6 begin by taking appearances starting with Commission

 7 Staff.

 8 MR. ROBERSON: Good morning. My name is

 9 Jeff Roberson, R-o-b-e-r-s-o-n. I'm an assistant

10 attorney general representing Staff. My contact

11 information is on file in this docket, and with me at

12 counsel table is Jason Sharp.

13 JUDGE PEARSON: Okay. Thank you.

14 Mr. Garcia?

15 MR. GARCIA: My name is Jason Garcia. Owner

16 of MVP Moving and Storage LLC.

17 JUDGE PEARSON: Okay. And can you give me

18 your address, phone number, and email?

19 MR. GARCIA: It's 19219 - 68th Avenue South,

20 Unit M-111, Kent, Washington 98032. Email address is

21 Jason@mvpmoves.com, contact number 206-660-4291.

22 JUDGE PEARSON: Okay. Thank you. So when I

23 call on each party to testify, I will swear you in with

24 the oath of witness so anything that you tell me today

25 will be under oath and can be considered sworn

0064

 1 testimony. And for the court reporter's benefit, please

 2 speak slowly and clearly and please be sure to use the

 3 microphone on the table in front of you. I did hear

 4 there were people who called in on the bridge line, so

 5 we'll need to use the microphones so that they can hear

 6 us.

 7 So once you're sworn in, you can present

 8 your testimony. Do you have any questions before we get

 9 started?

10 MR. GARCIA: No questions.

11 JUDGE PEARSON: Okay. So, Mr. Garcia, if

12 you can stand and raise your right hand, I will swear

13 you in.

14 MR. ROBERSON: Actually, before we do

15 that --

16 JUDGE PEARSON: Oh, sorry.

17 MR. ROBERSON: -- I have one -- Mr. Hoxit is

18 here to answer questions from the bench or for

19 Mr. Garcia, but if he's not needed, we would ask that he

20 be excused.

21 JUDGE PEARSON: Okay. Do you -- do you know

22 if you'll have any questions for Mr. Hoxit? Have you

23 reviewed all of the declarations that were filed in

24 connection with Staff's motion?

25 MR. GARCIA: I reviewed, yeah.

0065

 1 JUDGE PEARSON: Okay. Do you have any

 2 questions for Mr. Hoxit specifically?

 3 MR. GARCIA: Not at the moment. I mean,

 4 I -- no.

 5 JUDGE PEARSON: Okay.

 6 MR. ROBERSON: May Mr. Hoxit be excused?

 7 JUDGE PEARSON: He may. Is he going to be

 8 in the building?

 9 MR. ROBERSON: He will be.

10 JUDGE PEARSON: Okay. So if we need him, we

11 can summon him back?

12 MR. ROBERSON: Absolutely.

13 JUDGE PEARSON: Okay. That works.

14 (Jason Garcia sworn.)

15 JUDGE PEARSON: Okay. Go ahead and be

16 seated. Okay. So I didn't receive any exhibits from

17 you in advance of the hearing, so we can just proceed

18 with your testimony responding to Staff's motion

19 whenever you're ready.

20 MR. GARCIA: Okay. I -- I have some things

21 I can provide.

22 JUDGE PEARSON: Okay.

23 MR. GARCIA: But all just to break down

24 currently where I'm at and kind of what I said in my

25 rebuttal to -- to Sandra on the review.

0066

 1 JUDGE PEARSON: Okay. Can you pull the

 2 microphone closer to you and speak directly into it?

 3 MR. GARCIA: Yep. Yep.

 4 JUDGE PEARSON: Okay. I -- I don't think

 5 I've seen the rebuttal that you provided to Ms. Yeomans,

 6 so if you could summarize it for me, that would be

 7 helpful.

 8 MR. GARCIA: Basically, I went over every

 9 single line item that I was violating and I just

10 answered each one and I presented my case like I was

11 going to provide all the information today.

12 JUDGE PEARSON: Okay. So do you have

13 information that you want to provide today?

14 MR. GARCIA: Yeah, definitely. This is just

15 my current status right now, just things that I'm doing.

16 JUDGE PEARSON: Okay. So this looks like --

17 MR. GARCIA: So this is -- this is 2019 --

18 JUDGE PEARSON: Okay.

19 MR. GARCIA: -- but this is just kind of

20 what I'm implementing and I'm moving forward on. I'm

21 just calculating every single day, every single month of

22 each item that I have to do as far as my annual review.

23 This might not correlate to the exact violations I'm

24 doing, but this is just changes and implementations that

25 I'm -- I'm doing so I'm not going to have any

0067

 1 violations.

 2 JUDGE PEARSON: Okay. So this is tracking

 3 your --

 4 MR. GARCIA: This is just tracking.

 5 JUDGE PEARSON: -- moves and everything?

 6 MR. GARCIA: Everything, mm-hmm.

 7 JUDGE PEARSON: Okay. Okay. Does Staff

 8 have any objection to --

 9 MR. GARCIA: I mean, I know it's just -- I

10 just wanted to provide and just share you some

11 information, that was it. That's not -- you know,

12 that's not my rebuttal or anything. In that -- in my

13 review I said that I'm going to be 100 percent prepared,

14 and I'm going to show you today. So that's -- that's

15 what I said.

