

WUTC v. TLC Moving & Storage, Inc., et al.

Docket No. TV-240592 - Vol. I

November 8, 2024



1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101
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Seattle 206.287.9066 Tacoma 253.235.0111 Eastern Washington 509.624.3261

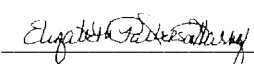
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<p style="text-align: right;">Page 1</p> <p style="text-align: center;">BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION</p> <hr/> <p>WASHINGTON UTILITIES AND) TRANSPORTATION COMMISSION,) Complainant,) vs.) DOCKET NO. TV-240592) TLC MOVING & STORAGE, INC.; PRO) MOVERS, LLC; ERIC'S SMALL MOVES &) DELIVERY, LLC; CLUTTER, INC.; I) HEART MOVERS, LLC; MENDEZ MOVERS,) LLC; TRIPLE 7 MOVERS OF WASHINGTON,) LLC; YBARRA, SARA d/b/a PRECISION) MOVERS; FIVE STAR MOVING SERVICES,) SPOKANE NO1 QUALITY MOVING CO, AND) THE ULTIMATE HOUSEHOLD GOODS MOVING) CO; LOYALTY MOVING, LLC; AND) MIRACLE MAN MOVERS, LLC,) Respondent.)) PAGES 1 - 15</p> <hr/> <p style="text-align: center;">VIRTUAL BRIEF ADJUDICATIVE PROCEEDING - VOL. I BEFORE ADMINISTRATIVE LAW JUDGE BIJAN HUGHES</p> <p style="text-align: center;">November 8, 2024</p> <hr/> <p style="text-align: center;">HELD VIA ZOOM Washington Utilities and Transportation Commission 621 Woodland Square Loop SE Lacey, Washington 98504</p> <hr/> <p>TRANSCRIBED BY: ELIZABETH PATTERSON HARVEY, WA CCR 2731</p>	<p style="text-align: right;">Page 3</p> <p style="text-align: center;">INDEX OF PROCEEDINGS</p> <p>1 2 3 PROCEEDINGS PAGE 4 PROCEEDINGS COMMENCE 4 5 CLOSING STATEMENT AND FINDINGS 14 6 7 EXAMINATION INDEX 8 PAGE 9 WITNESS 10 ESTHER NEAL 11 Direct Examination by Attorney Weiland 7 12 13 EXHIBIT INDEX 14 PAGE 15 STAFF EXHIBITS 16 Exhibit EN-1 Declaration, Complaints 17 Attachments A and B 11 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES 2 3 FOR COMMISSION STAFF: 4 Liam Weiland 5 liam.weiland@atg.wa.gov 6 Attorney General of Washington 7 7141 Cleanwater Drive SW 8 PO Box 40145 9 Olympia, Washington 98504-0145 10 11 ALSO PRESENT: 12 AMANDA GONZALES 13 ESTHER NEAL 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 November 8, 2024 2 -o0o- 3 4 JUDGE HUGHES: The time is 1:51. The time 5 set for hearing the commission's complaint was 1:30 6 today, but given the number of parties, we decided to 7 wait 20 minutes for any stragglers. 8 The proceeding today is in Docket 9 TV-240592 against multiple household goods carriers, 10 including TLC Moving & Storage Inc.; Pro Movers, LLC; 11 Eric's Small Moves & Delivery; Clutter, Inc.; I Heart 12 Movers, LLC; Mendez Movers, LLC; Triple 7 Movers; Sara 13 Ybarra, doing business as Precision Movers, Five Star 14 Moving Services, Spokane NO1 Quality Moving Company; and 15 The Ultimate Household Goods Moving Company; as well as 16 not represented by Sara Ybarra's separate company, 17 Loyalty Moving LLC; Miracle Movers, LLC. That's all of 18 them. 19 Okay. So my name is Bijan Hughes. I'm an 20 administrative law judge with the Washington Utilities 21 and Transportation Commission. 22 Let us start by taking short appearances, 23 starting with staff. 24 ATTORNEY WEILAND: Good afternoon, your 25 Honor. This is Liam Weiland, assistant attorney general,</p>

