Docket Nos. TV-170038 and TV-170039 (Consolidated) - Vol. III

In the Matter of the Investigation of MVP Moving and Storage, LLC

May 16, 2019

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Page 59

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
_____

In the Matter of the   ) DOCKETS TV-170038 and
Investigation of,   ) TV-170039 (Consolidated)
)
)
MVP MOVING AND STORAGE LLC)
)
For Compliance with   )
WAC 480-15-560 and   )
WAC 480-15-570   )
)
_____

CANCELLATION OF PERMIT HEARING, VOLUME III
Pages 59-99
ADMINISTRATIVE LAW JUDGE RAYNE PEARSON
_____

May 16, 2019
10:00 a.m.

Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive Southwest
Olympia, Washington 98504

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

Buell Realtime Reporting, LLC
1325 Fourth Avenue, Suite 1840
Seattle, Washington 98101
(206) 287-9066 | Seattle
(360) 534-9066 | Olympia
(800) 846-6989 | National
www.buellrealtime.com

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 1   A P P E A R A N C E S
 2
     ADMINISTRATIVE LAW JUDGE:
 3
         RAYNE PEARSON
 4   Utilities and Transportation
          Commission
 5   1300 South Evergreen Park Drive SW
          Olympia, Washington 98504
 6   (360) 664-1160
          rayne.pearson@utc.wa.gov
 7
 8
     FOR COMMISSION STAFF:
 9
          JEFF ROBERSON
10   Assistant Attorney General
          PO Box 40128
11   Olympia, Washington 98504
          (360) 664-1188
12   jroberso@utc.wa.gov
13
14   FOR MVP MOVING:
15   JASON GARCIA
16
     ALSO PRESENT:
17
          JASON SHARP
18
19   * * * * *
20
21
22
23
24
25

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 1   OLYMPIA, WASHINGTON; MAY 16, 2019
 2   10:00 A.M.
 3   --o0o--
 4   P R O C E E D I N G S
 5
 6   JUDGE PEARSON: So let's be on the record.
 7 Good morning. We are convened here today for a hearing
 8 on Staff's renewed motion to cancel MVP Moving and
 9 Storage LLC's household goods permit for failure to
10 comply with the terms of Order 04 in consolidated
11 Dockets TV-170038 and TV-170039.
12   My name is Rayne Pearson. I am the
13 administrative jaw judge presiding over the hearing this
14 morning. Today is Thursday, May 16th, 2019, at
15 approximately 10:00 a.m.
16   So we are here today because we had a
17 hearing originally last June, June 5th, 2018, when Staff
18 filed a motion, its original motion, to cancel the
19 company's permit. The Commission entered Order 04,
20 which denied Staff's motion subject to a number of
21 conditions. And then on May 9th, 2019, Staff renewed
22 its motion to cancel the company's provisional household
23 goods carrier permit alleging, among other things, that
24 the company violated Order 04 by committing repeat
25 violations of critical safety regulations, failing to

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1   submit an acceptable safety management plan, and failing
2   to attend Commission-sponsored household goods training
3   in the manner prescribed.
4   So today, MVP Moving will have an
5   opportunity to respond to Staff's motion. So let's
6   begin by taking appearances starting with Commission
7   Staff.
8   MR. ROBERSON: Good morning. My name is
9   Jeff Roberson, R-o-b-e-r-s-o-n. I'm an assistant
10   attorney general representing Staff. My contact
11   information is on file in this docket, and with me at
12   counsel table is Jason Sharp.
13   JUDGE PEARSON: Okay. Thank you.
14   Mr. Garcia?
15   MR. GARCIA: My name is Jason Garcia. Owner
16   of MVP Moving and Storage LLC.
17   JUDGE PEARSON: Okay. And can you give me
18   your address, phone number, and email?
19   MR. GARCIA: It's 19219 - 68th Avenue South,
20   Unit M-111, Kent, Washington 98032. Email address is
21   Jason@mvpmoves.com, contact number 206-660-4291.
22   JUDGE PEARSON: Okay. Thank you. So when I
23   call on each party to testify, I will swear you in with
24   the oath of witness so anything that you tell me today
25   will be under oath and can be considered sworn

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1   testimony. And for the court reporter's benefit, please
2   speak slowly and clearly and please be sure to use the
3   microphone on the table in front of you. I did hear
4   there were people who called in on the bridge line, so
5   we'll need to use the microphones so that they can hear
6   us.
7   So once you're sworn in, you can present
8   your testimony. Do you have any questions before we get
9   started?
10   MR. GARCIA: No questions.
11   JUDGE PEARSON: Okay. So, Mr. Garcia, if
12   you can stand and raise your right hand, I will swear
13   you in.
14   MR. ROBERSON: Actually, before we do
15   that --
16   JUDGE PEARSON: Oh, sorry.
17   MR. ROBERSON: -- I have one -- Mr. Hoxit is
18   here to answer questions from the bench or for
19   Mr. Garcia, but if he's not needed, we would ask that he
20   be excused.
21   JUDGE PEARSON: Okay. Do you -- do you know
22   if you'll have any questions for Mr. Hoxit? Have you
23   reviewed all of the declarations that were filed in
24   connection with Staff's motion?
25   MR. GARCIA: I reviewed, yeah.

