

Docket No. TV-180236 - Vol. I

Washington Utilities and Transportation
Commission v. All Star Transfer, etc.

September 25, 2018



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1 BEFORE THE WASHINGTON
2 UTILITIES AND TRANSPORTATION COMMISSION

4 WASHINGTON UTILITIES AND) DOCKET NO. TV-180236
TRANSPORTATION COMMISSION,)
5 Complainant,)
6 vs.)
7 ALL STAR TRANSFER, LARON)
8 WILLIAMS INC., D/B/A)
9 ALLSTAR MOVING & STORAGE,)
ALLSTAR MOVERS, AND CAREFUL)
MOVERS)
10)
11 Respondent.)

13 BRIEF ADJUDICATIVE PROCEEDING, VOLUME I
14 Pages 1-40
15 ADMINISTRATIVE LAW JUDGE LAURA CHARTOFF

17 September 25, 2018
18 1:30 p.m.
19 Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive Southwest
20 Olympia, Washington 98504

21 REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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

2 ADMINISTRATIVE LAW JUDGE:
3 LAURA CHARTOFF
4 Utilities and Transportation
5 Commission
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6 Olympia, Washington 98504

7 FOR COMMISSION STAFF:
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14 ALSO PRESENT:
15 JASON HOXIT
16 * * * * *

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2 JASON HOXIT PAGE
3 By Ms. Cameron-Rulkowski. 7

4 EXHIBIT INDEX

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6 Exhibit JH-1 Investigation Report 11

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1 OLYMPIA, WASHINGTON; SEPTEMBER 25, 2018
2 1:30 P.M.
3 --o0o--

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

6 JUDGE CHARTOFF: Let's be on the record.
7 Good afternoon. This is Docket TV-180236, captioned
8 Washington Utilities and Transportation Commission
9 versus All Star Transfer, Laron Williams Inc., doing
10 business as All Star Moving & Storage, All Star Movers,
11 and Careful Movers.
12 This is a complaint for penalties for
13 violations of State laws and Commission rules governing
14 household goods carriers.
15 My name is Laura Chartoff. I am the
16 administrative law judge presiding over today's brief
17 adjudicative proceeding that the Commission gave notice
18 of in its complaint.
19 Today is Tuesday, September 25th, 2018, and
20 the time is approximately 1:30 p.m.
21 Let's start by taking appearances, starting
22 with Commission Staff.
23 MS. CAMERON-RULKOWSKI: Appearing on behalf
24 of Commission Staff, Jennifer Cameron-Rulkowski,
25 Assistant Attorney General. And I have a notice of

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1 appearance on file in the docket.
 2 JUDGE CHARTOFF: Thank you.
 3 Okay. And for the Company? Is anyone here
 4 representing All Star Transfer, Laron Williams Inc.?
 5 Okay. Hearing nothing, what I'd like to do
 6 is take a ten-minute recess to see if he appears,
 7 because there's a concern that the traffic may be backed
 8 up due to the power outage. Is that --
 9 MS. CAMERON-RULKOWSKI: Understood, Your
 10 Honor.
 11 JUDGE CHARTOFF: Okay. So we'll take a
 12 recess. I'll come back at 1:45, and we'll go from
 13 there.
 14 MS. CAMERON-RULKOWSKI: We'll be ready, Your
 15 Honor.
 16 JUDGE CHARTOFF: Okay. We are off the
 17 record.
 18 (Recess from 1:33 p.m. until 1:46 p.m.)
 19 JUDGE CHARTOFF: Let's go back on the
 20 record. It is 1:46. I'll ask again, is All Star
 21 Transfer, Laron Williams Inc. present?
 22 Okay. Hearing nothing, would you like to
 23 make a motion?
 24 MS. CAMERON-RULKOWSKI: Yes, I would, Your
 25 Honor. I had a few preliminary matters if you would

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1 entertain them at this time.
 2 JUDGE CHARTOFF: Okay.
 3 MS. CAMERON-RULKOWSKI: Staff asked the
 4 Commission to dismiss the allegation in paragraph 43 of
 5 the complaint. It was included in error, and dismissing
 6 this allegation does not affect the relief reflected.
 7 JUDGE CHARTOFF: Okay.
 8 MS. CAMERON-RULKOWSKI: And then also Staff
 9 is withdrawing its request for relief at paragraph 64;
 10 however, Staff will present evidence of the underlying
 11 violations to address any arguments for mitigation that
 12 the Commission might consider.
 13 And then at this time, Staff would ask that
 14 the Commission find the Company in default under RCW
 15 34.05.440 and WAC 480-07-450 for failure to appear at
 16 this hearing. All Star Transfer was served via email by
 17 the Commission's records center on August 22nd at the
 18 Company's email address on file with the Commission.
 19 This is appropriate service under the
 20 Commission's procedural rules at WAC 480-07-150,
 21 Subsection 4(a), which states generally that to the full
 22 extent authorized by applicable law, the Commission will
 23 serve documents only in electronic form. Under WAC
 24 480-07-150, Subsection 5(a), electronic service is
 25 complete when the Commission sends the document to the

