

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper  
Carrier Classification of, and Complaint  
for Penalties against:

BILAL WILLIS d/b/a AKTIV  
DELIVERIES AND LABOR

DOCKET TV-160214

ORDER 03

ORDER AMENDING ORDER 02

**BACKGROUND**

- 1 On March 6, 2016, the Washington Utilities and Transportation Commission (Commission) entered Order 01, Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; and Notice of Mandatory Appearance at Hearing. The Complaint alleged that Bilal Willis d/b/a Aktiv Deliveries and Labor (Aktiv Deliveries or Company) violated RCW 81.80.075(1) by offering or advertising to provide household goods moving services without first obtaining a permit from the Commission.
- 2 On April 18, 2016, the Commission convened a hearing. That same day, the Commission issued Order 02, Stipulated Initial Order Classifying Respondent as a Household Goods Carrier; Ordering Respondent to Cease & Desist; Imposing and Suspending Penalties on Condition of Future Compliance (Order 02).
- 3 In Order 02, the Commission assessed a \$5,000 penalty, a \$4,500 portion of which was suspended for a period of two years on the condition that the Company cease and desist unpermitted operations and comply with a payment plan for the remaining \$500 portion of the penalty. Order 02 required the Company to make two payments of \$250 each on May 27, 2016, and June 29, 2016.
- 4 Aktiv Moving made its first payment of \$250 on May 23, 2016.
- 5 On June 27, 2016, Mr. Willis made a \$100 payment and requested an extension to pay the remaining \$150 balance. Mr. Willis explained that, due to numerous pending legal issues, his bank accounts have been seized, and he is unable to make the remaining payment by the due date.
- 6 On June 29, 2016, Commission staff (Staff) filed a letter recommending the Commission waive the remaining \$150 balance of the penalty. Staff contacted the Thurston County

Narcotics Task Force and confirmed that Mr. Willis's assets have been seized, including the truck that the Company used for its non-permitted household goods operations. Staff recommends the Commission amend Order 02 to waive the remaining \$150 payment in light of Mr. Willis's extensive pending legal issues and the fact that he has no access to his bank accounts or his moving truck.

### **DISCUSSION AND DECISION**

- 7 We agree with Staff's recommendation and amend Order 02 to waive the remaining \$150 balance of the portion of the penalty that was not suspended. Because Mr. Willis has demonstrated his inability to pay the remaining \$150 – and, in light of the fact that Mr. Willis faces incarceration and has no access to the vehicle he used to perform household goods moves – the Commission's goal of compliance would not be furthered by imposing the suspended portion of the penalty at this juncture. Instead, the Commission's compliance goals are best served by preserving the suspension of the remaining \$4,500 penalty to ensure the Company refrains from operating as a household goods carrier without a permit for two years from the date of Order 02. If the Commission finds that the Company is advertising or engaging in household goods moving services without a permit, the \$4,500 suspended portion of the penalty will immediately become due and payable by the terms of Order 02.

### **FINDINGS AND CONCLUSIONS**

- 8 (1) The Commission has jurisdiction over the subject matter of this proceeding and over Aktiv Deliveries pursuant to RCW 81.04.510, RCW 81.80.010, and RCW 81.80.075.
- 9 (2) On April 18, 2016, the Commission issued Order 02, which required Aktiv Deliveries to pay a \$5,000 penalty, a \$4,500 portion of which was suspended for a period of two years on the condition that the Company cease and desist unpermitted operations and comply with the payment plan for the remaining \$500 penalty.
- 10 (3) Aktiv Deliveries is unable to make the final \$150 payment due according to the payment plan set forth in Order 02.
- 11 (4) Because Mr. Willis's assets have been seized, including the truck the Company used to conduct household goods moves, the Commission should amend Order 02

to waive the remaining \$150 balance of the penalty and preserve the suspension of the remaining \$4,500 portion of the penalty on the condition that the Company ceases and desists advertising or engaging in household goods moving services without a permit according to the terms of Order 02.

**ORDER**

THE COMMISSION ORDERS:

- 12 (1) Order 02 is amended to reflect a total penalty of \$4,850, a \$4,500 portion of which is suspended. The remaining \$350 portion of the penalty that was not suspended has been paid in full. All other terms of Order 02 remain in full force and effect.
- 13 (2) The Commission retains jurisdiction over the subject matter and the parties to this proceeding to effectuate the terms of this Order.

DATED at Olympia, Washington, and effective July 6, 2016.

RAYNE PEARSON  
Administrative Law Judge

### NOTICE TO THE 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 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this initial order to file a *Petition for Administrative Review*. Section (3) of the rule identifies what you must include in any petition as well as other requirements for a petition. WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review 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), as amended in the 2006 legislative session, 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.

You must serve on each party of record one copy of any Petition or Answer filed with the commission, including proof of service as required by WAC 480-07-150(8) and (9). To file a Petition or Answer with the Commission, you must file an original and **three (3)** copies of your Petition or Answer by mail delivery to:

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