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1   JUDGE PEARSON: Okay. Do you have any
2   questions for Mr. Hoxit specifically?
3   MR. GARCIA: Not at the moment. I mean,
4   I -- no.
5   JUDGE PEARSON: Okay.
6   MR. ROBERSON: May Mr. Hoxit be excused?
7   JUDGE PEARSON: He may. Is he going to be
8   in the building?
9   MR. ROBERSON: He will be.
10   JUDGE PEARSON: Okay. So if we need him, we
11   can summon him back?
12   MR. ROBERSON: Absolutely.
13   JUDGE PEARSON: Okay. That works.
14   (Jason Garcia sworn.)
15   JUDGE PEARSON: Okay. Go ahead and be
16   seated. Okay. So I didn't receive any exhibits from
17   you in advance of the hearing, so we can just proceed
18   with your testimony responding to Staff's motion
19   whenever you're ready.
20   MR. GARCIA: Okay. I -- I have some things
21   I can provide.
22   JUDGE PEARSON: Okay.
23   MR. GARCIA: But all just to break down
24   currently where I'm at and kind of what I said in my
25   rebuttal to -- to Sandra on the review.

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1   JUDGE PEARSON: Okay. Can you pull the
2   microphone closer to you and speak directly into it?
3   MR. GARCIA: Yep. Yep.
4   JUDGE PEARSON: Okay. I -- I don't think
5   I've seen the rebuttal that you provided to Ms. Yeomans,
6   so if you could summarize it for me, that would be
7   helpful.
8   MR. GARCIA: Basically, I went over every
9   single line item that I was violating and I just
10   answered each one and I presented my case like I was
11   going to provide all the information today.
12   JUDGE PEARSON: Okay. So do you have
13   information that you want to provide today?
14   MR. GARCIA: Yeah, definitely. This is just
15   my current status right now, just things that I'm doing.
16   JUDGE PEARSON: Okay. So this looks like --
17   MR. GARCIA: So this is -- this is 2019 --
18   JUDGE PEARSON: Okay.
19   MR. GARCIA: -- but this is just kind of
20   what I'm implementing and I'm moving forward on. I'm
21   just calculating every single day, every single month of
22   each item that I have to do as far as my annual review.
23   This might not correlate to the exact violations I'm
24   doing, but this is just changes and implementations that
25   I'm -- I'm doing so I'm not going to have any

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1   violations.
2   JUDGE PEARSON: Okay. So this is tracking
3   your --
4   MR. GARCIA: This is just tracking.
5   JUDGE PEARSON: -- moves and everything?
6   MR. GARCIA: Everything, mm-hmm.
7   JUDGE PEARSON: Okay. Okay. Does Staff
8   have any objection to --
9   MR. GARCIA: I mean, I know it's just -- I
10   just wanted to provide and just share you some
11   information, that was it. That's not -- you know,
12   that's not my rebuttal or anything. In that -- in my
13   review I said that I'm going to be 100 percent prepared,
14   and I'm going to show you today. So that's -- that's
15   what I said.
16   JUDGE PEARSON: Okay.
17   MR. ROBERSON: Staff has no objection to
18   this document.
19   JUDGE PEARSON: Okay. So I will admit it
20   and mark it as Exhibit JG-1.
21   (Exhibit JG-1 admitted.)
22   JUDGE PEARSON: Okay. So you can go ahead
23   with your -- your presentation, your description of --
24   your defense to Staff's motion.
25   MR. GARCIA: Okay. Well, as far as moving

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1   forward with this company, I'm going to have zero repeat
2   violations, and I have everything to prove it right here
3   in this book and right here in this book. And that's
4   where I can't just provide that to you.
5   JUDGE PEARSON: So what are those things?
6   MR. GARCIA: Well, the reason I -- I don't
7   understand why I -- I failed the -- the classes that I
8   went to. I -- I had no employees at that time. I only
9   brought one, that was Carlos Molina. And so at that --
10   at that point, that's when I literally let go of every
11   single one of my employees and started over.
12   And so that's why I could not bring the --
13   the six to eight employees I previously had because they
14   weren't compliant with me, and I -- I just put my foot
15   down and let everybody go. And what I've done moving
16   forward is it's either Carlos, myself on the job or it's
17   Carlos, myself, and my current employees that are on the
18   jobs.
19   JUDGE PEARSON: Okay. So let's just walk
20   through the allegations in Staff's motion. I think that
21   would be the most organized way to approach this.
22   MR. GARCIA: That's fine.
23   JUDGE PEARSON: So you're talking about the
24   requirement in Order 04 that you attend both the August
25   and November 2018 Commission-sponsored household goods

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1   training, and Staff alleges that at the August training,
2   you came alone. And you're saying that that was because
3   you didn't have any employees in August, you had
4   terminated everyone at that point?
5   MR. GARCIA: Correct. I mean, even if I
6   stopped -- I didn't have any jobs that day, I had them
7   all come to the meeting and at the -- at my office, no
8   one showed up. I came alone.
9   JUDGE PEARSON: So there were people who
10   were supposed to show up but didn't?
11   MR. GARCIA: Mm-hmm, mm-hmm.
12   JUDGE PEARSON: Oh, okay.
13   MR. GARCIA: My employees. It was -- it was
14   in the -- it was -- it was handed out. Everybody knew
15   about what was going on.
16   JUDGE PEARSON: And so then did you
17   terminate them after that?
18   MR. GARCIA: I terminated them after that,
19   yeah. Not that day, but I -- I had a second hearing
20   because they said that I could have two hearings to
21   bring my employees.
22   JUDGE PEARSON: You mean trainings.
23   MR. GARCIA: Trainings, yeah.
24   JUDGE PEARSON: Okay. So then in November,
25   you had registered six employees originally and then

