

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of)	DOCKET TV-120329
)	
JAY THE MOVER LLC,)	ORDER 02
d/b/a JAY THE MOVER)	
)	ORDER SUSPENDING TEMPORARY
for a permit to operate as a motor carrier)	AUTHORITY;
of household goods.)	
)	NOTICE OF INTENT TO DENY
.....)	APPLICATION FOR PERMANENT
		AUTHORITY;
		NOTICE OF OPPORTUNITY FOR HEARING

I. INTRODUCTION

1 **Nature of Proceeding.** The Washington Utilities and Transportation Commission (Commission) hereby orders that Jay The Mover, d/b/a Jay The Mover's (Jay The Mover or Applicant) temporary authority to provide household goods moving services on a provisional basis is suspended, effective the date of this order. The Commission also hereby provides notice of its intention to deny Jay The Mover's application for permanent authority for failure to meet the application requirements in RCW 81.80 and WAC 480-15.

2 **Procedural Background.** On March 8, 2012, Jay The Mover filed with the Commission an application requesting authority to operate as a household goods carrier in the state of Washington under RCW 81.80 and WAC 480-15. The owner of the company, Jason Thomas Smith, signed the application. On March 14, 2012, in its Order 01 in this docket, the Commission granted Jay The Mover temporary authority subject to conditions.

3 Commission Staff has reviewed the application, as well as Consumer Complaint No. 114468 and statements and admissions made by Mr. Smith to the complainant and Commission Staff. The Applicant's provisional authority is hereby suspended without an opportunity for hearing because the Commission has determined based on the Applicant's statements that the Applicant poses an imminent danger to the public health, safety or welfare. Accordingly, there is insufficient time to conduct a hearing.

4 Commission Staff has also recommended that the Commission deny the Applicant's permit, for reasons set forth below.

II. APPLICABLE LAW

5 RCW 81.80.070(1)(a)(ii) requires the Commission to consider whether an applicant for a household goods carrier permit is fit to perform the services proposed and conform to the requirements, rules and regulations of the Commission, and whether the operations are consistent with the public interest.

6 The Commission may suspend a permit without an opportunity for hearing if there is imminent danger to the public health, safety or welfare and there is insufficient time to conduct a hearing.¹

7 The Commission will grant or deny an application for permanent authority after it conducts a complete review of the application, including supporting statements, reports or other information necessary to determine fitness, public interest, and current or future public convenience and necessity.²

8 The Commission rules provide that the Commission may reject or deny an application for permanent authority if the Commission believes the applicant is unfit, or if issuing the permit is not in the public interest. WAC 480-15-330 sets out specific factors the Commission may consider, which include:

- The application indicates evidence of fraud, misrepresentation or erroneous information;³
- Other circumstances exist that cause the Commission to believe issuing the permit is not in the public interest.⁴

9 If it is necessary to resolve outstanding issues or concerns related to fitness or the public interest, or any other issue resulting from a complaint or public comment, the

¹WAC 480-15-430(2).

² WAC 480-15-330(2).

³ WAC 480-15-330(4)(b).

⁴ WAC 480-15-330(4)(g).

Commission may hold a hearing or brief adjudicative proceeding on any application for permanent authority.⁵

III. STAFF REPORT

- 10 Commission Staff makes the following factual allegations based on its review and investigation of the application and Consumer Complaint No. 114468.
- 11 On July 17, 2012, Commission Staff received Consumer Complaint No. 114468 against Jay The Mover. The Complainant alleged that Jay The Mover performed a household goods move for her on July 14, 2012. The move was scheduled to begin at 4:00 p.m., but the Complainant alleges, and the Mr. Smith acknowledges, that the crew did not arrive to begin the move until 6:00 p.m. By the time the Complainant's belongings were loaded onto Mr. Smith's truck, the storage facility where the Complainant was storing her goods was closed for the evening. Mr. Smith agreed to complete the move at 1:00 p.m. the following day. On July 15, 2012, Mr. Smith informed the Complainant that he required an additional \$175 to complete the move. Complainant refused to pay. Since that date, Mr. Smith has continued to raise his price, and is now demanding an additional \$842 before he will agree to return the Complainant's goods.
- 12 On July 17, 2012, the Complainant forwarded to Commission Staff 21 text messages and a voicemail message from Mr. Smith. The text messages demanded payment in increasing amounts, threatened to sell the Complainant's belongings on Craigslist, and contained threats and profanity. Mr. Smith told the Complainant he would be in Florida on vacation for a month, and "when I get back, [your bill] is 2K." Mr. Smith also sent messages that read: "I told you I'm teach you lesson. B****," "I'll send u a pic from Florida, in a g-string with ur pic stapled to it, drinkn a beer," and "u have month to admit ur a c****." (expletives deleted).
- 13 Mr. Smith also left the following voicemail message on the Complainant's cell phone: "... So I'm going to take your s*** to the dump. I'm going to take pictures, send it to you, and just throw the s*** off the end of my truck, swear to god I don't give a f***. You are such a c****. You deserve this s***, so I will be sending it in photos. I don't give a f*** about the Commission or the BBB, they can suck my d****." (expletives deleted).
- 14 On the morning of July 17, 2012, Commission Staff contacted Mr. Smith to inquire about the Complainant's allegations. Mr. Smith acknowledged that he was in possession of the

⁵ WAC 480-15-350.

