

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper
Carrier Classification of, and Complaint
for Penalties Against

TRANSIT SYSTEMS, INC. d/b/a
MOVES FOR SENIORS

DOCKET TV-170747

ORDER 05

ORDER GRANTING MOTION TO
IMPOSE SUSPENDED PENALTIES

BACKGROUND

- 1 On July 17, 2017, the Washington Utilities and Transportation Commission (Commission) entered Order 01, Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; and Notice of Mandatory Appearance at Hearing (Order 01) initiating this docket on its own motion. Order 01 alleged that Transit Systems, Inc., d/b/a Moves for Seniors, (MFS or Company) violated RCW 81.80.075(1) by offering and advertising household goods moving services within the state of Washington without the permit required for such operations. The Commission simultaneously issued a subpoena requiring MFS to appear before the Commission at a special proceeding on October 25, 2017, and to bring the documents specified in the subpoena. The Company appeared at the special proceeding, contested the allegations set out in the Complaint, and requested an opportunity to present testimony and evidence demonstrating that its operations do not require a permit from the Commission.
- 2 The Commission convened a Brief Adjudicative Proceeding (BAP) before an Administrative Law Judge on December 19, 2017.
- 3 On February 13, 2018, the Commission entered Order 03, Initial Order Classifying Respondent as a Household Goods Carrier; Ordering Respondent to Cease and Desist; Imposing and Suspending Penalties on Condition of Future Compliance. MFS filed a Petition for Administrative Review of Order 03 on March 2, 2018, and on March 21, 2018, the Commission entered Order 04, Order Denying Petition for Administrative Review of Initial Order 03 (Order 04). Order 04, among other things, assessed a \$10,000 penalty against MFS, a \$5,000 portion of which was suspended for two years on the conditions that MFS (a) pay the remaining \$5,000 portion of the penalty and (b) cease and desist from further operations as a household goods carrier in Washington without

first obtaining the required permit from the Commission. MFS paid the \$5,000 portion of the penalty that was not suspended on May 11, 2018.

- 4 On March 26, 2020, Commission staff (Staff) filed with the Commission a Motion to Impose Suspended Penalty (Motion) alleging that MFS continues to engage in business as an unpermitted household goods carrier in violation of the conditions imposed by Order 04. Staff performed a follow-up investigation of MFS and found active listings for MFS in the databases of the Department of Revenue, the Washington Secretary of State, and the United States Department of Transportation Federal Motor Carrier Safety Administration.¹ Staff also found online advertisements for MFS.² Staff then posed as a consumer and requested a quote for a household goods move. MFS responded and quoted a price of \$1,500 for two movers.³
- 5 Staff requests that the \$5,000 suspended penalty be imposed in full for failing to comply with all of the conditions in Order 04. MFS did not respond to the Motion.

DISCUSSION AND DECISION

- 6 We find that MFS violated the conditions of Order 04 and impose the \$5,000 suspended portion of the penalty. Commission Staff provided unrefuted evidence that the Company violated the Commission's order to cease and desist engaging in business as a household goods carrier without first obtaining a permit. RCW 81.80.010(5) defines "household goods carrier" as any person "who transports for compensation, by motor vehicle within this state, or who advertises, solicits, offers, or enters into an agreement to transport household goods as defined by the [C]ommission." Under RCW 81.80.010, a person operates as a household goods carrier by providing household goods moving services, or by advertising or soliciting, offering, or entering into an agreement to provide such service.
- 7 Based on Staff's evidence that the Company continues to engage in prohibited operations, we find that MFS operated as a household goods carrier in violation of Order 04. Because the Company has failed to fulfill the conditions under which the Commission suspended \$5,000 of the assessed penalty, that penalty amount is now due and payable.

¹ Declaration of Jacque Hawkins-Jones, ¶¶ 5-7.

² *Id.* at ¶9.

³ *Id.* at ¶11.

ORDER

THE COMMISSION ORDERS That

- 8 (1) Transit Systems, Inc., d/b/a Moves for Seniors, failed to comply with the conditions under which the Commission suspended \$5,000 of the \$10,000 penalty assessment.
- 9 (2) The full \$5,000 suspended penalty is now due and payable.

DATED at Olympia, Washington, and effective April 27, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Rayne Pearson
RAYNE PEARSON
Administrative Law Judge