
	US DOT # 3039946	Legal: AFFORDABLE MOVERS LLC Operating (DBA):			
MC/MX #:		State #: THG067953		Federal Tax ID: 82-2614436 (EIN)	
Review Type: Compliance Review (CR)					
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.			Territory:
Operation Types		Interstate	Intrastate		
Carrier:	N/A		Non-HM	Business: Corporation	
Shipper:	N/A		N/A	Gross Revenue: \$182,851.00	
Cargo Tank:	N/A			for year ending: 12/31/2018	
Company Physical Address:					
3218 KROMER AVE EVERETT, WA 98201					
Contact Name: Tuan Lam					
Phone numbers: (1) 425- 422-4415		(2)		Fax	
E-Mail Address: affordablemoversllc425@gmail.com					
Company Mailing Address:					
317 84TH AVE SE LAKE STEVENS, WA 98258					
Carrier Classification					
Authorized for Hire					
Cargo Classification					
Household Goods					
Equipment					
	Owned	Term Leased	Trip Leased		Owned Term Leased Trip Leased
Truck	2	0	0		
Power units used in the U.S.:2					
Percentage of time used in the U.S.:100					
Does carrier transport placardable quantities of HM? No					
Is an HM Permit required? N/A					
Driver Information					
	Inter	Intra	Average trip leased drivers/month: 0		
< 100 Miles:			Total Drivers: 2		
>= 100 Miles:		2	CDL Drivers: 0		



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Part A


QUESTIONS regarding this report or the Federal Motor Carrier Safety rules may be addressed to the Office of Motor Carriers at:

PO Box 47250
Olympia, WA 98504-7250
[Phone \(360\) 529-2082](tel:(360)529-2082) [email francine.gagne@utc.wa.gov](mailto:francine.gagne@utc.wa.gov)

This report will be used to assess your safety compliance.

<u>Person(s) Interviewed</u>	
Name: Tuan Lam	Title: Owner
Name:	Title:



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Part B Violations

1 STATE CRITICAL	Primary: 391.51(b)(2) CFR Equivalent: 391.51(b)(2)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description
Failing to maintain inquiries into driver's driving record in driver's qualification file.

Example
Driver name: Ryan Stedman
Trip date: 5/25/2019
Description of violation: Carrier failed to obtain initial driving abstract

Driver name: Tuan Lam
Trip date: 4/30/2019
Description of violation: Carrier failed to obtain initial driving abstract

2 STATE CRITICAL	Primary: 395.8 (a)(1) CFR Equivalent: 395.8(a)(1)	Discovered 60	Checked 60	Drivers/Vehicles In Violation 2	Checked 2
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Description
Failing to require a driver to prepare a record of duty status using the appropriate method

Example
Driver name: Ryan Stedman
Trip date: 5/25/2019
Description of violation: Carrier failed to require driver to prepare records of duty status/timesheets as appropriate

Driver name: Tuan Lam
Trip date: 4/30/2019
Description of violation: Carrier failed to require driver to prepare records of duty status/timesheets as appropriate


3 STATE	Primary: 391.51(b)(3) CFR Equivalent: 391.51(b)(3)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description
Failing to maintain road test certificate in driver's qualification file, or copy of license or certificate the motor carrier accepted as equivalent.

Example
Driver name: Ryan Stedman
Trip date: 5/25/2019
Description of violation: Carrier failed to maintain copy of road test

Driver name: Tuan Lam
Trip date: 4/30/2019
Description of violation: Carrier failed to maintain copy of road test



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Part B Violations

4 STATE	Primary: 391.51(b)(4) CFR Equivalent: 391.51(b)(4)	Discovered 2	Checked 2	Drivers/Vehicles In Violation	Checked 2
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Description
Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).
Driver name: Ryan Stedman
Trip date: 5/25/2019
Description of violation: Carrier failed to obtain annual driving abstract

Driver name: Tuan Lam
Trip date: 4/30/2019
Description of violation: Carrier failed to obtain annual driving abstract

5 STATE	Primary: 391.51(b)(6) CFR Equivalent: 391.51(b)(6)	Discovered 2	Checked 2	Drivers/Vehicles In Violation	Checked 2
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Description
Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

Example
Driver name: Ryan Stedman
Trip date: 5/25/2019
Description of violation: Carrier failed to obtain annual list of driver violations

Driver name: Tuan Lam
Trip date: 4/30/2019
Description of violation: Carrier failed to obtain annual list of driver violations


6 STATE	Primary: 391.51(b)(9) CFR Equivalent: 391.51(b)(9)	Discovered 2	Checked 2	Drivers/Vehicles In Violation	Checked 2
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Description
Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver qualification file(s).

