

Docket No. TV-230838 - Vol. I (January 11, 2024))

WUTC v. Allied Van Lines, Inc., et al.

January 11, 2024



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<p style="text-align: right;">Page 1</p> <p>1 BEFORE THE WASHINGTON 2 UTILITIES AND TRANSPORTATION COMMISSION 3 _____ 4 WASHINGTON UTILITIES AND ) TRANSPORTATION COMMISSION, ) 5 ) 6 Complainant, ) 7 vs. ) DOCKET TV-230838 8 ALLIED VAN LINES, INC., PACIFIC ) 9 MOVERS, INC., 3Z MOVERS LLC, CAN'T ) STOP MOVING, LLC, NORTH COAST ) 10 MOVING AND STORAGE COMPANY, LLC, ) PRO MOVERS LLC, ERIC'S SMALL MOVES ) 11 DELIVERY LLC, SEATTLE MOVES &amp; MORE ) LLC, PNW MOVING AND DELIVERY LLC, ) 12 MENDEZ MOVERS LLC, MIRACLE MAN ) MOVERS LLC, GM MOVE TRANSPORT LLC, ) 13 MR. MUSCLES MOVING COMPANY LLC, ONE ) NATION GROUP LLC, HYLAN, NICHOLAS ) 14 d/b/a HYLAN MOVING, C&amp;N ) ENTERPRISES, INC., LION MOVERS LLC, ) 15 EXTRAORDINARY MOVING &amp; STORAGE LLC, ) NEST MOVING AND STORAGE, LLC, ) 16 Respondents. ) 17 _____ 18 BRIEF ADJUDICATIVE PROCEEDING (VIA ZOOM) - VOLUME I 19 JANUARY 11, 2024 20 PAGES 1-18 21 BEFORE ADMINISTRATIVE LAW JUDGE BIJAN HUGHES 22 Washington Utilities and Transportation Commission 621 Woodland Square Loop SE 23 Lacey, Washington 98504 24 _____ 25 TRANSCRIBED BY: ELIZABETH PATTERSON HARVEY, FAPR, RPR, WA CCR 2731</p>	<p style="text-align: right;">Page 3</p> <p>COLLOQUY</p> <p>1 January 11, 2024 - 1:31 p.m. 2 -o0o- 3 4 JUDGE HUGHES: Good afternoon. Let's be on 5 the record in Docket TV-230838. The time is 1:31. 6 We are here today against multiple household 7 goods carriers. The commission is seeking to cancel 8 permits for failure to file annual reports and pay 9 regulatory fees. 10 So my name is Bijan Hughes. I am an 11 administrative law judge with the Washington Utilities 12 and transportation Commission. 13 I believe we had one person say hello, so 14 let's start with short appearances. And let's start with 15 staff. 16 ATTORNEY STRAUSS: Good morning, your Honor. 17 My name is Josephine Strauss. I'm with the Washington 18 State Attorney General's Office, and I'll be representing 19 staff in this matter. 20 And I have with me a staff member, Esther 21 Neal. 22 ESTHER NEAL: Hi. 23 JUDGE HUGHES: And which one of the 20 24 companies is present? 25 CYNTHIA LAMBERT: I'm Cynthia Lambert, and</p>
<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S 2 3 FOR COMMISSION STAFF: 4 Josephine Strauss Josephine.Strauss@atg.wa.gov 5 Attorney General of Washington PO Box 40128 6 Olympia, Washington 98504 360.709.4850 7 8 ALSO PRESENT: 9 Cynthia Lambert 10 Esther Neal 11 12 13 INDEX OF PROCEEDINGS 14 WITNESS PAGE 15 ESTHER NEAL 16 Examination By Attorney Strauss 8 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>COLLOQUY</p> <p>1 I'm with Pacific Movers. 2 JUDGE HUGHES: Have the parties had an 3 opportunity to chat? 4 Sorry. There's some feedback. 5 Have the parties had a chance before this 6 hearing to discuss potential settlement, or do we want to 7 proceed on the merits? 8 ATTORNEY STRAUSS: Your Honor, staff will 9 actually be moving to dismiss Pacific Movers from the 10 complaint, along with a number of other companies who 11 have since come into compliance since the complaint was 12 filed. 13 JUDGE HUGHES: Excellent. Okay. Then no 14 need for a recess. 15 Let's move on with the motion. So let's 16 start with which ones will be dismissed today. 17 ATTORNEY STRAUSS: Yes. Thank you, your 18 Honor. 19 So the following companies, staff would like 20 a motion to dismiss because they have come into 21 compliance: Eric's Small Moves &amp; Delivery, Pacific 22 Movers, Can't Stop Moving, PNW Moving and Delivery, 23 Mendez Movers, Mr. Muscles Moving Company, Seattle Moves 24 &amp; More, 3Z Movers, Pro Movers, Nicholas Hylan, GM Move 25 and Transport, Allied Vans, Inc., and Lions Movers LLC.</p>