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1   what happened?
2   MR. GARCIA: I was the only one that showed
3   up.
4   JUDGE PEARSON: So it was the same
5   situation?
6   MR. GARCIA: Mm-hmm, that was with Carlos.
7   JUDGE PEARSON: Was it the same employees
8   who failed to show up in August or a new set of
9   employees at that point?
10   MR. GARCIA: At that point, there was a new
11   set, but I didn't have -- you know, the six to eight
12   employees I had, I was really just using two employees
13   at that time. I was. I was really slowing down.
14   JUDGE PEARSON: Okay. So when you
15   registered the six employees, did you use their names or
16   did you just say I'm bringing six people with me or did
17   you give six names?
18   MR. GARCIA: I gave six names, I believe, to
19   Jason.
20   JUDGE PEARSON: Okay.
21   MR. GARCIA: I gave -- I gave them my
22   current list of employees.
23   JUDGE PEARSON: And they're people that you
24   hired when?
25   MR. GARCIA: They were -- they were current

3 (Pages 67 to 70)

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1 employees, they were -- I don't know the -- the exact
2 hire date, but they were -- they were individuals I was
3 using.
4   JUDGE PEARSON: Okay. And are those
5 individuals still employed with you?
6   MR. GARCIA: No.
7   JUDGE PEARSON: Okay. Only Carlos is --
8   MR. GARCIA: Only Carlos.
9   JUDGE PEARSON: -- still employed with you?
10 And what's his last name?
11   MR. GARCIA: Molina.
12   JUDGE PEARSON: Spell that.
13   MR. GARCIA: M-o-l-i-n-a.
14   JUDGE PEARSON: But what you're saying is
15 that the November batch of employees who failed to show
16 up was different than the August batch who didn't show
17 up?
18   MR. GARCIA: I -- I -- I probably let go two
19 or three.
20   JUDGE PEARSON: Okay.
21   MR. GARCIA: And then the second I was -- I
22 felt like I was going to have a grasp on these guys, and
23 everybody knew about the training, everyone knew about
24 everything. You know, and I'm an hour away from here,
25 so I think it was like an 8 o'clock start, so I was like

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1 let's be here at 6:30, 6:45. And I think I was even
2 late because of that because I just kept waiting.
3   JUDGE PEARSON: So several of them were
4 given a second chance is what you're saying?
5   MR. GARCIA: You know, I felt like they
6 were -- since I had two opportunities, I was going to
7 make the one because I had to go to both. I was going
8 to try to give them another opportunity, didn't work
9 out.
10   JUDGE PEARSON: Okay.
11   MR. GARCIA: So on my drive home, literally
12 we just changed everything.
13   JUDGE PEARSON: Okay.
14   MR. GARCIA: And I -- I know Sandra did a
15 review and -- or what she did and she found some
16 violations. But at the end of the day, I literally --
17 the day she left was that day where only Carlos was
18 available. Only Carlos was the only person I wanted to
19 employ.
20   JUDGE PEARSON: Okay. So let's turn to the
21 next allegation in the motion, which relates to the
22 March 2019 safety investigation, which I believe is what
23 you're referring to. The -- where there were repeat
24 critical violations related to the motor vehicle not
25 being periodically inspected, not performing background

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1 checks on seven employees, and a fraudulent or
2 intentionally false entry on a record in a driver
3 qualification file, which was not a repeat violation,
4 but it is an acute violation, which is considered more
5 serious than a critical violation. So do you want to
6 speak to those?
7   MR. GARCIA: Yeah, so on the background
8 checks, I was able to find five of those employees'
9 background in their file, and I have them right here if
10 you'd like. And I -- I'm still really confused on the
11 fraudulent charge, because I -- I'm looking at -- I have
12 Mike's file right here. He was individual that we
13 signed off on his background or -- or his driving record
14 and -- and it says that there's dates that we -- we
15 wrote down. But I'm looking at -- I'm looking at
16 everything, and we -- we checked this in August. I
17 don't see how it was February or March. And so I have
18 that right here, and then as far as those seven
19 employees, I have -- I have them right here as well.
20   JUDGE PEARSON: So have you provided those
21 background checks to Ms. Yeomans?
22   MR. GARCIA: I have not.
23   JUDGE PEARSON: Why not?
24   MR. GARCIA: Just because I was waiting for
25 today. Same with my annual review. I have it right

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1 here.
2   JUDGE PEARSON: So you didn't file your
3 annual report?
4   MR. GARCIA: I -- I'm already $250 penalty.
5 So I knew I was coming in here and I was just going to
6 hand it off and pay it.
7   JUDGE PEARSON: Okay.
8   MR. GARCIA: I knew I was going to be past
9 the 30th or the 31st, so I was just going to drive it
10 down and hand it over.
11   JUDGE PEARSON: Okay. Well, Staff -- I
12 can't take that from you.
13   MR. GARCIA: No, okay.
14   JUDGE PEARSON: You'll have to figure out
15 where to submit that.
16   Okay. So what about the vehicle not
17 periodically inspected?
18   MR. GARCIA: I -- I had the inspections
19 done. I only have one vehicle currently at -- at the
20 moment.
21   JUDGE PEARSON: So are you disputing that
22 violation?
23   MR. GARCIA: You know, I don't know. I
24 don't understand that. We check our trucks
25 periodically. I bring it to Grove Truck Repair