Example
Driver name: Ryan Stedman
Trip date: 5/25/2019
Description of violation: Carrier failed to verify medical examiner

Driver name: Tuan Lam
Trip date: 4/30/2019
Description of violation: Carrier failed to verify medical examiner



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Part B Violations

7 STATE	Primary: 391.51(d) CFR Equivalent: 391.51(d)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description
Failing to keep required records in driver's qualification file for 3 years after date of execution.
Driver name: Ryan Stedman
Trip date: 5/25/2019
Description of violation: Carrier failed to retain previous medical certificate

Driver name: Tuan Lam
Trip date: 4/30/2019
Description of violation: Carrier failed to retain previous medical certificate

8 STATE	Primary: 396.3(b)(3) CFR Equivalent: 396.3(b)(3)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description
Failing to keep a record of inspection, repairs and maintenance indicating their date and nature.

Example
Driver: Tuan Lam
Trip date: 4/30/2019
Description: Repair of tail light discovered during roadside inspection not present on maintenance record.

Safety Fitness Rating Information:	OOS Vehicle (CR): 0
Total Miles Operated 20,000	Number of Vehicle Inspected (CR): 2
Recordable Accidents 0	OOS Vehicle (MCMIS): 0
Recordable Accidents/Million Miles 0.00	Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is : CONDITIONAL	Rating Factors	Acute	Critical
	Factor 1: S	0	0
	Factor 2: C	0	1
	Factor 3: U	0	2
	Factor 4: S	0	0
	Factor 5: N	0	0
	Factor 6: S	-	-



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1. Within 15 days, send a letter to the UTC describing what actions you have taken in response to this review to ensure that you are complying with the Motor Carrier Safety Regulations.

Identify each violation and why the violations were permitted to occur.

Address the actions taken to correct the deficiency or deficiencies that allowed the violations to occur. Include actual documentation of this corrective action (new policies, procedures, training programs etc.).

Outline actions taken to ensure that similar violations do not reoccur in the future.

Address your response to:
Washington Utilities and Transportation Commission
Attention Francine Gagne
PO Box 47250
Olympia, WA 98504-7250

2. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Training and Communication


DESCRIPTION OF PROCESS BREAKDOWN Owner Tuan Lam failed to properly implement an effective driver hours of service tracking program

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Communication and Training.

- Convey expectations to all applicable staff for adhering to Hours-of-Service (HOS) regulations and company policies and procedures, and for executing responsibilities by providing new-hire and refresher training, and establish communication channels such as newsletters and/or meetings focused on conflicts between scheduling and HOS rules.
- Inform drivers that management will be monitoring and tracking Records of Duty Status (RODS).
- Ensure that managers and dispatchers encourage fatigued drivers to pull over and take a nap.
- Communicate the carrier's HOS Compliance percentile to all staff, and explain to them individually what they can do to help the carrier improve the percentile.
- Ensure that managers and supervisors communicate their ongoing commitment to abiding by Hours-of-Service (HOS) regulations and to not driving when fatigued for any reason, including illness.
- Ensure that all staff (drivers, dispatchers, sales) involved in the Hours-of-Service (HOS) process receives training as required by regulations and/or company policies.
- Train managers, supervisors, and dispatchers on how to track and communicate drivers' Hours of Service (HOS), including checking the prior seven-day duty statement for intermittent drivers.
- Train the safety director and dispatchers on how to schedule routes that can be completed within Hours-of-Service (HOS) regulations.
- Train dispatchers and drivers to understand that drivers cannot be assigned a run if illness impairs their ability and/or alertness.
- Train all staff who are required to monitor and track Hours of Service (HOS) on appropriate company policies, including those related to discipline and incentives.
- Provide training/testing program to current drivers on proper log completion, how to achieve proper rest on trips by instructing them on the difference between on-duty not driving, for example a driver waits while trailer is loaded, and off-duty, and the importance of proper rest between shifts.
- Train drivers on the proper use of sleeper berths, including the correct procedure for entering time spent in a berth as a co-driver on the driver's Record of Duty Status (RODS).
- Ensure that drivers are trained in driver Out-of-Service (OOS) rules, their responsibilities in adhering to those rules, and the carrier's procedures for reporting OOS violations and communicating appropriately with other personnel.
- Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to Hours-of-Service (HOS) regulations and company policies and procedures.
- Reinforce training about Hours-of-Service (HOS) policies, procedures, and responsibilities to drivers, dispatchers,