<p style="text-align: right;">Page 5</p> <p>1 appearing on behalf of staff. And with me is staffer 2 Esther Noel.</p> <p>3 JUDGE HUGHES: Welcome. I am not going to 4 go down the list. I can see we have one person with us. 5 Ms. Gonzales, if you can introduce yourself 6 for the record.</p> <p>7 AMANDA GONZALES: Hi, everyone. Thank you 8 for allowing me to attend today. My name is Amanda 9 Gonzales, and I'm representing Clutter, Inc.</p> <p>10 JUDGE HUGHES: Very good. Welcome. 11 And I will note the other nine companies 12 that I listed are, it appears, not present, which is 13 okay, because that brings us to motions. 14 And I'll begin by asking if staff is 15 asking to dismiss the complaint against any of the 16 companies I've listed.</p> <p>17 ATTORNEY WEILAND: Yes. So staff is 18 moving to dismiss the companies who have either come into 19 compliance since the complaint was filed or no longer 20 have active permits.</p> <p>21 Let's see. Pro Movers, LLC; Clutter, Inc; 22 Triple 7 Movers of Washington, LLC; and Miracle Man 23 Movers, LLC; and TLC Moving & Storage; Eric's Small Moves 24 & Delivery, LLC; and Mendez Movers are all now in 25 compliance.</p>	<p style="text-align: right;">Page 7</p> <p>1 and place for the hearing, staff now asks that you find 2 Sara Ybarra in default and allow staff to proceed on the 3 merits and present its case.</p> <p>4 JUDGE HUGHES: Thank you. 5 The motion for default is granted for Sara 6 Ybarra. The company has not pretty much come into 7 compliance and has failed to appear today. So they will 8 be held in default.</p> <p>9 But nevertheless, I can swear in staff to 10 make the case on the merits just to cover our corners 11 here. So could you please raise your right hand? 12 Do you swear to tell the truth, the whole 13 truth, and nothing but the truth? 14 THE WITNESS: I do. 15 JUDGE HUGHES: Very good. Thank you. 16 Please proceed, counselor.</p> <p>17 18 ESTHER NEAL, having been duly sworn, testified as 19 follows: 20</p> <p>21 EXAMINATION 22 BY ATTORNEY WEILAND: 23 Q Good afternoon, Ms. Neal. 24 A Good afternoon. 25 Q Would you please first state your name and</p>
<p style="text-align: right;">Page 6</p> <p>1 And I Heart Movers, LLC and Loyalty 2 Moving, LLC are inactive; do not have active permits.</p> <p>3 JUDGE HUGHES: That was I Heart -- what 4 was the second one?</p> <p>5 ATTORNEY WEILAND: Loyalty Moving, LLC.</p> <p>6 JUDGE HUGHES: Okay. So I count nine. 7 And so that leaves Sara Ybarra and her various 8 companies?</p> <p>9 ATTORNEY WEILAND: It does.</p> <p>10 JUDGE HUGHES: Very good. Okey dokey. 11 Okay. So we will remove those from the complaint, then. 12 I will grant that motion.</p> <p>13 Moving forward, does counsel have a motion 14 for default?</p> <p>15 ATTORNEY WEILAND: Yes. As it appears 16 that no representative for Sara Ybarra has appeared for 17 this hearing, staff moves for default judgment under WAC 18 480-07-450 (1) and RCW 34.05.340.</p> <p>19 The commission issued the complaint for 20 cancellation in this docket on October 4, 2024. It 21 included a notice of hearing. The notice also included a 22 warning that any party failing to appear would be held in 23 default.</p> <p>24 The complaint was served on Sara Ybarra. 25 And because Sara Ybarra has not appeared at the set time</p>	<p style="text-align: right;">Page 8</p> <p>1 spell your last name for the record. 2 A My name is Esther Neal, N-E-A-L. 3 Q And by whom are you currently employed? 4 A I am employed by the Washington Utilities and 5 Transportation Commission. 6 Q And what is your position at the commission? 7 A I'm a regulatory analyst. 8 Q And what are your duties in that position? 9 A My duties include reviewing, analyzing the 10 financial and operational data of the regulated 11 companies, companies regulated by the UTC. 12 Q Thank you. 13 Have you received training that allows you to 14 carry out those duties? 15 A In my career as a Washington state employee, 16 I've gained over 19 years of experience working with 17 regulated entities and analyzing policies, laws, and 18 regulations, as well as over eight years of accounting 19 experience. 20 Q Great. And is one of your responsibilities in 21 your job to review and verify household good carriers' 22 annual reporting? 23 A Yes. 24 Q What does this annual reporting report consist 25 of?</p>

