

**Docket No. TV-180518 - Vol. I**

**In the Matter of: James Moseley d/b/a You Got It  
Movers**

**August 7, 2018**



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BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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In the Matter of Determining ) DOCKET No. TV-180518  
the Proper Carrier )  
Classification of, and )  
Complaint for Penalties )  
Against: )  
) )  
) )  
JAMES MOSELEY )  
d/b/a YOU GOT IT MOVERS )  
) )

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MOVER'S COURT, VOLUME I

Pages 1-16

ADMINISTRATIVE LAW JUDGE LAURA CHARTOFF

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August 7, 2018

9:00 a.m.

Washington Utilities and Transportation Commission  
1300 South Evergreen Park Drive Southwest  
Olympia, Washington 98504

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

LAURA CHARTOFF  
Washington Utilities and  
Transportation Commission  
1300 South Evergreen Park Drive SW  
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FOR COMMISSION STAFF:

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brian.braun@utc.wa.gov

ALSO PRESENT:

JAMES MOSELEY

\* \* \* \* \*

1 OLYMPIA, WASHINGTON; AUGUST 7, 2018

2 9:00 A.M.

3 --oOo--

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

5

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

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



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.

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?

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

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.



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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C E R T I F I C A T E

STATE OF WASHINGTON  
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.



Tayler Garlinghouse  
Tayler Garlinghouse, CCR 3358