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and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among them so that they can help each other to improve.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

3. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Qualification and Hiring

DESCRIPTION OF PROCESS BREAKDOWN Owner Tuan lam failed to properly implement an effective driver qualification file creation and updating system resulting in a critical violation.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Qualification and Hiring.

- Ensure that Motor Vehicle Records (MVRs) from States issuing Commercial Driver's Licenses (CDLs) are reviewed for driver-fitness-related violations of all prospective drivers for the last three years.
- Ensure that drivers are qualified by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding driver fitness, such as those pertaining to previous violations, Commercial Driver's License (CDL), medical qualifications, operational qualifications from training, and relevant experience.
- Review and evaluate gaps in employment, frequent job changes, incomplete applications, within-company applications and reassignments, operational limitations such as those pertaining to long-combination vehicles (LCVs) and HAZMAT, physical impairments, and controlled-substance and alcohol involvement.
- Require that drivers fill out the long form for the medical card and be examined by the carrier's preferred doctor to ensure that their medical qualifications are accurate.
- Ensure that the employment application captures all information required by the Federal Motor Carrier Safety Regulations (FMCSRs), such as whether the driver can handle the physical requirements of the job.
- Enhance the recruitment process to identify and attract qualified applicants for the positions of safety director, dispatcher, and driver by using outside resources such as industry affiliations, recruiters, and consultants for employee searches and referrals.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

4. Operators of property-carrying commercial motor vehicles not requiring a commercial driver's license. Except as provided in this paragraph, a driver is exempt from the requirements of §§ 395.3(a)(2), 395.8, and 395.11 and ineligible to use the provisions of § 395.1(e)(1), (g), and (o) if:

(i) The driver operates a property-carrying commercial motor vehicle for which a commercial driver's license is not required under part 383 of this subchapter;

(ii) The driver operates within a 150 air-mile radius of the location where the driver reports to and is released from work, i.e., the normal work reporting location;


(iii) The driver returns to the normal work reporting location at the end of each duty tour;

(iv) The driver does not drive:

(A) After the 14th hour after coming on duty on 5 days of any period of 7 consecutive days; and

(B) After the 16th hour after coming on duty on 2 days of any period of 7 consecutive days;



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(v) The motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records showing:

- (A) The time the driver reports for duty each day;
- (B) The total number of hours the driver is on duty each day;
- (C) The time the driver is released from duty each day;
- (D) The total time for the preceding 7 days in accordance with § 395.8(j)(2) for drivers used for the first time or intermittently.

5. On-duty time means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. On-duty time shall include:

- (1) All time at a plant, terminal, facility, or other property of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;
- (2) All time inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- (3) All driving time as defined in the term driving time;
- (4) All time in or on a commercial motor vehicle, other than:
 - (i) Time spent resting in or on a parked vehicle, except as otherwise provided in §397.5 of this subchapter;
 - (ii) Time spent resting in a sleeper berth; or
 - (iii) Up to 2 hours riding in the passenger seat of a property-carrying vehicle moving on the highway immediately before or after a period of at least 8 consecutive hours in the sleeper berth;
- (5) All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle;
- (7) All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, to comply with the random, reasonable suspicion, post-crash, or follow-up testing required by part 382 of this subchapter when directed by a motor carrier;
- (8) Performing any other work in the capacity, employ, or service of, a motor carrier; and
- (9) Performing any compensated work for a person who is not a motor carrier.