16 JUDGE PEARSON: Okay.

17 MR. ROBERSON: Staff has no objection to

18 this document.

19 JUDGE PEARSON: Okay. So I will admit it

20 and mark it as Exhibit JG-1.

21 (Exhibit JG-1 admitted.)

22 JUDGE PEARSON: Okay. So you can go ahead

23 with your -- your presentation, your description of --

24 your defense to Staff's motion.

25 MR. GARCIA: Okay. Well, as far as moving

0068

 1 forward with this company, I'm going to have zero repeat

 2 violations, and I have everything to prove it right here

 3 in this book and right here in this book. And that's

 4 where I can't just provide that to you.

 5 JUDGE PEARSON: So what are those things?

 6 MR. GARCIA: Well, the reason I -- I don't

 7 understand why I -- I failed the -- the classes that I

 8 went to. I -- I had no employees at that time. I only

 9 brought one, that was Carlos Molina. And so at that --

10 at that point, that's when I literally let go of every

11 single one of my employees and started over.

12 And so that's why I could not bring the --

13 the six to eight employees I previously had because they

14 weren't compliant with me, and I -- I just put my foot

15 down and let everybody go. And what I've done moving

16 forward is it's either Carlos, myself on the job or it's

17 Carlos, myself, and my current employees that are on the

18 jobs.

19 JUDGE PEARSON: Okay. So let's just walk

20 through the allegations in Staff's motion. I think that

21 would be the most organized way to approach this.

22 MR. GARCIA: That's fine.

23 JUDGE PEARSON: So you're talking about the

24 requirement in Order 04 that you attend both the August

25 and November 2018 Commission-sponsored household goods

0069

 1 training, and Staff alleges that at the August training,

 2 you came alone. And you're saying that that was because

 3 you didn't have any employees in August, you had

 4 terminated everyone at that point?

 5 MR. GARCIA: Correct. I mean, even if I

 6 stopped -- I didn't have any jobs that day, I had them

 7 all come to the meeting and at the -- at my office, no

 8 one showed up. I came alone.

 9 JUDGE PEARSON: So there were people who

10 were supposed to show up but didn't?

11 MR. GARCIA: Mm-hmm, mm-hmm.

12 JUDGE PEARSON: Oh, okay.

13 MR. GARCIA: My employees. It was -- it was

14 in the -- it was -- it was handed out. Everybody knew

15 about what was going on.

16 JUDGE PEARSON: And so then did you

17 terminate them after that?

18 MR. GARCIA: I terminated them after that,

19 yeah. Not that day, but I -- I had a second hearing

20 because they said that I could have two hearings to

21 bring my employees.

22 JUDGE PEARSON: You mean trainings.

23 MR. GARCIA: Trainings, yeah.

24 JUDGE PEARSON: Okay. So then in November,

25 you had registered six employees originally and then

0070

 1 what happened?

 2 MR. GARCIA: I was the only one that showed

 3 up.

 4 JUDGE PEARSON: So it was the same

 5 situation?

 6 MR. GARCIA: Mm-hmm, that was with Carlos.

 7 JUDGE PEARSON: Was it the same employees

 8 who failed to show up in August or a new set of

 9 employees at that point?

10 MR. GARCIA: At that point, there was a new

11 set, but I didn't have -- you know, the six to eight

12 employees I had, I was really just using two employees

13 at that time. I was. I was really slowing down.

14 JUDGE PEARSON: Okay. So when you

15 registered the six employees, did you use their names or

16 did you just say I'm bringing six people with me or did

17 you give six names?

18 MR. GARCIA: I gave six names, I believe, to

19 Jason.

20 JUDGE PEARSON: Okay.

21 MR. GARCIA: I gave -- I gave them my

22 current list of employees.

23 JUDGE PEARSON: And they're people that you

24 hired when?

25 MR. GARCIA: They were -- they were current

0071

 1 employees, they were -- I don't know the -- the exact

 2 hire date, but they were -- they were individuals I was

 3 using.

 4 JUDGE PEARSON: Okay. And are those

 5 individuals still employed with you?

 6 MR. GARCIA: No.

 7 JUDGE PEARSON: Okay. Only Carlos is --

 8 MR. GARCIA: Only Carlos.

 9 JUDGE PEARSON: -- still employed with you?

10 And what's his last name?

11 MR. GARCIA: Molina.

12 JUDGE PEARSON: Spell that.

13 MR. GARCIA: M-o-l-i-n-a.

14 JUDGE PEARSON: But what you're saying is

15 that the November batch of employees who failed to show

16 up was different than the August batch who didn't show

17 up?

18 MR. GARCIA: I -- I -- I probably let go two

19 or three.