<p style="text-align: right;">Page 9</p> <p>1 A The report consists of the operational and 2 financial data for the previous calendar year. 3 Q Are household goods carriers required to file a 4 complete annual report each year? 5 A Yes. 6 Q When are those reports due? 7 A Those reports are due May 1 of each year. 8 Q And how do they submit those reports? 9 A Those reports are submitted through -- we have 10 an e-filing system, so they can e-file the report. Or I 11 do receive reports as well through e-mail, or they can 12 mail them, or they can drop them off at the office. 13 Q Great. Are the household goods carriers also 14 required to submit regulatory fees on a yearly basis? 15 A Yes. 16 Q By what date? 17 A Those are also due by May 1 of each year. 18 Q Does the commission provide notice to regulated 19 household goods carriers of their reporting and fee 20 obligations, as well as the annual report forms for the 21 companies each year? 22 A Yes. The first week of March each year, we 23 send a notification e-mail out to all of the regulated 24 companies reminding them of the annual report requirement 25 and the regulatory fee requirement. And then we send a</p>	<p style="text-align: right;">Page 11</p> <p>1 AMANDA GONZALES: Thank you. 2 JUDGE HUGHES: Hearing no objections, and 3 seeing that there's no one else in the room, we will 4 enter into evidence EN-1. 5 (Staff Exhibit EN-1 admitted) 6 ATTORNEY WEILAND: Thank you. 7 Q (By Attorney Weiland) Ms. Neal, how do you 8 keep track of which carriers have filed their complete 9 annual reports? 10 A I keep track through -- we have an annual 11 report tracking system. And that's how I'm able to 12 verify which companies have submitted their reports or 13 their annual -- their regulatory fees. 14 Q So you use the same system to keep track of the 15 fees? 16 A Yes. 17 Q If, after May 1, you discover that a company 18 has not filed a complete annual report or paid its 19 required regulatory fees, how do you proceed? 20 A So all the companies that haven't submitted by 21 May 1, I initially send out a notification e-mail, a 22 warning e-mail, letting them know that they're out of 23 compliance and that they're subject to a penalty fee upon 24 receipt, and/or cancellation if not received. 25 Q Do you attempt the companies just once, or</p>
<p style="text-align: right;">Page 10</p> <p>1 link to the annual report forms that are on our website. 2 Q Great. Thank you. 3 Do you currently have the exhibit labeled EN-1 4 in this docket in front of you? 5 A Yes. 6 Q Could you please identify the documents in this 7 exhibit? 8 A Okay. So these documents include a 9 declaration, complaints, and Exhibit A attachment and 10 Exhibit B attachment. 11 Q Are the Attachments A and B, as you mentioned 12 on pages 6 and 7 of the exhibit, true and accurate copies 13 of the e-mails you sent to the companies providing the 14 list of the annual reporting and fee obligations? 15 A Yes, they are. 16 ATTORNEY WEILAND: Judge Hughes, at this 17 point, staff would move to admit Exhibit EN-1. 18 JUDGE HUGHES: I'm going to ask, is there 19 any objection from Clutter? 20 AMANDA GONZALES: No, no objection. I 21 apologize in advance. I will actually need to leave for 22 an alternative meeting, but I appreciate you all allowing 23 me to attend today. 24 JUDGE HUGHES: Yes. Thanks for being 25 here. I had someone to ask my question to, so thank you.</p>	<p style="text-align: right;">Page 12</p> <p>1 attempt to contact the companies just once? 2 A No. At least three times per company until the 3 outstanding report and/or regulatory fee are received. 4 Q Great. Are you familiar with the complaint 5 that was filed in this docket? 6 A Yes. 7 Q How are you familiar with the complaint? 8 A I filed the complaint. 9 Q And was the complaint in this docket based on 10 your report of missing annual reports and regulatory 11 fees? 12 A Yes. 13 Q So the one company that has not been dismissed, 14 Sara Ybarra, either did not complete any annual report or 15 pay its regulatory fees, or both, correct? 16 A That's correct. 17 Q When did you reach out to Sara Ybarra? 18 A I sent the initial notification warning, 19 warning notice, on May 10. And then -- so that was the 20 official -- the initial attempt after May 1. 21 Q And did you attempt to contact Sara Ybarra on 22 other occasions as well? 23 A I did on October -- I'm sorry. On August 2. 24 And then not hearing from the company, I 25 reached out to them again. After filing the complaint on</p>

