

Docket No. TV-180208 - Vol. I

**In the Matter of: Deavondia Taylor d/b/a I Heart
Movers, LLC**

May 18, 2018



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining) DOCKET TV-180208
the Proper Carrier)
Classification of, and)
Complaint for Penalties)
against:)
))
))
))
DEAVONDIA TAYLOR)
d/b/a I HEART MOVERS, LLC.)

TRANSPORTATION COURT, VOLUME I

Pages 1-24

ADMINISTRATIVE LAW JUDGE LAURA CHARTOFF

May 18, 2018

1:30 p.m.

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

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

LAURA CHARTOFF
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Transportation Commission
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FOR COMMISSION STAFF:

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* * * * *

1 OLYMPIA, WASHINGTON; MAY 18, 2018

2 1:30 P.M.

3 --o0o--

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

5

6 JUDGE CHARTOFF: Let's be on the record.

7 Good afternoon. My name is Laura Chartoff. I am an
8 administrative law judge with the Washington Utilities
9 and Transportation Commission. I am the presiding
10 officer for today's hearing being conducted at the
11 Commission's headquarters in Olympia.

12 Today is Friday, May 18th, 2018, and the
13 time is 1:30 p.m. Today's hearing involves a total of
14 two household goods carriers.

15 So the first thing we will do is take a roll
16 call to determine which companies are present. As you
17 can see, there's a court reporter creating a record of
18 today's proceedings. So when I call your name, raise
19 your hand to identify yourself and also give a verbal
20 response to the roll call like "here" or "present."

21 Okay. The first docket is TV-180208,
22 Deavondia Taylor, doing business as I Heart Movers.

23 MR. TAYLOR: Present.

24 JUDGE CHARTOFF: Thank you.

25 The second docket is TV-180326, Anthony

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1 Wright, doing business as Man and a Van, Inc., Pick Up
2 and Move, The Wright Move, and Tacoma Movers.

3 Hearing nothing. Okay. So -- okay. So
4 that company has not entered an appearance today and we
5 will --

6 MR. BRAUN: Judge, just to let you know that
7 Mr. Wright had called around roughly 1 o'clock saying he
8 was going to be ten, 15 minutes late. I just want to
9 let you know that. So he is supposedly on his way and
10 will be just a little bit late.

11 JUDGE CHARTOFF: Oh, okay. So we will -- I
12 will call him again if he comes in.

13 Okay. So you are here because the
14 Commission filed a complaint alleging that each of your
15 company -- oh, okay. That your company was performing
16 or advertising to perform work as a household goods
17 carrier without the required permit.

18 I understand that one of the companies has
19 recently obtained his household goods permit. So for
20 that company, we're dealing with the past period where
21 the Commission alleges you were operating without a
22 permit. So the purpose of today's proceeding is to
23 explain what your choices are and then hear from you
24 regarding which option you wish to pursue.

25 So, in fact, since the other company is not

1 here, usually I -- I explain all the options, but since
2 we only have one party here today, why don't I have
3 him -- I'll have him come forward and talk to him.

4 MR. BRAUN: Okay.

5 JUDGE CHARTOFF: So I call Deavondia Taylor,
6 I Heart Movers. Yes, come on up. Oh, no, sit right
7 there and turn on your microphone. Okay. So I'm going
8 to explain -- and while you're here, before I forget, I
9 will swear you in, and then I'll explain what your
10 options are, okay? So please stand up and raise your
11 right hand.

12 (Deavondia Taylor sworn.)

13 JUDGE CHARTOFF: So I'll start. So -- so
14 you have two options. So the first option is to cease
15 and desist, but since you --

16 I believe he had got his permit?

17 MR. BRAUN: Correct.

18 JUDGE CHARTOFF: Okay. So you will just
19 need to agree to maintain your permit, and if you were
20 to lose your permit, you would agree to cease operating.

21 Your other option is to ask for a formal
22 classification hearing to show why you didn't need a
23 permit prior to receiving it. And for that option, we
24 would do a -- schedule a formal hearing at another date.

