

Docket No. TV-200475 - Vol. I

Rocket Movers

May 19, 2021



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining) DOCKET TV-200475
the Proper Carrier Classification)
of, and Complaint for Penalties)
Against,)
))
))
ROCKET VAN LINES, LLC)

VIRTUAL SPECIAL PROCEEDING, VOLUME I
PAGES 1-21
ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

May 19, 2021

11:00 a.m.

Washington Utilities and Transportation Commission
621 Woodland Square Loop Southeast
Lacey, Washington 98503

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

RAYNE PEARSON

FOR COMMISSION STAFF:

ROBERT HARTFORD
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FOR THE COMPANY:

MATTHEW RYCRAFT
Owner

* * * * *

1 LACEY, WASHINGTON; MAY 19, 2021

2 11:00 A.M.

3 --oOo--

4 P R O C E E D I N G S

5

6 JUDGE PEARSON: Let's be on the record.

7 Good morning. Today is Wednesday, May 19th, 2021. The
8 time is a little after 11:00 a.m.

9 My name is Rayne Pearson. I'm an

10 administrative law judge with the Washington Utilities
11 and Transportation Commission.

12 This is Docket TV-200475, which is a special
13 proceeding to determine whether Rocket Van Lines, LLC is
14 operating as a household goods company without the
15 required permit from the Commission.

16 So let's begin by taking appearances
17 starting with Commission Staff.

18 MR. HARTFORD: Good morning, Your Honor.
19 Robert Hartford appearing on behalf of the Commission.

20 JUDGE PEARSON: Great, thank you.

21 And now if the representative for the
22 company, if you could please state your name, spelling
23 your last name for the court reporter, and then provide
24 your address, phone number, and email address.

25 MR. RYCRAFT: So my name is Matthew Rycraft.

1 That's Romeo, Yankee, Charlie, Romeo, alpha, foxtrot,
2 tango, and address is 2243 West Dakota Avenue, Hayden,
3 Idaho 83835. Email address is
4 contact@rocketvanlines.com, and phone number
5 208-446-5657.

6 JUDGE PEARSON: Okay. Great, thank you. I
7 like how you spelled your last name. Thank you.

8 Okay. So you are here because the
9 Commission has information that your company is or was
10 operating or advertising as a household goods carrier
11 without a permit. And operating or advertising without
12 a permit is illegal and subject to a penalty of up to
13 \$5,000 per violation. So if you are found to have
14 engaged in business as a household goods mover without a
15 permit, the Commission can order you to cease and desist
16 operating and impose a penalty for those violations.

17 As you know, the Commission has initiated an
18 enforcement action against your business, so at this
19 hearing, I'm going to ask you how you choose to proceed,
20 and you have two options.

21 The first option is to agree to cease and
22 desist operating as an unpermitted household goods
23 carrier, and if you choose this option, you must agree
24 to stop providing, offering, and advertising unpermitted
25 household goods services unless or until you receive a

1 household goods permit from the Commission. So you will
2 need to show Staff what you've done to shut down your
3 business either completely or partially, which would
4 include proof that you're no longer operating or
5 advertising, such as taking down or changing your
6 website or other online advertisements for your
7 business.

8 If you have obtained or applied for a
9 permit, a permit in advance of this hearing, please let
10 me know when I call on you. And if you have obtained
11 your permit, you can continue to operate your business
12 so long as you are permitted.

13 The second option is to ask for a
14 classification hearing, and you would choose this option
15 if you believe that you are not operating illegally and
16 that your business is not subject to regulation by the
17 Commission as a household goods carrier. So in other
18 words, you would be denying that you offer or advertise
19 unpermitted household goods carrier services. And if
20 you choose this option, we will schedule a formal
21 evidentiary hearing where you will be required to
22 present proof that your business is not within the
23 Commission's jurisdiction. The hearing would be set
24 about a month from now with a deadline a week before the
25 hearing for both you and Commission Staff to file a list

1 of any witnesses that you wish to bring forward as well
2 as any exhibits.