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1 recipient's designated email address. A copy of the
 2 Commission's proof of service is on file in this docket.
 3 And I do have a few questions for Mr. Hoxit,
 4 the Staff witness, once he's sworn in regarding contact
 5 with the Company. And at this time, Staff requests
 6 under the Administrative Procedure Act and the
 7 Commission's procedural rules, that the Commission
 8 proceed with the hearing and dispose of the substantive
 9 issues in the proceeding.
 10 JUDGE CHARTOFF: Thank you. Yes, I will
 11 grant an order of default and issue an order so stating,
 12 and we can proceed with the hearing.
 13 MS. CAMERON-RULKOWSKI: Thank you, Your
 14 Honor. At this time, I would call Jason Hoxit.
 15
 16 JASON HOXIT, witness herein, having been
 17 first duly sworn on oath,
 18 was examined and testified
 19 as follows:
 20
 21 E X A M I N A T I O N
 22 BY MS. CAMERON-RULKOWSKI:
 23 Q. Good afternoon, Mr. Hoxit.
 24 A. **Good afternoon.**
 25 Q. Please state and spell your last name.

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1 A. **Last name is Hoxit, it's H-o-x-i-t.**
 2 Q. And please state the name of your employer.
 3 A. **The Utilities and Transportation Commission.**
 4 Q. In what position are you employed by the
 5 Commission?
 6 A. **Compliance investigator.**
 7 Q. And in what division do you work?
 8 A. **In the consumer protection division.**
 9 Q. How long have you been employed as a compliance
 10 investigator?
 11 A. **Two and a half years.**
 12 Q. Have you been employed by the Commission in any
 13 other position?
 14 A. **Yes, I have.**
 15 Q. In what position was that?
 16 A. **As a consumer complaint investigator.**
 17 Q. And how long have you been employed by the
 18 Commission in total?
 19 A. **About four years.**
 20 Q. Please briefly describe your responsibilities as
 21 they pertain to this matter.
 22 A. **Yes. My responsibilities are to conduct**
 23 **investigations into both nonpermitted and permitted**
 24 **companies to ensure compliance with regulations.**
 25 Q. Are you familiar with All Star Transfer, Laron

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1 Williams Inc.?

2 **A. Yes, I am.**

3 Q. How did you become familiar with All Star

4 Transfer?

5 **A. Order 01 in Docket TV-143648 ordered Staff to**

6 **conduct a follow-up compliance review of the Company,**

7 **and I was assigned to that matter.**

8 Q. To your knowledge, has anyone at the Commission

9 been contacted by the Company since the complaint was

10 filed?

11 **A. No.**

12 Q. Have you contacted the Company since the

13 complaint was filed?

14 **A. Yes, I've attempted to.**

15 Q. And when was that?

16 **A. During the first recess, so 1:40 p.m.**

17 Q. All right. And how did you attempt to contact

18 the Company?

19 **A. By phone.**

20 Q. And which phone numbers did you use?

21 **A. I first contacted 206-734-3006, which is the**

22 **phone number on All Star Transfer's website. I was**

23 **unsuccessful, so I then attempted to call 425-745-7559,**

24 **which is the phone number associated with Careful**

25 **Movers. And, again, no response.**

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1 Q. When you said that the number was associated

2 with Careful Movers, was it also -- is that a number

3 that's on the Careful Movers website?

4 **A. Yes, it is.**

5 Q. And when you say there was -- you said that you

6 were unsuccessful when you contacted the number on All

7 Star Transfer's website, what does that mean?

8 **A. It means nobody answered and it went to a**

9 **voicemail service.**

10 Q. And when you called the Careful Movers number,

11 what exactly happened?

12 **A. Same, went to a voicemail recording, no answer.**

13 Q. Thank you.

14 You testified that you were assigned to follow

15 up on an investigation from a prior docket, did you

16 conduct an investigation of All Star Transfer's business

17 practices?

18 **A. Yes.**

19 Q. Did you prepare a report documenting your

20 investigation?

21 **A. Yes, I did.**

22 Q. Please turn to Exhibit JH-1. Is this a true and

23 accurate copy of the investigation report you prepared

24 concerning All Star Transfer?

25 **A. Yes, it is.**

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1 Q. Does All Star Transfer operate under any trade

2 names?

3 **A. Yes, they do.**

4 Q. All right. And what are those trade names?

5 **A. They are All Star Transfer, All Star Moving &**

6 **Storage, All Star Movers, and Careful Movers.**

7 Q. All right. To your knowledge, has All Star

8 Transfer received technical assistance in the past?

9 **A. Yes.**

10 Q. Do you discuss prior technical assistance in

11 your investigation report?

12 **A. Yes, I do.**

13 Q. Can you point us to the section where you

14 discuss that?

15 **A. Yes, so it would be in the report under**

16 **background. Would be pages 5 through 9, I believe, yes.**

17 Q. Thank you.

18 MS. CAMERON-RULKOWSKI: Your Honor, I offer

19 Exhibit JH-1 for admission into evidence.

20 JUDGE CHARTOFF: Exhibit JH-1 is admitted.

21 (Exhibit JH-1 admitted.)

22 BY MS. CAMERON-RULKOWSKI:

23 Q. All right. Let's talk about the allegations in

24 the complaint. We'll start with the first cause of

25 action.