4 (Pages 71 to 74)

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1 periodically. All the trucks that I have have the
2 annual inspection. They were done prior to Sandra's
3 review.
4   JUDGE PEARSON: Okay. If you could refer to
5 her as Ms. Yeomans.
6   MR. GARCIA: Ms. Yeomans, okay.
7   JUDGE PEARSON: Okay. And then the safety
8 management plan, Staff alleges that you failed to work
9 with Staff to develop the safety management plan that
10 wasn't done in a timely way and that the version that
11 you submitted in March of this year was incomplete,
12 didn't explain why the violations occurred, and had no
13 certification that your operations meet the safety
14 standard set forth in the FMCSA's regulation. So do you
15 want to respond to that?
16   MR. GARCIA: Yeah, I -- I still don't
17 understand. I mean, each -- each question I pretty much
18 use the same to answer each violation.
19   JUDGE PEARSON: Use the same what?
20   MR. GARCIA: I use the same verbiage that
21 I'm going to fix and never have this repeat, and this is
22 what I wanted to bring to the table today, that this
23 will never happen again. So I -- I responded to each
24 one. I gave a couple examples of, you know, the
25 paperwork, how we're going to track time. I -- I even

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1 brought up today that we have a device where each
2 employee will never not be accounted for. Their time,
3 drivers, everything is going to be tracked
4 electronically. So that's currently my new process
5 right now. I have an account with Watch Dogs, I mean,
6 I -- I -- I do not --
7   JUDGE PEARSON: Okay. With whom?
8   MR. GARCIA: It's -- it's maybe not Watch
9 Dogs, but it's with the State Patrol. It's the
10 background, criminal background check.
11   JUDGE PEARSON: Oh, okay.
12   MR. GARCIA: So like each -- each individual
13 that comes in here, they will never step foot in -- in
14 the public unless they -- we do our due diligence making
15 sure that they're 100 percent qualified. So that's
16 something that, you know, at the end of the day, I
17 was -- I wasn't -- I didn't do this intentionally, it's
18 just there's a lot going on for me. So what I had to do
19 was just not worry about doing five trucks every day. I
20 just want to do one, and I want to be a part of it, and
21 that's kind of what I put myself into.
22   JUDGE PEARSON: Okay. Do you have anything
23 else that you want to add?
24   MR. GARCIA: Yeah. I -- so I'm a -- I'm a
25 laborer as well. I've taken a step out of the office.

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1 I -- I have my file right here, and I'm involved
2 probably three moves a week currently. I don't know the
3 exact date. I'm going to say it was right after
4 Ms. Yeomans left my office, so I put myself on -- on
5 file. I put myself -- I'm not a driver. I don't have
6 my medical card yet, so I'm -- I'm not going to be at
7 that point yet, but as far as, you know, being a lead,
8 being a representative -- bringing a representative in
9 front of the public at my customers' houses, that's
10 something that I've wanted to take a step forward.
11   I have not done that in four years, so
12 that's one thing I wanted to change. Based on my
13 employees, I wanted to give them the representation that
14 this is how it's done. It's not just check in at the
15 office, get the truck and go. There's more to it. And
16 unfortunately, I -- that's -- that wasn't our mentality.
17 It was just, you know, Ms. Yeomans really opened my
18 intention when she came in there on the last review.
19 I didn't -- I didn't know I was going to fail her
20 report, unfortunately, but I did.
21   But as far as all my vehicles I've had in
22 the last three years, I have all files for them. I have
23 dates on when the annual inspections are due, I have the
24 VIN number, I have the tire size, I have when I have
25 maintenance done, I have a maintenance program every

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1 three months. And that's -- that's -- that's changed on
2 my end. I have all my current employees right here. I
3 have a list of hire dates, I have a list of when they
4 had their background checks done, I have a list of
5 everyone I'm using right now.
6   JUDGE PEARSON: Okay. So I'm assuming that
7 last year you filed your annual report and paid your
8 regulatory fee and the $500 penalty. Did you comply
9 with that provision of the order?
10   MR. GARCIA: I did.
11   JUDGE PEARSON: Okay.
12   MR. GARCIA: I do have a letter. I think I
13 believe you sent it to me, Ms. Pearson, and I owe $54.
14 And I was just going to take this letter and make sure I
15 was cleared today. So I think that might be my
16 remaining balance from 2018.
17   JUDGE PEARSON: Okay. I didn't send you
18 that letter, but did you provide your documents to
19 consumer protection staff to review your moves like you
20 were directed to for the months of April and May 2018?
21   MR. GARCIA: I did.
22   JUDGE PEARSON: Okay. All right.
23   Mr. Roberson, do you have any questions for
24 Mr. Garcia?
25   MR. ROBERSON: I do.

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1　　　　E X A M I N A T I O N
2　BY MR. ROBERSON:
3　　　Q.　So, Mr. Garcia, do you remember being here last
4　June and testifying?
5　　　A.　I do.
6　　　Q.　Do you remember testifying that you were
7　solely com- -- you were solely responsible for MVP's
8　compliance with regulatory requirements?
9　　　A.　I do.
10　　　Q.　Did you do anything after that hearing to ensure
11　MVP's regulatory compliance?
12　　　A.　I did.
13　　　Q.　Okay.　What specifically did you do?
14　　　A.　Specifically, I had meetings with all my
15　employees, I told them what is at stake, I put on the
16　wall what I needed from everybody from -- from this
17　meeting and on.　And unfortunately, when they leave,
18　they do whatever they want, and I literally had a
19　problem with that for two-plus years.
20　　　Q.　Can I ask for a clarification?
21　　　A.　Yeah, go ahead.
22　　　Q.　When you say "when they leave," what do you
23　mean?
24　　　A.　When they leave to a job, when they get in the
25　truck, they go on the job, I can't follow each one.

