

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Penalty Assessment Against
Bill's Transfer, Inc., in the amount of
\$100.00

DOCKET NO. TV-060415

CORRECTED DECLARATION OF
SHERI HOYT

SHERI HOYT, under penalty of perjury under the laws of the state of Washington, declares as follows:

1. I am over 18 years of age, a citizen of the United States, a resident of the state of Washington, and competent to be a witness.
2. I am employed by the Washington Utilities and Transportation Commission (Commission) as a Compliance Specialist in the Business Practices Investigations Section. I have been employed at the Commission for over 14 years, holding various positions. As a Compliance Specialist, my responsibilities include conducting investigations regarding the business practices of regulated utility or transportation companies. As part of those duties, I investigate household goods companies that may be operating in violation of Commission statute, rule, or tariff.
3. On June 6, 2006, Bill's Transfer, Inc. filed with the Commission an Application for Mitigation of Penalties (Mitigation Request) in Docket No. TV-060415. I have read the Mitigation Request.
4. This Mitigation Request arises from a Notice of Penalties Incurred and Due for Violations of Laws, Rules and Regulations issued by the Commission on May 31, 2006, in Docket No. TV-060415. In that Notice, the Commission issued a penalty of \$100.00 for a violation of WAC 480-15-390.
5. Before recommending the Commission issue penalties, as part of my job, I conducted an investigation of the Commission's records. My investigation resulted in an investigation report titled, "Staff Investigation." A true and accurate copy of that investigation report is attached to this declaration as Attachment A.
6. I identified the violation in this case from records maintained by the Commission.

Specific Issues Addressed by Bill's Transfer, Inc. in its Mitigation Request

The company asked the Commission to remove "Inc." after Universal Moving Systems.

7. In its Mitigation Request, Bill's Transfer, Inc. states there is a misunderstanding. It states the company does not intend to change its name to Universal Moving Systems Inc., but only asked the Commission to remove the "Inc." after the trade name Universal Moving Systems.
8. Neither "Universal Moving Systems" nor "Universal Moving Systems, Inc." is registered with the Commission as a trade name for Bill's Transfer, Inc. The name "Bill's Transfer, Inc." is listed on the company's permit. See Attachment D.
9. Commission records indicate Investigator Leon Macomber submitted an application for name change on behalf of Bill's Transfer, Inc. He provided Vince Wagner, owner of Bill's Transfer, Inc., the appropriate form on June 16, 2005, while at the company's place of business. Mr. Wagner filled out the application, and Mr. Macomber submitted it to the Commission on his behalf. See Attachment E.
10. Records reflect that the Commission's Licensing Services staff attempted many times to contact Mr. Wagner after determining that the company had not properly registered its trade name of "Universal Moving Systems" with the Department of Licensing. The company did not respond to several letters sent by staff requesting that the company register its trade name with DOL. Nor did the company respond to voicemail messages left by staff asking Bill's Transfer, Inc. to contact the Commission regarding the application for name change. Bill's Transfer, Inc.'s application for name change was dismissed in Docket Number TV-051153 on March 31, 2006. A copy of the name change application appears at Attachment F.

An outside printing company sent Bill's Transfer, Inc. a batch of envelopes with the company's name appearing as "Universal Moving Systems d/b/a: Bill's Transfer Inc."

11. Bill's Transfer, Inc.'s Request for Mitigation states an outside printing company sent it a batch of envelopes where the name Bill's Transfer and Universal Moving Systems were accidentally reversed. The company states it destroyed the envelopes many months ago.
12. The envelope received by the Commission in June 2005 indicates the company's name as, "UNIVERSAL MOVING SYSTEMS INC. D/B/A BILL'S TRANSFER INC." A true and accurate copy of that mailing envelope is attached to this declaration as Attachment B.
13. As part of my investigation, I conducted a search of online telephone directories. The online directory Dexonline.com revealed a listing for the company in the name of Universal Moving Systems, Inc. and Bill's Transfer. Both listings have the same street address, 2912 69th Avenue West, Tacoma, Washington 98466-7829, and phone

number, (253) 564-7000. True and accurate copies of the directory listings are attached to this declaration as Attachment C.

Bill's Transfer, Inc.'s attorney filed the articles of incorporation with the Secretary of State and told the company it could legally use the trade name Universal Moving Systems without filing any additional paperwork with the Department of Licensing.

14. As part of my investigation I reviewed many records, including those of the Secretary of State. The Corporations Division registration data search shows the company's name as Bill's Transfer, Inc. with no trade name appearing in the database.
15. The Department of Revenue's state business records database detail shows the company's registered legal entity name as Universal Moving Systems, Inc. doing business as Bills Transfer.
16. Because Bill's Transfer, Inc. has failed to properly register its trade name of Universal Moving Systems with the Commission, even after repeated technical assistance and attempted contacts by staff, staff does not support mitigation of the \$100 penalty.
17. However, staff is willing to forgive the penalty if the company will come into compliance with WAC 480-15-390 and properly register its trade name with the Commission.

DATED this 28th day of June, 2006 at Olympia, Washington.

SHERI HOYT