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1 During the investigation of All Star Transfer,

2 did the Commission send any data requests to the

3 Company?

4 **A. Yes, they did.**

5 Q. Please turn to Exhibit JH-1, the investigation

6 report at Appendix F, page 40. Is this one of those

7 data requests?

8 **A. Yes, it is.**

9 Q. Who signed the data request?

10 **A. Steven King.**

11 Q. And what is his position?

12 **A. Executive director and secretary.**

13 Q. To your knowledge, is there any position at the

14 Commission other than Commissioner that is over the

15 position of executive director and secretary?

16 **A. No, there is not.**

17 Q. What is the first thing that the data request

18 asks for?

19 **A. It asks for the last 25 residential moves**

20 **performed within the state of Washington and request the**

21 **bills of lading estimates, supplemental estimates,**

22 **inventory records, weight slips, and all documents**

23 **related to temporary storage of the goods, and also**

24 **requested the Company's customer complaint and claims**

25 **register.**

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1 Q. All right. Can I ask you just to go ahead and
 2 read the first two lines of that first request?
 3 **A. Under 1?**
 4 Q. Under 1 up until the comma -- up until the comma
 5 after "move."
 6 **A. Okay. This states, (as read) For the last 25**
 7 **residential moves performed within the state of**
 8 **Washington, please provide all original supporting**
 9 **documents related to each customer's move including, but**
 10 **not limited to, the bill of lading, estimate,**
 11 **supplemental estimate, inventory records, weight slips,**
 12 **and all documents related to temporary storage of the**
 13 **goods.**
 14 Q. Thank you.
 15 Did All Star Transfer respond?
 16 **A. Yes, they did.**
 17 Q. Did All Star Transfer provide any moving
 18 documents to the Commission?
 19 **A. Yes, they did.**
 20 Q. Please turn to the investigation report at
 21 Appendix H on page 44. Is this estimate a copy of one
 22 of the moving documents that Staff received from All
 23 Star Transfer?
 24 **A. Yes, it is.**
 25 Q. And what is the customer name on this estimate?

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1 **A. Charlie.**
 2 Q. What is the price listed on the estimate?
 3 **A. \$975.**
 4 Q. During the investigation of All Star Transfer,
 5 did Staff contact any of the Company's customers?
 6 **A. Yes, it did.**
 7 Q. Did Staff contact the customer associated with
 8 this estimate?
 9 **A. Yes, it did.**
 10 Q. Did Staff receive any move documents from the
 11 customer associated with the Charlie move?
 12 **A. Yes.**
 13 Q. Did Staff receive an estimate associated with
 14 the Charlie move from the customer?
 15 **A. Yes.**
 16 Q. Please turn to Appendix I at page 46 in the
 17 investigation report. Is this a copy of the estimate
 18 that Staff received from the customer?
 19 **A. Yes, it is.**
 20 Q. Does the estimate received from the customer
 21 match the estimate received from All Star Transfer?
 22 **A. No, it does not.**
 23 Q. What's the difference?
 24 **A. The customer-provided estimate is titled "Flat"**
 25 **and has a total price of \$1,140, and the**

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1 Company-provided estimate shows a nonbinding estimate
 2 with an estimated cost of \$975.
 3 Q. Do you know how much the customer ultimately
 4 paid?
 5 **A. Yes.**
 6 Q. Turn to page 48, please, also in Appendix I. Is
 7 the amount written on the check there of \$1,140, is that
 8 the amount that the customer paid?
 9 **A. Yes, it is.**
 10 Q. Do you know if All Star Transfer provided the
 11 Commission with the original estimate for the Charlie
 12 move?
 13 **A. No, I do not.**
 14 Q. Can you please explain why you do not know?
 15 **A. Yes. After receiving the Company-provided**
 16 **estimate and the customer-provided estimate, it**
 17 **indicates that the customer-provided estimate is, in**
 18 **fact, the original estimate. And the reason for this is**
 19 **the customer-provided estimate is the estimate that**
 20 **aligns with the amount the customer paid for the move.**
 21 Q. So am I understanding you that you -- that you
 22 are assuming that the customer -- that the estimate that
 23 you received from the customer was the original
 24 estimate?
 25 **A. Yes, that is correct.**

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1 Q. All right. Let's move on to the second cause of
 2 action, three-hour minimums.
 3 Are you familiar with the household goods
 4 tariff, Tariff 15-C?
 5 **A. Yes, I am.**
 6 Q. What is the tariff?
 7 **A. The tariff is a document established by the**
 8 **Commission that sets forth the rates and terms and**
 9 **conditions for which household goods carriers must**
 10 **comply.**
 11 Q. Do all household goods carriers have to follow
 12 the tariff?
 13 **A. Yes.**
 14 Q. Is there a Commission rule requiring carriers to
 15 follow the tariff?
 16 **A. Yes, there is.**
 17 Q. Can you tell us what that rule is?
 18 **A. Yes, it's Washington Administrative Code, I'll**
 19 **refer to it as WAC, 48015 -- or dash 15-490, Subsection**
 20 **3.**
 21 Q. Does the tariff provide for a minimum hourly
 22 charge?
 23 **A. Yes, it does.**
 24 Q. And which tariff item provides for a minimum
 25 hourly charge?

