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1 BEFORE THE WASHINGTON

2 UTILITIES AND TRANSPORTATION COMMISSION

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4 In the Matter of Determining )DOCKET NO. TV-180520

the Proper Carrier )

5 Classification of, and )

Complaint for Penalties )

6 Against: )

)

7 )

JOEL CISNEROS )

8 d/b/a ALWAYS MOVIN' MOVING )

COMPANY )

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MOVER'S COURT, VOLUME I

11

Pages 1-16

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ADMINISTRATIVE LAW JUDGE LAURA CHARTOFF

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14

August 7, 2018

15

9:00 a.m.

16

17 Washington Utilities and Transportation Commission

1300 South Evergreen Park Drive Southwest

18 Olympia, Washington 98504

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

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3 ADMINISTRATIVE LAW JUDGE:

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15

16 ALSO PRESENT:

17 JOEL CISNEROS

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1 OLYMPIA, WASHINGTON; AUGUST 7, 2018

2 9:00 A.M.

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

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6 JUDGE CHARTOFF: We are on the record. Good

7 morning. My name is Laura Chartoff. I am an

8 administrative law judge with the Washington Utilities

9 and Transportation Commission.

10 Today is August 7th, 2018, and the time is

11 9:01 a.m.

12 There are two household goods carriers who

13 should be here today, so the first thing we'll do is see

14 who is here. There is a court reporter who is recording

15 everything we say, so when I call your name, please

16 raise your hand and also say "here" or "present."

17 Okay. The first is Docket TV-180518, James

18 Moseley, doing business as You Got it Movers.

19 MR. MOSELEY: Here.

20 JUDGE CHARTOFF: Thank you.

21 And the second docket is TV-180520, Joel

22 Cisneros, doing business as Always Moving.

23 MR. CISNEROS: Here.

24 JUDGE CHARTOFF: Thank you.

25 Okay. So you are here because the

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1 Commission has information that your company is or was

2 operating or advertising as a household goods carrier

3 without a permit. If your business has obtained a

4 permit since, in the past month or two, this proceeding

5 concerns the period of time you operated without a

6 permit.

7 So I will explain your choices and then ask

8 you to state your choice. You can choose to cease and

9 desist providing, offering, or advertising unpermitted

10 household goods services. So if you have since got a

11 permit, this would not apply to periods when you have a

12 permit. If you choose this option, you will need to

13 show what you have done to shut down your business

14 either completely or partially, and I'm going to want to

15 see proof that you are no longer operating or

16 advertising. For example, you would need to prove that

17 you have taken down or changed your website or other

18 online advertisements for your business.

19 The other option is to ask for a

20 classification hearing to show why you don't need a

21 permit. If you choose a hearing, you are denying that

22 you offered or advertised moving services. For this

23 choice, we will schedule a hearing sometime in the next

24 two months with a deadline a week before the hearing for

25 both you and Commission Staff to list your witnesses and

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1 file any exhibits. I -- I just tentatively -- I picked

2 a couple of dates that are available and that would be

3 we're looking at September 24th, 25th, or the beginning

4 of October.

5 Okay. I will call each of you up one at a

6 time in just a moment. So Mr. Brian Braun will be

7 speaking for the Commission Staff this morning. If you

8 have not already met Mr. Braun, he is seated at the

9 table to my right, and he is a Commission compliance

10 investigator.

11 So in a few minutes, I'll call each of you

12 up here to make your choice. At that time, I will swear

13 you in so anything you tell the Court will be under

14 oath, and once you are sworn in, I will ask you if you

15 understand your choices for today's hearing and then ask

16 you to state your choice. If there is anything else you

17 want to explain to me, you will have a chance to do so

18 at that time.

19 You were each served with a complaint that

20 alleges you are moving household goods without a permit,

21 and ask that the Commission penalize you for it. The

22 law sets the maximum penalty for each violation at

23 $5,000, and Staff will recommend a penalty, and you will

24 have a chance to reach an agreement with Staff about the

25 penalty amount. Mr. Braun will explain the

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1 recommendation, but the Commission will make the final

2 decision about the penalty amount.

