

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT TV-170516

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

2017 JUL 18 AM 8:22 RECEIVED RECORDS MANAGEMENT STATE OF WASHINGTON UTIL AND TRANSPORTATION COMMISSION

[] 1. Payment of penalty. I admit that the violations occurred. I have:

[] Enclosed \$ _____ in payment of the penalty

[] Submitted my payment of \$ _____ online at www.utc.wa.gov. My confirmation number is _____.

[X] 2. Contest the violation. I believe that one or more of the alleged violations did not occur, for the reasons I describe below (if you do not include reasons supporting your contest of the violations here, your request will be denied): We filed our 2016 (on April 21st) Annual Report via the e-filing portal. Although I had some difficulty getting the file to upload, I did believe it had successfully completed. Since this was our first year filing, I didn't know to expect a confirmation. The site is very different than all other WA state e-filings we've been doing successfully. As soon as we were

[] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR

[X] b) I ask for a Commission decision based solely on the information I provide above.

[] 3. Application for mitigation. I admit the violations, but I believe that the penalty should be reduced because the violations occurred due to circumstances beyond my control, as explained below (if you do not include reasons that support your application for mitigation here, your request will be denied):

[] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision

OR

[] b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: 7/6/2017 [month/day/year], at Vancouver, WA [city, state]

Cherish Moving LLC
Name of Respondent (company) – please print

Michelle K. Lodi
Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”

advised the report was not received, we sent it certified mail. We have had trouble getting responses to other electronic communications with the UTC. Like an address changed that was emailed 3/10/17 and since we still received mail to the old address I telephoned in May and although they report our record was changed on 5/10/17 even this letter has been addressed to our old mailing address. It seems as if electronic communications are not being connected correctly to our company file, it is clear this same issue must have occurred with our original electronic filing of our 2016 annual report. I had updated the annual report original document to sign it the date we mailed it via certified mail so I no longer have the original file, but I have enclosed our copy I printed off on 4-21-17 and the email updating the address and response that it was updated to the Hwy 99 address on 3/10 and then the letter dated 6/30 addressed to old address as evidence of our difficulties getting electronic communications properly recorded for our company. We respectfully ask you to withdraw the penalties as we did file on time.

ANNUAL REPORT CERTIFICATION

(PLEASE VERIFY THAT ALL SCHEDULES ARE ACCURATE AND COMPLETE BEFORE SIGNING)

I, the undersigned Emily C Landis
Responsible Account Officer (Please Print)

of Cherish Moving LLC
Name of Company

have examined this report and to the best of my knowledge and belief, all statements of fact are accurate, the financial statements, for the period from January 1, 2016 to December 31, 2016, contained in this report, correctly reflect the business affairs of the respondent.

Owner
Title
(please print)

Emily C Landis
(Signature of Responsible Account Officer)
(Typed if submitting electronically)

503-586-4450
Telephone Number

4/21/2017
Date

GENERAL INFORMATION

Washington Unified Business Identifier (UBI) No.: 603 335 119

(If you do not know your UBI No. please contact Business Licensing Service at 1-800-451-7985 or BLS@dor.wa.gov)

Business Structure (please check the appropriate designation):

Individual / Sole Proprietor Partnership Other (LP, LLP, LLC) Corporation Nonprofit Corporation

List the name, title, and percentage of partner's share or stock distribution for major stockholders. If LLC, list members and percentage of ownership.

Name	Title	Percent / Shares / Stock / Ownership
Emily C Landis	owner	100%



Cherish Moving <cherishmovingmain@gmail.com>

Re: Update company mailing address

1 message

Cherish Moving <cherishmovingmain@gmail.com>
To: "Chiles, Pam (UTC)" <Pchiles@utc.wa.gov>

Fri, Jun 30, 2017 at 3:20 PM

Thanks for your reply. We did just get an email today from Sean that still had the old mailing address on it. So somehow the new address isn't getting through the system. I know I telephoned to get it updated at one point when we received another piece of mail addressed to the old warehouse, so that was probably in May. I'm just concerned that there seems to be some kind of problem with your system since you've got our new address on file as of 5/10 and on 6/30 we got a letter to the old address again. Thankfully we didn't change email addresses, so we're now getting more information but another company might have had to change internet providers and be missing all communications if their info doesn't get updated on everyone's systems.

Miki Landis
CHERISH MOVING LLC
"We cherish your treasures"
503-586-4450
360-558-7272
www.cherishmoving.com
www.facebook.com/cherishmoving

On Fri, Jun 30, 2017 at 2:31 PM, Chiles, Pam (UTC) <Pchiles@utc.wa.gov> wrote:

Good Afternoon,

I apologize for any inconvenience you've been caused. I have verified that the mailing address was updated for Cherish Moving LLC, however, that update didn't occur until 5/10/17. I apologize for that delay.

As to the Annual Report, due to the changes in policy we require all filings be done through our efilings portal. Doing so generates an email which confirms successful submission or provides an error report.

