## Docket No. TV-190500 - Vol. I

# In the Matter of: Michael C. Robertson d/b/a Moving Pros Northwest 6

August 13, 2019



COURT REPORTING AND LEGAL VIDEO

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### Docket No. TV-190500 - Vol. I - 8/13/2019

Page 1	Page 3
BEFORE THE WASHINGTON	1 LACEY, WASHINGTON; AUGUST 13, 2019
UTILITIES AND TRANSPORTATION COMMISSION	2 9:36 A.M.
In the Matter of Determining )Docket TV-190500 the Proper Carrier Classification)	3000
of, and Complaint for Penalties ) against: )	4 PROCEEDINGS 5
ayansı. ) )	6 JUDGE CHARTOFF: Okay. Let's be on the
)	7 record. Good morning. Today is Tuesday,
MICHAEL C. ROBERTSON d/b/a ) MOVING PROS NORTHWEST 6 )	8 August 13th, 2019. The time is approximately 9:36 a.m.
·	9 We we were supposed to convene at 9:00 a.m., but no
TRANSPORTATION COURT, VOLUME I Pages 1-20	10 household goods carriers had yet appeared. So due to
ADMINISTRATIVE LAW JUDGE LAURA CHARTOFF	11the traffic, we decided to delay the proceeding, so12we're starting now.
	13 My name is Laura Chartoff. I am an
August 13, 2019 9:36 a.m.	14 administrative law judge with the Washington Utilities
Washington Utilities and Transportation Commission	15 and Transportation Commission.
621 Woodland Square Loop Southeast Lacey, Washington 98503	16There are four household goods carriers who
Lacey, washington 98503	17 should be here today, so the first thing we'll do is see
	<ul> <li>18 who is here. There is a court reporter who is recording</li> <li>19 everything we say, so when I call your name, please</li> </ul>
REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358	20 raise your hand and say "here" or "present."
Buell Realtime Reporting, LLC	21 So the first docket is TV-190214, Cuong T.
1325 Fourth Avenue, Suite 1840 Seattle, Washington 98101	Bui, doing business as Ben's Moving Service?
(206) 287-9066   Seattle (360) 534-9066   Olympia	23 Hearing nothing, TV-190489, Nathanael Hirst,
(800) 846-6989   National	doing business as Amazing Movers 360?
www.buellrealtime.com	25 MR. HIRST: Here.
Page 2	Page 4
1 A P P E A R A N C E S 2 ADMINISTRATIVE LAW JUDGE:	1 JUDGE CHARTOFF: Thank you. 2 TV-190499. Samuel Owen Svarny, doing
<ol> <li>ADMINISTRATIVE LAW JUDGE:</li> <li>LAURA CHARTOFF</li> </ol>	<ol> <li>JUDGE CHARTOFF: Thank you.</li> <li>TV-190499, Samuel Owen Svarny, doing</li> <li>business as Brothers Moving?</li> </ol>
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2       ADMINISTRATIVE LAW JUDGE:         3       LAURA CHARTOFF         Utilities and Transportation         4       Commission         621 Woodland Square Loop Southeast         5       Lace, Washington 98503         (360) 664-1160         6       Iaura.chartoff@utc.wa.gov         7         8       FOR COMMISSION STAFF:         9       BRIAN BRAUN         Compliance Investigator         10       Utilities and Transportation         Commission         11       621 Woodland Square Loop Southeast         Lacey, Washington 98503         12       (360) 664-1129	<ul> <li>TV-190499, Samuel Owen Svarny, doing</li> <li>business as Brothers Moving?</li> <li>Hearing nothing, TV-190500, Michael C.</li> <li>Robertson, doing business as Moving Pros Northwest 6?</li> <li>Hearing nothing, okay. So there are three</li> <li>companies who are not here today. Those companies may</li> <li>be held in default. I will deal with that later this</li> <li>morning.</li> <li>Okay. So you are here because the</li> <li>Commission has information that your company is</li> <li>operating or advertising as a household goods</li> <li>carrier without the required permit is illegal and</li> </ul>
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1 (Pages 1 to 4)