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1 **A. Item 230.**
 2 Q. And what exactly does Item 230 provide regarding
 3 a minimum hourly charge?
 4 **A. It allows a company to charge a minimum**
 5 **hourly -- minimum of one hour Monday through Friday**
 6 **between the hours of 8 a.m. and 5 p.m. and excludes**
 7 **State-recognized holidays.**
 8 Q. All right. I'll refer to that generally as
 9 regular working hours. Was this move conducted during
 10 regular working hours?
 11 **A. Yes, it was.**
 12 Q. Even though it is not listed in the tariff, can
 13 a household goods carrier charge a minimum charge based
 14 on a number of hours different from the minimum listed
 15 in the tariff?
 16 **A. No, they may not.**
 17 Q. Please turn to the investigation report,
 18 Appendix J, page 49. What is the customer name on this
 19 estimate?
 20 **A. Paula.**
 21 Q. And what is the total amount of the estimate?
 22 **A. \$375.**
 23 Q. Does this estimate reflect rates that are
 24 compliant with the tariff?
 25 **A. No.**

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1 Q. Can you please explain why not?
 2 **A. Yes, the estimate refers to a three-hour**
 3 **minimum.**
 4 Q. Please turn the page to Appendix K, page 51. Is
 5 this a bill of lading for the same customer?
 6 **A. Yes, it is.**
 7 Q. What is the total charge on this bill of lading?
 8 **A. \$375.**
 9 Q. Does this bill of lading reflect the customer,
 10 Paula, paid the charges described on the estimate?
 11 **A. Yes.**
 12 Q. Please turn the page to Appendix L, page 52.
 13 What is the customer name on this estimate?
 14 **A. Sheri.**
 15 Q. What is total amount of the estimate?
 16 **A. \$375.**
 17 Q. Does this estimate reflect rates that are
 18 compliant with the tariff?
 19 **A. No, it does not.**
 20 Q. And can you please explain why not?
 21 **A. Yes, the estimate refers to a three-hour flat**
 22 **rate.**
 23 Q. And in your mind, is flat rate the same as a
 24 minimum?
 25 **A. Yes, it is.**

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1 Q. Please turn the page to Appendix T, page --
 2 please turn a few pages to Appendix T, page 102. Is
 3 this the bill of lading for the same customer?
 4 **A. Yes, it is.**
 5 Q. What is the total charge on this bill of lading?
 6 **A. \$375.**
 7 Q. Does this bill of lading reflect the customer,
 8 Sheri, paid the charges described on the estimate?
 9 **A. Yes.**
 10 Q. Has the Commission provided technical assistance
 11 to All Star on the issue of charging an hourly minimum
 12 in conflict with the tariff?
 13 **A. Yes.**
 14 Q. Please turn to page 8 of the investigation
 15 report and refer to the very top of the page. Is the
 16 technical assistance you were referring to located here?
 17 **A. Yes, it is.**
 18 Q. Please turn to page 6 in the investigation
 19 report. And was the technical assistance that you just
 20 referred to part of the discussion of the informal
 21 complaint of November 2012 beginning on page 6?
 22 **A. Yes.**
 23 Q. All right. Let's move on to the third cause of
 24 action, estimates.
 25 Does a household goods carrier have to provide

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1 an estimate to every customer before the move?
 2 **A. Yes.**
 3 Q. Does the estimate need to be in writing?
 4 **A. Yes, it does.**
 5 Q. Is the estimate requirement in a Commission
 6 rule?
 7 **A. Yes, it is.**
 8 Q. Which rule is that?
 9 **A. It's WAC 480-15-630, I believe.**
 10 Q. That sounds right.
 11 Does Tariff 15-C contain requirements pertaining
 12 to estimates?
 13 **A. Yes.**
 14 Q. And what tariff item is that?
 15 **A. Tariff Item 85.**
 16 Q. Let's go through the requirements that are
 17 relevant here.
 18 With regard to Item 85(1), and the rule, WAC
 19 480-15-630, do these provisions require a carrier to
 20 give each customer a copy of the consumer guide to
 21 moving in Washington State at the time the carrier gives
 22 the customer a written estimate?
 23 **A. Yes.**
 24 Q. Please refer to the investigation report at
 25 Appendix N, starting on page 55, and please identify

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1 estimates that do not comply with these provisions.

2 **A. Yes, so there are six total estimates that are**

3 **in conflict with that. Charlie, on page 73; Paula, page**

4 **75; Sheri, page 77; Judy, page 81; LJ, page 82; and**

5 **Kimberly, page 86.**

6 Q. Is this a repeat violation?

7 **A. Yes, it is.**

8 Q. For this case, what is your understanding of a

9 repeat violation?

10 **A. Repeat violation is a violation the Commission**

11 **has determined in an order or charged in a previous**

12 **penalty assessment.**

13 Q. With regard to Item 85(2)(d), does the tariff

14 require a carrier to provide a space for a customer to

15 initial or sign which states that the customer was

16 provided a copy of the consumer guide to moving in

17 Washington State?

18 **A. Yes.**

19 Q. Please refer to the investigation report at

20 Appendix N and identify estimates that do not comply

21 with this requirement.