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<p>1 JUDGE HUGHES: Okay. I think I got most of</p> <p>2 those.</p> <p>3 ATTORNEY STRAUSS: I can --</p> <p>4 JUDGE HUGHES: -- I assume it's in writing.</p> <p>5 (Overlapping speech)</p> <p>6 ATTORNEY STRAUSS: -- better, your Honor.</p> <p>7 JUDGE HUGHES: How many names were there? I</p> <p>8 think you said 13?</p> <p>9 ATTORNEY STRAUSS: 13.</p> <p>10 JUDGE HUGHES: I have 12. So I think I have</p> <p>11 Movers -- somewhere between Movers and More, and I wrote</p> <p>12 Row.</p> <p>13 ATTORNEY STRAUSS: We don't have a Movers and</p> <p>14 more. We have a Seattle Moves &amp; More.</p> <p>15 JUDGE HUGHES: Moves and more, yeah. What</p> <p>16 was after that?</p> <p>17 ATTORNEY STRAUSS: 3Z Movers.</p> <p>18 JUDGE HUGHES: 3Z. Okay.</p> <p>19 So put another way, what are the seven</p> <p>20 remaining ones?</p> <p>21 JUDGE HUGHES: Well, the following companies,</p> <p>22 staff would also like to dismiss since their permits have</p> <p>23 been canceled and there's no point continuing with the</p> <p>24 proceeding against them. We have five. Miracle Man</p> <p>25 Movers, One Nation Group, C&amp;N Enterprises, Extraordinary</p>		<p>1 present date and time for this hearing. The complaint</p> <p>2 was served on each of the companies named in the</p> <p>3 complaint. At paragraph 59 of that complaint, the named</p> <p>4 companies were advised that if they did not appear, they</p> <p>5 would be held in default.</p> <p>6 The remaining company that was not dismissed</p> <p>7 has failed to appear at the set time and place for the</p> <p>8 hearing. And staff now asks that you find the company in</p> <p>9 default and allow staff to proceed on the merits and</p> <p>10 present its case.</p> <p>11 JUDGE HUGHES: Thank you.</p> <p>12 Before I grant that, in an abundance of</p> <p>13 caution, I don't see anyone, but is anyone from North</p> <p>14 Coast Moving present?</p> <p>15 Hearing nothing, I'm going to proceed. So</p> <p>16 thank you. The motion for default is granted for North</p> <p>17 Coast Moving. And I will memorialize that in an order to</p> <p>18 come. The company did not come into compliance and they</p> <p>19 failed to appear today, so they're going to be in</p> <p>20 default.</p> <p>21 So I can now swear in staff so they may</p> <p>22 testify.</p> <p>23 ATTORNEY STRAUSS: Thank you, your Honor.</p> <p>24 Staff would like to call Esther Neal.</p> <p>25 JUDGE HUGHES: If you could raise your right</p>	
COLLOQUY	Page 6	COLLOQUY	Page 8
<p>1 Moving &amp; Storage, and Nest Moving and Storage.</p> <p>2 JUDGE HUGHES: Okay.</p> <p>3 ATTORNEY STRAUSS: And one company where we</p> <p>4 would like to proceed.</p> <p>5 JUDGE HUGHES: Oh, wow. 95 percent. That's</p> <p>6 great. Okay.</p> <p>7 Then I will go back to the transcript and</p> <p>8 make sure I have all the right names. But all of the</p> <p>9 ones that have come into compliance, I will issue an</p> <p>10 order indicating their dismissal either for coming into</p> <p>11 compliance or because the matter is now moot since they</p> <p>12 no longer have a license. So in that case, is there a</p> <p>13 motion for default?</p> <p>14 ATTORNEY STRAUSS: Yes, your Honor. It is my</p> <p>15 understanding that there is no representative for the</p> <p>16 remaining party, which is North Coast Moving and Storage.</p> <p>17 Staff would like to now make a motion for a</p> <p>18 finding of default. RCW 34.05.440 and WAC 470-07-450</p> <p>19 authorize the commission to issue an order for default</p> <p>20 and resolve this matter on the merits should the</p> <p>21 respondents fail to appear at the time and place set for</p> <p>22 hearing.</p> <p>23 On November 30, 2023, the commission issued</p> <p>24 the complaint for cancellation in Docket TV-230838. In</p> <p>25 that complaint, at paragraph 56, the commission set the</p>		<p>1 hand. Do you swear or affirm that the testimony that you</p> <p>2 give today will be the truth, the whole truth, and</p> <p>3 nothing but the truth?</p> <p>4 THE WITNESS: I swear.</p> <p>5 JUDGE HUGHES: Okay. Please proceed,</p> <p>6 Counselor.</p> <p>7</p> <p>8 ESTHER NEAL, witness herein, having been first duly</p> <p>9 sworn on oath, was examined and</p> <p>10 testified as follows:</p> <p>11</p> <p>12 EXAMINATION</p> <p>13 BY ATTORNEY STRAUSS:</p> <p>14 <b>Q Good morning, Ms. Neal. How are you? Or I</b></p> <p>15 <b>guess it's afternoon at this point.</b></p> <p>16 A Good afternoon.</p> <p>17 <b>Q Would you please state your name and spell the</b></p> <p>18 <b>last for the record.</b></p> <p>19 A My name is Esther Neal, and my last name is</p> <p>20 spelled N-E-A-L.</p> <p>21 <b>Q And who is your current employer?</b></p> <p>22 A My current employer is the State of Washington.</p> <p>23 And I'm currently working at the Washington State</p> <p>24 Utilities and Transportation Commission.</p> <p>25 <b>Q Thank you.</b></p>	