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1	option, you must agree to stop providing, offering, or	1	penalty amount. If you are unable to agree, Staff will	
2	advertising unpermitted household goods services unless	2	explain the recommendation, but the Commission will make	
3	or until you receive a household goods permit from the	3	the final decision on the penalty amount.	
4	Commission.	4	If you choose option B, that is, if you deny	
5	If you choose this option, you will need to	5	you were operating as a household goods mover, we will	
6	show what you have done to shut down your business	6	schedule another hearing, and it would be helpful if you	
7	either completely or partially. I'm going to want to	1	have your calendar with you so we can choose a hearing	
8	see proof that you are no longer operating or			
9	advertising. For example, you would need to prove that	8 date. 9 Okay. So, Staff, Mr. Braun, I will swear		
10	you have taken down or changed your website or other	10	you in now.	
11	online advertisements for your business. If you have	11	(Brian Braun sworn.)	
12	obtained or applied for a permit in advance of this	12	JUDGE CHARTOFF: Thank you.	
13	hearing, please let me know that when I call you up.	13	Okay. So I will call Nathanael Hirst, doing	
14	So option B is to ask for a classification	14	business as Amazing Movers 360. Please please come	
15	hearing. You would choose option B if you believe that	15	forward. While you're still standing, I'll swear you	
16	you are not operating illegally and that your business	16	in.	
17	is not subject to regulation by the Commission. If you	17	(Nathanael Hirst sworn.)	
18	choose this option, we will schedule a formal	18	JUDGE CHARTOFF: Thank you. Please be	
19	evidentiary hearing where you will be required to	19	seated and turn your microphone on. You might have to	
20	present proof that your business is not within the	20	pull it towards you a bit.	
21	regulatory jurisdiction of the Commission. A hearing	21	So please state your first and last name and	
22	will be set in the next two months with a deadline a	22	spell your last name for the court reporter.	
23	week before the hearing for both you and Commission	23	MR. HIRST: Nathanael Hirst, H-i-r-s-t.	
24	Staff to list your witnesses and file any exhibits.	24	JUDGE CHARTOFF: And what is your position	
25	Mr. Brian Braun will be speaking for	25	with the company?	
	Page 6		Page 8	
1	Page 6 Commission Staff this morning. He is a Commission	1	Page 8 MR. HIRST: Owner/operator.	
1 2		1 2		
	Commission Staff this morning. He is a Commission	1	MR. HIRST: Owner/operator.	
2	Commission Staff this morning. He is a Commission compliance investigator. So now that we've gone over your choices, I will explain what else will happen today. In a few	2	MR. HIRST: Owner/operator. JUDGE CHARTOFF: So do you understand your options here today? MR. HIRST: Yeah.	
2 3	Commission Staff this morning. He is a Commission compliance investigator. So now that we've gone over your choices, I will explain what else will happen today. In a few minutes, I will call you up here to make your choice,	2 3	MR. HIRST: Owner/operator. JUDGE CHARTOFF: So do you understand your options here today? MR. HIRST: Yeah. JUDGE CHARTOFF: Do you know how you want to	
2 3 4	Commission Staff this morning. He is a Commission compliance investigator. So now that we've gone over your choices, I will explain what else will happen today. In a few minutes, I will call you up here to make your choice, and at that time, I will swear you in so that anything	2 3 4	MR. HIRST: Owner/operator. JUDGE CHARTOFF: So do you understand your options here today? MR. HIRST: Yeah. JUDGE CHARTOFF: Do you know how you want to proceed?	
2 3 4 5 6 7	Commission Staff this morning. He is a Commission compliance investigator. So now that we've gone over your choices, I will explain what else will happen today. In a few minutes, I will call you up here to make your choice, and at that time, I will swear you in so that anything you tell the Court will be under oath. Once you are	2 3 4 5 6 7	MR. HIRST: Owner/operator. JUDGE CHARTOFF: So do you understand your options here today? MR. HIRST: Yeah. JUDGE CHARTOFF: Do you know how you want to proceed? MR. HIRST: Well, I already have a permit.	
2 3 4 5 6	Commission Staff this morning. He is a Commission compliance investigator. So now that we've gone over your choices, I will explain what else will happen today. In a few minutes, I will call you up here to make your choice, and at that time, I will swear you in so that anything you tell the Court will be under oath. Once you are sworn in, I will ask if you understand your choices for	2 3 4 5 6 7 8	MR. HIRST: Owner/operator. JUDGE CHARTOFF: So do you understand your options here today? MR. HIRST: Yeah. JUDGE CHARTOFF: Do you know how you want to proceed? MR. HIRST: Well, I already have a permit. I've been granted temporary status.	
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2 (Pages 5 to 8)