22 **A. Can you repeat that one more time?**

23 Q. Yes. This is in regard to Item 85(2)(d), and

24 I'm asking you to identify estimates that do not comply

25 with this requirement, and this may be the same

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1 estimates that -- that you identified for the previous

2 violation.

3 **A. Yes, yeah, it was the same six estimates.**

4 Q. Thank you.

5 With regard to Item 85(2)(i), does the tariff

6 require a carrier to include a customer's name, phone

7 number, and address in its estimate?

8 **A. Yes.**

9 Q. Please refer to Appendix M and identify

10 estimates that do not comply with this requirement.

11 **A. Can you repeat that one more time?**

12 Q. Yes, with regard to Item 85(2)(i), does the

13 tariff require a carrier to include a customer's name,

14 phone number, and address in its estimate?

15 **A. Yes.**

16 Q. And then I referred you to Appendix N, starting

17 on page 55, and I've asked you to please identify

18 estimates that do not comply with this tariff item. And

19 if we need to come back to that one, we can.

20 **A. Yes. Yes, I know the number with bills of**

21 **lading, but not estimates.**

22 Q. Okay. Moving on. With regard to Item 85(2)(p),

23 does the tariff require a carrier to include the number

24 of carrier personnel and vehicles that will be used, the

25 number of hours each will be involved in the move, and

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1 the associated rates and charges if the move is local?

2 **A. Yes.**

3 Q. Please refer to Appendix N and identify

4 estimates that do not comply with this requirement.

5 **A. Yes, we have Paula on page 75, Sheri on page 77,**

6 **and LJ on page 82.**

7 Q. With regard to Item 85(2)(q), does the tariff

8 require carriers to include specific information in a

9 nonbinding estimate as set forth in the tariff?

10 **A. Yes.**

11 Q. Please refer to Appendix N and identify

12 estimates that do not comply with this requirement.

13 **A. Yes, there's three total estimates, Charlie on**

14 **page 72, Judy on page 79, and Kimberly on page 84.**

15 Q. With regard to Item 85(2)(r), does the tariff

16 require a carrier to include the forms of payment that

17 the carrier will accept when providing an estimate?

18 **A. Yes.**

19 Q. Please refer to Appendix N and identify

20 estimates that do not comply with this requirement.

21 **A. Yes, there is three total, first being Paula on**

22 **page 75, Sheri on page 77, and LJ on page 82.**

23 Q. Is this a repeat violation?

24 **A. Yes, this is.**

25 Q. With regard to Item 85(2)(t) as well as to WAC

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1 480-15-630, Subsection 8, do these provisions together

2 require a carrier to include the signature of both the

3 carrier and the customer on the estimate prior to the

4 move as well as the dates that each signed?

5 **A. Yes.**

6 Q. Please refer to Appendix N and identify

7 estimates that do not comply with these requirements.

8 **A. Yes, there are, again, six total estimates,**

9 **Charlie on page 74; Paula on page 75; Sheri, page 77;**

10 **and Judy, page 81; LJ, page 82; and Kimberly, page 86.**

11 Q. Is this a repeat violation?

12 **A. Yes, it is.**

13 Q. Has the Commission provided technical assistance

14 to All Star on the form and completion of estimates?

15 **A. Yes, it has.**

16 Q. Please refer to pages 6 to 7 in the

17 investigation report starting at the section "November

18 2012 Consumer Complaint." Do you discuss technical

19 assistance on estimates here?

20 **A. Yes.**

21 Q. All right. Please turn to page 8 in the

22 investigation report starting at the section "November

23 2014 Staff Investigation." Do you discuss technical

24 assistance on estimates here?

25 **A. Yes, I do.**

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1 Q. Please refer to pages 8 and 9 in the
 2 investigation report starting on page 8 at the section
 3 "July 2015 Consumer Complaint." Do you discuss
 4 technical assistance on estimates here?
 5 **A. Yes.**

6 Q. Now I want to speak specifically about one of
 7 the elements of an estimate, the inventory, which is in
 8 the fourth cause of action.
 9 With regard to tariff Item 85(2)(g), does the
 10 tariff require a carrier to provide a household goods
 11 cube sheet inventory of the items upon which the
 12 estimate is based and the estimated cubic footage for
 13 each item?
 14 **A. Yes.**

15 Q. Please refer to Appendix N starting at page 55.
 16 Do any of the estimates in Appendix N include a cube
 17 sheet inventory?
 18 **A. Yes, just one, dated in July of 2016.**

19 Q. Does that mean that all of the remaining
 20 estimates are missing cube sheets?
 21 **A. Yes.**

22 Q. Now I want to discuss a type of estimate, the
 23 supplemental estimate associated with the seventh cause
 24 of action.
 25 When is a carrier required to prepare a

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1 supplemental estimate?
 2 **A. On a nonbinding estimate when the circumstances**
 3 **surrounding the move change and the cost of the move**
 4 **exceeds 125 percent of the original estimate.**