Complainant's belongings and stated that he had no intention of returning them until she agreed to pay him an additional \$842. Mr. Smith admitted he had not provided the Complainant with an estimate, bill of lading, or any other paperwork required by WAC 480-15 and Tariff 15-C. When Commission Staff requested that Mr. Smith return the Complainant's belongings to her, he grew angry and hung up the phone.

- 15 On the evening of July 17, 2012, Commission Staff contacted Mr. Smith a second time to check on the status of the Complainant's belongings. Mr. Smith informed Commission Staff that he was going to "teach that b**** a lesson," and that he did not care if he lost his permit. Mr. Smith stated he was "willing to s*** can everything over this." (expletives deleted).
- 16 Due to the nature of Mr. Smith's threatening behavior, Commission Staff performed a criminal background check through Washington State Patrol. The background check revealed that Mr. Smith has 17 criminal convictions, including: a felony conviction for third degree assault; 11 gross misdemeanor convictions, including driving under the influence, reckless driving, fourth degree assault (domestic violence), attempted theft, malicious mischief, obstructing a law enforcement officer, and attempted possession of stolen property; and five misdemeanor convictions, including indecent exposure, disorderly conduct, and driving without a valid driver's license.
- 17 The Commission's household goods permit application asks: "Have you ever been convicted of a crime? If yes, please explain." Mr. Smith checked "yes," then disclosed only two of his convictions: "1995 Assault 4° = Bar confrontation, Reckless Driving 2008." Mr. Smith failed to disclose his 15 other criminal convictions.
- 18 These allegations, and Mr. Smith's own admissions to Commission Staff, support factual findings that Mr. Smith poses an imminent danger to the public health, safety or welfare. Such factual findings support the immediate suspension of the Applicant's permit.
- 19 Moreover, these allegations, if not satisfactorily rebutted, support factual findings that: the application contains false information regarding Mr. Smith's criminal background; Mr. Smith has demonstrated substantial and willful noncompliance with Commission laws and rules; and that Mr. Smith has engaged in harmful business practices, and subsequently acknowledged his conduct. Such factual findings, in turn, support the conclusion that issuing the permit is not in the public interest, and the application should be denied.

IV. FINDINGS AND CONCLUSIONS

- 20 (1) The Commission is an agency of the State of Washington with authority to regulate household goods carriers as defined in RCW 81.80.
- 21 (2) Jay The Mover LLC, d/b/a Jay The Mover is a motor carrier of household goods operating in Washington State under temporary permit THG-64658.
- 22 (3) On July 17, 2012, the Commission received Consumer Complaint No. 114468 containing allegations that Jason Thomas Smith, owner of Jay The Mover LLC, d/b/a Jay The Mover, was engaging in conduct that posed an imminent danger to the public safety. Mr. Smith acknowledged that he was engaging in such conduct and expressed to Commission Staff that he had no intention of changing his conduct or complying with Commission laws and rules.
- 23 (4) Based on the factual presentation by Commission Staff, the Commission finds that Mr. Smith poses an imminent danger to the public safety such that a suspension of his temporary is justified.
- 24 (5) The Commission is authorized under WAC 480-15-430(2) to immediately suspend a household goods permit without an opportunity for hearing if there is an imminent danger to the public health, safety or welfare and there is insufficient time to conduct a hearing.

V. ORDER

THE COMMISSION ORDERS:

- 25 (1) The household goods permit and provisional operating authority held by Jay the Mover LLC, d/b/a Jay The Mover is suspended, effective the date of this order.
- 26 (2) Jay The Mover LLC, d/b/a Jay The Mover is directed to **cease** all operations associated with permit THG-64568.

VI. NOTICE OF OPPORTUNITY FOR HEARING

- 27 Jay The Mover LLC, d/b/a Jay The Mover may request a hearing to contest the factual allegations set out in this notice with respect to the Commission's intent to deny its application and the suspension of his temporary permit. Jay The Mover may request such a hearing by filing a written request for a hearing with the Commission by **August 2, 2012**. An original and five (5) paper copies of the request must be directed to the

attention of David W. Danner, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, and must reference Docket TV-111886.

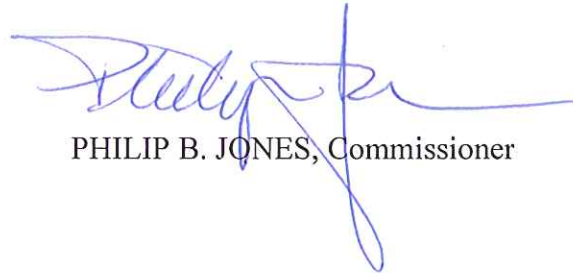
- 28 If Jay The Mover requests a hearing by **August 2, 2012**, the Commission will schedule a brief adjudicative proceeding under RCW 34.05.482 and WAC 480-07-610 at the earliest possible date. If Jay The Mover does not request a hearing by that date, the Commission will enter an order rejecting the application for permanent authority.

DATED at Olympia, Washington, and effective July 18, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



JEFFREY D. GOLTZ, Chairman



PHILIP B. JONES, Commissioner