

Sound Moving NW  
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This letter is an additional statement regarding the penalties received on January 4th 2023.

I would like to apply for mitigation and have asked for a commission decision.

**Fifteen violations of WAC 480-15-555 – Failure to complete a criminal background check for every person the carrier intends to hire.**

Sound Moving NW failed to conduct a criminal background check prior to hiring employees Austin Cundy, Chase Bigger, Patrick Dalton, Nigel Easton, Sean Forrest, David Frisbie, Benjamin Jablonsky, Dawn James, Korey Kemper, Brandon Lamphier, Derrick Lockhart, Andrew Morgan, John Myrick, Noah Ribar, and John Spencer.

We should have gotten all of these back in March after the training, but failed to get them in a timely manner. We did get them, just they were late. That is on me personally. I also own a catering company for the past 26 years and some of the employees listed also worked for me, so the need to retrieve them right away was not prioritized as it should have been.

Dawn James is not only the sister of Dan James the owner, she is my live in girlfriend for 21 years and mother of our daughter. John Myrick has been a friend of the family and an employee of my catering company for 16 years. Austin Cundy, Derrick Lockhart and Jonathon Frisbie have also been employees of my catering company for 3 years or so each. Ultimately, all of them are my fault, and we have now set up a protocol that a complete list of items need to be in hand, before any new employees first day on the job.- not 50%- not 75% but 100% of the items need to be in place prior to climbing into the truck!

**• One hundred thirty-eight violations of 49 C.F.R. § 391.45(a) – Using a driver not medically examined and certified. The Company allowed drivers Austin Cundy, Dawn James, Noah Ribar, and Jonathan Frisbie to operate a commercial motor vehicle (CMV) without a valid medical certificate on 138 occasions between June 2 and November 30,**

These violations are on me as well. We tried to get our crew to do these, after we realized we needed them, but just did not put our foot down. Now that we have folks caught up with these as well as an on-line calendar with 45- 30 & 15 day reminders upon renewal, we feel it will be super easy to make sure anyone new coming on, will have to have this before joining, without causing any type of work issue without having enough drivers and making sure no one exceeds hour limits set up by the UTC.

**Whether the Company promptly corrected the violations and remedied the impacts. Sound Moving NW has not provided Staff with evidence that it corrected the violations**

I believe we have corrected EVERY SINGLE issue listed by our inspector and have already sent in my response as to how we corrected these.

Our goal is to be compliant- not because of fear of being fined, but to be safe. We understand the impact of what we do and our responsibility on the roadways shared by the public.

I also want to mention, that on at least 6 separate occasions, via email and voicemail, I have tried to reach the UTC with questions I had about items needed and paperwork. This has spanned back since April of 2022. Most of the time, someone tells me they do not have the answers to my questions, but will forward it onto someone who will get back to me. To date I have heard nothing- I know you are having staffing issues but I want it known and on the record, I have made attempts to be the best resource and manager for this company and advocate to explain things to our customers in a kind, respectful and accurate manner.

This has been super disappointing on my end. The 2 calls I have received back, the UTC rep, could not answer.

The class we took was long- the paperwork is confusing and I have customers who are doctors, lawyers and professionals who ask us questions because they do not understand all the " fine print" or even things such as valuation. The fact that the class does not cover everything and the amount of RCW's to read through is super lengthy, we would greatly appreciate a break on this fine, which feels very punitive.

Nothing happened during the violations and everyone listed would have passed prior, if I would have been on time with these.

We do a good job for our customers. We have great reviews and a seriously low damage rate compared to any national averages. We own a handyman service as well, which is one of the cool things that sets us apart to be able to fix that ding in a wall for example.

We are a small, local company, trying to do the right thing- we only own 2 trucks and are doing our best. The amount imposed is just too much for us to absorb, considering this is the first time going through this, we are asking for a break. Please!

Dan James & Ben Jablonsky