

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET TV-140342
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER 03
)	
v.)	
)	ORDER IMPOSING SUSPENDED
LYLE AND DARCY ALLEN D/B/A)	PENALTY
EASTSIDE & ALL CITY MOVERS,)	
)	
Respondent.)	
)	
.....)	

BACKGROUND

- 1 On May 7, 2014, the Washington Utilities and Transportation Commission (Commission) entered Order 02, Stipulated Initial Order Classifying Respondent as Household Goods Carrier; Ordering Respondent to Cease & Desist; Imposing and Suspending Penalties on Condition of Future Compliance (Order 02). Order 02 ordered Lyle and Darcy Allen d/b/a Eastside & All City Movers (Eastside or Company) to cease and desist operating as a household goods carrier and imposed a fine of \$5,000 for two violations of RCW 81.80.075(1), all but \$500 of which was suspended for a period of two years from the date of Order 02,¹ conditioned on the Company (1) refraining from operating as a household goods carrier without a permit from the Commission and (2) paying the assessed penalty of \$500 that was not suspended.

- 2 Commission records indicate that Eastside made payments of (a) \$167 on May 7, (b) \$167 on June 6, and (c) \$166 on July 30, resulting in full payment of the \$500 penalty amount that was not suspended.

¹ Order 02 was dated May 6, 2014.

- 3 On June 13, 2014, Commission Staff (Staff) filed with the Commission a letter stating that it has information that Eastside continues to operate as a household goods carrier without a permit in violation of Order 02. Staff indicates that on June 11, 2014, Staff called the number “855-868-6687” and spoke to “Darcy.” Staff asked for an estimate for a move from a two-bedroom apartment in Everett to another two-bedroom apartment 10 minutes away. Staff states that Darcy told them they charge \$100 for two men, a truck, and all the equipment needed for a move. Staff further states that Darcy told Staff there was a two hour minimum on all moves. Based on the information that Staff provides, Staff recommends that the entire penalty of \$5,000, be imposed in full for failing to comply with all of the conditions in Order 02.
- 4 On October 15, 2014, the Commission issued a Notice of Opportunity to Respond (Notice) in this matter providing the Company an opportunity to respond to Staff’s allegations or request a hearing to present evidence to contest Staff’s allegations by October 28, 2014. The Notice stated that if Eastside did not file a response, the Commission would consider Staff’s allegations to be uncontested and would render a decision accordingly.
- 5 Eastside did not file a response with the Commission.

DISCUSSION

- 6 The Commission, by proper notice, provided Eastside an opportunity to file a written response to Staff’s letter of June 13, 2014, including any request for hearing by October 28, 2014. Eastside failed to take any action in response to the Commission’s Notice. Accordingly, the Commission finds that Eastside is continuing to operate as a household goods moving company in violation of Order 02. Eastside, therefore, has failed to fulfill the conditions under which the Commission suspended \$4,500 of the assessed penalty, and that penalty amount is now due and payable.

ORDER

THE COMMISSION ORDERS THAT:

- 7 (1) Lyle and Darcy Allen d/b/a Eastside & All City Movers has not complied with the conditions under which the Commission suspended \$4,500 of the \$5,000 penalty assessment.
- 8 (2) The full \$5,000 penalty, less the \$500 paid to date, is now due and payable.

DATED at Olympia, Washington, and effective November 6, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA
Director, Administrative Law Division