<p style="text-align: right;">Page 9</p> <p>1 <b>And what is your current occupation?</b></p> <p>2 A I'm currently a regulatory analyst for the UTC,</p> <p>3 the commission.</p> <p>4 <b>Q Thank you.</b></p> <p>5 <b>And how long have you been in that position</b></p> <p>6 <b>for?</b></p> <p>7 A I've been in this position since December 16 of</p> <p>8 2022.</p> <p>9 <b>Q And what are your responsibilities in that</b></p> <p>10 <b>position?</b></p> <p>11 A My responsibilities are to process the annual</p> <p>12 reports that are due to the commission May 1 of each year</p> <p>13 and to verify payments of the regulatory fee.</p> <p>14 <b>Q Thank you.</b></p> <p>15 <b>Have you received any training or education</b></p> <p>16 <b>relating to your role as an investigator?</b></p> <p>17 A I have received training from my predecessor</p> <p>18 and from my supervisor prior to taking over the position.</p> <p>19 <b>Q Thank you.</b></p> <p>20 <b>And how long have you been employed by the</b></p> <p>21 <b>commission, including any time in your current position</b></p> <p>22 <b>and any other position you have held?</b></p> <p>23 A This is the only position I've held with the</p> <p>24 commission. And that's been just over a year now.</p> <p>25 <b>Q Thank you.</b></p>	<p style="text-align: right;">Page 11</p> <p>1 all companies to file their reports through that system.</p> <p>2 When they do, I get an automatic -- an email</p> <p>3 notification. And I get a notification through Teams</p> <p>4 that something was submitted.</p> <p>5 And also, we do have some companies that</p> <p>6 submit their reports through mail, and I get notified</p> <p>7 when those come in.</p> <p>8 And then we also have some companies that</p> <p>9 send their reports through email as well.</p> <p>10 And we have what we call ERTS -- it's End</p> <p>11 Report Tracking System -- where all that information is</p> <p>12 tracked.</p> <p>13 <b>Q Great. Thank you so much.</b></p> <p>14 <b>And how do you track with carriers who have</b></p> <p>15 <b>properly paid their regulatory fees?</b></p> <p>16 A I check with our revenue system. And I check</p> <p>17 to make sure -- to see if any payments have come in or if</p> <p>18 any payments are pending. And if I notice that a report</p> <p>19 has come in without a payment, then I'll check with my</p> <p>20 colleagues in financial services.</p> <p>21 <b>Q Great. Thank you.</b></p> <p>22 <b>So I want to transition. Today, we're talking</b></p> <p>23 <b>about a complaint that was issued by the commission. Are</b></p> <p>24 <b>you familiar with staff's complaint in this docket?</b></p> <p>25 A Yes, I am.</p>
<p style="text-align: right;">Page 10</p> <p>1 <b>So I want to talk about a little bit about</b></p> <p>2 <b>annual reporting. You mentioned that one of your</b></p> <p>3 <b>responsibilities in your job is to review and verify</b></p> <p>4 <b>household good carriers annual reporting. What does this</b></p> <p>5 <b>annual reporting consist of?</b></p> <p>6 A The annual report is a form that's in an Excel</p> <p>7 format that we provide, that has several pages where the</p> <p>8 movers or the companies are to report activities from the</p> <p>9 prior year.</p> <p>10 <b>Q And when is this report due?</b></p> <p>11 A The report is due May 1.</p> <p>12 <b>Q Okay. And you also mentioned regulatory fees.</b></p> <p>13 <b>When are those regulatory fees due?</b></p> <p>14 A The regulatory fees are also due on May 1.</p> <p>15 <b>Q Okay. And what year does the report cover?</b></p> <p>16 A So the year -- the annual report covers the</p> <p>17 previous calendar year.</p> <p>18 <b>Q Okay. And then what year does the regulatory</b></p> <p>19 <b>fee cover?</b></p> <p>20 A The regulatory fee is for the current year</p> <p>21 based off of the revenue from the previous calendar year.</p> <p>22 <b>Q Great. Thank you.</b></p> <p>23 <b>And how do you track which carriers are</b></p> <p>24 <b>properly filed their reports?</b></p> <p>25 A We have an E-filing system. And we instruct</p>	<p style="text-align: right;">Page 12</p> <p>1 <b>Q And how are you familiar with that complaint?</b></p> <p>2 A I filed the complaint.</p> <p>3 <b>Q Okay. And what has been your involvement in</b></p> <p>4 <b>this docket?</b></p> <p>5 A I submitted the docket based off of the fact</p> <p>6 that the companies, at the time when it was filed, were</p> <p>7 not in compliance.</p> <p>8 <b>Q Okay. Thank you.</b></p> <p>9 <b>Now we previously discussed how you tracked</b></p> <p>10 <b>where carriers file reports and who files regulatory</b></p> <p>11 <b>fees. For carriers who do not timely submit regulatory</b></p> <p>12 <b>fees or reports, did you do any investigation into those</b></p> <p>13 <b>carriers?</b></p> <p>14 A Yes. I try reaching out to them by email and</p> <p>15 by phone.</p> <p>16 <b>Q Okay. And can you tell us a little bit more</b></p> <p>17 <b>about how many times you've emailed them or what methods</b></p> <p>18 <b>you used to contact them?</b></p> <p>19 A At least three times each through emails and</p> <p>20 phone calls.</p> <p>21 <b>Q Okay. So I want to talk a little bit about</b></p> <p>22 <b>North Coast Moving and Storage. Specifically for North</b></p> <p>23 <b>Coast Moving and Storage, how many times did you email</b></p> <p>24 <b>them?</b></p> <p>25 A I emailed them a total of four times.</p>