20 JUDGE PEARSON: Okay.

21 MR. GARCIA: And then the second I was -- I

22 felt like I was going to have a grasp on these guys, and

23 everybody knew about the training, everyone knew about

24 everything. You know, and I'm an hour away from here,

25 so I think it was like an 8 o'clock start, so I was like

0072

 1 let's be here at 6:30, 6:45. And I think I was even

 2 late because of that because I just kept waiting.

 3 JUDGE PEARSON: So several of them were

 4 given a second chance is what you're saying?

 5 MR. GARCIA: You know, I felt like they

 6 were -- since I had two opportunities, I was going to

 7 make the one because I had to go to both. I was going

 8 to try to give them another opportunity, didn't work

 9 out.

10 JUDGE PEARSON: Okay.

11 MR. GARCIA: So on my drive home, literally

12 we just changed everything.

13 JUDGE PEARSON: Okay.

14 MR. GARCIA: And I -- I know Sandra did a

15 review and -- or what she did and she found some

16 violations. But at the end of the day, I literally --

17 the day she left was that day where only Carlos was

18 available. Only Carlos was the only person I wanted to

19 employ.

20 JUDGE PEARSON: Okay. So let's turn to the

21 next allegation in the motion, which relates to the

22 March 2019 safety investigation, which I believe is what

23 you're referring to. The -- where there were repeat

24 critical violations related to the motor vehicle not

25 being periodically inspected, not performing background

0073

 1 checks on seven employees, and a fraudulent or

 2 intentionally false entry on a record in a driver

 3 qualification file, which was not a repeat violation,

 4 but it is an acute violation, which is considered more

 5 serious than a critical violation. So do you want to

 6 speak to those?

 7 MR. GARCIA: Yeah, so on the background

 8 checks, I was able to find five of those employees'

 9 background in their file, and I have them right here if

10 you'd like. And I -- I'm still really confused on the

11 fraudulent charge, because I -- I'm looking at -- I have

12 Mike's file right here. He was individual that we

13 signed off on his background or -- or his driving record

14 and -- and it says that there's dates that we -- we

15 wrote down. But I'm looking at -- I'm looking at

16 everything, and we -- we checked this in August. I

17 don't see how it was February or March. And so I have

18 that right here, and then as far as those seven

19 employees, I have -- I have them right here as well.

20 JUDGE PEARSON: So have you provided those

21 background checks to Ms. Yeomans?

22 MR. GARCIA: I have not.

23 JUDGE PEARSON: Why not?

24 MR. GARCIA: Just because I was waiting for

25 today. Same with my annual review. I have it right

0074

 1 here.

 2 JUDGE PEARSON: So you didn't file your

 3 annual report?

 4 MR. GARCIA: I -- I'm already $250 penalty.

 5 So I knew I was coming in here and I was just going to

 6 hand it off and pay it.

 7 JUDGE PEARSON: Okay.

 8 MR. GARCIA: I knew I was going to be past

 9 the 30th or the 31st, so I was just going to drive it

10 down and hand it over.

11 JUDGE PEARSON: Okay. Well, Staff -- I

12 can't take that from you.

13 MR. GARCIA: No, okay.

14 JUDGE PEARSON: You'll have to figure out

15 where to submit that.

16 Okay. So what about the vehicle not

17 periodically inspected?

18 MR. GARCIA: I -- I had the inspections

19 done. I only have one vehicle currently at -- at the

20 moment.

21 JUDGE PEARSON: So are you disputing that

22 violation?

23 MR. GARCIA: You know, I don't know. I

24 don't understand that. We check our trucks

25 periodically. I bring it to Grove Truck Repair

0075

 1 periodically. All the trucks that I have have the

 2 annual inspection. They were done prior to Sandra's

 3 review.

 4 JUDGE PEARSON: Okay. If you could refer to

 5 her as Ms. Yeomans.

 6 MR. GARCIA: Ms. Yeomans, okay.

 7 JUDGE PEARSON: Okay. And then the safety

 8 management plan, Staff alleges that you failed to work

 9 with Staff to develop the safety management plan that

10 wasn't done in a timely way and that the version that

11 you submitted in March of this year was incomplete,

12 didn't explain why the violations occurred, and had no

13 certification that your operations meet the safety

14 standard set forth in the FMCSA's regulation. So do you

15 want to respond to that?

16 MR. GARCIA: Yeah, I -- I still don't

17 understand. I mean, each -- each question I pretty much

18 use the same to answer each violation.

19 JUDGE PEARSON: Use the same what?

20 MR. GARCIA: I use the same verbiage that

21 I'm going to fix and never have this repeat, and this is

22 what I wanted to bring to the table today, that this

23 will never happen again. So I -- I responded to each

24 one. I gave a couple examples of, you know, the

25 paperwork, how we're going to track time. I -- I even

0076

 1 brought up today that we have a device where each

 2 employee will never not be accounted for. Their time,

 3 drivers, everything is going to be tracked

 4 electronically. So that's currently my new process

 5 right now. I have an account with Watch Dogs, I mean,

 6 I -- I -- I do not --

 7 JUDGE PEARSON: Okay. With whom?

 8 MR. GARCIA: It's -- it's maybe not Watch

 9 Dogs, but it's with the State Patrol. It's the

10 background, criminal background check.