	Page 9		Page 11	
1	comfortable that you understand the order, you and	1	JUDGE CHARTOFF: And do you understand it?	
2	Mr. Braun will both sign it. It will also include most	2	MR. HIRST: Yes.	
3	likely an agreed penalty amount, but if not, you can	3	JUDGE CHARTOFF: Okay. I see that you both	
4	when I after the recess, you can explain to me why	4	have signed it. Is the portion of the penalty that is	
5	the penalty penalty should be different than what	5	not suspended, is that getting paid today?	
6	Staff is recommending.	6	MR. HIRST: Yeah, I believe so.	
7	MR. HIRST: Okay.	7	JUDGE CHARTOFF: Okay. So the the order,	
8	JUDGE CHARTOFF: Do you have any questions?	8	I'm just going to write in on Appendix A the amount and	
9	MR. HIRST: Nope.	9	the	
10	JUDGE CHARTOFF: Okay. Okay. So please	10	MR. HIRST: Okay.	
11	return to your seat.	11	JUDGE CHARTOFF: that it's due today just	
12	MR. HIRST: Thank you.	12	so we have a record of that. Okay. So I'll just	
13	JUDGE CHARTOFF: And so, Mr. Braun, have you	13	quickly go through it.	
14	talked to anyone who did not show up here today?	14	MR. HIRST: Okay.	
15	MR. BRAUN: I called all the individuals,	15	JUDGE CHARTOFF: So looks like there's two	
16	the numbers that I had contacted before last week, and	16	violations in this case; one for offering a move and one	
17	everybody said they were showing up. I tried to call	17	for advertising. And a \$5,000 penalty will be imposed,	
18	them today and nobody answered. So I left voicemails as	18	a \$4,500 portion of the penalty will be suspended, and	
19	well, left my phone number, and someone is there to	19	the company will pay the \$500 portion today; is that	
20	listen in case somebody calls, and I have not heard from	20	correct?	
21	anything [sic].	21	MR. HIRST: Yes.	
22	JUDGE CHARTOFF: Okay. So I'll handle the	22	JUDGE CHARTOFF: Okay. So I'm going to	
23	motions for default after the break.	23	write in 8/13/19 and \$500.	
24	MR. BRAUN: Okay.	24	Are there any questions about the order?	
25	JUDGE CHARTOFF: Okay. So at this point, we	25	MR. HIRST: Nope.	
	Page 10			
	Page IU			
			Page 12	
1	are going to take a break, and as soon as you've had a	1	JUDGE CHARTOFF: Okay. I'm going to go	
2	are going to take a break, and as soon as you've had a chance to review the cease and desist order, you can	2	JUDGE CHARTOFF: Okay. I'm going to go ahead and sign it. So and I will hand this to Staff,	
2 3	are going to take a break, and as soon as you've had a chance to review the cease and desist order, you can talk about the penalty. The penalty may be small or	2 3	JUDGE CHARTOFF: Okay. I'm going to go ahead and sign it. So and I will hand this to Staff, Staff will make a copy of it and give it to you and you	
2 3 4	are going to take a break, and as soon as you've had a chance to review the cease and desist order, you can talk about the penalty. The penalty may be small or there may be a reason why Staff asked for a larger	2 3 4	JUDGE CHARTOFF: Okay. I'm going to go ahead and sign it. So and I will hand this to Staff, Staff will make a copy of it and give it to you and you will leave with it, and then you will be free to go.	
2 3 4 5	are going to take a break, and as soon as you've had a chance to review the cease and desist order, you can talk about the penalty. The penalty may be small or there may be a reason why Staff asked for a larger penalty; for example, if you've been in front of a judge	2 3 4 5	JUDGE CHARTOFF: Okay. I'm going to go ahead and sign it. So and I will hand this to Staff, Staff will make a copy of it and give it to you and you will leave with it, and then you will be free to go. MR. HIRST: Okay.	
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	Page 13	Page 15
1	MR. BRAUN: Staff's motion is to implement	1 I found advertisements on Thumbtack.com for a household
2	the \$5,000 penalty with nothing suspended. The process	2 goods moving company. The advertisement also contained
3	server's at date of the service is on file with the	3 a copy of the business card with a phone number of
4	Commission. It was served, if you'll excuse me one	4 206-471-0986. It also gave a link to a Facebook page
4 5		
	second, on July 16th to the complainant or I believe	
6	someone at the residence. I also had several phone	6 as Sam.
7	conversations with Mr. Bui, and he expressed that he was	7 On May 6th of 2019, I searched the
8	going to be coming in.	8 Washington State Department of Revenue's website for
9	JUDGE CHARTOFF: Can you just briefly walk	9 Brothers Moving. The results produced a contact name
10	through the evidence you have for that company?	10 governing of Samuel Owen Svarny, S-v-a-r-n-y, with an
11	MR. BRAUN: Yes, Your Honor. On March 25th	11 address of 12431 - 2nd Place Southwest, Seattle, 98146.
12	of 2019, I found advertisements on	12 On May 6th of 2019, I searched Facebook and
13	Bensmovingservices.net for a household goods moving	13 I found an advertisement for Brothers Moving. On May
