

Docket No. TV-220466 - Vol. I

WUTC v. You Got It Movers

December 7, 2022



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining the
Proper Carrier Classification of,
and Complaint for Penalties
Against:

DOCKET TV-220466

JAMES MOSELEY D/B/A YOU GOT IT
MOVERS

BRIEF ADJUDICATIVE PROCEDURE

[All parties appearing via Zoom]

DATE TAKEN: Wednesday, December 7, 2022, 1:30 p.m.

REPORTED BY: Danielle Schemm, CCR 3395

1 A P P E A R A N C E S

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"JNYANWAP215"

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1 JUDGE PEARSON: Good afternoon. My name is Rayne
2 Pearson. I'm an administrative law judge with the
3 Washington Utilities and Transportation Commission, and I
4 use she/her pronouns.

5 Today is Wednesday December 7th, 2022. The time
6 is 1:35 p.m. This is docket TV-220466, and this is a
7 classification proceeding based on a complaint issued
8 against James Moseley doing business as You Got It Movers
9 alleging that the company is operating and advertising as
10 a household goods carrier without a permit from the
11 commission.

12 So I'm just going to ask -- I see that staff is
13 present. I'm just going to ask if there is anyone present
14 that represents the company?

15 Okay. Hearing nothing, let's go ahead and take an
16 appearance from staff.

17 Jaquandria Ewanika, you represent staff, correct?

18 INVESTIGATOR EWANIKA: Yes, judge.

19 JUDGE PEARSON: All right. And did you have an
20 opportunity to speak with the company today? Did they
21 indicate whether they'd be coming or not?

22 INVESTIGATOR EWANIKA: I tried to reach out to the
23 company twice, and they did not respond.

24 JUDGE PEARSON: Okay. All right. So what I want to
25 do now is take a ten-minute recess. We'll give the

1 company until 1:45, and, if they haven't made an
2 appearance by that time, then I will entertain a motion
3 for default, and we can walk through the evidence that you
4 have against the company, and I'll issue a default order.

5 Let's go ahead and be in recess until 1:45.

6 [Off record at 1:37 p.m.]

7 [On record at 1:45 p.m.]

8 JUDGE PEARSON: All right. Is there anyone who has
9 joined the call that represents the company? Okay.
10 Hearing nothing, Investigator Ewanika, why don't I go
11 ahead and swear you in, and then we can go ahead, and I
12 will entertain a motion for default.

13 So if you would just raise your right hand; do you
14 swear or affirm that the testimony you give today will be
15 truth, the whole truth, and nothing but the truth?

16 INVESTIGATOR EWANIKA: Yes.

17 JUDGE PEARSON: All right. So the company has failed
18 to appear. I did have a chance to review staff's
19 evidence. I saw that there was an offer to provide
20 household goods moving service in Washington, as well as
21 advertising that meets the definition in RCW 81.80.075
22 subsection 4, engaging a business as a household goods
23 moving company without the permit required to conduct such
24 operations.

25 So would staff like to move for default at this

1 time?

2 INVESTIGATOR EWANIKA: Yes.

3 JUDGE PEARSON: All right. And specifically what
4 penalty amount would staff recommend? Would it be the
5 full \$10,000 penalty?

6 INVESTIGATOR EWANIKA: Yes, we recommend that. Yes,
7 we are recommending the full 10,000.

8 JUDGE PEARSON: Okay. So let's walk through the
9 evidence that you have as well as when and how service was
10 accomplished. So if you want to first just describe for
11 me the offer that staff received.

12 INVESTIGATOR EWANIKA: Sure. We -- I called the
13 company in May of 2022 and asked him to -- if he would
14 provide me a quote for a move in Kirkland to another home
15 in Kirkland to which James said -- quoted me a rate of --
16 James Moseley, I'm sorry, quoted me a rate of \$110 an hour
17 with a 16-foot truck.

18 JUDGE PEARSON: Okay. Thank you. And then can you
19 please describe the advertisement?

20 INVESTIGATOR EWANIKA: Oh, sorry. The advertisement
21 was on his website, and he offered to perform moves on
22 that website.

23 JUDGE PEARSON: Okay. Great. And then can you please
24 describe how service was accomplished? Was he personally
25 served?

1 INVESTIGATOR EWANIKA: Let me look really quickly, if
2 you don't mind.

3 JUDGE PEARSON: Not a problem.

4 INVESTIGATOR EWANIKA: He was -- the person that the
5 documents were given to was a Cyrus Scheppele who said
6 that they were authorized to accept service on behalf of
7 James Moseley.

8 JUDGE PEARSON: Okay. So it was company employee most
9 likely.

10 MADAM REPORTER: Can you spell his name, please?

11 INVESTIGATOR EWANIKA: C-y-r-u-s last name
12 S-c-h-e-p-p-e-l-e.

13 MADAM REPORTER: Thank you.

14 JUDGE PEARSON: Okay. And do you know if the company
15 has ever applied for a permit with the commission?

16 INVESTIGATOR EWANIKA: Yes, and I have a thing to kind
17 of go through the history, if you'd like.

18 JUDGE PEARSON: Sure. Yes, please.

19 INVESTIGATOR EWANIKA: The consumer first received a
20 consumer complaint for You Got It Movers, and during the
21 investigation staff discovered the company's permit was
22 inactive. Staff confirmed the company's permit was
23 cancelled on March 25th, 2021.

24 On April 4th, 2022 staff discovered the company
25 was still maintaining a web page advertising moves. I

1 spoke with James Moseley, the company owner, over the
2 phone and let him know that he must cease and desist
3 operations until the permit was active. He stated he
4 understood, and staff followed up that phone call with a
5 letter to the company letting him know that he must cease
6 and desist operations as a household goods carrier without
7 a permit.

8 And then I already told you about the offer of the
9 move. So -- sorry.

10 JUDGE PEARSON: That's okay.

11 INVESTIGATOR EWANIKA: So in January of 2000 -- they
12 received a permit in 2015, and January 2017 the commission
13 cancelled the company's permit due to insufficient proof
14 of insurance. The company continued to perform as a
15 household goods mover after their permit was cancelled.

16 In October of 2017 he appeared at a classification
17 hearing. The commission entered an order classifying the
18 respondent as a household goods carrier and ordered the
19 respondent to cease and desist and imposed and suspended
20 penalties.

21 In April of 2018 the commission cancelled the
22 permit again due to insufficient proof of insurance. The
23 company continued to perform as a household goods mover
24 after their permit was cancelled.

25 On August 7th, 2018 he appeared before -- appeared

1 at the classification hearing, and he was again ordered to
2 stop performing moves and cease and desist, and he was
3 imposed penalties -- there were imposed penalties and
4 suspended penalties.

5 He was granted temporary authority again in
6 August 3rd, 2018. The company permit was cancelled on
7 March 25th, 2021, and since then the company has continued
8 to operate as a household goods carrier without the
9 required permit.

10 JUDGE PEARSON: Okay. So this company has been
11 permitted with the commission multiple times before and is
12 well aware of our regulations and the requirements for
13 maintaining a permit it sounds like. Okay. Well, I will
14 grant the motion for default and issue an order both
15 classifying the company as a household goods carrier and
16 imposing the full \$10,000 penalty.

17 Is there anything else that we need to address
18 while we're here today?

19 INVESTIGATOR EWANIKA: No, judge.

20 JUDGE PEARSON: All right. Well, thank you, and we
21 are adjourned.

22 [Hearing concluded at 1:53 p.m.]

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 2) SS: C E R T I F I C A T E
 3 COUNTY OF WHATCOM)

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