11 JUDGE PEARSON: Oh, okay.

12 MR. GARCIA: So like each -- each individual

13 that comes in here, they will never step foot in -- in

14 the public unless they -- we do our due diligence making

15 sure that they're 100 percent qualified. So that's

16 something that, you know, at the end of the day, I

17 was -- I wasn't -- I didn't do this intentionally, it's

18 just there's a lot going on for me. So what I had to do

19 was just not worry about doing five trucks every day. I

20 just want to do one, and I want to be a part of it, and

21 that's kind of what I put myself into.

22 JUDGE PEARSON: Okay. Do you have anything

23 else that you want to add?

24 MR. GARCIA: Yeah. I -- so I'm a -- I'm a

25 laborer as well. I've taken a step out of the office.

0077

 1 I -- I have my file right here, and I'm involved

 2 probably three moves a week currently. I don't know the

 3 exact date. I'm going to say it was right after

 4 Ms. Yeomans left my office, so I put myself on -- on

 5 file. I put myself -- I'm not a driver. I don't have

 6 my medical card yet, so I'm -- I'm not going to be at

 7 that point yet, but as far as, you know, being a lead,

 8 being a representative -- bringing a representative in

 9 front of the public at my customers' houses, that's

10 something that I've wanted to take a step forward.

11 I have not done that in four years, so

12 that's one thing I wanted to change. Based on my

13 employees, I wanted to give them the representation that

14 this is how it's done. It's not just check in at the

15 office, get the truck and go. There's more to it. And

16 unfortunately, I -- that's -- that wasn't our mentality.

17 It was just, you know, Ms. Yeomans really opened my

18 intention when she came in there on the last review.

19 I didn't -- I didn't know I was going to fail her

20 report, unfortunately, but I did.

21 But as far as all my vehicles I've had in

22 the last three years, I have all files for them. I have

23 dates on when the annual inspections are due, I have the

24 VIN number, I have the tire size, I have when I have

25 maintenance done, I have a maintenance program every

0078

 1 three months. And that's -- that's -- that's changed on

 2 my end. I have all my current employees right here. I

 3 have a list of hire dates, I have a list of when they

 4 had their background checks done, I have a list of

 5 everyone I'm using right now.

 6 JUDGE PEARSON: Okay. So I'm assuming that

 7 last year you filed your annual report and paid your

 8 regulatory fee and the $500 penalty. Did you comply

 9 with that provision of the order?

10 MR. GARCIA: I did.

11 JUDGE PEARSON: Okay.

12 MR. GARCIA: I do have a letter. I think I

13 believe you sent it to me, Ms. Pearson, and I owe $54.

14 And I was just going to take this letter and make sure I

15 was cleared today. So I think that might be my

16 remaining balance from 2018.

17 JUDGE PEARSON: Okay. I didn't send you

18 that letter, but did you provide your documents to

19 consumer protection staff to review your moves like you

20 were directed to for the months of April and May 2018?

21 MR. GARCIA: I did.

22 JUDGE PEARSON: Okay. All right.

23 Mr. Roberson, do you have any questions for

24 Mr. Garcia?

25 MR. ROBERSON: I do.

0079

 1 E X A M I N A T I O N

 2 BY MR. ROBERSON:

 3 Q. So, Mr. Garcia, do you remember being here last

 4 June and testifying?

 5 A. I do.

 6 Q. Do you remember testifying that you were

 7 solely com- -- you were solely responsible for MVP's

 8 compliance with regulatory requirements?

 9 A. I do.

10 Q. Did you do anything after that hearing to ensure

11 MVP's regulatory compliance?

12 A. I did.

13 Q. Okay. What specifically did you do?

14 A. Specifically, I had meetings with all my

15 employees, I told them what is at stake, I put on the

16 wall what I needed from everybody from -- from this

17 meeting and on. And unfortunately, when they leave,

18 they do whatever they want, and I literally had a

19 problem with that for two-plus years.

20 Q. Can I ask for a clarification?

21 A. Yeah, go ahead.

22 Q. When you say "when they leave," what do you

23 mean?

24 A. When they leave to a job, when they get in the

25 truck, they go on the job, I can't follow each one.

0080

 1 I -- I don't -- I can't monitor each thing that they're

 2 doing. So what I've learned was I don't have control

 3 over my employees, and I -- that's where I'm at today

 4 just pleading the case. I don't have anyone other than

 5 Carlos that was with me throughout this process.

 6 Q. Okay. Who -- who was responsible for MVP's

 7 filings, who did the paperwork?

 8 A. I mean, I did the paperwork.

 9 Q. Okay. So you mentioned that you found several

10 of the background checks that were missing. Can you

11 explain why they weren't in the file?

12 A. I -- I don't understand.

13 Q. But you were --

14 A. They -- they were --

15 Q. -- responsible for the filing, correct?

16 A. Yeah, and they were in the file. There is one

17 that I found outside of the file that Ms. Yeomans did

18 ask me if I do find it, please provide it. But I just

19 brought it here today. That was Deandre Nixon.