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1　I -- I don't -- I can't monitor each thing that they're
2　doing.　So what I've learned was I don't have control
3　over my employees, and I -- that's where I'm at today
4　just pleading the case.　I don't have anyone other than
5　Carlos that was with me throughout this process.
6　　　Q.　Okay.　Who -- who was responsible for MVP's
7　filings, who did the paperwork?
8　　　A.　I mean, I did the paperwork.
9　　　Q.　Okay.　So you mentioned that you found several
10　of the background checks that were missing.　Can you
11　explain why they weren't in the file?
12　　　A.　I -- I don't understand.
13　　　Q.　But you were --
14　　　A.　They -- they were --
15　　　Q.　-- responsible for the filing, correct?
16　　　A.　Yeah, and they were in the file.　There is one
17　that I found outside of the file that Ms. Yeomans did
18　ask me if I do find it, please provide it.　But I just
19　brought it here today.　That was Deandre Nixon.
20　　　Q.　Okay.　So --
21　　　A.　So --
22　　　Q.　-- Staff missed those in the file when they did
23　their investigation?
24　　　A.　I have no idea.　I'm not pointing fingers, but
25　as far as they're in the file, they were in the file.

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1　　　Q.　Okay.　In your rebuttal to Staff after that
2　compliance investigation, did you bring this up or did
3　you just say it won't happen again?
4　　　A.　I said it won't happen again and I can't wait to
5　have a hearing so I can prove to you guys that I'm going
6　to move forward and make a change.
7　　　Q.　And did you request a hearing about the fines
8　associated with those violations?
9　　　A.　Did I make a request about the fines?
10　　　Q.　Yeah.
11　　　A.　I do not recall honestly.
12　　　Q.　Fair enough.
13　　　　Let's talk about your employees that you
14　terminated.　So nobody showed up for the August
15　training?
16　　　A.　Mm-hmm.
17　　　Q.　Nobody showed up for the November training.
18　When did you terminate those employees that failed to
19　show up?
20　　　A.　I believe I terminated them honestly the day
21　after Ms. Yeomans sat me down and -- and just literally
22　told me my issues.
23　　　Q.　Okay.　One of those employees was Michael
24　Lazinsky?
25　　　A.　Mm-hmm.

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1　　　Q.　And you were cited for a trip Mr. Lazinsky took
2　January 30th, 2019, correct?
3　　　A.　If that was not stopping at a weigh scale, I
4　believe so.
5　　　Q.　And that's long after the day after the November
6　hearing, correct?　Or the November training, correct?
7　　　A.　That's correct.
8　　　Q.　So the employees that you say that you
9　terminated were still working for you end of January?
10　　　A.　They were not on UTC jobs.　And so with Michael
11　Lazinsky, it was brought to my attention that he
12　shouldn't have been an employee of mine, and I -- soon
13　as I got that message, I fired him that day.
14　　　Q.　Okay.　How do you determine what's a UTC job and
15　what's not a UTC job?
16　　　A.　Labor-only, business-to-business, and then so I
17　was doing -- I was doing business-to-business deliveries
18　for appliances.　So I didn't -- I didn't classify that
19　as a -- as a Utilities and Transportation household
20　good.
21　　　Q.　But you just mentioned that Mr. Lazinsky was
22　cited for failing to stop at a scale which implies that
23　he was driving.　That's not labor-only, right?
24　　　A.　That's -- that was business-to-business.　I --
25　we were stopping at a business delivering to a business.

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1   Q. Okay.
2   A. So under my concept, I felt like that was
3 nonregulated.
4   Q. Okay. So the employees that you're terminating,
5 you're not terminating, they're still working for you;
6 is that right?
7   A. No, I'm -- okay. So I terminated -- I don't
8 know Mike Lazinsky's exact date. I can look at the
9 emails in -- in -- in his file right here, but I
10 terminated the people that didn't show up for the
11 meeting, right? And then soon as I sat with Ms. Yeomans
12 after that day, there was no employees, only Carlos
13 so --
14   Q. I'm confused. Just to clarify, is when you met
15 with Staff in March of 2019 or when did you meet with
16 Ms. Yeomans?
17   A. I don't know the exact date. I'm -- I'm
18 assuming March '19.
19   Q. So these employees would have worked for you --
20   A. For maybe a month or two.
21   Q. Until March of 2019?
22   A. No, Mike -- Mike was ended -- I -- I believe I
23 ended it in January, maybe early February honestly.
24   Q. Okay.
25   A. I know there was a time period of the -- the

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1 training classes, but my -- my idea was I -- I didn't --
2 I was not using them on UTC household good moves.
3 That's -- that's what I wasn't doing, and I had all the
4 documentation. I had Mike's background check, I had his
5 DOT medical card, I had everything in compliance to be
6 on the road.
7   Q. Okay. You mentioned that you've hired one or
8 two other employees besides yourself and Mr. Molina,
9 what are their names?
10   A. So I'm really nervous right now to be honest
11 with you, so I can't just pull up...
12   Q. Take your time.
13   A. Can I hand you the files or you want to just
14 know their names?
15   Q. I -- I would just like to know their names.
16   A. So right now -- so right now labor, Thomas
17 Lawson; previous employee, Rele Collins, that's R-e-l-e
18 Collins; and right now my other driver, Roger Smith.
19   Q. Okay. And what are the dates on employment for
20 those employees?
21   A. So Thomas Lawson, 5/7.
22   Q. 5/7 of '18?
23   A. Mm-hmm.
24   Q. And he did not attend either of the two
25 trainings, correct?