6. Maintain complete driver qualification files on each driver employed. File must contain the drivers employment application, employment history investigation, inquiry into drivers driving record obtained within 30 days of hire date, certificate of annual review of driving record, annual copy of driving record, drivers annual certificate of traffic convictions, certificate of road test or equivalent and current medical certificate.


7. Criminal background checks for prospective employees.

- (1) Each carrier must complete a criminal background check for every person the carrier intends to hire.
- (2) The carrier must keep evidence that it has completed a criminal background check for every person the carrier intends to hire for as long as that person is employed and for three years thereafter.
- (3) No carrier may hire a person who has been convicted of any crime involving theft, burglary, assault, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance within the past five years.

8. Motor carriers, except for a private motor carrier of passengers (nonbusiness), must maintain, or cause to be maintained, records for each motor vehicle they control for 30 consecutive days. These records must include:

- (1) An identification of the vehicle including company number, if so marked, make, serial number, year, and tire size. In addition, if the motor vehicle is not owned by the motor carrier, the record shall identify the name of the person furnishing the vehicle;
- (2) A means to indicate the nature and due date of the various inspection and maintenance operations to be performed;



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(3) A record of inspection, repairs, and maintenance indicating their date and nature

9. Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

- Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

- NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.


- NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

10. "Under the Administrative Procedure Act (RCW) 34.05) (Laws of 2009, Ch. 358), the commission will waive any fines, civil penalties, or administrative sanctions for first-time paperwork violations by a small business, with certain exceptions. One of those exceptions provides that any violation of a substantially similar paperwork requirement (as described in Part B on this form), may result in the imposition of a fine, civil penalty, or other administrative sanction. The company will not be entitled to a second waiver of penalties for "first-time" paperwork violations."



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Reason for Review: Compliance Review
Planned Action: Compliance Monitoring

Parts Reviewed Certification:

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
			ü	ü	ü	ü	ü	ü	ü									

Prior Reviews Prior Prosecutions

Unsat/Unfit Information

Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule: Not Applicable

Corporate Contact: Tuan Lam
Corporate Contact Title: Owner

Special Study Information:

Remarks:

Name: Mr. Tuan Lam
Title: Owner
Carrier/Shipper Name: Affordable Movers LLC
Date: July 30, 2019

REASON FOR THE INVESTIGATION:

As part of the 2019 Motor Carrier Safety work plan, this investigation was assigned to Special Investigator Francine Gagne.

SCOPE OF THE INVESTIGATION:

This investigation is a comprehensive intrastate investigation and was assigned to Special Investigator Francine Gagne on June 18, 2019. The carrier was contacted on June 18, 2019 and a full investigation was set for June 26, 2019, with Mr. Tuan Lam, at 3218 Kromer Ave. Everett, WA 98201. This is the location where the vehicles are parked and the carrier's principal place of business. The mailing address of 317 84th Ave SE, Lake Stevens, WA 98258 is Mr. Lam's home address. Present at the start of the review was Special Investigator Francine Gagne along with Mr. Lam.

SMS was checked on June 24, 2019 and it was noted that no BASICS were in alert status.


CARRIER OPERATION DESCRIPTION:

Affordable Movers LLC is a household goods carrier operating in the state of Washington and headquartered in Everett, Washington. The carrier began operations in the area in August 2017. The carrier is currently operating under a temporary household goods permit. The carrier owned two straight trucks in the previous 365 days and currently owns two straight trucks. The carrier has employed two drivers that have operated within the state of Washington over the past 365 days and currently employs two drivers. Owner Tuan Lam attended HHG training on February 15, 2018. Affordable Mover's total gross revenue as recorded by Mr. Lam for calendar year ending December 31, 2018 is estimated to be \$182,851. The carrier is not and has not been involved in any emergency relief efforts in the last 365 days. The carrier has updated the Vehicle Miles Traveled (VMT) for 2018.

