

Service Date: October 23, 2018



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY (360) 586-8203

RE: **MANDATORY APPEARANCE BEFORE ADMINISTRATIVE LAW JUDGE**
Unlawful Activity as Household Goods Carrier in Violation of RCW 81.80.075
Docket TV-180553

Dear Bens Moving & Delivery Services Inc.:

It has come to the Commission's attention that you are engaging in business activity requiring a permit under Washington state law. Revised Code of Washington (RCW) 81.80.075(1) states that "no person shall engage in business as a household goods carrier without first obtaining a household goods carrier permit" from the Washington Utilities and Transportation Commission.

The Commission is initiating an enforcement action against you and your company. This letter and its attachments are the Commission's formal demand that you cease operating until you obtain the required household goods permit for your company. Until you obtain that permit, you must also stop all advertising of your company's household goods moving services. Failure to do so may result in a serious financial penalty.

Please be aware that operating as a household goods mover without the required permit is illegal and subject to a penalty of up to \$5,000 per violation. The penalty for advertising household goods moving services without a permit is also up to \$5,000 per advertisement.

As the attached documents explain, you are now **REQUIRED TO APPEAR** in Olympia before one of the Commission's Administrative Law Judges **on November 13, 2018, at 9 a.m.** The basis for the Commission's enforcement action is explained in the attached Order and the supporting Declaration of Brian Braun. The subpoena details the requirement for you to appear at the preliminary hearing about your unpermitted business.

At your hearing, the Judge will explain the laws and rules governing the household goods moving industry and explain your rights under the Commission's enforcement process. When you appear before the Judge, you should be prepared to take one of the following actions:

Option A- Cease Operating as a Household Goods Carrier

The Administrative Law Judge will allow you to testify, under oath, that you have shut down your business. You should be prepared to explain specific actions you have taken to dissolve your company and to discontinue any advertising you may have previously arranged (websites, phone books, newspapers, etc.). This does not stop you from applying for a household goods permit. It simply means that you will cease illegal operations until you do. Should you choose to apply for a permit in advance of the hearing and the Commission deems you eligible to receive a temporary permit, you may present that information at the hearing.

Option B- Contest the Applicability of RCW 81.80.075 to Your Company

The Administrative Law Judge will schedule a formal evidentiary hearing. At that time, you will be required to present proof that your business is *not* within the regulatory jurisdiction of the Commission. If you win your case, the Judge will dismiss the Commission's complaint against you. If you lose your case, you will need to proceed under Option A or risk further enforcement action by the Commission.

As you prepare for your preliminary hearing, you may find the Commission's informational handouts included in this packet to be helpful. You might also wish to review the laws and related rules governing your business. These include:

- RCW Chapter 81.80
- Washington Administrative Code (WAC) Chapter 480-15

These legal resources and other helpful items can be found on the Commission's website: www.utc.wa.gov/mover. If you have any questions about the permit application, the Commission's Licensing Services staff is available at (360) 664-1222.

If you have any questions about your obligations under the law and your mandatory appearance, Brian Braun, Compliance Investigator, is available at (360) 664-1129 or brian.braun@utc.wa.gov.

Thank you for your cooperation.

Sincerely,

Mark L. Johnson
Executive Director and Secretary

Attachments:

- 1) Order 01- *Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; Notice of Mandatory Appearance at Hearing (set for November 13, 2018)*
- 2) Subpoena
- 3) Declaration of Brian Braun
- 4) Application Packet for Household Goods Carrier Permit
- 5) UTC Informational Handouts
 - a. Motor Carrier Overview
 - b. Transportation Fact Sheet
 - c. Motor Carrier Insurance Requirements