5 Q. Is there a Commission rule that addresses
 6 supplemental estimates?
 7 **A. Yes, there is.**

8 Q. Which rule is that?
 9 **A. It's WAC 480-15-660.**

10 Q. Does Tariff 15-C contain requirements pertaining
 11 to supplemental estimates?
 12 **A. Yes.**

13 Q. With regard to tariff Item 85(2)(q)(4), does the
 14 tariff prohibit a carrier from requiring a customer to
 15 pay more than 125 percent of the estimate regardless of
 16 the total cost unless the carrier issues and the
 17 customer accepts a supplemental estimate?
 18 **A. Yes.**

19 Q. Please turn to Appendix M on page 54. Can you
 20 please read the name on this bill of lading?
 21 **A. Yes, Afi.**

22 Q. What is the -- and can you please spell that?
 23 **A. It's A-f-i.**

24 Q. What is the total amount charged?
 25 **A. 1,097 -- or sorry, \$1,497.75.**

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EXAMINATION OF HOXIT / CAMERON-RULKOWSKI

1 Q. Please turn to Appendix O on page 87. Is this
 2 the estimate associated with the bill of lading you just
 3 received?
 4 **A. Yes, it is.**

5 Q. What is the total listed on the estimate?
 6 **A. \$750.**

7 Q. What is 125 percent of \$750?
 8 **A. \$937.50.**

9 Q. So is the price the customer paid, 1,497.75,
 10 more than 125 percent of the amount the customer was
 11 quoted?
 12 **A. Yes.**

13 Q. Given that the charges were more than 125
 14 percent of the amount estimated, should the Company have
 15 completed a supplemental estimate?
 16 **A. Yes.**

17 Q. Did All Star complete a supplemental estimate?
 18 **A. No.**

19 Q. How much did the customer overpay?
 20 **A. \$560.25.**

21 Q. Has the Commission provided technical assistance
 22 to All Star on the issue of supplemental estimates?
 23 **A. Yes.**

24 Q. And is this discussed in your investigation
 25 report?

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EXAMINATION OF HOXIT / CAMERON-RULKOWSKI

1 **A. Yes, it is.**

2 Q. I'd like to now discuss the fifth cause of
 3 action.
 4 Does a household goods carrier have to complete
 5 a bill of lading for each move?
 6 **A. Yes.**

7 Q. Is there a Commission rule that addresses bill
 8 of lading requirements?
 9 **A. Yes.**

10 Q. Which rule is this?
 11 **A. It's WAC 480-15-710.**

12 Q. Does Tariff 15-C contain requirements pertaining
 13 to bills of lading?
 14 **A. Yes.**

15 Q. And which tariff item is that?
 16 **A. Item 95.**

17 Q. Let's go through the requirements that are
 18 relevant here.
 19 With regard to Item 95(1), does the tariff
 20 require both the carrier and the customer to sign and
 21 date the bill of lading?
 22 **A. Yes.**

23 Q. Please turn to the investigation report at
 24 Appendix T starting on page 93. Please identify bills
 25 of lading that do not comply with this requirement.

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EXAMINATION OF HOXIT / CAMERON-RULKOWSKI

1 **A. There are four total bills of lading, Charlie on**
 2 **page 100; Paula, page 101; Judy, page 103; and LJ, page**
 3 **104.**

4 Q. Is this a repeat violation?

5 **A. Yes, it is.**

6 Q. With regard to Item 95(1)(b), does the tariff
 7 require a carrier to include the name and telephone
 8 number of the customer in the bill of lading?

9 **A. Yes, it does.**

10 Q. Please turn to Appendix T and please identify
 11 bills of lading that do not comply with this
 12 requirement.

13 **A. There is just one bill of lading that is**
 14 **noncompliant, and that is Charlie on page 100.**

15 Q. Is this a repeat violation?

16 **A. Yes, it is.**

17 Q. With regard to Item 95(1)(d), does the tariff
 18 require a carrier to include the exact address of the
 19 origin of the move in the bill of lading?

20 **A. Yes, it does.**

21 Q. Please refer to Appendix T and please identify
 22 bills of lading that do not comply with this
 23 requirement.

24 **A. There are two bills of lading. First, Charlie**
 25 **on page 100 and Sheri on page 102.**

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EXAMINATION OF HOXIT / CAMERON-RULKOWSKI

1 Q. With regard to Item 95(1)(k), does the tariff
 2 require a carrier to include a specifically-worded
 3 section where a customer must select by signing his or
 4 her initials the type of loss and damage protection,
 5 evaluation for the shipment in the bill of lading?

6 **A. Yes.**

7 Q. Please turn to Appendix T, if you're not already
 8 there, and please identify bills of lading that do not
 9 comply with this requirement.

10 **A. Yes, there are six bills of lading total, first**
 11 **being Charlie on page 100; Paula, page 101; Sheri, page**
 12 **102; Judy, page 103; LJ, page 104; and Kimberly on page**
 13 **105.**

14 Q. With regard to Item 95(1)(m), does the tariff
 15 require a carrier to include the start, stop, and
 16 interruption time for each employee involved in a move
 17 as well -- when the carrier -- as when the carrier was
 18 released to go to another customer on the bill of
 19 lading?