PRE-INVESTIGATION:

On June 18, 2019, a carrier information packet was emailed to the carrier requesting investigation information, the records that would need to be reviewed and the information the carrier would need to make available. The carrier was requested to fill-out and return the carrier information packet with a list of all commercial motor vehicle drivers utilized in the past 12 months and a list of all commercial motor vehicles utilized in the last 12 months prior to the start of this investigation. The



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carrier packet was returned on June 20, 2019 prior to the opening interview. On Thursday, June 27, 2019, the applicable documents requested were made available to the investigator for review included a list of all accidents for the past 365-days from the date of review, driver qualification files for all drivers used within the past 12 months, insurance documentation, alcohol and controlled substance testing information, all records of duty status (log books/time cards) for the previous six months, all maintenance files and records for each unit, including leased units, and copies of driver vehicle inspection reports (DVIRs) for the last three months. A copy of the carrier's profile was obtained through MCMIS on June 24, 2019 along with a copy of their MCS-150.

CDLIS (DRIVER LICENSE) CHECK:

The carrier does not operate vehicles that require CDLs. Driver licenses were checked through CDLIS and Washington Department of Licensing (DOL). See Part 383 for details.

AUTHORITY:

Affordable Movers LLC is an authorized for-hire carrier of household goods in intrastate commerce. The carrier operates under the USDOT Number 3039946. Achilles Pro Movers Inc. has temporary intrastate authority through the commission under permit number THG067953.

INSURANCE:

Affordable Movers LLC is required to maintain a minimum level of public liability of \$750,000. A check with the carrier's insurance shows a \$750,000 Auto Liability Policy effective April 26, 2019 with Continental Divide Insurance Company. See Part 387 below for details.

RED FLAG DRIVERS:

A&I (SMS) was checked through Portal on June 20, 2019 and the carrier has no drivers with red flag violations in the last 365 days.

DRUG AND ALCOHOL SUPPLEMENTAL REVIEW:

This is a full comprehensive investigation therefore a Drug and Alcohol Supplemental Review was not required.

HAZARDOUS MATERIALS SUPPLEMENTAL REVIEW:

Affordable Movers LLC does not transport any hazardous materials. A Hazardous Materials Supplemental Review was not required.

INVESTIGATION:

The following investigation is a comprehensive investigation that checked Parts 376, 380, 382, 383, 387, 390, 391, 392, 393, 395 and 396.

Part 376 Lease and Interchange of Vehicles:

Affordable Movers LLC currently does not lease any vehicles.

Part 380 Special Training:

Affordable Movers LLC does not operate long combination vehicles (LCVs). The carrier has not employed drivers that meet the definition of entry level driver.

Part 382 Controlled Substance and Alcohol Testing:

Affordable Movers LLC does not employ CDL drivers that operate vehicles that require a drug and alcohol testing program.


Part 383 Commercial Driver's License:

The carrier employed two drivers that have operated in the state of Washington over the past 365 days. Per eFOTM guidelines, a sample size of two drivers were required to be checked. Both CDLIS and Washington State Department of Licensing (DOL) website was checked to determine the status of each license. The following drivers were checked: Tuan Lam and Ryan Stedman. All drivers are currently licensed.

Part 387 Financial Responsibility:

The carrier's vehicles are insured with Continental Divide Insurance Company, policy number 05TRM028290-02. The insurance agent is Jenta Agnew with a contact telephone number of (425) 563-3997. Investigator Gagne contacted the carrier's insurance agent and verified the carrier maintains \$750,000 in Auto Liability coverage without lapse. The Form E on file with the commission dated April 26, 2019 is current. Ms. Agnew also confirmed the carrier maintains \$50,000 in cargo insurance.



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Part 390 General FMSCR:

The carrier has not been involved in any DOT recordable accidents within the last 365 days.

MCS-150 form (updated on March 27, 2019) shows 30,000 VMT as of calendar year 2018.

Part 391 Qualification of Drivers:

The carrier employed a total of two drivers that operated in the state of Washington during the last 365 days and currently employs two drivers. Driver/owner Tuan Lam has not operated in the previous six months and no evidence of driving during that time period was discovered. Per eFOTM guidelines, a sample size of two Driver's Qualification Files were inspected. Driver files reviewed were for Tuan Lam and Ryan Stedman.

Two violations of 391.51(b)(2) occurred when the carrier failed to obtain initial motor vehicle records (MVR) from the Washington Department of Licensing (DOL).

Two violations of 391.51(b)(3) occurred when the carrier failed to maintain copies of road tests administered to a non CDL drivers.

