



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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May 7, 2024

Jeff Killip, Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

RE: *Washington Utilities and Transportation Commission v. Thirlwall NW Holdings LLC*
Commission Staff's Response to Application for Mitigation of Penalties
Docket TV-240204

Dear Mr. Killip:

On April 18, 2024, the Washington Utilities and Transportation Commission (Commission) issued a penalty assessment against Thirlwall NW Holdings LLC, d/b/a College Hunks Moving; College Hunks Hauling Junk (Thirlwall NW Holdings or Company) in the amount of \$6,650 for violations of Washington Administrative Code (WAC) 480-15-530, Public Liability and Property Damage Insurance; 480-15-555, Criminal Background Checks for Prospective Employees, and WAC 480-15-560, Vehicle and Driver Safety Requirements, which adopts Title 49 Code of Federal Regulations (49 C.F.R.) Part 391 – Qualification of Drivers, as follows:

- **Sixty-one violations of WAC 480-15-530(1) – Failing to maintain the required public liability and property damage insurance prior to operating a commercial motor vehicle (CMV).** Thirlwall NW Holdings operated a leased CMV on 61 occasions without the required public liability and property damage insurance between August 22, 2023, and February 22, 2024.
- **Two violations of WAC 480-15-555(1) – Failure to complete a criminal background check for every person the carrier intends to hire.** The Company failed to acquire a criminal background check prior to rehiring drivers Connor McGarey and Spencer Woods.
- **Seventy violations of 49 C.F.R. § 391.15(a) – Operating a commercial motor vehicle while disqualified.** The Company allowed driver Joseph Delamare to operate a CMV with an invalid driver's license on seventy occasions between August 22, 2023, and February 22, 2024.

On May 1, 2024, Thirlwall NW Holdings filed with the Commission its application for mitigation of penalties. In the request for mitigation, Jeff Thirlwall, owner of Thirlwall NW Holdings, admits the violations, states the violations were caused inadvertently, and that the Company has corrected the violations.

In response to the Company's application for mitigation of penalties, Staff addresses the penalties, as follows:

- The Commission assessed a penalty of \$3,050 for 61 violations of WAC 480-15-530(1). The Company took corrective action by adding rented vehicles to its own insurance policy, exceeding the minimum combined single limit coverage. Staff recommends the penalty be reduced to \$1,525.
- The Commission assessed a penalty of \$50 for each occurrence (two) of WAC 480-15-555(1), for a total of \$100. The Company states that upon rehiring employees, it will complete new background checks as required. Because the Commission issued the Company a penalty of \$50 for each occurrence, instead of the maximum \$100, Staff recommends no further mitigation of this penalty.
- The Commission assessed a penalty of \$3,500 for 70 violations of 49 C.F.R. § 391.15(a). The Company claims that it was unaware that one driver had a driver license suspended for a non-safety related reason. To prevent future occurrences, the Company has received technical assistance with running annual motor vehicle reports on drivers. Staff recommends the penalty be reduced to \$1,250.

Staff recommends the assessed penalty of \$6,650 be reduced to \$2,875. Staff further recommends that \$1,400 of the reduced penalty be suspended for a period of two years, and then waived, subject to the following conditions:

1. Staff conducts a follow-up investigation two years from the date of an order or as soon thereafter as practicable;
2. Thirlwall NW Holdings must not incur any repeat acute or critical violations; and
3. The Company pays the \$1,475 non-suspended portion of the reduced penalty within 10 days of an order or enter into a mutually agreeable payment arrangement with Staff.

If you have any questions, please contact Jason Sharp, Motor Carrier Safety Supervisor, Transportation Safety, at (360) 701-1603, or by email at jason.sharp@utc.wa.gov.

Sincerely,

Jason Sharp
Motor Carrier Safety Supervisor, Transportation Safety