

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

TIRAOGO SIMPORE d/b/a TS  
MOVING

For Compliance with WAC 480-15

DOCKET TV-230081

ORDER 01

CANCELING PROVISIONAL  
HOUSEHOLD GOODS PERMIT;  
DENYING APPLICATION FOR  
PERMANENT AUTHORITY;  
IMPOSING AND SUSPENDING  
PENALTY SUBJECT TO  
CONDITIONS

**BACKGROUND**

- 1 On March 3, 2023, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Intent to Cancel; Complaint for Penalties; Notice of Prehearing Conference set for March 13, 2023, at 1:30 p.m.; and Notice of Hearing set for March 23, 2023, at 2 p.m. in the Matter of the Investigation of Tiraogo Simpure d/b/a TS Moving (TS Moving or Company) for Compliance with Washington Administrative Code (WAC) 480-15 (Notice).
- 2 The Notice explained that Commission staff (Staff) conducted a compliance review of TS Moving's operations in February 2023 and cited the Company for violations of federal and state safety regulations. Staff's review resulted in a proposed conditional safety rating. Based on its review, Staff recommends the Commission cancel TS Moving's provisional household goods carrier permit unless the Company obtains Commission approval of a safety management plan. The Notice directed TS Moving to file a proposed safety management plan by March 16, 2023.
- 3 In the Complaint, Staff recommended the Commission impose penalties of up to \$1,000 for each of the following violations:
  - 1 violation of WAC 480-15-550 for operating without proper cargo insurance.
  - 34 violations of safety rules contained in WAC 480-15-560 and WAC 480-15-570, which adopt federal regulations found in Code of Federal Regulations (C.F.R.) Parts 391, 395, and 396.
  - 1 violation of RCW 81.04.070 for failing to produce requested documents.

- 4 The Commission convened a prehearing conference on March 13, 2023. Staff was the only party who appeared.
- 5 On March 23, 2023, the Commission convened an evidentiary hearing before administrative law judge Rayne Pearson.
- 6 Staff presented the testimony of Francine Gagne, transportation safety investigator, and Mathew Perkinson, assistant director for transportation safety. Gagne testified about the safety investigation and the violations Staff discovered and documented in its Safety Investigation Report, which led to the proposed conditional safety rating for TS Moving.
- 7 Tiraogo Simpore, Company owner, testified on behalf of TS Moving. Simpore admitted the violations and explained that he intends to continue to work with Staff to file an acceptable safety management plan.
- 8 At the conclusion of the hearing, Staff witness Perkinson recommended the Commission assess a total penalty of \$4,300. Staff further recommends the Commission suspend a \$3,300 of the recommended penalty for a period of two years, and then waive it, subject to the conditions that (1) TS moving maintains a conditional safety rating, (2) TS Moving pays the \$1,000 portion of the penalty that is not suspended, and (3) TS Moving does not incur any repeat violations upon reinspection. Staff's recommendation was premised on TS Moving submitting an acceptable safety management plan and maintaining its permit.
- 9 Josephine Strauss, Assistant Attorney General, Tumwater, Washington, represents Staff. Tiraogo Simpore, Company Owner, Spanaway, Washington, represents the Company, *pro se*.

## **DISCUSSION AND DECISION**

### **1. Safety Rating**

- 10 Washington law requires household goods carriers to comply with federal safety requirements and undergo routine safety inspections. Staff's compliance review of TS Moving found violations of acute and critical safety regulations, which resulted in a proposed conditional safety rating. "Acute" violations are so severe that the motor carrier must take immediate corrective actions regardless of the carrier's overall safety posture. Violations classified as "critical" are indicative of a breakdown in a carrier's management controls. Patterns of noncompliance with a critical regulation are quantitatively linked to inadequate safety management controls and usually higher-than-average accident rates.

- 11 TS Moving received notice of the proposed conditional safety rating on February 1, 2023. Household goods moving companies that receive a proposed conditional safety rating have 60 days to request and receive a change to the proposed rating.
- 12 At the March 23, 2023, evidentiary hearing, the Company was instructed to submit a proposed safety management plan by March 29, 2023.
- 13 On March 29, 2023, TS Moving submitted a proposed safety management plan. On March 30, 2023, Staff filed its evaluation of the Company's proposed safety management plan. In its evaluation, Staff explains that the Company's proposed safety management plan is insufficient and fails to adequately demonstrate that the Company has taken corrective actions to address the violations cited in Staff's investigation report.
- 14 Based on the evidence in the record, the Commission finds that the Company failed to take corrective action to address the violations in the Complaint. Accordingly, the Commission finds good cause to cancel the Company's provisional household goods permit effective April 1, 2023, and to deny the Company's application for permanent authority. TS Moving must cease and desist from providing, advertising, or offering to provide household goods moves regulated by the Commission on April 1, 2023. Pursuant to WAC 480-15-450(3), TS Moving also must notify all its customers that its permit has been canceled and provide proof to the Commission within 10 days of the date of this Order that such notice has been provided.