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1   A. That's correct. I believe Rele was -- he hasn't
2 even got his first paycheck since -- so he's last week,
3 Monday.
4   Q. So Mr. Collins had never done any work for you
5 before last Monday?
6   A. Rele has in 2017, '18. He got a new job and
7 then we were using him for some weekend work when he was
8 available and now he's pretty much full time until he
9 starts the police academy.
10   Q. And he also didn't attend the Commission
11 training, correct?
12   A. Did not. He wasn't employed with me at that
13 time. Maybe a weekend once or twice half a year.
14   Q. And then Mr. Smith, his date of employment?
15   A. April 26th, '19.
16   Q. Okay. Have you made arrangements to send any of
17 those people to the Commission's household goods
18 training?
19   A. As soon as it comes up. I have not made
20 arrangements, but as soon as the next --
21   Q. Have you looked into it?
22   A. I have not.
23   Q. Okay. Do you have background checks for those
24 three, criminal background checks in their files?
25   A. I do.

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1   Q. Okay. Those are your only three other employees
2 besides yourself and Mr. Molina?
3   A. I have a couple others, but -- so David Heredia,
4 past employee, only works weekends with me, maybe. Dean
5 Stetlenberg, past employee, only works weekends, maybe.
6   Q. Are these two gentlemen gentlemen that you fired
7 in the wake of the failure --
8   A. No, they -- they -- they found different jobs
9 and they're not -- I -- I mean, if I had asked them to
10 work on the weekend, they either say yes or no. They're
11 individuals that I have complete files on, background
12 checks on, and they know somewhat the system.
13   Q. Have either of them been to the Commission's
14 household goods training?
15   A. Nope.
16   Q. Okay. Let's talk about the safety management
17 plan.
18   A. Okay.
19   Q. So do you recall -- you said you recall being
20 here in June for the last hearing, correct?
21   A. I do, yeah, and --
22   Q. You read the order that resulted from that
23 hearing?
24   A. Yes.
25   Q. And the order required you to sub- -- well, to

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1 **work with Staff to submit a compliance safety management**
2 **plan, correct?**
3   A. Mm-hmm.
4   **Q. Staff gave you technical assistance within a**
5 **week of that order, correct, and told you what you**
6 **needed to do?**
7   A. Mm-hmm.
8   **Q. What action did you take?**
9   A. I had training, I had highlighters, I had
10 training. I looked at everybody and I said this is how
11 much money I have to pay if you don't do this. And, you
12 know, one thing that I've -- I've learned is that's not
13 enough. I have to -- I have to do more. I can't -- I
14 can't just write it on the wall and -- and -- and just
15 go over it. I have to hold their hand or go with them
16 day to day.
17   **Q. My question was ambiguous. I guess, what did**
18 **you do in terms of reaching out to Staff, not what did**
19 **you do --**
20   A. Reaching out to Staff --
21   **Q. -- to talk to your workers?**
22   A. I mean, like I said, I -- I -- I don't know.
23 I -- I talked to Jason.
24   **Q. Did you contact Staff?**
25   A. A few times. I don't recall what it was about.

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1 It could have been about price damage or it could have
2 been about just making sure they received my documents.
3   **Q. Okay. Let's talk about that.**
4   **Staff sent you a letter in August, early August**
5 **of last summer, correct? Asking you to submit a safety**
6 **management plan by the end of August?**
7   A. Okay. I do recall that. I was -- okay. So I
8 sent it the day Ms. Yeomans was in town because I was
9 confused on that honestly.
10   **Q. So you sent it the day Ms. Yeomans was in town**
11 **in March of 2019?**
12   A. Mm-hmm.
13   **Q. So eight months after the order required you to**
14 **submit the safety management plan?**
15   A. That's correct, and -- and I -- I -- it -- if
16 you ask her, Ms. Yeomans, I -- I -- she said, You need
17 to send your safety management plan. Why are you not
18 sending it in? And I was just confused on that safety
19 management plan of the exact documents. I 100 percent
20 was. I -- I felt like I -- I -- I felt like that was --
21 that was the paperwork I was sending in. I felt like
22 that was what I was giving to Jason for the two months'
23 review. I didn't -- I didn't know that was actual my
24 game plan of how I was going to fix the same thing that
25 Erik Hawkins, my previous partner, sent in.

