

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

JNS MOVERS, INC.,

For Authority to Operate as a motor  
carrier of household goods

DOCKET TV-230373

ORDER 01

GRANTING STAFF'S MOTION TO  
REVISE RECOMMENDATION AND  
WITHDRAW NOTICE OF INTENT TO  
DENY APPLICATION

**BACKGROUND**

- 1 On May 17, 2023, JNS Movers, Inc., (JNS Movers) filed with the Washington Utilities and Transportation Commission (Commission) an application for authority to operate as a household goods carrier in the state of Washington (Application). The Application lists Justin M. Higbee as JNS Movers' owner.
- 2 On June 13, 2023, the Commission issued a Notice of Intent to Deny Application for Permanent Authority and Notice of Opportunity for Hearing (Notice) in this matter based on its review and investigation of the Application. The Commission alleged that the Applicant's owner, Justin Higbee (Higbee), has a criminal history that includes three older felony convictions and one gross misdemeanor conviction of "Assault 4" in 2021. Staff's recommendation to deny the Application was based on (1) Higbee's gross misdemeanor conviction and (2) Higbee's failure to report that conviction on the Application as required by WAC 480-15-302(2). The Notice provided JNS Movers the opportunity to request a hearing to contest the factual allegations by June 27, 2023.
- 3 On June 20, 2023, JNS Movers filed with the Commission a Request for Hearing.
- 4 On June 30, 2023, pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission issued a Notice of Brief Adjudicative Proceeding (Notice of Hearing) to determine whether JNS Movers' Application for permanent authority should be denied, pursuant to WAC 480-15-302(8)(a), due to the concerns raised after Staff's review and investigation of the Application. The Notice of Hearing scheduled the proceeding for 11 a.m. on July 25, 2023.

- 5 On July 18, 2023, Commission staff (Staff) filed a Motion to Withdraw Notice of Intent to Deny Application (Motion). In its Motion, Staff explained that Higbee contacted Commission licensing staff to inform them that the 2021 gross misdemeanor conviction was erroneous, and that Higbee was in the process of working with the court system to have the conviction removed from his record. On July 17, 2023, Higbee notified Staff that the correction to his record had been made and the assault conviction was removed.
- 6 On July 17, 2023, Staff confirmed that the 2021 gross misdemeanor had been removed. Additionally, Staff notes the other two charges of burglary and theft from 2015 and 2016, respectively, are older convictions. Consequently, Staff determines that the charges of burglary and theft no longer pose the same level of concern based on their reassessment of Higbee’s criminal record.
- 7 With the removal of the 2021 gross misdemeanor conviction, Staff concludes that there is no longer a bar to granting the Application based on Higbee’s criminal record and history.<sup>1</sup> Staff also concludes that the basis for denying the Application for fraud or misrepresentation due to Higbee’s failure to disclose the 2021 gross misdemeanor conviction has been cured. Finally, Staff does not believe that the “nature and extent” of Higbee’s older convictions will “interfere with the proper operation of a household goods moving company.”<sup>2</sup>
- 9 Based on these changed facts, Staff requests the Commission grant it leave to revise its recommendation and withdraw the Notice of Intent to Deny, and that it allow Staff to approve JNS Movers’ Application for provisional authority to operate as a household goods carrier.
- 10 The Commission finds good cause to grant Staff’s Motion and withdraw the Notice of Intent to Deny JNS Movers’ Application. Consequently, the Commission’s Notice is deemed withdrawn, and the Brief Adjudicative Proceeding scheduled for July 25, 2023, is cancelled. Staff may proceed to process JNS Movers’ Application.

---

<sup>1</sup> WAC 480-15-302(8)(a) provides that the Commission will not grant permanent authority if any employee has, within the past five years, been convicted of any crime involving theft, burglary, assault, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance.

<sup>2</sup> WAC 480-15-302(8)(b).

**ORDER**

THE COMMISSION ORDERS THAT:

- 13 (1) Commission Staff's Motion to Revise its Recommendation and Withdraw the Notice of Intent to Deny JNS Movers, Inc.'s Application in Docket TV-230373 is granted.
- 14 (2) The Brief Adjudicative Proceeding scheduled for July 25, 2023, is cancelled.

DATED at Lacey, Washington, and effective July 25, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ James E. Brown II  
JAMES E. BROWN II  
Administrative Law Judge