14	company. That advertisement contained a business	14 6th of 2019, I searched the Commission records and
15	telephone number of 26 206-778-1307.	15 verified that Samuel Owen Svarny, DBA Brothers Moving,
16	On March 25th of 2019, I searched the	16 is not a permitted household goods carrier.
17	Commission records and found Cuong T. Bui, C-u-o-n-g, T,	17 On May 8th of 2019, a compliance letter was
18	and then B-u-i who is DBA as Ben's Moving Services, and	18 sent to Samuel Svarny notifying Brothers Moving to cease
19	that the Commission had cancelled Ben's Moving's	19 and desist operations as a household goods carrier in
20	temporary household goods permit and dismissed the	20 Washington State until they obtain the required
21	permit application in Docket TV-180869 on October 23rd	21 household goods carrier permit from the Commission.
22	of 2018 at the company's request.	22 On June 12th, 2019, I called 206-471-0986
23 24	Cancellation was sent in a letter that	<ul> <li>using an assumed name to obtain a quote for moving</li> <li>services including workers and a truck. Starting point</li> </ul>
24	stated that Ben's Moving must cease all operations associated with this permit, and it advised them if you	24services including workers and a truck. Starting point25was Renton, Washington, with delivery to Seattle,
20		
	Page 14	Page 16
1		
1 2	advertise or operate as a household goods movers without	1 Washington. The company representative who identified
1 2 3	advertise or operate as a household goods movers without a valid permit, the Commission may take enforcement	<ol> <li>Washington. The company representative who identified</li> <li>himself as Sam gave me an estimate of between 300 and</li> </ol>
2	advertise or operate as a household goods movers without a valid permit, the Commission may take enforcement action against you.	<ol> <li>Washington. The company representative who identified</li> <li>himself as Sam gave me an estimate of between 300 and</li> <li>\$500 for three to six hours with two workers and a</li> </ol>
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2 3 4	advertise or operate as a household goods movers without a valid permit, the Commission may take enforcement action against you. Then on January 8th of 2019, I had called the 206-778-1307 using an assumed name. I obtained a	<ol> <li>Washington. The company representative who identified</li> <li>himself as Sam gave me an estimate of between 300 and</li> <li>\$500 for three to six hours with two workers and a</li> <li>truck. This was confirmed with a text message and an</li> <li>email.</li> </ol>
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	advertise or operate as a household goods movers without a valid permit, the Commission may take enforcement action against you. Then on January 8th of 2019, I had called the 206-778-1307 using an assumed name. I obtained a quote for moving services. A company representative who identified himself as Ben gave an estimate of \$890 for three workers and a truck, and that was confirmed in a text message. All that was in my paperwork. And then I checked on April 8th of 2019, I visited the website again of Bensmovingservices.net, it was no longer active. JUDGE CHARTOFF: Thank you. Okay. So I will grant the motion for default for that company. You can get a copy of the default order to me after we are adjourned. Okay. So let's call the next company that did not appear, TV-190499, Samuel Owen Svarny, doing business as Brothers Moving? Again, hearing nothing, do you move for default for this company? MR. BRAUN: I do, Judge. Would you like me to go over the information again?	<ul> <li>Washington. The company representative who identified</li> <li>himself as Sam gave me an estimate of between 300 and</li> <li>\$500 for three to six hours with two workers and a</li> <li>truck. This was confirmed with a text message and an</li> <li>email.</li> <li>Mr. Svarny was if you'll excuse me one</li> <li>second a Ms. Svarny, the mother and coresident, was</li> <li>served on July 17th, 2019, 7:05 a.m. at the 7121 - 29th</li> <li>Avenue Southwest in Seattle with all the paperwork</li> <li>identified here. I had several phone conversations with</li> <li>Mr. Svarny that he said he would appear. Mr. Svarny was</li> <li>also aware of the UTC and the thing [sic] as he had a</li> <li>previously worked for a permitted company.</li> <li>JUDGE CHARTOFF: Thank you. So is Staff</li> <li>recommending imposing the full \$5,000 penalty for the</li> <li>two violations?</li> <li>MR. BRAUN: Yes, Your Honor.</li> <li>JUDGE CHARTOFF: Okay. I grant the motion</li> <li>for default for Samuel Owen Svarny, doing business as</li> <li>Brothers Moving.</li> <li>I'll take up the last company, TV-190500,</li> <li>Michael C. Robertson, doing business as Moving Pros</li> <li>Northwest 6?</li> </ul>

