



STATE OF WASHINGTON
 UTILITIES AND TRANSPORTATION COMMISSION

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May 5, 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. Queen City Business Movers, LLC, d/b/a Queen City Movers*
 Commission Staff's Response to Application for Mitigation of Penalties
 Docket TV-220241

Dear Ms. Maxwell:

On April 26, 2022, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Queen City Business Movers, LLC, d/b/a Queen City Movers (Queen City or Company) in the amount of \$5,700 for violations of Washington Administrative Code (WAC) 480-15-570, Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 391 – Qualification of Drivers, as follows:

- **Fifty-seven violations of 49 C.F.R. § 391.45(a) – Using a driver not medically examined and certified.** The Company allowed driver Andrew Averbek to operate a commercial motor vehicle (CMV) without a valid medical certificate on 57 occasions between September 1 and November 19, 2021.

On April 28, 2022, Queen City filed with the Commission its application for mitigation of penalties. In the request for mitigation, Johnathan Jorde, owner of Queen City, admits the violations, states the Company thought Averbek had valid medical certification through a previous employer, and asks that the penalties be reduced.

Previously, on November 24, 2020, Queen City submitted to Commission staff (Staff) a safety management plan (SMP) as part of the Company's safety rating upgrade request in consolidated Dockets TV-200870 and TV-200869. Included in the Company's SMP were details of how Queen City implemented a system to prevent future violations of 49 C.F.R. § 391.45(a). The preventative measures included:

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1. Receiving driver's Department of Transportation (DOT) medical certification upon hiring;
2. Putting reminders in the Company's Google Calendar with the next DOT medical certification due date;
3. Creating and maintaining copies of DOT medical certificates in each CMV, employee folder, and online system; and
4. Instructions to verify the medical examiners.

Queen City sent Averbeck to get his medical certification on February 7, 2022, after Staff contacted the Company on February 2, 2022, to set up the safety investigation.

In response to the Company's application for mitigation of penalties, Queen City corrected the violations, provided Staff with a copy of Averbeck's valid medical certificate, and again, stated it would implement safety management controls to prevent recurrence. However, had the Company followed its acting SMP, these violations should not have occurred. As a result, Staff recommends no mitigation of the \$5,700 penalty.

If you have any questions, please contact Jason Hoxit, Compliance Investigator, Transportation Safety, at (360) 867-8305, or by email at Jason.Hoxit@utc.wa.gov.

Sincerely,

 Digitally signed by
Sharp, Jason (UTC)
Date: 2022.05.05
07:43:05 -07'00'

Jason Sharp
Motor Carrier Safety Supervisor, Transportation Safety