3 So Robert Hartford will be speaking for
4 Commission Staff this morning. If you've not already
5 met Robert Hartford, he did appear on the line. He is a
6 Commission compliance investigator.

7 So now that we've gone over the choices, I
8 will explain what else will happen today.

9 In a few minutes, I'm going to ask you to
10 let me know what your choice is. So at that time, I
11 will swear you in so that anything you tell me will be
12 considered sworn testimony made under penalty of
13 perjury. Once you're sworn in, I will ask if you
14 understand your choices and then ask you to state your
15 choice. And then if there is anything else you want to
16 explain to me, you will have a chance to do that.

17 If you choose option A, you will need to
18 testify about how you plan to comply with the law either
19 by filing an application for a household goods permit or
20 shutting down your unpermitted business. Depending on
21 what proof you can provide, you may be given an
22 opportunity to meet with Staff during the break to
23 negotiate an agreed order to resolve this matter.

24 The agreed order, if you're able to reach
25 one, will also deal with the penalty. So the complaint

1 you were served with asked that the Commission penalize
2 you for engaging in business as a household goods
3 carrier without a permit, and the law sets the maximum
4 penalty for each violation at \$5,000. So Staff will
5 recommend a penalty and you will have a chance to reach
6 an agreement with Staff about the penalty amount. If
7 you're unable to agree, Staff will explain its
8 recommendation, you can explain your response, and then
9 the Commission will make the final decision about the
10 penalty amount.

11 If you choose option B, that is if you deny
12 you're operating as a household goods mover, like I said
13 earlier, we'll schedule another hearing. So in that
14 case, it would help if you know your schedule for the
15 next month or two so we can set a hearing date.

16 So let's begin with Staff. Robert Hartford,
17 I will swear you in now.

18 (Robert Hartford sworn.)

19 JUDGE PEARSON: Okay, great.

20 And, Matthew Rycraft, what's your position
21 with the company?

22 MR. RYCRAFT: I'm the sole owner.

23 JUDGE PEARSON: Okay. And do you understand
24 the options that I explained?

25 MR. RYCRAFT: I do, yes.

1 JUDGE PEARSON: Okay, great. Let me go
2 ahead and swear you in. If you could raise your right
3 hand.

4 (Matthew Rycraft sworn.)

5 JUDGE PEARSON: Okay. So do you admit that
6 you were operating as a household goods carrier without
7 a permit or do you wish to request a hearing to contest
8 the allegations against you?

9 MR. RYCRAFT: So I was not operating in
10 Washington as a household goods carrier --

11 JUDGE PEARSON: You say you were not?

12 MR. RYCRAFT: I was not.

13 JUDGE PEARSON: Okay.

14 MR. RYCRAFT: I do want to -- I do have my
15 Washington State UBI number, and I'm in the process of
16 getting everything that I need to now that I have it.
17 If I do -- if any advertisement happens in the Spokane
18 vicinity, then I need to have my information over there
19 with everything legally that I need to have in order --

20 JUDGE PEARSON: Okay. I need to just go off
21 camera for one quick second. I'm having an issue, a
22 family child issue. So hold on just one moment. I will
23 be right back.

24 MR. RYCRAFT: Okay. Of course.

25 JUDGE PEARSON: Okay. I am so sorry about

1 that and I am back.

2 Okay. So you are denying the allegations,
3 does that mean that you want to set a hearing for a
4 later date to contest the allegations or would you at
5 least like an opportunity to talk with Staff?

6 MR. RYCRAFT: I'd like to talk with Staff
7 and then hopefully we can get this resolved today. I
8 mean -- I mean, if that's okay with Staff, Robert
9 Hartford.

10 JUDGE PEARSON: Yes, we can certainly make
11 that accommodation. I guess I was just trying to
12 establish whether you were willing to have that
13 conversation.

14 Robert, did you have any opinions about
15 that?

16 MR. HARTFORD: No, Your Honor, I don't. But
17 I would like to make you aware that Staff did receive a
18 couple of documents from Mr. Rycraft on the 10th of May.
19 One of the documents appeared to be their dashboard for
20 Craigslist showing their advertisements in the Spokane
21 area have been deleted. And then the other document was
22 a receipt from the Secretary of State's office showing
23 that they had applied for a business license in
24 Washington State.