20 **A. Yes.**

21 Q. Referring to Appendix T, please identify bills
 22 of lading that do not comply with this requirement.

23 **A. And this answer would be identical to the last,**
 24 **all six bills of lading contained these violations.**

25 Q. Is this a repeat violation?

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EXAMINATION OF HOXIT / CAMERON-RULKOWSKI

1 **A. Yes, it is.**

2 Q. With regards to Item 95(1)(n), does the tariff
 3 require a carrier to include the amount and type of
 4 every charge assessed as a separate line item in the
 5 bill of lading?

6 **A. Yes.**

7 Q. With reference to the same items, does the
 8 tariff also require a carrier to provide sufficient
 9 information to determine whether the charged rates
 10 conform to Tariff 15-C or if no tariff charges exist, to
 11 determine the exact nature, number, and type of charges?

12 **A. Yes.**

13 Q. With reference to Appendix T, please identify
 14 the bills of lading that do not comply with these
 15 requirements.

16 **A. Yes, there is one bill of lading that is**
 17 **noncompliant. That is Sheri on page 102.**

18 Q. Has the Commission provided technical assistance
 19 to All Star on the form and completion of bills of
 20 lading?

21 **A. Yes.**

22 Q. Please refer to page 7 in the investigation
 23 report at the section "November 2012 Consumer
 24 Complaint." Do you discuss technical assistance on
 25 bills of lading here?

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EXAMINATION OF HOXIT / CAMERON-RULKOWSKI

1 **A. Yes.**

2 Q. Please refer to page 9 in the investigation
 3 report at the section "July 2015 Consumer Complaint."
 4 Do you discuss technical assistance on bills of lading
 5 here?

6 **A. Yes.**

7 Q. All right. We discussed earlier that a carrier
 8 must follow Tariff 15-C. Let's talk about prohibited
 9 charges, which are addressed in the sixth cause of
 10 action.

11 For hourly related -- for hourly-rated moves,
 12 does the tariff set forth the rates a carrier can charge
 13 to conduct a move?

14 **A. Yes.**

15 Q. Are the hourly rates listed in Item 230?

16 **A. Yes.**

17 Q. Does Item 205 also discuss hourly rates?

18 **A. Yes, it does.**

19 Q. With regard to Item 205, do the rates include
 20 use of vehicle, equipment, and labor during the move?

21 **A. Yes.**

22 Q. Are rates for packing materials listed in the
 23 tariff for hourly-rated moves?

24 **A. Yes.**

25 Q. Which tariff item are they listed in?

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EXAMINATION OF HOXIT / CAMERON-RULKOWSKI

1 **A. Item 225.**
 2 Q. Are tape, paper pads, and paper on the packing
 3 materials list in the tariff?
 4 **A. No, they are not.**
 5 Q. Please turn to Appendix M on page 54.
 6 JUDGE CHARTOFF: What were those three items
 7 that you listed in this paper?
 8 MS. CAMERON-RULKOWSKI: I asked Mr. Hoxit
 9 whether tape, paper pads, and paper are on the packing
 10 materials list that I had just asked him about.
 11 JUDGE CHARTOFF: Thank you.
 12 BY MS. CAMERON-RULKOWSKI:
 13 Q. What is the name on this bill of lading?
 14 **A. Afi.**
 15 Q. And does this bill of lading contain charges for
 16 tape, paper pads, and paper?
 17 **A. Yes, it does.**
 18 Q. What is the total of these charges?
 19 **A. It shows -- sorry. It's \$57.50.**
 20 Q. Has the Commission provided technical assistance
 21 to All Star on the issue of charging only those charges
 22 that comply with the tariff?
 23 **A. Yes, it does.**
 24 Q. And you discuss this in your investigation
 25 report?

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EXAMINATION OF HOXIT / CAMERON-RULKOWSKI

1 **A. Yes, I do.**
 2 Q. Now I would like to talk about the Company's
 3 advertising.
 4 Have you identified advertisements of this
 5 Company for residential moving services?
 6 **A. Yes.**
 7 Q. Please turn to Appendix V in the investigation
 8 report, which starts on page 107. Did you capture the
 9 images of the Internet sites that appear in Appendix V?
 10 **A. Yes, I did.**
 11 Q. Let's talk about the Facebook and Yelp pages
 12 first.
 13 Please turn to one hundred -- page 108. Is this
 14 an ad on the Company's Careful Movers Facebook page?
 15 **A. Yes, it is.**
 16 Q. Is it still there?
 17 **A. Yes, it is.**
 18 Q. When did you last check?
 19 **A. This afternoon.**
 20 Q. Now let's turn the page to page 109. Is this a
 21 Yelp posting for All Star Transfer and All Star Movers?
 22 **A. Yes.**
 23 Q. Is it still there?
 24 **A. It is.**
 25 Q. When did you last check?