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1 **Q Okay. Did you ever get any response from them**  
 2 **by email?**  
 3 A I did. My initial email was on May 18. And  
 4 from that email, I explained to them that there were  
 5 several issues with the report that needed to be  
 6 corrected in order for it to be accepted as complete.  
 7 And I did hear back from the company at that  
 8 time. And they stated that they received -- they  
 9 acknowledged receipt of my response, and thanked me. And  
 10 they said that they will resubmit. And then they  
 11 mentioned that they didn't know why there were so many  
 12 mistakes, and in 18-plus years they don't know why there  
 13 is an issue.  
 14 So I expected the report to be resubmitted.  
 15 But when it did not, then I did reach out to them a  
 16 couple more -- a few more times.  
 17 **Q Okay. And you mentioned that you emailed them.**  
 18 **Where did you get that email address from?**  
 19 A The email address was the one that they  
 20 provided to the commission and the one that we have on  
 21 file for them.  
 22 **Q Great. And is it the responsibility of the**  
 23 **moving company to supply adequate and accurate contact**  
 24 **information?**  
 25 A Yes, it is.

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1 **Q Okay. And did they ever correct the report?**  
 2 A No. They have not corrected the report.  
 3 **Q Okay. And did you ever email them again about**  
 4 **that report?**  
 5 A I did. I emailed them three additional times.  
 6 **Q And did any of those emails ever receive a**  
 7 **response?**  
 8 A No.  
 9 **Q Okay. And you mentioned you also called them.**  
 10 **How many times did you call them?**  
 11 A I made three phone calls to the company.  
 12 **Q Did anyone ever answer the phone when you**  
 13 **called?**  
 14 A My initial call was on October 31 of last year.  
 15 And yes, I did get an answer.  
 16 **Q And what did the person say?**  
 17 A The person I spoke with was Pete. And he  
 18 informed me -- well, he answered the phone as Hansen  
 19 Brothers moving.  
 20 And I let him know that I was trying to reach  
 21 North Coast Moving and Storage Company LLC. And Pete  
 22 said that company is no longer in business and the owner  
 23 retired.  
 24 And I let Pete know that the company is still  
 25 showing as active with UTC, with the commission, and that

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1 they needed to let us know that they were out of business  
 2 or continuing to have -- they will continue to have to  
 3 submit the annual report and fees.  
 4 He provided me with the email address, but  
 5 that was the email address that I already had.  
 6 **Q Thank you.**  
 7 **Now you mentioned Hansen Brothers had answered**  
 8 **the phone. Did Hansen Brothers buy North Coast Moving?**  
 9 A I received a voice mail today. After trying to  
 10 reach out to them again, I made one last attempt today to  
 11 call them.  
 12 And the voice message that I received was from  
 13 Dave, who is Dave Cullen, the CFO of Hansen Brothers.  