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1   So right when she said that, I was -- it -- it
2 clicked, and I -- I understood exactly what she -- you
3 guys were asking for. I didn't know you wanted me to
4 provide you with documents and -- and -- and samples.
5 I -- I didn't know that's what you were requesting.
6   **Q. I guess my question then is, the order required**
7 **a safety management plan. If you were unclear of what**
8 **that meant, why didn't you take action when you read the**
9 **order to clarify?**
10   A. Because I was just so busy. It's not an excuse,
11 it's just something that didn't get put as a number one
12 and I just tried to fix paperwork at that point. I
13 didn't -- I didn't know I was going to have to put a
14 safety management plan. That's something -- I'm sorry
15 I'm repeating myself but --
16   **Q. Okay.**
17   A. -- that's the honest truth.
18   JUDGE PEARSON: Just one second.
19 Mr. Roberson, can you come closer to your microphone?
20   MR. ROBERSON: Sorry.
21   JUDGE PEARSON: Thank you.
22 BY MR. ROBERSON:
23   **Q. So I guess that explains kind of what happened**
24 **after the hearing, but then two months later when Staff**
25 **sends you the letter, why don't you attempt to clarify**

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1 **at that point?**
2   A. I don't know. I -- I guess I was -- I guess I
3 was busy, I thought I was in compliance, I thought I was
4 doing everything right. But when Sandra -- Ms. Yeomans
5 came in and clarified exactly, I had her in my office,
6 she clarified and that's where it clicked. And that's
7 where I sent it in that day, if not the next day.
8   **Q. If the letter tells you that you haven't**
9 **complied with the order by submitting a safety**
10 **management plan, I guess I don't understand, why do you**
11 **think that you were in compliance?**
12   A. Yeah, I don't know. I don't understand either.
13 I -- I felt like in my -- in my mind I was, okay, I have
14 to go to the training, I have to take all my employees
15 to the training, I have to send them two months of
16 paperwork, and I -- I just didn't take the right steps
17 of reading that letter to understand what I was doing.
18 You're right, I should have called. It just -- I felt
19 like sending my two months of paperwork and then going
20 to the training, I -- I felt like I -- I honestly
21 thought that's what I was supposed to do. So that's it.
22   **Q. So even though the sending in the paperwork to**
23 **the consumer protection division was separate from the**
24 **safety management plan, you figured they were the same**
25 **thing?**

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1   A. Honestly. I felt like -- I felt that that was
2 what I was sending in. I felt like the safety
3 management plan was to review my documents to see if I
4 was in somewhat of a safety for the public. That's what
5 I really thought it was. So when I sent them in, I --
6 I -- I felt like I took care of that until she made it
7 clear that it was the same thing that Mr. Hawkins and I
8 put together in 2016. And when I looked at that form,
9 there was samples, there was bill of ladings, there was
10 a driver log and -- and that's when I understood I was
11 completely on the wrong track of what was requested.
12   Q. How proactive would you say that you are in
13 terms of coming to understand your regulatory
14 requirements?
15   A. As of lately, in the last two and a half months,
16 I've been really proactive.
17   Q. But would you say that overall you're waiting
18 for people to explain to you that you're not in
19 compliance before you're taking action?
20   A. No, I felt like I needed to clean up my
21 background checks, I needed to clean up my employees, I
22 needed to clean up how I was doing business, not
23 communicating to the UTC. And that's one thing that I
24 guess I didn't see. So it wasn't that I wasn't
25 proactive, I just felt like when I was requested upon

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1 things from the UTC and then I sent them in, I didn't
2 understand I was missing certain things.
3   Q. Okay. Well, maybe a specific example is a good
4 one. I believe -- and actually I can't remember what it
5 was. You've been cited for repeat violations for one of
6 the violations on two separate occasions, correct? Is
7 it the medical cards?
8   A. Medical cards and then background checks.
9   Q. So I guess if you're getting cited multiple time
10 for the same -- multiple times for the same things, why
11 aren't you doing something different?
12   A. I think on this go-around, you can look at the
13 review, I was cited for a medical card for an expired
14 one. And then seven of the background checks, five of
15 them I have right now, and so I don't understand where
16 that was --
17   Q. As I remember your testimony from the last
18 hearing we had, your testimony was just that you had an
19 expired medical card, not a driver without a medical
20 card so --
21   A. And it's expired by one day.
22   Q. But it's the same violation, correct?
23   A. It -- correct.
24   Q. Same violation, it's just expired, correct?
25   A. Mm-hmm.

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1   Q. So I guess since last June, you've really taken
2 no action to correct what you know is a deficiency,
3 right? The same thing is happening again?
4   A. I -- I disagree.
5   Q. You disagree that the violation happened or
6 you --
7   A. I disagree that I'm -- I'm not -- I mean, I'm
8 not taking this lightly. I -- I -- I'm not taking this
9 lightly. My -- so if I missed by an expired day, you
10 know, that's just something that -- human nature. I
11 guess I made a mistake. But I'm not doing anything
12 intentional. I'm not hiding anything, I'm not being
13 fraud, I'm -- I'm not putting public in danger, I'm not
14 doing any of that.
15   Q. So if the violations are a critical type and the
16 federal government has determined that violations of the
17 critical type violations are linked with higher accident
18 rates, is it fair to say that your violations are, in
19 fact, putting the public in danger?
20   A. I don't have any criminals, I don't have any
21 accidents, I don't -- I don't put that into the public.
22 I'm -- I'm -- I'm being hit on expired dates and, you
23 know, that's just what I see, but I'm -- I'm making
24 progress. That's why I'm providing you my breakdown for
25 2019. Here comes December 31st, my 2019 annual review