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EXAMINATION OF HOXIT / CAMERON-RULKOWSKI

1 **A. This afternoon.**
 2 Q. Has it been claimed by the Company?
 3 **A. Yes.**
 4 Q. How can you tell?
 5 **A. It's marked "Claimed" next to the Company name.**
 6 Q. Are there any problems with the advertising on
 7 the Facebook and Yelp pages?
 8 **A. Yes.**
 9 Q. Please go ahead and describe the problem.
 10 **A. They are both missing Commission-issued permit
 11 number.**
 12 Q. Now let's talk about the first ad in this
 13 appendix, which is for Careful Movers on page 107.
 14 Is this an ad on the Company's Careful Movers
 15 website?
 16 **A. Yes, it is.**
 17 Q. Is it still there?
 18 **A. Yes, it is.**
 19 Q. When did you last check?
 20 **A. This afternoon.**
 21 Q. Has anything changed?
 22 **A. No, it has not. Or I apologize, on the Careful
 23 Movers website, there is a permit number which changed
 24 from the Staff investigation report.**
 25 Q. So at the time that you completed your

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EXAMINATION OF HOXIT / CAMERON-RULKOWSKI

1 investigation and prepared the investigation report,
 2 this ad was missing a permit number?
 3 **A. Yes.**
 4 Q. And the current website that you checked today
 5 now has a permit number; do I understand that correctly?
 6 **A. Yes, this is correct.**
 7 Q. Please turn to Appendix W in the investigation
 8 report, and this is on page 110. Is this an ad on the
 9 Company's All Star Movers website?
 10 **A. Yes, it is.**
 11 Q. And did you capture this image?
 12 **A. Yes, I did.**
 13 Q. Is this ad still there?
 14 **A. Yes, it is.**
 15 Q. When did you last check?
 16 **A. This afternoon.**
 17 Q. Are there any problems with this advertisement?
 18 **A. Yes, there are.**
 19 Q. Can you please describe those problems?
 20 **A. Yes. The Company has an advertisement that
 21 claims to save up to 60 percent on local and nationwide
 22 moving. They also advertise that they are 30 to 50
 23 percent less than other household goods competitors, and
 24 also have a what appears to be a link to coupons;
 25 however, it is not a link and it does not take you**

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1 anywhere.

2 Q. And what's the problem with these claims of

3 discounted rates?

4 **A. Staff is unable to determine if the discounted**

5 **rates fall within the permitted rates allowed in the**

6 **tariff.**

7 Q. So Staff can't tell whether the Company is

8 actually complying with tariff rates?

9 **A. No.**

10 Q. Thank you.

11 Let's now discuss Staff's recommendation.

12 Are you recommending penalties for these

13 violations?

14 **A. Yes, I am.**

15 Q. All right. Can you please describe the

16 penalties that you're recommending?

17 **A. Yes. Staff recommends a penalty of up to \$100**

18 **per each violation. There are 21 violations, and Staff**

19 **recommends a total penalty in the amount of \$21,000.**

20 Q. You make some additional recommendations in your

21 investigation report on page 5. Do you still wish to

22 make those recommendations?

23 **A. Yes, I do.**

24 Q. What are they?

25 **A. Staff's recommendation is that All Star Transfer**

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1 include its household goods permit number in all forms

2 of advertising, that Laron Williams and all of his staff

3 attend a future household goods training class provided

4 by the Commission, and that Staff conduct a follow-up

5 investigation of All Star Transfers' business practices

6 within one year.

7 MS. CAMERON-RULKOWSKI: Thank you. I have

8 no further questions for Mr. Hoxit at this time. I have

9 a brief closing statement, which I'm happy to start with

10 unless you had some questions for Mr. Hoxit.

11 JUDGE CHARTOFF: I don't have any questions.

12 MS. CAMERON-RULKOWSKI: All right. Do you

13 wish to have a closing statement or is -- has the

14 testimony been sufficient?

15 JUDGE CHARTOFF: The testimony has been

16 sufficient.

17 MS. CAMERON-RULKOWSKI: All right, Your

18 Honor. Then I'll go ahead and close Staff's

19 presentation.

20 JUDGE CHARTOFF: Let me just make sure I

21 understand the two things that you wanted to -- that you

22 mentioned earlier, the paragraph.

23 MS. CAMERON-RULKOWSKI: Yes.

24 JUDGE CHARTOFF: Paragraph 64, you said you

25 wanted withdrawn?

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1 MS. CAMERON-RULKOWSKI: Yes.

2 JUDGE CHARTOFF: So --

3 MS. CAMERON-RULKOWSKI: I can address that.

4 JUDGE CHARTOFF: Oh, okay.

5 MS. CAMERON-RULKOWSKI: So the move that is

6 issue -- at issue here, it took place more than two

7 years before the complaint was filed. And so Staff is

8 no longer requesting refunds on the basis of this

9 particular move. But Staff did want to highlight that

10 overcharges like this is behavior that's very consumer

11 unfriendly, and Staff asks that the Commission take

12 these acts into consideration if the Commission

13 considers any type of mitigation of penalties.

14 JUDGE CHARTOFF: Okay. Thank you. Yeah,

15 I -- I have nothing further. Do you -- do you have

16 anything further?

17 MS. CAMERON-RULKOWSKI: No, Your Honor.

18 JUDGE CHARTOFF: Okay. So I will take

19 everything under advisement and issue an order within

20 ten days. Okay. We are off the record.

21 (Adjourned at 2:29 p.m.)

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C E R T I F I C A T E

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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 Tayler Garlinghouse, CCR 3358

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