 14 And he let me know that he was responding to my phone  
 15 call. And he said that they did not actually buy the  
 16 company. But he said that they bought their trucks, and  
 17 that --  
 18 **Q Okay. So they did not purchase -- sorry.**  
 19 **Continue.**  
 20 A And he said that they had no financial  
 21 information for that previous company.  
 22 **Q Okay. So they didn't purchase any of the**  
 23 **business of North Coast, just the trucks and maybe some**  
 24 **other property?**  
 25 A Yes.

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1 **Q Okay. Great. Has North Coast made any efforts**  
 2 **that you know of to pay regulatory fees?**  
 3 A North Coast did pay a regulatory fee.  
 4 **Q Okay.**  
 5 A They -- the only thing that was outstanding was  
 6 their report needed to be corrected.  
 7 **Q And that report is still outstanding; is that**  
 8 **correct?**  
 9 A Yes.  
 10 **Q Okay. So is North Coast in compliance right**  
 11 **now, or are they out of compliance?**  
 12 A They are still out of compliance.  
 13 **Q Okay. Thank you.**  
 14 **ATTORNEY STRAUSS: That's all the questions I**  
 15 **have, your Honor.**  
 16 **JUDGE HUGHES: Thank you.**  
 17 **As sort of out of curiosity, did you check to**  
 18 **see if the company was still registered with the**  
 19 **secretary of state?**  
 20 **Is the corporate entity dissolved or not? Do**  
 21 **you know?**  
 22 THE WITNESS: No, I have not, your Honor.  
 23 JUDGE HUGHES: Okay. I was just curious.  
 24 Okay. Thank you.  
 25 So I'm going to be holding North Coast Moving

COLLOQUY Page 17

1 in default, having failed to appear today.  
 2           However, I want to note for the record that  
 3 putting aside the default, the record is -- the testimony  
 4 we just heard supports cancellation of the household good  
 5 permits on the merits.  
 6           So is there anything else we need to  
 7 address?  
 8           ATTORNEY STRAUSS: I don't believe so, your  
 9 Honor.  
 10          JUDGE HUGHES: Okay. Well, great job,  
 11 everyone. And let's get off the record then. Thank you.  
 12          (Proceedings concluded at 1:47 p.m.)  
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REPORTER CERTIFICATE Page 18

C E R T I F I C A T E

1  
 2  
 3 STATE OF WASHINGTON )  
 4                            ) <sup>ss</sup>  
 5 COUNTY OF KING        )  
 6  
 7 I, Elizabeth Patterson Harvey, a Certified  
 8 Court Reporter and Registered Professional Reporter  
 9 within and for the State of Washington, do hereby certify  
 10 under penalty of perjury that the foregoing legal  
 11 recordings were transcribed under my direction; that I  
 12 received the electronic recording in the proprietary  
 13 format; that I am not a relative or employee of any  
 14 attorney or counsel employed by the parties hereto, nor  
 15 financially interested in its outcome.  
 16           IN WITNESS WHEREOF, I have hereunto set my  
 17 hand this 25th day of January, 2024.  
 18  
 19  
 20 \_\_\_\_\_  
 21 Elizabeth Patterson Harvey, CCR 2731  
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 24  
 25