<p style="text-align: right;">Page 13</p> <p>1 October 4, I reached out to them on October 28. I did 2 speak to the company. 3 And I reached out to them again on the 29th of 4 October. 5 Q Did the company have any response? 6 A Yes. On October 28, I did speak to Sara 7 Ybarra. And she informed me that she had some confusion 8 with the annual report form. 9 And I set up a phone appointment to go over the 10 annual report form the following day, on October 29, at 11 which time we did keep that appointment on the 29th. And 12 I went over each page of the annual report form with the 13 company, and was told that the annual report form would 14 be submitted. 15 Q And as of today, has Sara Ybarra paid their 16 regulatory fee or submitted a complete report? 17 A No. 18 Q So what action do you recommend the commission 19 take with regard to that company? 20 A I recommend moving forward with canceling the 21 permit of the company. 22 ATTORNEY WEILAND: Great. Thank you. No 23 further questions. 24 JUDGE HUGHES: Okay. And I don't have any 25 questions. So you are dismissed. Thank you.</p>	<p style="text-align: right;">Page 15</p> <p>1 CERTIFICATE 2 STATE OF WASHINGTON) 3) ss 4 COUNTY OF KING) 5 6 I, Elizabeth Patterson Harvey, a Certified 7 Court Reporter and Registered Professional Reporter 8 within and for the State of Washington, do hereby 9 certify under penalty of perjury that the foregoing legal 10 recordings were transcribed under my direction; that I 11 received the electronic recording in the proprietary 12 format; that I am not a relative or employee of any 13 attorney or counsel employed by the parties hereto, nor 14 financially interested in its outcome. 15 IN WITNESS WHEREOF, I have hereunto set my 16 hand this 21st day of November, 2024. 17 18 19 20  21 Elizabeth Patterson Harvey, CCR 2731 22 23 24 25</p>
<p style="text-align: right;">Page 14</p> <p>1 THE WITNESS: Thank you. 2 JUDGE HUGHES: Let's see. Counselor, 3 would you like to make a closing statement? 4 ATTORNEY WEILAND: Staff simply asks that 5 the commission cancel the permit of Sara Ybarra for 6 failing to provide the company's annual report and 7 regulatory fees, and also failing to appear at this 8 hearing. 9 JUDGE HUGHES: Very good. Thank you. 10 I will issue an order in this docket 11 reflecting the dismissal we've discussed today and the 12 default that we discussed, as well as memorialize the 13 merits of the nonpayment and form filing. And I will lay 14 out the record that supports cancellation of this 15 household goods permit for Sara Ybarra on the merits. 16 Is there anything else we need to 17 address? 18 ATTORNEY WEILAND: There is not, not from 19 staff. 20 JUDGE HUGHES: Okay. Well, thank you 21 everybody. Let's be off the record. 22 ATTORNEY WEILAND: Thank you. 23 THE WITNESS: Thank you. 24 (Proceeding concluded at 2:04 p.m.) 25</p>	

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