25 So you have a right to be heard by the

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1 Commission. Commission Staff also has a right to be
2 heard, and Mr. Brian Braun will be representing the
3 Commission this morning. If you have not already met
4 Mr. Braun, he is seated at the table to my right.

5 Okay. I have sworn you in, and everything
6 you tell the Court will be under oath and be -- can be
7 considered sworn testimony. And in a minute, I will ask
8 you to state your preference, and as you -- in each of
9 the complaints, Commission Staff has also -- is also
10 seeking penalties. The law sets the maximum penalty for
11 each violation at \$5,000, and Staff will be making a
12 penalty recommendation as part of any agreed order.
13 Mr. Braun will be explaining that recommendation, but
14 the Commission will be making the final decision about
15 the amount of penalty to be imposed.

16 Okay. So why don't I go ahead -- I will go
17 ahead and swear you in.

18 (Brian Braun sworn.)

19 JUDGE CHARTOFF: Thank you.

20 So -- so, Mr. Taylor, can you please state
21 your -- your name, spelling your last name?

22 MR. TAYLOR: Deavondia Taylor, T-a-y-l-o-r.

23 JUDGE CHARTOFF: And what is your position
24 with the company?

25 MR. TAYLOR: The owner.

1 JUDGE CHARTOFF: And do you understand the
2 options that I laid out today?

3 MR. TAYLOR: Yeah, slightly. So one of them
4 is to cease and desist, the other is to just maintain my
5 permit and conduct business, and then the third one is
6 to set up a hearing?

7 JUDGE CHARTOFF: Oh, let me explain again.
8 My script that I go through is a little confusing with
9 regard to you because you've acquired your permit --

10 MR. TAYLOR: Okay.

11 JUDGE CHARTOFF: -- I think May 9th, right?

12 MR. TAYLOR: Yes.

13 JUDGE CHARTOFF: So this -- what we're going
14 to deal with today is -- like even though you have your
15 permit now, there's still a penalty --

16 MR. TAYLOR: Okay.

17 JUDGE CHARTOFF: -- for past periods. And
18 so what we're asking is, do you admit that you were
19 operating as a household goods mover prior to obtaining
20 your permit and agree that you will maintain your permit
21 and cease operating if you aren't able to maintain it?

22 MR. TAYLOR: Yes, to both questions.

23 JUDGE CHARTOFF: Okay. So what we would be
24 doing is --

25 And do you have a recommendation regarding

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1 entering an order with him?

2 MR. BRAUN: I do, Your Honor.

3 JUDGE CHARTOFF: Okay. And you are -- and
4 you would be willing to talk to him -- negotiate
5 penalties?

6 MR. BRAUN: Absolutely.

7 JUDGE CHARTOFF: Okay. So when we take a
8 recess, you'll have the opportunity to speak with
9 Mr. Braun and see if you can agree to an order, and that
10 order would say that you agree you were operating
11 without a permit, that you advertised without a permit,
12 and that you agree to maintain your permit or stop
13 operating if you no longer have one.

14 MR. TAYLOR: Yeah.

15 JUDGE CHARTOFF: And then once you're
16 satisfied and you understand all the terms of the order,
17 you and Mr. Braun will both sign it, and it will most
18 likely include an agreement about the amount of penalty
19 to be imposed. But if not, you can make your case about
20 why the penalty should be different than what Staff is
21 recommending.

22 MR. TAYLOR: I see.

23 JUDGE CHARTOFF: Do you have any other --

24 MR. TAYLOR: No.

25 JUDGE CHARTOFF: -- questions --

1 MR. TAYLOR: That makes sense now.

2 JUDGE CHARTOFF: Okay. So -- okay. So you
3 can return to your seat and wait for the recess, which
4 should be in a minute.

5 I will call -- I don't see him, but I will
6 call TV-180326, Anthony Wright? Hearing nothing. Okay.
7 We will take up that case after the recess.

8 So yeah, at this point, we're going to take
9 a recess, and as soon as you have a chance to review the
10 order and language with Staff, there will be some
11 negotiation about the penalty. It may be nominal
12 depending on the history of your company or there may be
13 a reason that Staff asks for a larger penalty, for
14 example, if you have appeared here before or have
15 previously held a household goods permit with the
16 Commission.