3 If you choose to testify about how you're

4 getting out of the moving business, you can explain how

5 you plan to do that, and depending on what proof you can

6 provide, you should be able to reach an agreement with

7 Staff, and you can speak to Mr. Braun about that during

8 the break.

9 So finally, if you deny that you are

10 operating as a mover, we will schedule another hearing.

11 If we're going to set a hearing, it would help if you

12 know your schedule for the next month or two when we

13 review calendars.

14 So after I hear from each of you, we will

15 take a break so you can meet with Staff and talk about

16 your case.

17 So Staff -- okay. Mr. Braun, I will swear

18 you in now.

19 (Brian Braun sworn.)

20 JUDGE CHARTOFF: Thank you.

21 Okay. So the first company I will call is

22 James Moseley, doing business as You Got it Movers.

23 Can you please come forward, take a seat at

24 the table there, and hit the button on your microphone.

25 And you might need to pull it towards you a little bit

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1 until the light goes on and pull it towards you so --

2 yeah.

3 So please state your first and last name and

4 spell your last name for the court reporter.

5 MR. MOSELEY: James Moseley, and it's

6 M-o-s-e-l-e-y.

7 JUDGE CHARTOFF: And what is your position

8 with the company?

9 MR. MOSELEY: I'm the owner and manager of

10 the company.

11 JUDGE CHARTOFF: Okay. I need to swear you

12 in. Can you please rise and raise your right hand.

13 (James Moseley sworn.)

14 JUDGE CHARTOFF: Okay. Thank you.

15 So is -- oh, Mr. Braun, is this the company

16 that got the permit or is that the other one?

17 MR. BRAUN: They both were, Your Honor.

18 Just happened Friday Mr. Moseley was issued his permit.

19 JUDGE CHARTOFF: Okay.

20 Okay. So your options are a little

21 different because you have your permit, and I want to --

22 so your options would be to agree to cease and desist

23 operating without a permit. So since you have a permit,

24 you'd be agreeing that you would cease to the extent you

25 lost your permit or didn't maintain it. So your options

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1 would be to enter into a cease and desist agreement --

2 what --

3 MR. BRAUN: Yes, Judge. The way we have it

4 written up, I believe, is to that -- maintain

5 compliance. That was the motion of this is that, you

6 know, during the time period that we observed, he did

7 not have a permit, since come into compliance, and if

8 you should fall out of compliance, you will cease and

9 desist, then immediately take down the advertising, stop

10 doing moves, and things like that.

11 JUDGE CHARTOFF: Oh, okay. So yeah,

12 you'd -- you'd be entering into agreement on that

13 agreement for penalties or you could deny that you are

14 operating without a permit during the period before you

15 got it.

16 MR. MOSELEY: Okay. What -- what are the

17 repercussions of the options?

18 JUDGE CHARTOFF: Okay. Are you -- are you

19 denying that you operated without a permit prior to

20 getting your permit last Friday?

21 MR. MOSELEY: I had the insurance, so I

22 just -- it was a -- I'm not denying it.

23 JUDGE CHARTOFF: Okay.

24 MR. MOSELEY: I just -- it was an insurance

25 issue.

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1 JUDGE CHARTOFF: You weren't able to obtain

2 insurance?

3 MR. MOSELEY: Not so much that. It was --

4 the insurance is really expensive. I had truck problems

5 one month and it lapsed one month, and the next month I

6 got it. And I managed to find a cheaper option for

7 insurance currently, so kind of helps out now.

8 JUDGE CHARTOFF: So are you interested in

9 meeting with Staff and seeing if you can enter into an

10 agreed order with regard to the penalties?

11 MR. MOSELEY: Yeah. I mean, hopefully

12 you're not going to, you know, charge me a fortune. I

13 gotta pay my insurance, but I'll agree to whatever you

14 guys come up with reasonably.