25 I'd like to just further state that I did

1 take a look this morning, and as of this morning, Rocket
2 had not applied for a permit; however, their
3 advertisements -- there were no advertisements on the
4 Spokane area Craigslist for -- for moving -- moving in
5 Washington State.

6 JUDGE PEARSON: Okay. Great. Thank you.

7 So it sounds like it would probably serve
8 all the parties best if we take a break so that you all
9 can talk and see if you're able to reach an agreement.
10 And if you are able to reach an agreement, I can issue
11 an order stating that you agree that you were operating
12 in the past without a permit and advertised without a
13 permit. It sounds like you have corrected that going
14 forward and that you agree to stop operating until you
15 get a permit if you decide to apply for one.

16 And it would most likely include an agreed
17 penalty amount, and usually the penalty -- part of the
18 penalty would be suspended, so that means you would not
19 have to pay it unless you broke the law again. So you
20 would pay a small portion of the penalty today and only
21 have to pay the rest of the penalty if you violated the
22 order going forward.

23 So are there any questions before we take a
24 break?

25 MR. RYCRAFT: Just that I don't --

1 (unintelligible) --

2 THE COURT REPORTER: I'm sorry, this is the
3 court reporter. I didn't hear what he was beginning to
4 say.

5 JUDGE PEARSON: Okay.

6 MR. RYCRAFT: The Coeur d'Alene Spokane
7 Craigslist, it says Spokane and Coeur d'Alene combined
8 on there, so any advertisements on that Craigslist page
9 would be, you know, people -- it might be easy to
10 misconstrue whether or not they could, you know, whether
11 they do business in Spokane or Coeur d'Alene --

12 JUDGE PEARSON: Sure.

13 MR. RYCRAFT: And the specific ad that was
14 posted to Craigslist was an ad from 2019. I believe
15 that was reposted by an assistant of mine. I told her
16 to repost an ad that says low cost, affordable movers on
17 it, so she must have chosen one that had Spokane still
18 in the ad. So I don't think I should be required to pay
19 any fee because I'm not operating in Washington, and I'm
20 going to work as quickly as I possibly can to get a
21 household goods, you know, temporary permit and then a
22 permanent permit because --

23 JUDGE PEARSON: Okay.

24 MR. RYCRAFT: -- to be in compliance with
25 you guys.

1 JUDGE PEARSON: Okay. So I think those are
2 all good mitigating factors that you can discuss with
3 Staff on the break, and Staff will have suggestions for
4 you about how you can ensure that you stay in compliance
5 going forward while you're waiting for your Washington
6 permit, such as I understand you don't have control over
7 the Coeur d'Alene Spokane advertisement on Craigslist,
8 but you could place a statement in your ad that says
9 Coeur d'Alene moves only, Idaho moves only at this time.
10 There's kind of -- there's things you can do to make
11 sure that it's clear to consumers where you operate, so
12 you and Staff can talk about more -- about some of those
13 strategies on the break.

14 MR. RYCRAFT: Okay. Sounds good.

15 JUDGE PEARSON: Okay. All right. So let's
16 go ahead and be in recess. It's now 11:14, and I will
17 admit the call along with the court reporter, and I will
18 come back on when Staff messages me, and then I will
19 send a message to the court reporter, and we will both
20 come back on and rejoin the hearing at that time. So we
21 are now in recess, and I am hanging up.

22 (Recess taken from 11:14 a.m.
23 until 11:51 a.m.)

24 JUDGE PEARSON: Let's be back on the record.
25 And, Robert Hartford, would you like to summarize for me

1 what happened during the break and whether or not the
2 parties were able to come to an agreement?