20 Q. Okay. So --

21 A. So --

22 Q. -- Staff missed those in the file when they did

23 their investigation?

24 A. I have no idea. I'm not pointing fingers, but

25 as far as they're in the file, they were in the file.

0081

 1 Q. Okay. In your rebuttal to Staff after that

 2 compliance investigation, did you bring this up or did

 3 you just say it won't happen again?

 4 A. I said it won't happen again and I can't wait to

 5 have a hearing so I can prove to you guys that I'm going

 6 to move forward and make a change.

 7 Q. And did you request a hearing about the fines

 8 associated with those violations?

 9 A. Did I make a request about the fines?

10 Q. Yeah.

11 A. I do not recall honestly.

12 Q. Fair enough.

13 Let's talk about your employees that you

14 terminated. So nobody showed up for the August

15 training?

16 A. Mm-hmm.

17 Q. Nobody showed up for the November training.

18 When did you terminate those employees that failed to

19 show up?

20 A. I believe I terminated them honestly the day

21 after Ms. Yeomans sat me down and -- and just literally

22 told me my issues.

23 Q. Okay. One of those employees was Michael

24 Lazinsky?

25 A. Mm-hmm.

0082

 1 Q. And you were cited for a trip Mr. Lazinsky took

 2 January 30th, 2019, correct?

 3 A. If that was not stopping at a weigh scale, I

 4 believe so.

 5 Q. And that's long after the day after the November

 6 hearing, correct? Or the November training, correct?

 7 A. That's correct.

 8 Q. So the employees that you say that you

 9 terminated were still working for you end of January?

10 A. They were not on UTC jobs. And so with Michael

11 Lazinsky, it was brought to my attention that he

12 shouldn't have been an employee of mine, and I -- soon

13 as I got that message, I fired him that day.

14 Q. Okay. How do you determine what's a UTC job and

15 what's not a UTC job?

16 A. Labor-only, business-to-business, and then so I

17 was doing -- I was doing business-to-business deliveries

18 for appliances. So I didn't -- I didn't classify that

19 as a -- as a Utilities and Transportation household

20 good.

21 Q. But you just mentioned that Mr. Lazinsky was

22 cited for failing to stop at a scale which implies that

23 he was driving. That's not labor-only, right?

24 A. That's -- that was business-to-business. I --

25 we were stopping at a business delivering to a business.

0083

 1 Q. Okay.

 2 A. So under my concept, I felt like that was

 3 nonregulated.

 4 Q. Okay. So the employees that you're terminating,

 5 you're not terminating, they're still working for you;

 6 is that right?

 7 A. No, I'm -- okay. So I terminated -- I don't

 8 know Mike Lazinsky's exact date. I can look at the

 9 emails in -- in -- in his file right here, but I

10 terminated the people that didn't show up for the

11 meeting, right? And then soon as I sat with Ms. Yeomans

12 after that day, there was no employees, only Carlos

13 so --

14 Q. I'm confused. Just to clarify, is when you met

15 with Staff in March of 2019 or when did you meet with

16 Ms. Yeomans?

17 A. I don't know the exact date. I'm -- I'm

18 assuming March '19.

19 Q. So these employees would have worked for you --

20 A. For maybe a month or two.

21 Q. Until March of 2019?

22 A. No, Mike -- Mike was ended -- I -- I believe I

23 ended it in January, maybe early February honestly.

24 Q. Okay.

25 A. I know there was a time period of the -- the

0084

 1 training classes, but my -- my idea was I -- I didn't --

 2 I was not using them on UTC household good moves.

 3 That's -- that's what I wasn't doing, and I had all the

 4 documentation. I had Mike's background check, I had his

 5 DOT medical card, I had everything in compliance to be

 6 on the road.

 7 Q. Okay. You mentioned that you've hired one or

 8 two other employees besides yourself and Mr. Molina,

 9 what are their names?

10 A. So I'm really nervous right now to be honest

11 with you, so I can't just pull up...

12 Q. Take your time.

13 A. Can I hand you the files or you want to just

14 know their names?

15 Q. I -- I would just like to know their names.

16 A. So right now -- so right now labor, Thomas

17 Lawson; previous employee, Rele Collins, that's R-e-l-e

18 Collins; and right now my other driver, Roger Smith.

19 Q. Okay. And what are the dates on employment for

20 those employees?

21 A. So Thomas Lawson, 5/7.

22 Q. 5/7 of '18?

23 A. Mm-hmm.

24 Q. And he did not attend either of the two

25 trainings, correct?

0085

 1 A. That's correct. I believe Rele was -- he hasn't

 2 even got his first paycheck since -- so he's last week,

 3 Monday.

 4 Q. So Mr. Collins had never done any work for you

 5 before last Monday?

 6 A. Rele has in 2017, '18. He got a new job and

 7 then we were using him for some weekend work when he was

 8 available and now he's pretty much full time until he

 9 starts the police academy.

10 Q. And he also didn't attend the Commission

11 training, correct?