15 JUDGE CHARTOFF: Okay. So when we take a

16 break, you can talk with Staff and see if you can assign

17 an agreed order. That order will say that you were

18 operating without a permit prior to Friday, that you

19 advertised without a permit, and that you agree to

20 stop -- oh, and that you agree to only operate with a

21 permit.

22 MR. MOSELEY: Understand.

23 JUDGE CHARTOFF: Okay. And if -- once you

24 feel comfortable and you understand the order, you and

25 Mr. Braun can sign it. It would include most likely an

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1 agreement on the penalty amount, but if not, you can

2 explain to me why the penalty should be different than

3 what Staff is recommending.

4 MR. MOSELEY: Okay.

5 JUDGE CHARTOFF: Does that --

6 MR. MOSELEY: That makes sense.

7 JUDGE CHARTOFF: Okay. Okay. So if you

8 could please take a seat back, and during the break, you

9 will have a chance to talk to Mr. Braun.

10 MR. MOSELEY: Thank you.

11 JUDGE CHARTOFF: Okay. Thank you.

12 Okay. I call Joel Cisneros.

13 Okay. Please state your first and last name

14 and spell your last name for the court reporter.

15 MR. CISNEROS: Joel Cisneros,

16 C-i-s-n-e-r-o-s.

17 JUDGE CHARTOFF: And what is your position

18 with the company?

19 MR. CISNEROS: Owner.

20 JUDGE CHARTOFF: Okay. I need to swear you

21 in. Please stand.

22 (Joel Cisneros sworn.)

23 JUDGE CHARTOFF: Thank you.

24 So do you want to cease and desist or

25 request a hearing?

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1 MR. CISNEROS: Um, actually...

2 MR. BRAUN: Your Honor, he's also maintained

3 a permit -- I'm sorry, achieved a permit in between

4 the -- from the discussion of the illegal to -- he's

5 never had a permit before, so it hasn't been cancelled.

6 It was a cease and desist letter. Before compliance in

7 getting a permit, I was able to find the advertisements

8 and schedule a move. And so we will be discussing more

9 for penalty this time. He has -- again, it's the same

10 situation of maintaining compliance, should you lose

11 your permit, you cease and desist all operations.

12 JUDGE CHARTOFF: Thank you.

13 So are you interested in speaking to

14 Mr. Braun about an order?

15 MR. CISNEROS: Mm-hmm.

16 JUDGE CHARTOFF: Okay. Okay. So when we

17 take a break, you will talk with Staff and see if you

18 can assign -- you can sign an agreed order, and that

19 order will say you agree you were operating without a

20 permit previously, that you advertised without a permit,

21 and that you agree to stop operating if you are unable

22 to maintain your permit.

23 MR. CISNEROS: Yes.

24 JUDGE CHARTOFF: Okay. You can return to

25 your seat.

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1 At this point, we're going to take a break,

2 and as soon as you have a chance to review the cease and

3 desist orders with Staff, you can talk about the

4 penalty. It may -- the penalty may be small or there

5 may be a reason that Staff asks for a larger penalty,

6 for example, if you have been in front of a judge here

7 before or you used to have a household goods permit with

8 the Commission that was cancelled.

9 Usually part of the penalty is suspended and

10 you will not have to pay it unless you break the law

11 again. So you will pay part of the penalty today, and

12 you would only have to pay the rest if you violate the

13 order.

14 I will then call each of you back up to make

15 sure you understand the order, I will sign it, and you

16 will leave with a copy of it.

17 Is there anything else before we take a

18 break?

19 MR. BRAUN: No, Your Honor.

20 JUDGE CHARTOFF: Okay. Thank you. Okay.

21 We are in recess.

22 (Recess taken from 9:17 a.m. until

23 10:00 a.m.)

