

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties Against</p> <p>IULIAN BODAS AND JESSICA BODAS J&I ENTERPRISES, INC., d/b/a JDOG JUNK REMOVAL</p>	<p>DOCKET TG-210751</p> <p>ORDER 02</p> <p>APPROVING SETTLEMENT AGREEMENT</p>
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BACKGROUND

- 1 On January 10, 2022, the Washington Utilities and Transportation Commission (Commission) the Commission entered Order 01, Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; and Notice of Mandatory Appearance at Hearing (Complaint), pursuant to RCW 81.04.510, initiating this docket on its own motion. The Complaint alleges that J&I Enterprises, Inc., d/b/a JDog Junk Removal (JDog Junk Removal or Company) violated RCW 81.77.040 on at least three occasions by providing, advertising to provide, and offering to provide solid waste collection service.
- 2 The Commission issued a *Subpoena and Subpoenas Duces Tecum for Production of Documents* (Subpoenas) to the Company requiring JDog Junk Removal to appear before the Commission at a brief adjudicative proceeding on February 2, 2022, at 10 a.m., and to bring the documents specified in the Subpoenas.
- 3 On January 25, 2022, the Commission’s regulatory staff (Staff) filed a settlement agreement on behalf of the parties (Settlement Agreement) and a hearing waiver signed by Iulian Bodas, Company owner.
- 4 On January 28, 2022, the Commission issued a Notice Canceling Brief Adjudicative Proceeding and informed the parties it will decide this matter on a paper record.
- 5 As part of the settlement, JDog Junk Removal admits that it violated RCW 81.77.040 on three occasions by providing, advertising to provide, and offered to provide solid waste collection service. The parties agree that the Commission should assess a penalty of \$3,000. The parties also agree that the Commission should suspend a \$1,500 portion of the penalty for two years, and then waive it, subject to the condition that JDog Junk Removal refrains from operating as a solid waste carrier without first obtaining authority to conduct such operations from the Commission as required. The parties further agree that JDog Junk Removal will pay the \$1,500 portion of the penalty that is not suspended

**Pursuant to RCW 80.01.060(3)
This packet is the final
Order in this docket.**

in five equal installments of \$300 each, as described in paragraph 4 of the Settlement Agreement. Finally, the parties agree that if a payment is missed, the entire amount of the penalty, including the \$1,500 suspended portion, will become due and payable the day after the missed penalty is due.

DISCUSSION AND DECISION

6 WAC 480-07-750(1) states in part: “The commission will approve settlements when doing so is lawful, the settlement terms are supported by an appropriate record, and when the result is consistent with the public interest in light of all the information available to the commission.” Thus, the Commission considers the individual components of the Settlement Agreement under a three-part inquiry, asking:

- Whether any aspect of the proposal is contrary to law.
- Whether any aspect of the proposal offends public policy.
- Whether the evidence supports the proposed elements of the Settlement Agreement as a reasonable resolution of the issue(s) at hand.

The Commission must determine one of three possible results:

- Approve the proposed settlement without condition.
- Approve the proposed settlement subject to conditions.
- Reject the proposed settlement.

7 We approve the Settlement Agreement without condition. The parties made concessions relative to their respective litigation positions to arrive at end results that are supported by the evidence in the record. JDog Junk Removal admits that its conduct violated RCW 81.77.040 and agrees the Commission should assess a total penalty of \$3,000, a \$1,500 portion of which should be suspended for two years, and then waived, subject to the condition that the Company ceases and desists all operations as a solid waste carrier. The Settlement Agreement permits the Company to pay a reduced penalty now while allowing Staff to achieve its goal of bringing the Company into compliance by suspending half of the penalty to deter future unauthorized operations. The terms of the Settlement Agreement are not contrary to law or public policy and reasonably resolve all issues in this proceeding. Accordingly, we find the Settlement Agreement is consistent with the public interest and should be approved as filed.

ORDER

THE COMMISSION ORDERS:

- 8 (1) The Settlement Agreement is approved without condition, is attached as Exhibit A to, and incorporated into, this Order, and is adopted as the final resolution of the disputed issues in this docket.
- 9 (2) J&I Enterprises, Inc., d/b/a JDog Junk Removal must immediately cease and desist from providing all forms of solid waste collection services that require a certificate from the Commission.
- 10 (3) J&I Enterprises, Inc., d/b/a JDog Junk Removal is assessed a penalty of \$3,000, a \$1,500 portion of which is suspended for two years, and then waived, subject to the condition that J&I Enterprises, Inc., d/b/a JDog Junk Removal refrains from operating as a solid waste carrier. The remaining \$1,500 portion of the penalty is due in installments as described in the Settlement Agreement.
- 11 (4) The Commission retains jurisdiction to effectuate the terms of this Order.

DATED at Lacey, Washington, and effective February 4, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Samantha Doyle
SAMANTHA DOYLE
Administrative Law Judge

Service Date: February 4, 2022

NOTICE TO PARTIES

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 480-07-610(7) provides that any party to this proceeding has 21 days after service of this initial order to file a petition for administrative review (Petition). Section (7)(b) of the rule identifies what you must include in any Petition as well as other requirements for a Petition. WAC 480-07-610(7)(c) states that any party may file a response to a Petition within 7 days after service of the Petition.

WAC 480-07-610(9) 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 does not 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).