3 MR. HARTFORD: Yes, Your Honor. So the
4 parties were able to come to an agreement that Rocket
5 was operating in Washington State without a permit. Our
6 suggestion is a \$5,000 penalty with \$4500 of that
7 penalty suspended for two years with the \$500 remaining
8 portion of that penalty due today. And Mr. Rycraft has
9 agreed to make that penalty today via the Commission
10 online payment portal, which I am now drafting an email
11 with instructions for him and I will send within the
12 next moment or two.

13 JUDGE PEARSON: Okay, great.

14 So just for the record, Matthew Rycraft, you
15 had a chance to review the terms, and I just want to
16 make sure that you understand the implication.

17 MR. RYCRAFT: Yes, I didn't review them
18 personally, but he read them over the phone for me.
19 They were saying is it two years, \$4500 suspended, I
20 have to pay you guys 500 bucks. Yeah.

21 JUDGE PEARSON: Okay. So just for the
22 record, you're agreeing to shut down your company in
23 Washington unless and until you get a permit?

24 MR. RYCRAFT: For the record, I never was
25 operating in Washington, but I do agree not to operate

1 in Washington again.

2 JUDGE PEARSON: Okay. So the \$4500 will be
3 suspended for two years from today's date, so until 19th
4 2023. So that means that if Staff finds an
5 advertisement or you offer a move during that time, the
6 \$4500 penalty will be imposed; you understand that part,
7 right?

8 MR. RYCRAFT: Yes, so I do have a question.

9 JUDGE PEARSON: Sure.

10 MY RYCRAFT: Sorry, I'm driving. So is
11 there any way that like -- I know you're the judge, so
12 could you just like waive that \$500 or something and
13 then I won't do this again. And if I do, I'll pay the
14 whole \$500?

15 JUDGE PEARSON: So you're asking to suspend
16 the entire \$5,000?

17 MY RYCRAFT: Yes.

18 JUDGE PEARSON: Okay. Can you give me a
19 little bit more of an explanation as to why you believe
20 that that would be the correct outcome?

21 MR. RYCRAFT: Yeah, well, yes, because I did
22 give Robert information about a move over the phone, so
23 I told him how much the approximately price would cost
24 for a move at that time that he called and asked me for.
25 So I did tell him the pricing, and I talked -- we spoke

1 earlier that we just -- we felt moving (unintelligible)
2 a lot of other companies. So I gave a lot of
3 information to -- to a lot of people that just call in
4 from all over the place for random things like hot tubs
5 or for any -- pretty much anything, yeah.

6 So and we're going through a pandemic right
7 now. We're barely making it right now, and I mean, I am
8 hopeful -- I'm applying for the EILD loan, and hopefully
9 we -- I'll just use some of that money to pay you guys
10 that I get from the loan or I'll pay -- I don't know how
11 we're going to do it. But basically now that I know
12 that this company -- or that you guys are actually a
13 company, because as I told Robert, I was getting
14 bombarded as soon as I got my -- my DOT number with
15 literally hundreds of phone calls, emails, texts, a
16 bunch of big companies saying headlines like you're not
17 in compliance with this or that, use our company
18 services. So I really did think that you guys were -- I
19 know I got a letter from you guys a long time ago, but I
20 thought you guys were just another scam company trying
21 to get money.

22 JUDGE PEARSON: Okay.

23 MY RYCRAFT: So yeah, I mean, this is a --
24 we're a small, family owned business, but it was just
25 me. But this is like -- it was -- I mean, it would put

1 us behind, even a small amount. You know, it's not as
2 busy as it was before.

3 JUDGE PEARSON: Sure. And I understand
4 that. That the economy is definitely in a downturn
5 right now.

6 Robert, did you have any response to that?
7 I do think that we have -- in other circumstances, we've
8 been a little more lenient during this last year or so
9 due to economic downturn caused by the COVID-19
10 pandemic. Would you be amenable to suspending the
11 entire amount of the penalty in light of these
12 circumstances?

13 MR. HARTFORD: I would be, Your Honor, but I
14 do -- I would like to make it known that, you know,
15 during -- during our negotiation, Mr. Rycraft and I did
16 have some difficulty coming to an agreement about what a
17 quote is and what an estimate is. He -- he seemed to
18 have a difference of opinion about sort of the
19 terminology, and eventually I was able to get him to
20 agree that -- the he -- he wanted to make it clear that
21 he did not agree that he was doing anything wrong. So
22 that's -- that's all I have to say.

