

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

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)

MOVER'S COURT, VOLUME I

Pages 1-16

ADMINISTRATIVE LAW JUDGE LAURA CHARTOFF

August 7, 2018

9:00 a.m.

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

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1 OLYMPIA, WASHINGTON; AUGUST 7, 2018
2 9:00 A.M.

3 --o0o--

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

1 A P P E A R A N C E S

2
3 ADMINISTRATIVE LAW JUDGE:
4 LAURA CHARTOFF
Washington Utilities and
5 Transportation Commission
1300 South Evergreen Park Drive SW
6 Olympia, Washington 98504
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7
8
9 FOR COMMISSION STAFF:
10 BRIAN BRAUN
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12 Transportation Commission
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14 (360) 664-1129
brian.braun@utc.wa.gov

15
16 ALSO PRESENT:
17 JAMES MOSELEY
18

19 * * * * *

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

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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

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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.

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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?

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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

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.)
 25

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 C E R T I F I C A T E
 2
 3 STATE OF WASHINGTON
 4 COUNTY OF THURSTON
 5
 6 I, Tayler Garlinghouse, a Certified Shorthand
 7 Reporter in and for the State of Washington, do hereby
 8 certify that the foregoing transcript is true and
 9 accurate to the best of my knowledge, skill and ability.
 10
 11
 12
 13 Tayler Garlinghouse
 14 Tayler Garlinghouse, CCR 3358
 15
 16
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