17 Typically a portion of the penalty is
18 suspended, which is meant to deter you from future
19 illegal operations. So you pay a portion today and the
20 remaining portion does not become payable until you
21 violate the order. And then I will call you back up
22 after the recess to make sure you understand the order,
23 and will sign it on the record today, and then you will
24 leave with a copy of it.

25 Is there anything else before we take a

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1 break?

2 MR. BRAUN: No, Your Honor.

3 JUDGE CHARTOFF: Okay. We are in recess.

4 (Recess taken from 1:42 p.m.

5 to 2:04 p.m.)

6 JUDGE CHARTOFF: Thank you. Let's be back
7 on the record. I understand that the order has been
8 explained and presented to the company, so I will call
9 TV-180208, Deavondia Taylor, doing business as I Heart
10 Movers back up.

11 Please come back up to the seat. Thank you.
12 So I have a copy of Order 02, stipulated initial order
13 classifying respondent as a household goods carrier
14 imposing and suspending penalties on condition of future
15 compliance. Mr. Taylor, did you have a chance to walk
16 through the order?

17 MR. TAYLOR: Yes.

18 JUDGE CHARTOFF: And do you understand all
19 five page -- all the pages before the signature page?

20 MR. TAYLOR: Yes.

21 JUDGE CHARTOFF: Okay. And just for the
22 record, Mr. Braun, it looks like you're recommending two
23 violations in this case, one for offering a move and one
24 for advertising?

25 MR. BRAUN: Yes, Your Honor.

1 JUDGE CHARTOFF: And there is a \$5,000
2 penalty to be imposed, a four thousand -- look here,
3 \$4,750 portion of the penalty is suspended for a period
4 of two years from the date of the order and waived
5 thereafter provided you maintain your permit or cease
6 operating if you should not have your permit anymore.

7 MR. TAYLOR: Yes.

8 JUDGE CHARTOFF: Okay. And you're making a
9 payment today?

10 MR. TAYLOR: Mm-hmm, I have already.

11 JUDGE CHARTOFF: Okay. Okay. And do you
12 understand what you can and can't do?

13 MR. TAYLOR: I do, yes.

14 JUDGE CHARTOFF: Okay. Okay. I think
15 that's all I have. Do you have any additional questions
16 about the order?

17 MR. TAYLOR: No.

18 JUDGE CHARTOFF: Okay. So I will go ahead
19 and sign it and -- okay. So I will hand this down to
20 you, and Staff will make a copy and give it to you and
21 then you'll be free to go.

22 MR. TAYLOR: Okay.

23 JUDGE CHARTOFF: Okay. So I'm next going to
24 call -- so I'm going to call TV-180326, Anthony Wright.

25 MR. WRIGHT: Yes, ma'am.

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1 JUDGE CHARTOFF: You're present, okay.

2 Could you come forward?

3 MR. WRIGHT: Yes, I will.

4 JUDGE CHARTOFF: And I'll just -- it's
5 Anthony Wright, doing business as Man and a Van, Inc.,
6 Pick Up and Move, The Wright Move, and Tacoma Movers.

7 So you are here today because the Commission
8 filed a complaint alleging that your company is
9 performing or advertising to perform work as a household
10 goods carrier without the required permit. And the
11 purpose of today's proceeding is to explain what your
12 choices are and then hear from you regarding which
13 option you wish to pursue.

14 So you have one of -- you can choose one of
15 two options on behalf of your company. The first option
16 is to agree to cease and desist from providing,
17 offering, or advertising unpermitted household goods
18 services. And if you choose this option, you will need
19 to demonstrate what you have done to shut down your
20 business either completely or partially to avoid further
21 enforcement action by the Commission. The Commission is
22 going to want to see sufficient proof that you are no
23 longer performing unlawful services. For example, you
24 need to provide proof that you've taken down or changed
25 your website or other online advertisements for your

1 business.

2 The other option is to ask for a formal
3 classification hearing to show why you don't need a
4 permit. And if you choose this option, you are
5 contesting the allegations in the complaint and claim
6 not to be conducting household goods moving service.
7 For this option, we will schedule a formal hearing for a
8 date in the near future with a deadline two to three
9 weeks from now for both your company and Commission
10 Staff to declare all witnesses and file all exhibits.