12 A. Did not. He wasn't employed with me at that

13 time. Maybe a weekend once or twice half a year.

14 Q. And then Mr. Smith, his date of employment?

15 A. April 26th, '19.

16 Q. Okay. Have you made arrangements to send any of

17 those people to the Commission's household goods

18 training?

19 A. As soon as it comes up. I have not made

20 arrangements, but as soon as the next --

21 Q. Have you looked into it?

22 A. I have not.

23 Q. Okay. Do you have background checks for those

24 three, criminal background checks in their files?

25 A. I do.

0086

 1 Q. Okay. Those are your only three other employees

 2 besides yourself and Mr. Molina?

 3 A. I have a couple others, but -- so David Heredia,

 4 past employee, only works weekends with me, maybe. Dean

 5 Stetlenberg, past employee, only works weekends, maybe.

 6 Q. Are these two gentlemen gentlemen that you fired

 7 in the wake of the failure --

 8 A. No, they -- they -- they found different jobs

 9 and they're not -- I -- I mean, if I had asked them to

10 work on the weekend, they either say yes or no. They're

11 individuals that I have complete files on, background

12 checks on, and they know somewhat the system.

13 Q. Have either of them been to the Commission's

14 household goods training?

15 A. Nope.

16 Q. Okay. Let's talk about the safety management

17 plan.

18 A. Okay.

19 Q. So do you recall -- you said you recall being

20 here in June for the last hearing, correct?

21 A. I do, yeah, and --

22 Q. You read the order that resulted from that

23 hearing?

24 A. Yes.

25 Q. And the order required you to sub- -- well, to

0087

 1 work with Staff to submit a compliance safety management

 2 plan, correct?

 3 A. Mm-hmm.

 4 Q. Staff gave you technical assistance within a

 5 week of that order, correct, and told you what you

 6 needed to do?

 7 A. Mm-hmm.

 8 Q. What action did you take?

 9 A. I had training, I had highlighters, I had

10 training. I looked at everybody and I said this is how

11 much money I have to pay if you don't do this. And, you

12 know, one thing that I've -- I've learned is that's not

13 enough. I have to -- I have to do more. I can't -- I

14 can't just write it on the wall and -- and -- and just

15 go over it. I have to hold their hand or go with them

16 day to day.

17 Q. My question was ambiguous. I guess, what did

18 you do in terms of reaching out to Staff, not what did

19 you do --

20 A. Reaching out to Staff --

21 Q. -- to talk to your workers?

22 A. I mean, like I said, I -- I -- I don't know.

23 I -- I talked to Jason.

24 Q. Did you contact Staff?

25 A. A few times. I don't recall what it was about.

0088

 1 It could have been about price damage or it could have

 2 been about just making sure they received my documents.

 3 Q. Okay. Let's talk about that.

 4 Staff sent you a letter in August, early August

 5 of last summer, correct? Asking you to submit a safety

 6 management plan by the end of August?

 7 A. Okay. I do recall that. I was -- okay. So I

 8 sent it the day Ms. Yeomans was in town because I was

 9 confused on that honestly.

10 Q. So you sent it the day Ms. Yeomans was in town

11 in March of 2019?

12 A. Mm-hmm.

13 Q. So eight months after the order required you to

14 submit the safety management plan?

15 A. That's correct, and -- and I -- I -- it -- if

16 you ask her, Ms. Yeomans, I -- I -- she said, You need

17 to send your safety management plan. Why are you not

18 sending it in? And I was just confused on that safety

19 management plan of the exact documents. I 100 percent

20 was. I -- I felt like I -- I -- I felt like that was --

21 that was the paperwork I was sending in. I felt like

22 that was what I was giving to Jason for the two months'

23 review. I didn't -- I didn't know that was actual my

24 game plan of how I was going to fix the same thing that

25 Erik Hawkins, my previous partner, sent in.

0089

 1 So right when she said that, I was -- it -- it

 2 clicked, and I -- I understood exactly what she -- you

 3 guys were asking for. I didn't know you wanted me to

 4 provide you with documents and -- and -- and samples.

 5 I -- I didn't know that's what you were requesting.

 6 Q. I guess my question then is, the order required

 7 a safety management plan. If you were unclear of what

 8 that meant, why didn't you take action when you read the

 9 order to clarify?

10 A. Because I was just so busy. It's not an excuse,

11 it's just something that didn't get put as a number one

12 and I just tried to fix paperwork at that point. I

13 didn't -- I didn't know I was going to have to put a

14 safety management plan. That's something -- I'm sorry

15 I'm repeating myself but --

16 Q. Okay.

17 A. -- that's the honest truth.

18 JUDGE PEARSON: Just one second.

19 Mr. Roberson, can you come closer to your microphone?

20 MR. ROBERSON: Sorry.

21 JUDGE PEARSON: Thank you.

22 BY MR. ROBERSON:

23 Q. So I guess that explains kind of what happened

24 after the hearing, but then two months later when Staff

25 sends you the letter, why don't you attempt to clarify

0090

 1 at that point?