## **2. Penalty**

- 15 We agree with Staff's recommendation to assess a \$4,300 penalty for 31 acute and critical violations of Commission safety rules, but we decline to adopt Staff's recommendation to suspend all but a \$1,000 portion of the penalty. Because the Company is required to cease and desist performing household goods moves, suspending the penalty in its entirety better serves the Commission's enforcement goal of deterring future unauthorized operations. Accordingly, the Commission assesses a total penalty of \$4,300 and suspends the penalty in its entirety for two years, and then waives it, subject to the conditions that (1) the Company ceases and desists providing, advertising, or offering to provide household goods moves, and (2) if the Company applies for a household goods permit in the future, it must first submit an acceptable safety management plan and pay the \$1,000 portion of the penalty that Staff recommends before it obtains a permit.

**FINDINGS AND CONCLUSIONS**

- 16 (1) The Commission is an agency of the State of Washington, vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including common carriers such as household goods carriers, and has jurisdiction over the parties and subject matter of this proceeding.
- 17 (2) TS Moving is a household goods carrier subject to Commission regulation.
- 18 (3) TS Moving stipulated to the violations alleged in the Complaint.
- 19 (4) TS Moving failed to cure the deficiencies that led to the Company's proposed conditional safety rating. Accordingly, TS Moving's provisional household goods permit should be canceled effective April 1, 2023, and its application for permanent authority should be denied.
- 20 (5) TS Moving should be required to cease and desist providing, advertising, or offering to provide household goods moves regulated by the Commission effective April 1, 2023.
- 21 (6) Pursuant to WAC 480-15-450(3), TS Moving should also be required to immediately notify all its customers that its permit has been canceled effective April 1, 2023, and to provide proof to the Commission within 10 days of the date of this Order that such notice has been provided.
- 22 (7) The Commission should assess an \$4,300 penalty for 31 violations of Commission safety rules. The Commission should suspend the entire penalty for a period of two years, and then waive it, subject to the following conditions: (1) the Company must cease and desist providing, advertising, or offering to provide household goods moves, and (2) if the Company applies for a household goods permit in the future, it must first submit an acceptable safety management plan and pay a \$1,000 portion of the penalty before it obtains a permit.

**ORDER**

THE COMMISSION ORDERS THAT:

- 23 (1) Tiraogo Simpure d/b/a TS Moving's provisional household goods permit is CANCELED effective April 1, 2023.

- 24 (2) Tiraogo Simpore d/b/a TS Moving must cease and desist providing, advertising, or offering to provide household goods moves subject to Commission regulation effective April 1, 2023.
- 25 (3) Tiraogo Simpore d/b/a TS Moving must immediately notify its customers that its permit is canceled and provide proof of such notice to the Commission within 10 days of the date of this Order.
- 26 (4) Tiraogo Simpore d/b/a TS Moving's application for permanent authority is DENIED.
- 27 (5) The Commission assesses an \$4,300 penalty against Tiraogo Simpore d/b/a TS Moving. The Commission suspends the entire penalty for a period of two years and then waives it, subject to the following conditions: (1) Tiraogo Simpore d/b/a TS Moving must cease and desist all operations as a household goods moving company, and (2) if Tiraogo Simpore d/b/a TS Moving applies to reinstate its household goods moving permit or applies for a new household goods moving permit, it must first file an acceptable safety management plan and pay a \$1,000 portion of the penalty.
- 28 (6) If Tiraogo Simpore d/b/a TS Moving violates this Order, the entire \$4,300 penalty will become immediately due and payable.

DATED at Lacey, Washington, and effective March 31, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*/s/ Rayne Pearson*  
RAYNE PEARSON  
Administrative Law Judge

## NOTICE TO PARTIES

**Pursuant to WAC 480-15-450(4)(a), a carrier whose household goods permit has been cancelled involuntarily may apply for reinstatement if the carrier corrects all conditions that led to cancellation of the permit. To reinstate the permit within thirty (30) days of cancellation, the carrier must file an application for reinstatement and pay the applicable reinstatement fees as stated in WAC 480-15-230. If the carrier files an application for reinstatement after thirty (30) days of cancellation, the application will be considered in all aspects to be an application for new authority and will be subject to all terms and conditions specified in WAC 480-15-302 for new entrants.**

This is an initial order. The action proposed in this initial order is not yet effective. If you disagree with this initial order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this initial order, and you would like the order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2)(a) provides that any party to this proceeding has 20 days after the entry of this initial order to file a petition for administrative review (Petition). Section (2)(b) of the rule identifies what you must include in any Petition as well as other requirements for a Petition. WAC 480-07-825(2)(c) states that any party may file an answer (Answer) to a Petition within 10 days after service of the petition.

WAC 480-07-830 provides that before the Commission enters a final order any party may file a petition to reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. The Commission will not accept answers to a petition to reopen unless the Commission requests answers by written notice.

RCW 80.01.060(3) provides that an initial order will become final without further Commission action if no party seeks administrative review of the initial order and if the Commission fails to exercise administrative review on its own motion.

Any Petition or Response must be electronically filed through the Commission's web portal as required by WAC 480-07-140(5).