Thank you,

Pam Chiles

Office Assistant 3

Records Management

(360)664-1256

pchiles@utc.wa.gov

Utilities and Transportation Commission

1300 South Evergreen Park Drive SW

Olympia, WA 98504

Respect ◦ **Professionalism** ◦ **Integrity** ◦ **Accountability**

www.utc.wa.gov

From: Cherish Moving [mailto:cherishmovingmain@gmail.com]

Sent: Friday, June 30, 2017 2:01 PM

To: UTC DL Records Center <records@utc.wa.gov>

Subject: Fwd: Update company mailing address

Here's an example of how I've attempted to update our address with the WA UTC months ago and it hasn't seemed to get done in the system. I had also filed our Annual Report electronically and that didn't get recorded either until I mailed it in later when I found out it wasn't in the system. I thought you might want to know if there is some kind of glitch with electronic information getting to the correct place for recording.

Miki Landis
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----- Forwarded message -----

From: **Cherish Moving** <cherishmovingmain@gmail.com>

Date: Fri, Mar 10, 2017 at 5:21 PM

Subject: Fwd: Update company mailing address

To: records@utc.wa.gov

Please update our company mailing address to:

Cherish Moving LLC THG#67061

9013 NE Hwy 99, Suite 5

Vancouver, WA 98665

Thank you - please let us know if we need to do anything else. I didn't find a place to update our company information on the website.

Miki Landis
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Service Date: June 30, 2017

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

NOTICE OF PENALTIES INCURRED AND DUE FOR VIOLATIONS OF LAWS AND RULES

PENALTY ASSESSMENT: TV-170516
PENALTY AMOUNT: \$1000

Cherish Moving LLC

13511 NE Kerr Rd., Suite 2
Vancouver, WA 98682

old mailing address

According to Washington Utilities and Transportation Commission (Commission) records, you have violated Washington Administrative Code (WAC) 480-15-480, which requires household goods carriers companies to file their annual report and pay regulatory fees each year by May 1. You did not file a complete annual report by May 1, 2017.

Revised Code of Washington (RCW) 81.04.405 authorizes the Commission to assess a penalty of \$100 for each violation of a Commission rule. In the case of a continuing violation, every day's continuance is a separate and distinct violation. The Commission interprets noncompliance with WAC 480-15-480 beyond May 1 as a continuing violation, and assesses penalties of \$100 for each day a company fails to file its complete report or pay its regulatory fees after that date.

As a result, the Commission has assessed penalties against you in the amount of \$1000 on the following basis:

On February 28, 2017, the Commission sent the 2016 annual report forms and the 2017 regulatory fee packets to all household goods carriers companies registered in Washington. The instructions page for the annual report form instructed these companies to file complete annual reports and pay regulatory fees by May 1, 2017. The instructions page also stated that failure to file the complete annual report by May 1 would result in penalties. The deadline for requesting an extension to file your annual report was April 15. You did not request an extension.

As of May 15, 2017, Cherish Moving LLC had not filed its complete 2016 annual report or paid its 2017 regulatory fee. May 15 is 10 business days from May 1, resulting in a total penalty of \$1,000. A complete and accurate annual report is still not on file and additional penalties may accrue until the Commission receives the report and any required regulatory fee. Cherish Moving LLC does not have prior violations of 480-15-480, and accordingly, the Commission will exercise its discretion to suspend a \$750 portion of the penalty subject to the conditions that Cherish Moving LLC files a complete annual report, pays any outstanding regulatory fee, and pays the \$250 portion of the penalty that is not suspended within 15 days of receipt of this Notice. If these conditions are not met, the entire

*Our report was
received and
check cleared
on 6-13-17*

\$1,000 penalty will immediately become due and payable without further Commission action.

Your penalty is due and payable now. If you believe the violation did not occur, you may request a hearing to contest the penalty assessment. The Commission will grant that request only if material issues of law or fact require consideration of evidence and resolution in a hearing. A request for a hearing must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request.

If there is a reason for the violation that you think should excuse or reduce the penalty, you may ask for mitigation (reduction) of this penalty through evidence presented at a hearing or in writing. The Commission will grant a request for a hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request for mitigation must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. See RCW 81.04.405.

The Commission will only grant requests for mitigation if the violations occurred due to circumstances beyond your control. Such circumstances include, but are not limited to: death or serious illness of the person responsible for filing the report, or a member of that person's immediate family; destruction by fire or other casualty of your place of business or business records; or an act of fraud, embezzlement, theft, or conversion on the part of your employee.

The following are examples of circumstances that are **not** considered to be beyond your control, and thus are not acceptable bases for requesting mitigation: financial hardship; a misunderstanding or lack of knowledge of Commission rules; failure to receive an annual report form from the Commission; mistakes or misconduct on the part of your employees; employee termination or turnover; personal events such as weddings or graduation ceremonies; and vacations or business trips.

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation or application for mitigation in a Brief Adjudicative Proceeding, before an administrative law judge. The administrative law judge will consider the evidence and will notify you of his or her decision.

You must act within 15 days after receiving this notice to do one of the following:

- Pay the \$250 due. If the \$250 unsuspended portion of the penalty remains unpaid, the complete annual report is not filed, or if the outstanding regulatory fee is unpaid, the entire \$1000 will immediately become due and payable without further Commission action.
- Request a hearing to contest the occurrence of the violations.
- Request mitigation to contest the amount of the penalty.

In addition to your selection, a complete annual report and payment of the regulatory fee is required. Payment of the penalty does not satisfy the requirement that you file an annual report and pay any applicable regulatory fee.