 2 A. I don't know. I -- I guess I was -- I guess I

 3 was busy, I thought I was in compliance, I thought I was

 4 doing everything right. But when Sandra -- Ms. Yeomans

 5 came in and clarified exactly, I had her in my office,

 6 she clarified and that's where it clicked. And that's

 7 where I sent it in that day, if not the next day.

 8 Q. If the letter tells you that you haven't

 9 complied with the order by submitting a safety

10 management plan, I guess I don't understand, why do you

11 think that you were in compliance?

12 A. Yeah, I don't know. I don't understand either.

13 I -- I felt like in my -- in my mind I was, okay, I have

14 to go to the training, I have to take all my employees

15 to the training, I have to send them two months of

16 paperwork, and I -- I just didn't take the right steps

17 of reading that letter to understand what I was doing.

18 You're right, I should have called. It just -- I felt

19 like sending my two months of paperwork and then going

20 to the training, I -- I felt like I -- I honestly

21 thought that's what I was supposed to do. So that's it.

22 Q. So even though the sending in the paperwork to

23 the consumer protection division was separate from the

24 safety management plan, you figured they were the same

25 thing?

0091

 1 A. Honestly. I felt like -- I felt that that was

 2 what I was sending in. I felt like the safety

 3 management plan was to review my documents to see if I

 4 was in somewhat of a safety for the public. That's what

 5 I really thought it was. So when I sent them in, I --

 6 I -- I felt like I took care of that until she made it

 7 clear that it was the same thing that Mr. Hawkins and I

 8 put together in 2016. And when I looked at that form,

 9 there was samples, there was bill of ladings, there was

10 a driver log and -- and that's when I understood I was

11 completely on the wrong track of what was requested.

12 Q. How proactive would you say that you are in

13 terms of coming to understand your regulatory

14 requirements?

15 A. As of lately, in the last two and a half months,

16 I've been really proactive.

17 Q. But would you say that overall you're waiting

18 for people to explain to you that you're not in

19 compliance before you're taking action?

20 A. No, I felt like I needed to clean up my

21 background checks, I needed to clean up my employees, I

22 needed to clean up how I was doing business, not

23 communicating to the UTC. And that's one thing that I

24 guess I didn't see. So it wasn't that I wasn't

25 proactive, I just felt like when I was requested upon

0092

 1 things from the UTC and then I sent them in, I didn't

 2 understand I was missing certain things.

 3 Q. Okay. Well, maybe a specific example is a good

 4 one. I believe -- and actually I can't remember what it

 5 was. You've been cited for repeat violations for one of

 6 the violations on two separate occasions, correct? Is

 7 it the medical cards?

 8 A. Medical cards and then background checks.

 9 Q. So I guess if you're getting cited multiple time

10 for the same -- multiple times for the same things, why

11 aren't you doing something different?

12 A. I think on this go-around, you can look at the

13 review, I was cited for a medical card for an expired

14 one. And then seven of the background checks, five of

15 them I have right now, and so I don't understand where

16 that was --

17 Q. As I remember your testimony from the last

18 hearing we had, your testimony was just that you had an

19 expired medical card, not a driver without a medical

20 card so --

21 A. And it's expired by one day.

22 Q. But it's the same violation, correct?

23 A. It -- correct.

24 Q. Same violation, it's just expired, correct?

25 A. Mm-hmm.

0093

 1 Q. So I guess since last June, you've really taken

 2 no action to correct what you know is a deficiency,

 3 right? The same thing is happening again?

 4 A. I -- I disagree.

 5 Q. You disagree that the violation happened or

 6 you --

 7 A. I disagree that I'm -- I'm not -- I mean, I'm

 8 not taking this lightly. I -- I -- I'm not taking this

 9 lightly. My -- so if I missed by an expired day, you

10 know, that's just something that -- human nature. I

11 guess I made a mistake. But I'm not doing anything

12 intentional. I'm not hiding anything, I'm not being

13 fraud, I'm -- I'm not putting public in danger, I'm not

14 doing any of that.

15 Q. So if the violations are a critical type and the

16 federal government has determined that violations of the

17 critical type violations are linked with higher accident

18 rates, is it fair to say that your violations are, in

19 fact, putting the public in danger?

20 A. I don't have any criminals, I don't have any

21 accidents, I don't -- I don't put that into the public.

22 I'm -- I'm -- I'm being hit on expired dates and, you

23 know, that's just what I see, but I'm -- I'm making

24 progress. That's why I'm providing you my breakdown for

25 2019. Here comes December 31st, my 2019 annual review

0094

 1 will be complete. I've never been in this position

 2 before, and, you know, I just really want to show you

 3 guys that --

 4 Q. I'm sorry, which position?

 5 A. Not being 100 percent organized or proactive.

 6 Q. You've never been in that position before?

 7 A. Based on what you're saying, yeah.

 8 Q. Okay. When you were last here, you testified

 9 that you were using a computerized system to kind of

10 calendar compliance items?

11 A. Mm-hmm.

12 Q. If you're using that system, why isn't something

13 that's easy to calendar like the date of an expiration

14 for a medical card, why is that slipping through the

15 cracks?