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1 will be complete. I've never been in this position
2 before, and, you know, I just really want to show you
3 guys that --
4   Q. I'm sorry, which position?
5   A. Not being 100 percent organized or proactive.
6   Q. You've never been in that position before?
7   A. Based on what you're saying, yeah.
8   Q. Okay. When you were last here, you testified
9 that you were using a computerized system to kind of
10 calendar compliance items?
11   A. Mm-hmm.
12   Q. If you're using that system, why isn't something
13 that's easy to calendar like the date of an expiration
14 for a medical card, why is that slipping through the
15 cracks?
16   A. You know, I would say it's because that employee
17 didn't work out. I would say it's because when I put in
18 the calendar, that employee's gone. I gotta get another
19 one, I gotta figure it out. But that was 2017, that was
20 2018, and I'm no longer going to be like that. I'm no
21 longer going to put anybody without a DOT medical card.
22 I would rather not do the job.
23   MR. ROBERSON: Okay. I think I'm done for
24 now. Thank you.
25   JUDGE PEARSON: All right. So,

9 (Pages 91 to 94)

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1 Mr. Roberson, everything that -- the information that
2 Staff has attested to, it's in the record in the form of
3 their declarations that were filed with the motion. I
4 don't feel that I need to hear from Staff, but if you
5 had something in particular?
6   MR. ROBERSON: Staff is just here in case
7 you or Mr. Garcia had questions.
8   JUDGE PEARSON: Okay. All right.
9 Mr. Garcia, do you have questions for Ms. Yeomans or
10 Mr. Sharp?
11   MR. GARCIA: No questions.
12   JUDGE PEARSON: Okay.
13   MR. GARCIA: Just if they can just
14 understand that I'm -- I'm doing my best. I'm going to
15 com- -- I'm going to improve 100 percent. You guys
16 can -- I can submit things monthly, I can submit things
17 weekly, but if you could just please understand that
18 I'm -- I'm trying my best and I got -- I got families to
19 feed, I got a family of my own. I'm trying my best. So
20 I know I had to take a step back, but it -- it -- it
21 just took me longer to understand than -- than I
22 thought.
23   JUDGE PEARSON: Okay. Mr. Roberson, does
24 Staff have a closing statement or final recommendation?
25   MR. ROBERSON: It does. I think at this

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1 point, Staff is at the opinion that allowing MVP Moving
2 to continue to operate is asking for something bad to
3 happen. The company is maybe doing their best, but
4 their compliance history is fairly negative. The number
5 of repeat violations is concerning, the number of repeat
6 critical violations is very concerning. It -- it
7 doesn't seem like it's getting better, and Staff would
8 ask the Commission to cancel the certificate.
9   JUDGE PEARSON: Okay. Thank you.
10   Given what I've heard today, you know,
11 Mr. Garcia, this is not your first go-around. You've
12 had multiple opportunities to bring your company back
13 into compliance beginning in 2017 when Staff first made
14 its recommendation to cancel the company's permit based
15 on the proposed unsatisfactory safety rating.
16   I believe that the company has been in
17 provisional status for more than two years now, has been
18 unable to achieve a satisfactory safety rating. And we
19 came here last year, I was lenient, I allowed you to
20 keep your permit subject to certain conditions. The
21 bottom line is you didn't meet those conditions. Order
22 04 was very clear.
23   So I am going to rule from the bench and
24 cancel your permit effective immediately. So you are to
25 stop doing all UTC regulated moves beginning right now,

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1 and the order that I issue will reflect that decision
2 and explains some more reasoning behind my decision,
3 although, I can't in good conscience wait to issue my
4 decision in an order. I think that that decision has to
5 be made now, that the public interest requires that
6 because you have not demonstrated that you're fit to
7 operate a household goods company, and you've, frankly,
8 failed again to take responsibility for your actions and
9 for your failure to come into compliance.
10   So that is my decision. I will issue an
11 order shortly within the next few days reflecting that
12 decision, but just know that as of right now, you may
13 not conduct any UTC regulated moves. You will have an
14 opportunity to apply for reinstatement of your permit.
15 There's a 30-day window after you're cancelled, there's
16 certain requirements that you have to meet. You would
17 also need to meet all the conditions that were in Order
18 04 that haven't been met yet. So I'm just going to end
19 with that.
20   MR. GARCIA: Can I have one last statement?
21   JUDGE PEARSON: Go ahead.
22   MR. GARCIA: Can -- can you guys at least
23 look at what I'm doing in 2019?
24   JUDGE PEARSON: You are free to provide your
25 documents to Staff, and part of the process for applying

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1 for reinstatement would be providing documentation to
2 Staff. So yes, of course. You can communicate with
3 Mr. Sharp after the hearing about how to best get those
4 documents to him and you do need to file that annual
5 report as well before you leave the building today.
6   MR. GARCIA: Okay.
7   JUDGE PEARSON: Okay. Anything else?
8   MR. ROBERSON: Not from Staff.
9   JUDGE PEARSON: Okay. Then we are
10 adjourned. Thank you.
11   (Adjourned at 10:46 a.m.)
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10 (Pages 95 to 98)

1   C E R T I F I C A T E
2
3   STATE OF WASHINGTON
4   COUNTY OF THURSTON
5
6   I, Tayler Garlinghouse, a Certified Shorthand
7   Reporter in and for the State of Washington, do hereby
8   certify that the foregoing transcript is true and
9   accurate to the best of my knowledge, skill and ability.
10
11
12   _Tayler Garlinghouse_____
13   Tayler Garlinghouse, CCR 3358
14
15
16
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22
23
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25

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