

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of	)	DOCKET TV-111886
	)	
MOVING ON UP, LLC,	)	NOTICE OF INTENT TO DENY
	)	APPLICATION FOR PERMANENT
for a permit to operate as a motor	)	AUTHORITY;
carrier of household goods.	)	
	)	NOTICE OF OPPORTUNITY FOR
	)	HEARING
.....	)	

**I. INTRODUCTION**

- 1 **Nature of Proceeding.** The Washington Utilities and Transportation Commission (Commission) hereby provides notice of its intention to deny Moving On Up, LLC’s (Moving On Up or Applicant) application for permanent authority for failure to meet the application requirements in RCW 81.80 and WAC 480-15.
- 2 **Procedural Background.** On November 1, 2011, Moving On Up filed with the Commission an application requesting authority to operate as a household goods carrier in the state of Washington under RCW 81.80 and WAC 480-15. The application was signed by Jody Webb, President and Member of Moving On Up.
- 3 On December 8, 2011, the Commission received materials from an attorney representing Moving On Up that purported to clarify and supplement the application, in response to a memorandum Commission Staff prepared in response to the application. The Applicant had been provided a courtesy copy of the memorandum.
- 4 Commission Staff has reviewed the application and materials subsequently submitted, as well as compliance reports, including an Investigation Summary of Miracle Movers, Inc., concerning Jody Webb’s and Jesse Webb’s companies. Commission Staff has recommended that the Commission deny the Applicant’s permit, for reasons set out below.

## II. APPLICABLE LAW

5 RCW 81.80.070(1)(a)(ii) requires the Commission to consider whether an applicant  
for a household goods carrier permit is fit to perform the services proposed and  
conform to the requirements, rules and regulations of the Commission, and the  
operations are consistent with the public interest.

6 The Commission will grant or deny an application for permanent authority after it  
conducts a complete review of the application, supporting statements, reports or other  
information necessary to determine fitness, public interest and current or future public  
convenience and necessity.<sup>1</sup>

7 The Commission rules provide that the Commission may reject or deny an application  
for permanent authority if the Commission believes the applicant is unfit or if issuing  
the permit is not in the public interest. WAC 480-15-330 sets out specific factors the  
Commission may consider, which include:

- The application indicates evidence of fraud, misrepresentation or erroneous information;<sup>2</sup>
- The applicant does not have compliance with tax, labor, employment, business and *vehicle licensing* laws and rules (emphasis added);<sup>3</sup>
- The applicant has been subject to other enforcement actions for violation of state law or Commission rules;<sup>4</sup>
- The results of any compliance reviews, audits, inspection reports and customer complaints filed against the applicant cause the Commission to believe issuing the permit is not in the public interest;<sup>5</sup>
- Other circumstances exist that cause the Commission to believe issuing the permit is not in the public interest.<sup>6</sup>

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<sup>1</sup> WAC 480-15-330(2).

<sup>2</sup> WAC 480-15-330(4)(b).

<sup>3</sup> WAC 480-15-330(4)(d)(iv).

<sup>4</sup> WAC 480-15-330(4)(e)(v).

<sup>5</sup> WAC 480-15-330(4)(f).

<sup>6</sup> WAC 480-15-330(4)(g).

8 If it is necessary to resolve outstanding issues or concerns related to fitness or the public interest, or any other issue resulting from a complaint or public comment, the Commission may hold a hearing or brief adjudicative proceeding on any application for permanent authority.<sup>7</sup>

### III. FACTUAL ALLEGATIONS

9 Commission Staff makes the following factual allegations based on its review and investigation of the application.

10 The business plan submitted with the application by Jody Webb states that he plans to “purchase from Jesse Webb, moving equipment, service marks, intellectual property, and vehicles necessary to conduct business.” Jesse Webb is the brother of Jody Webb and owner of Miracle Movers, Inc. (Miracle Movers). Miracle Movers has never held permit authority issued by the Commission, and has been ordered to cease and desist from operating as a household goods carrier.<sup>8</sup> The Commission has issued two penalty assessments, in the amounts of \$1,500 and \$2,500, against Miracle Movers for violations of state law, which remain unpaid.<sup>9</sup> On January 15, 2010, Thurston County Superior Court entered a judgment against Miracle Movers that enjoins Miracle Movers and all successors, assigns and transferees from engaging in business as a household goods carrier, and required Miracle Movers to pay a \$10,000 civil penalty for its violation of the cease and desist order.<sup>10</sup> The civil penalty remains

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<sup>7</sup> WAC 480-15-350.