16 A. You know, I would say it's because that employee

17 didn't work out. I would say it's because when I put in

18 the calendar, that employee's gone. I gotta get another

19 one, I gotta figure it out. But that was 2017, that was

20 2018, and I'm no longer going to be like that. I'm no

21 longer going to put anybody without a DOT medical card.

22 I would rather not do the job.

23 MR. ROBERSON: Okay. I think I'm done for

24 now. Thank you.

25 JUDGE PEARSON: All right. So,

0095

 1 Mr. Roberson, everything that -- the information that

 2 Staff has attested to, it's in the record in the form of

 3 their declarations that were filed with the motion. I

 4 don't feel that I need to hear from Staff, but if you

 5 had something in particular?

 6 MR. ROBERSON: Staff is just here in case

 7 you or Mr. Garcia had questions.

 8 JUDGE PEARSON: Okay. All right.

 9 Mr. Garcia, do you have questions for Ms. Yeomans or

10 Mr. Sharp?

11 MR. GARCIA: No questions.

12 JUDGE PEARSON: Okay.

13 MR. GARCIA: Just if they can just

14 understand that I'm -- I'm doing my best. I'm going to

15 com- -- I'm going to improve 100 percent. You guys

16 can -- I can submit things monthly, I can submit things

17 weekly, but if you could just please understand that

18 I'm -- I'm trying my best and I got -- I got families to

19 feed, I got a family of my own. I'm trying my best. So

20 I know I had to take a step back, but it -- it -- it

21 just took me longer to understand than -- than I

22 thought.

23 JUDGE PEARSON: Okay. Mr. Roberson, does

24 Staff have a closing statement or final recommendation?

25 MR. ROBERSON: It does. I think at this

0096

 1 point, Staff is at the opinion that allowing MVP Moving

 2 to continue to operate is asking for something bad to

 3 happen. The company is maybe doing their best, but

 4 their compliance history is fairly negative. The number

 5 of repeat violations is concerning, the number of repeat

 6 critical violations is very concerning. It -- it

 7 doesn't seem like it's getting better, and Staff would

 8 ask the Commission to cancel the certificate.

 9 JUDGE PEARSON: Okay. Thank you.

10 Given what I've heard today, you know,

11 Mr. Garcia, this is not your first go-around. You've

12 had multiple opportunities to bring your company back

13 into compliance beginning in 2017 when Staff first made

14 its recommendation to cancel the company's permit based

15 on the proposed unsatisfactory safety rating.

16 I believe that the company has been in

17 provisional status for more than two years now, has been

18 unable to achieve a satisfactory safety rating. And we

19 came here last year, I was lenient, I allowed you to

20 keep your permit subject to certain conditions. The

21 bottom line is you didn't meet those conditions. Order

22 04 was very clear.

23 So I am going to rule from the bench and

24 cancel your permit effective immediately. So you are to

25 stop doing all UTC regulated moves beginning right now,

0097

 1 and the order that I issue will reflect that decision

 2 and explains some more reasoning behind my decision,

 3 although, I can't in good conscience wait to issue my

 4 decision in an order. I think that that decision has to

 5 be made now, that the public interest requires that

 6 because you have not demonstrated that you're fit to

 7 operate a household goods company, and you've, frankly,

 8 failed again to take responsibility for your actions and

 9 for your failure to come into compliance.

10 So that is my decision. I will issue an

11 order shortly within the next few days reflecting that

12 decision, but just know that as of right now, you may

13 not conduct any UTC regulated moves. You will have an

14 opportunity to apply for reinstatement of your permit.

15 There's a 30-day window after you're cancelled, there's

16 certain requirements that you have to meet. You would

17 also need to meet all the conditions that were in Order

18 04 that haven't been met yet. So I'm just going to end

19 with that.

20 MR. GARCIA: Can I have one last statement?

21 JUDGE PEARSON: Go ahead.

22 MR. GARCIA: Can -- can you guys at least

23 look at what I'm doing in 2019?

24 JUDGE PEARSON: You are free to provide your

25 documents to Staff, and part of the process for applying

0098

 1 for reinstatement would be providing documentation to

 2 Staff. So yes, of course. You can communicate with

 3 Mr. Sharp after the hearing about how to best get those

 4 documents to him and you do need to file that annual

 5 report as well before you leave the building today.

 6 MR. GARCIA: Okay.

 7 JUDGE PEARSON: Okay. Anything else?

 8 MR. ROBERSON: Not from Staff.

 9 JUDGE PEARSON: Okay. Then we are

10 adjourned. Thank you.

11 (Adjourned at 10:46 a.m.)

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 1 C E R T I F I C A T E

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 3 STATE OF WASHINGTON

 4 COUNTY OF THURSTON

 5

 6 I, Tayler Garlinghouse, a Certified Shorthand

 7 Reporter in and for the State of Washington, do hereby

 8 certify that the foregoing transcript is true and

 9 accurate to the best of my knowledge, skill and ability.

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13 Tayler Garlinghouse, CCR 3358

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