

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT TH-200868

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 \$3,000 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):

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.

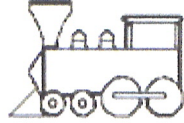
I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: 11-13-2020 [month/day/year], at Ferndale WA [city, state]

QM Transport (USA) inc
Name of Respondent (company) – please print

[Signature]
Signature of Applicant

QMT TRANSPORT



Nov 13, 2020

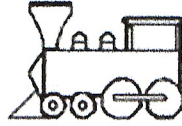
We have received the Notice of Penalties today via e-mail. We did not receive it via USPS when it was set to us on Oct 28th, 2020. We will attach the DOT physicals for both Bob Walton and Bob Cullen. We are including a list of our corrections and the plan to ensure we do not end up in violation again. I am requesting a mitigation of the fines. The reason for this is because our income has been drastically reduced while many of our expenses have not. We currently have only 4 units in Washington State and our monthly insurance payments are 5561.00. This is for the 5-million-dollar requirement for any provider who transports rail crews in Washington State now. We are required to maintain 24/7 dispatch to meet the requirements for BNSF contract. I am willing to pay for our violations, but I think that 3000.00 would create too much of a hardship on a company of our size. I appreciate your willingness to work with us.

Sincerely,

A handwritten signature in cursive script that reads "Cynda Q. Bennett". The signature is written in black ink and is positioned above the printed name.

Cynda Quinn Bennett

QMT TRANSPORT



UTC Violation Corrections

1 Using a driver not medically examined and certified.

--Drivers now have a current DOT physical, a spreadsheet has been made listing the expiration dates, and a reminder has been added to the company calendar set for 30 days prior to expiration dates.

2 Reasonable Suspicion training for supervisor Ethan Futrelle.

--Training has been completed through 360 Training on 10/7/20.

3 Using a driver who has not completed and furnished an employment application.

--All drivers have or are in the process of filling out a new application that meets UTC requirements, which will be attached to the original application that was on file.

4 Failing to maintain a note to the annual review of the driver's driving record.

--All current driving records have been reviewed and signed.

5 Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances.

--All drivers have or are in the process of filling out an Annual Driver's Certification of Violations to be placed in driver files.

6 Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners in driver files.

--All medical examiners have been verified and a Medical Examiner's National Registry Verification note has been completed and filed in the driver files.

7 Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.

--Maintenance spreadsheet has been updated to include due dates/mileage for future service and what maintenance needs to be performed. Scheduled maintenance is also being tracked in our new vehicle tracking system which has a mileage/date countdown with alerts set for when a service is coming due.

8 Failing to certify that repairs were made or were not necessary.

--Double checking all DVIR's when they are received and also before filing to make sure paperwork is filled out correctly with signature and date from supervisor who has deemed that either repairs have been completed or were not necessary for safe operation of the vehicle.

9 Failing to maintain evidence of inspector's qualifications.

--Paperwork has been filled out and filed for qualifications of Ethan Futrelle and Ryan Salas.