<sup>8</sup> See *Washington Utilities and Transportation Commission v. Miracle Movers, Inc.*, Docket TV-061618, Order 02, Initial Order to Cease and Desist; Default Order (May 8, 2007).

<sup>9</sup> See *In re Penalty Assessment Against Miracle Movers, Inc.*, Docket TV-070463 (March 16, 2007); *In re Penalty Assessment Against Miracle Movers, Inc.*, Docket TV-071988 (October 30, 2007).

<sup>10</sup> Thurston County Superior Court Cause No. 09-2-02833-5. The judgment provides, in part, as follows:

Defendant Miracle Movers, Inc. and all successors, assigns, and transferees are hereby enjoined and permanently restrained from directly or indirectly engaging in any of the following conduct:

- a. Engaging in business as a household goods carrier by transporting household goods for compensation, by motor vehicle between points in Washington State, without first obtaining a household goods common carrier permit from the Washington Utilities and Transportation Commission.
- b. Engaging in business as a household goods carrier by advertising, soliciting, offering, or

unpaid. In 2010 and 2011, the Washington Department of Licensing (DOL) cancelled the registrations of several vehicles used by Miracle Movers based on violation of the cease and desist order and failure to pay the ordered penalties to the Commission.

- 11 The application materials show that the Applicant intends to use the website (www.miraclemovers.com), phone numbers, logos, moving supplies, and vehicles that were used by Miracle Movers in its illegal household goods moving operations. The website is currently active and advertises the household goods moving services of Miracle Movers. The phone numbers for Miracle Movers are also currently active.
- 12 Moving On Up, LLC intends to use for its household goods moving operations vehicles with license registrations that have been cancelled by the DOL. The license registrations have not been reinstated by the DOL.
- 13 Jody Webb states on his application that the Applicant has not been cited for violation of state laws or Commission rules. Contrary to this statement, in 2003, Jody Webb was subject to a Commission enforcement action and was found to be operating as a household goods carrier, in violation of state law, and was ordered by the Commission to cease and desist from doing so.<sup>11</sup>
- 14 Jody Webb represented on his application that the Applicant has not ever been convicted of a crime. Contrary to this representation, Jody Webb has a criminal record.
- 15 The application appears to show an intent by Jesse and/or Jody Webb to transfer and reinstate registrations for unlicensed vehicles and other property used by Miracle Movers without having satisfied legal requirements. In March 2011, Jesse Webb contacted Commission Staff regarding his plan to transfer ownership of the vehicles to Alice Cowles. Although at that time Ms. Cowles claimed to have no business or personal relationship to Jesse Webb, Commission Staff found that her residential address was the same as the address Jesse Webb listed for Miracle Movers, Inc. when he renewed its business license in 2011. Jesse Webb tried again to transfer ownership to another party, Maria Gamman, earlier in 2011. While Ms. Gamman was also

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entering into an agreement to transport household goods, without first obtaining a household goods common carrier permit from the Washington Utilities and Transportation Commission.

<sup>11</sup> See *Washington Utilities and Transportation Commission v. Jody Webb d/b/a Motivated Movers and/or Miracle Movers, Inc.*, Docket TV-030010, Order No. 03, Order to Cease and Desist; Commission Decision Affirming Initial Order (September 11, 2003).

alleged to be unaffiliated, Commission Staff research indicates that Ms. Gamman is related to Jesse Webb by marriage and they co-own a Nevada corporation.

- 16 These allegations, if not satisfactorily rebutted, support factual findings that the application contains significant misrepresentations and that Jody Webb, Jesse Webb, and Miracle Movers are closely affiliated and have a long and continuing history of noncompliance with state law, including orders of the Commission and the Superior Court. Such factual findings, in turn, support the conclusion that issuing the permit is not in the public interest, and the application should be denied.
- 17 **NOTICE OF OPPORTUNITY FOR HEARING.** Moving On Up, LLC, may request a hearing to contest the factual allegations set out in this notice. Moving On Up may request such a hearing by filing a written request for a hearing with the Commission by **March 5, 2012**. An original and five (5) paper copies of the request must be directed to the attention of David W. Danner, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, and must reference Docket TV-111886.
- 18 If Moving On Up requests a hearing by **March 5, 2012**, the Commission will schedule a brief adjudicative proceeding under RCW 34.05.482 and WAC 480-07-610. If Moving On Up does not request a hearing by that date, the Commission will enter an order rejecting the application for permanent authority.

DATED at Olympia, Washington, and effective February 13, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER  
Executive Director and Secretary