24 JUDGE CHARTOFF: Okay. Let's be back on the

25 record. It is 10:00 a.m. I understand that the cease

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1 and desist orders have been explained to each company,

2 so I will call you back up one at a time in the order we

3 went before.

4 So, Mr. James Moseley, please come forward.

5 So, Mr. Moseley, did you have a chance to read the whole

6 order?

7 MR. MOSELEY: I did.

8 JUDGE CHARTOFF: And do you understand it?

9 MR. MOSELEY: I do.

10 JUDGE CHARTOFF: And it looks like you and

11 Mr. Braun have both signed it. Looks like there were

12 two violations in this case; one for offering a move and

13 one for advertising, and a $5,000 penalty will be

14 imposed. A $4,750 portion of the penalty will be --

15 will be suspended, and the company will pay $250 today;

16 is that correct?

17 MR. MOSELEY: Yes, Your Honor.

18 JUDGE CHARTOFF: Okay. The $4,750 is

19 suspended for two years from today's date. That means

20 that if Staff finds an advertisement or you offer a move

21 during this period and you do not have a permit and you

22 did not maintain your permit, you will have to pay the

23 $4,750 penalty.

24 MR. MOSELEY: I understand.

25 JUDGE CHARTOFF: Okay. And the order to

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1 cease and desist is permanent. It never expires. So if

2 Staff discovers you are operating without a permit, even

3 after these two years, Staff can go straight to superior

4 court and ask for much higher penalties. So it's

5 important that you follow the law.

6 MR. MOSELEY: I understand.

7 JUDGE CHARTOFF: Are there any questions

8 about the order?

9 MR. MOSELEY: Nope.

10 JUDGE CHARTOFF: Okay. So we'll sign it.

11 Okay. Staff will make a copy for you, and when you get

12 that copy, you'll be free to go.

13 MR. MOSELEY: Okay. Thank you.

14 JUDGE CHARTOFF: Okay. Mr. Cisneros? So

15 did you have a chance to read the whole order?

16 MR. CISNEROS: Yes.

17 JUDGE CHARTOFF: And do you understand it?

18 MR. CISNEROS: Yes.

19 JUDGE CHARTOFF: And -- okay. I see you and

20 Mr. Braun have both signed it. Looks like there are two

21 violations in this case; one for offering a move and one

22 for advertising, and a $5,000 penalty will be imposed.

23 A $4,750 portion of that will be suspended, and the

24 company will pay $250 today?

25 MR. CISNEROS: Yes.

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1 JUDGE CHARTOFF: Okay. And the $4,750 is

2 suspended for two years from today's date. And that

3 means that if Staff finds that -- if you do not maintain

4 your permit and finds an advertisement or an offer to

5 move during that time, you will have to pay that $4,750

6 penalty; do you understand that?

7 MR. CISNEROS: Yes.

8 JUDGE CHARTOFF: And also that the order to

9 cease and desist is permanent. It never expires. So if

10 Staff discovers you are operating without a permit, even

11 after those two years, Staff can go straight to superior

12 court and ask for much higher penalties. So it's very

13 important that you follow the law.

14 MR. CISNEROS: Okay.

15 JUDGE CHARTOFF: Okay. So do you have any

16 questions about the order?

17 MR. CISNEROS: I don't.

18 JUDGE CHARTOFF: Okay. I will sign it, and

19 Staff will make you a copy, and when you get a copy,

20 you're free go.

21 MR. CISNEROS: Okay. Thank you.

22 JUDGE CHARTOFF: Okay. We are off the

23 record.

24 (Adjourned at 10:05 a.m.)

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1 C E R T I F I C A T E

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3 STATE OF WASHINGTON

4 COUNTY OF THURSTON

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6 I, Tayler Garlinghouse, a Certified Shorthand

7 Reporter in and for the State of Washington, do hereby

8 certify that the foregoing transcript is true and

9 accurate to the best of my knowledge, skill and ability.

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13 Tayler Garlinghouse, CCR 3358

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