4 (Pages 13 to 16)

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	Page 17		Page 19
1	MR. BRAUN: Staff's motions is for the full	1	Okay. Thank you. We are adjourned.
2	penalty of \$5,000 as default. On April 4th of 2019, I	2	(Adjourned at 10:14 a.m.)
3	found advertisements on Craigslist for a household goods	3	(Aujoumed at 10.14 a.m.)
4	moving company. The advertisements contained a business	4	
5	name of Moving Pros Northwest with a telephone number of	5	
6	253-495-9805. It also contained a UBI of 603-416-265.	6	
7	On April 4th of 2019, I searched the	7	
8	Washington State Department of Revenue's website. The	8	
9	results produced an entity name of Michael C. Roberts	9	
10	[sic], DBA Moving Pros Northwest 6 with a UBI number	10	
11	matching of 603-416-265 and a physical address of	11	
12	22117 - 50th Avenue East in Spanaway, Washington, 98387.	12	
13	On April 4th, 2019, I searched Commission	13	
14	records and verified that Michael C. Robertson, DBA	14	
15	Moving Pros Northwest 6, is not a permitted household	15	
16	goods carrier.	16	
17	On April 11th, 2019, a compliance letter was	17	
18	sent to Michael C. Robertson notifying Moving Pros	18	
19	Northwest 6 to cease and desist operations as a	19	
20	household goods carrier in Washington State until he	20	
21	obtains the required household goods carrier permit from	21	
22	the Commission.	22	
23	On May 3rd, 2019, I verified that Moving	23	
24	Pros Northwest was continuing to advertise as a company	24	
25	that offered household goods movers on Craigslist.	25	
	Page 18		Page 20
1	On June 12th, 2019, I called a telephone	1	CERTIFICATE
2	number of 253-495-9805 using an assumed name to obtain a	2	
3	quote for moving services including workers and a truck.	3	STATE OF WASHINGTON
4	The representative of the company, who identified	4	COUNTY OF THURSTON
5	himself as Mike, gave me an estimate of \$300 for two	5	
6	workers and a truck to move my household goods from	6	I, Tayler Garlinghouse, a Certified Shorthand
7	Edgewood, Washington, to Tacoma, Washington. This was	7	Reporter in and for the State of Washington, do hereby
8	confirmed in a text message and email.	8	certify that the foregoing transcript is true and
9	On July 20th, 2019, at 4:39 p.m. at 22117 -	9	accurate to the best of my knowledge, skill and ability
10	50th Avenue in Spanaway, the Charles Robertson's	10	
11	father or I'm sorry, the father of Michael Robertson,	11	
12	Charles Robertson, the father and coresident, was served	12	Jayler Garlinghouse
13	with the paperwork notifying him to be here. Again, I	13	Tayler Garlinghouse, CCR 3358
14	also talked to Mr. Robertson at least once on the	14	
15	telephone and he said he would be appearing today.	15	
16	I again renew my motion for a \$5,000 penalty	16	
17	for default for offering advertisements and operating as	17	
18	a household goods carrier in the state of Washington.	18	
19	JUDGE CHARTOFF: Okay. Thank you. I will	19	
20	grant that motion for default.	20	
21	Is there any other business we need to take	21	
22	care of today?	22	
23	MR. BRAUN: No, Your Honor.	23	
24	JUDGE CHARTOFF: Okay. I will look for	24	
25	those orders later.	25	
1		1	

5 (Pages 17 to 20)

BUELL REALTIME REPORTING, LLC

SEATTLE 206.287.9066 OLYMPIA 360.534.9066 SPOKANE 509.624.3261 NATIONAL 800.846.6989

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