Two violations of 391.51(b)(4) occurred when the carrier failed to obtain annual motor vehicle records (MVR) from the Washington Department of Licensing (DOL).

Two violations of 391.51(b)(6) occurred when the carrier failed to obtain from drivers annual listings of violations of motor vehicle traffic laws and ordinances. .

Two violations of 391.51(b)(9) occurred when the carrier failed to verify if the listed medical examiners were on the National Registry.

Two violations of 391.51(d) occurred when the carrier failed to maintain previous medical certificates.

In accordance with FMCSA Memorandum MC-ECS-2012-004 medical certificates for 25 percent of the driver qualification file sample size (two) were selected for verification.

Driver Name: Ryan Stedman
Date of Birth: 02/18/1980
Driver License Number: WDL4S79C013B
ME's License/Certificate Number: AP60903439
Date of Issuance of the MEC: 6/20/2019
Phone Number: 425-640-5115
Date and Time Contacted: 7/9/19 @ 4:00 pm
Person Contacted: Bory
Results: MEC Check Confirmed

Part 392 - Driving of Commercial Motor Vehicles:

Achilles Pro Movers is operating in intrastate commerce at the time of this investigation and the carrier is current on annual regulatory fees.

All criminal background checks have taken place.

Part 395 - Hours of Service:


The carrier currently employs two drivers. A sample size of two Records of Duty Status (RODS) based on the number of current drivers is required to be checked for a 30 day period. The carrier conducted the majority of its service under the short-haul exemption of Part 395.1(e) within the last 365 days.

For this investigation a 30 day period was chosen from May 1 - 30, 2019. This required that 60 RODS be checked.

Drivers checked were: Ryan Stedman and Tuan Lam.

An electronic logging device is not necessary for this operator to be in compliance with hours of service based on the number of times they exceed the short-haul exemption.



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RODs are monitored, checked, and certified by Tuan Lam. Mr. Lam is of the understanding that he may track on duty time via Bill of Ladings (BOLs) as long as they include travel time as the start and end times. After consulting with Brian Braun, Consumer Protection commission staff, it was discovered that travel time may be included on a BOL, but only in instance where an estimate was accomplished prior to the move. Mr. Lam had no recordkeeping process in place for when estimates were completed, nor do BOLs that track travel time include pre trip, post trip or other duties associated with driving or other on duty time.

This resulted in 60 critical violations of 395.8(a)(1).

Part 393 & 396 - Maintenance and Inspection:

The carrier owns and operates two vehicles that are classified as commercial motor vehicles operated in intrastate commerce during the last 365 days. The carrier stated that vehicle maintenance is performed by third party vendors. Minor interior maintenance is conducted by the carrier.

Vehicle Maintenance Records:

In accordance with eFOTM, a sample size of two vehicle maintenance files were reviewed.

Annual inspections are current.

Driver Vehicle Inspection Reports (DVIRs):

The carrier has not retained any DVIRs over the course of the last 90 days.

One DVIR was required to be maintained over the course of the last 90 days from a roadside inspection on April 30, 2019, which indicated an inoperative tail light. Repair was made prior to the end of the day but repair was not listed in maintenance records. This is a violation of 396.3(b)(3).

Vehicle Inspections:

In accordance with eFOTM, a sample size of two vehicles were inspected. The vehicles were inspected at the carrier's facility in Everett. ASPEN reports are attached. The vehicle inspections were conducted on July 15, 2019.

CLOSING INTERVIEW:

The closing interview was conducted on August 13, 2019 via telephone. Present at the closing interview was Investigator Gagne, along with company owner Tuan Lam. Mr. Lam was cooperative throughout the entire scope of this investigation and did express a desire to come into compliance with the Federal Motor Carrier Safety Regulations. Technical assistance was also provided to the carrier during the process of this review.

DOCUMENTS PROVIDED TO THE CARRIER:

The carrier was provided with a hard and an electronic copy of "Your Guide to Achieving a Satisfactory Safety Record, Revised April 2015" and "Fitness Rating Explanation" along with Parts A, B and Recommendations sections of the Capri report.

FOLLOW-ON ACTION:

Recommend issuing permanent permit after receiving an acceptable safety management plan, and continued compliance monitoring.

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