23 JUDGE PEARSON: Okay. And I understand that
24 as a factor, but I do think that a \$5,000 penalty
25 provides pretty significant deterrent from engaging in

1 additional illegal operations going forward.

2 And so I guess my question to you, Matthew,
3 would be whether it is clear to you now that -- what is
4 and not allowed under Washington law.

5 MR. RYCRAFT: This is crystal clear now.

6 JUDGE PEARSON: Okay.

7 MR. RYCRAFT: I didn't know before and
8 that's why -- yeah, and we -- I didn't agree that his
9 quote (unintelligible) but now I know and he made that
10 very clear to me. I agree that I understand that you
11 cannot operate in Washington at all. I do have a
12 question.

13 JUDGE PEARSON: Sure.

14 MR. RYCRAFT: So I remember Robert told me
15 that we can have a move, but as long as its starting
16 point is in Idaho; is that correct?

17 JUDGE PEARSON: Well, that's not a move that
18 the Commission regulates because it's interstate. We
19 only regulate intrastate moves, that both the origin and
20 the destination are within the boundaries of Washington
21 State.

22 MR. RYCRAFT: Got it. Okay. Just wanted to
23 make that clear. Okay.

24 MR. HARTFORD: Your Honor, if I may, I do
25 have one more thing to add. I do want to add that Staff

1 is sympathetic to the -- to the fact that we are in a
2 pandemic and that -- and that there is an economic
3 downturn. In, you know, light of those factors,
4 regardless of the other circumstances, I do agree that
5 the -- that there should be no penalty with the full
6 \$5,000 suspended.

7 JUDGE PEARSON: Okay, great.

8 All right. So I will issue an order
9 reflecting, just to be clear, that the company is
10 admitting to past conduct violating Washington State
11 law, that no penalty is due at this time, but there will
12 be a \$5,000 penalty suspended for a period of two years
13 subject to the condition that the company remains in
14 compliance with Washington State laws.

15 MR. RYCRAFT: Yes, yeah, I understand.

16 JUDGE PEARSON: Okay. So everyone's
17 comfortable with that it sounds like?

18 MR. RYCRAFT: Yeah. And if I could speak to
19 Robert just -- I have -- I believe you gave me all the
20 papers I needed (unintelligible) --

21 THE COURT REPORTER: I'm sorry, I'm not able
22 to understand. Can you repeat what you said, please?

23 MR. RYCRAFT: Oh, I was just letting Robert
24 know that once we're in compliance with everything, then
25 I am going to call him to make sure that we can go over

1 that. Is that okay or is it...

2 JUDGE PEARSON: Yes, so I'll just tell you
3 right now that both licensing services staff and
4 consumer protection staff are always available to
5 provide technical assistance. And you may want to
6 contact licensing services if you're having questions
7 about how to fill out the application, but you're also
8 always welcome to reach out to consumer protection staff
9 if you have questions. Because the way we approach
10 enforcement at the Commission, our ultimate goal is to
11 put companies into compliance, not to punish them.

12 MR. RYCRAFT: I totally understand.

13 JUDGE PEARSON: Okay.

14 MR. RYCRAFT: I agree to be in compliance.

15 JUDGE PEARSON: Okay. Then it sounds like
16 we have reached an agreed resolution. So is there
17 anything else that we need to address today?

18 MR. HARTFORD: Nothing from Staff, Your
19 Honor.

20 JUDGE PEARSON: Okay. All right. So I will
21 issue an order reflecting the parties' agreement, and
22 you should see that within the next couple of days, and
23 that will be served to you electronically via email.

24 MR. RYCRAFT: Okay. Thank you.

25 JUDGE PEARSON: Okay. All right. Thank you

1 all so much, and we are adjourned.

2 (Adjourned at 12:01 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.



Tayler Garlinghouse

Tayler Garlinghouse, CCR 3358

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