



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

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November 5, 2015

Steven V. King, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. S.W.
Olympia, WA 98504-7250

RE: *Utilities and Transportation Commission v. Heidi Bergman d/b/a Alice the Mover*
Commission Staff's Recommendation to Impose Suspended Penalties
Docket TV-151656

Dear Mr. King:

On Oct. 15, 2015, the Utilities and Transportation Commission entered Order 02, which classified Heidi Bergman d/b/a Alice the Mover as a household goods carrier, and imposed and suspended penalties on condition of future compliance. Ms. Bergman was assessed a \$5,000 penalty for violations of RCW 81.80.075(1), which prohibits household goods carriers from operating for compensation in Washington without first obtaining the required permit from the commission. The \$5,000 penalty was suspended for a period of two years on the conditions that Ms. Bergman (1) submit a complete application by 5 p.m., on Oct. 23, 2015; and (2) refrain permanently from further operations as a household goods carrier in the state of Washington without first obtaining the required permit from the commission.

At the hearing, Ms. Bergman testified under oath that "...we have been actively moving, so we have been – actually, I was unaware that we did not have a permit." Judge Rayne Pearson asked Ms. Bergman if she was aware that she had been canceled for lack of insurance and if she was aware that her insurance had lapsed. Ms. Bergman responded with the following statement:

"I have – I remember calling on – I knew that our insurance was, like, on the 24th, we got coverage on that day. But I know that by the time it got here, it was a few days later. And so my understanding was that if it didn't get here on the 24th that you guys couldn't really verify the actual date, so they counted it as being late.

So I filled out an application and sent it in with a certain amount, and I remember getting a call from [Tina] that I didn't fill out the proper amount because I applied for a partial, not a full, and so I didn't know I needed to apply for full.

And so at that point, that's what I remember, and then everything kind of changed for me, so – my daughter was murdered and --- my family tried to take over the company to help me through this, and no one knew there was no permit. So we actively did all we could to help the community, and we didn't know there was no permit.”

Judge Pearson called for a recess to allow Ms. Bergman to meet with staff in an attempt to come to an agreement for a signed Order. Ms. Banks, Ms. Paul, and Ms. Wallace, met with Ms. Bergman. Ms. Bergman stated that she did not want to use her daughter's death as an excuse but that this hearing was the first time she had been able to leave her home. She stated that her daughter's death was a result of domestic violence and that the daughter had just completed college and was murdered by her spouse. Ms. Bergman stated that her daughter's murder occurred on Feb. 27 of this year. Ms. Bergman stated that she was actively operating as a moving company and wanted to make sure her application is complete so that she can continue to operate and help other domestic violence victims, and was currently working with the local police department to help domestic violence victims.

As a result of Ms. Bergman's personal tragedy, staff believed it reasonable that her family might not be aware that a household goods permit had not issued. Staff recommended Ms. Bergman's penalty be suspended for two years on the conditions that Ms. Bergman submit a complete application by 5 p.m., on Oct. 23, 2015, and refrain from further operation as a household goods carrier in the state of Washington without first obtaining the required permit from the commission. Ms. Bergman stated that she would submit a complete application either that same day or the next morning.

On Oct. 16, 2015, staff conducted a further investigation to confirm Ms. Bergman's statements at the hearing. Staff's investigation found that Ms. Bergman has two children; a son and an adult daughter. Their names are omitted from this letter to protect their privacy. Staff reviewed Ms. Bergman's Facebook page, which lists her adult daughter as a Facebook friend. In reviewing the daughter's Facebook page, it appeared that the daughter is alive and well. Her Facebook page noted her place of employment. Staff contacted the daughter by telephone at her place of employment and the daughter confirmed that Heidi Bergman is her mother.

Staff placed a telephone call to Ms. Bergman on Oct. 16, 2015, asking for a return call. The voice message identified the telephone number belonging to Heidi and Alice the Mover, and Alice's Cheap Tree Service. Ms. Bergman did not return staff's call.

In Order 02, Ms. Bergman was ordered to have a completed household goods permit application to the commission by 5 p.m., on Oct. 23, 2015. At 4:59 p.m., on Oct. 23, 2015, Licensing Services transferred a telephone call from Ms. Bergman to Compliance Investigative staff. In that telephone conversation, Ms. Bergman stated that she just became aware that the permit application had not been sent in. She stated that she had left a note on the application earlier in the week for her assistant to send in to the commission. Ms. Bergman claims that when she realized the permit application had not been sent it, she also discovered that her assistant was allegedly not making required payments and the police were at her home at that moment. Ms.

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Bergman stated that the State Department of Revenue appeared at her house on this same day about unpaid taxes that Ms. Bergman also associated with her assistant.

In this same telephone conversation, staff explained to Ms. Bergman that it is her responsibility to ensure that a complete household goods permit application was submitted timely. Ms. Bergman told staff that she knew it was her fault for not getting the permit application in on time because she should not have trusted her assistant. Ms. Bergman stated she was faxing in the permit application right then. Later in the conversation, she said she would fax it in after we hung up the telephone. Still later, she stated that her fax wasn't working but she would fax the permit application. Ms. Bergman then stated she was scanning the permit application and would send it in by email as well. Ms. Bergman told staff that she needs to keep operating her company. Staff reiterated to Ms. Bergman that she is not to operate as a household goods company until she has received a permit from the commission.

On Oct. 28, staff attempted to contact Ms. Bergman by telephone and left a voice message asking for a return call and provided the contact information. Ms. Bergman did not return the telephone call, and to date, has not submitted a household goods permit application. As of the date of this letter, Ms. Bergman continues to advertise for household goods moving services.

Ms. Bergman has not followed through with the requirements of Order 02 in Docket TV-151656 to complete a household goods permit application by Oct. 23, 2015, continues to operate a household goods company without the required permit, and has fabricated stories to mislead staff about her company operations.

Staff recommends the suspended \$5,000 penalty be imposed for violating commission Order 02 by not submitting a complete permit application by 5 p.m., on Oct. 23, 2015.

Sincerely,

Sharon Wallace, Assistant Director
Consumer Protection and Communications