11 And Mr. Brian Braun will be representing the
12 Commission this morning. If you have not already met
13 Mr. Braun, he is seated at the table to my right, and he
14 is a Commission compliance investigator.

15 So in a moment, I will swear you in so that
16 anything you tell the Court will be under oath and will
17 be considered sworn testimony. And once you are sworn
18 in, I will ask you if you understand your options for
19 today's hearing and then ask you to state your
20 preferences. If there is anything else you want to
21 explain to me, you can do so at that time.

22 And in each of the complaints, Commission
23 Staff has not only alleged that you are providing
24 household goods moving services without a permit, they
25 are also seeking to have a penalty imposed. And the law

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1 sets the maximum penalty for each violation at \$5,000.
2 Staff will be making a penalty recommendation as part of
3 any agreed order. Mr. Braun will be explaining the
4 recommendation, but the Commission will be making a
5 final decision on the amount of penalty to be imposed.

6 If you choose to testify about how you're
7 getting out of the household goods business, I will
8 allow you to make a statement stating how you plan to do
9 that. Depending on what proof you can provide, you
10 should be able to reach an agreed order resolving the
11 matter with Commission Staff, and you can speak to
12 Mr. Braun about that during the recess.

13 Okay. And, Mr. Braun, I've already sworn
14 you in, so -- okay.

15 So I will swear you in now. Please stand
16 and raise your right hand.

17 (Anthony Wright sworn.)

18 JUDGE CHARTOFF: Thank you. Please be
19 seated.

20 So please state your name.

21 MR. WRIGHT: Anthony O'Bryant Wright.

22 JUDGE CHARTOFF: Can you spell your last
23 name?

24 MR. WRIGHT: W-r-i-g-h-t.

25 JUDGE CHARTOFF: And what is your position

1 with the company?

2 MR. WRIGHT: Owner.

3 JUDGE CHARTOFF: So do you understand the
4 options that I explained?

5 MR. WRIGHT: I could use a little more
6 explanation, but they seem pretty -- I understand part
7 of them, yes, ma'am.

8 JUDGE CHARTOFF: So are -- so do you have a
9 specific question or -- about it?

10 MR. WRIGHT: I think it might be going into
11 the part where you -- I don't necessary -- I think with
12 the second part where you said I could explain what is
13 happening and so forth. So I could address some of
14 the -- the work that's alleged as household good
15 moving -- household goods moving, make sure that I'm in
16 compliance.

17 And I also would more like -- I would like
18 to know where I'm not in compliance at and see how to
19 make that work, because I did withdraw a formal request
20 to become a household goods mover already that we had in
21 with the Commission pursuing that so we could provide
22 full services or at least be permitted. We're not
23 looking to -- to break the law, we're looking to be a
24 part of the -- providing services legally. And that was
25 our intent with requesting to be licensed as a mover

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1 with a reputable DOT number. We paid the \$500 for that
2 so we could be instated as that and move forward to
3 provide services for people so we didn't have to hide
4 and try to be like a company that -- you know, we wanted
5 to be legitimate and -- and for people to know that we
6 have guys who are legitimate able to come into those
7 houses.

8 So that request was withdrawn because of
9 the, you know, issues with the Commission, and I
10 understand that there's all of these things you need to
11 go through. But anything that's been alleged against
12 our company or against us or against myself as a
13 background check or anything of that nature is over --
14 over 20-some-odd years ago that anything would have been
15 done.

16 Anything that is done now -- like I said, we
17 have attempted to move forward and do better, and I
18 think that maybe some of the issues with the materials,
19 with the website, and everything, we put labor only on
20 those things, we've put those. So I just would need to,
21 I guess, be clarified where -- where we're doing wrong
22 so we can kind of shift from that because we're trying
23 to be in compliance.

24 JUDGE CHARTOFF: Okay. First of all, can
25 you make sure your microphone is on?

1 MR. WRIGHT: Oh, yes, ma'am.

2 JUDGE CHARTOFF: Hit the button.

3 Okay. So are you -- you mentioned labor
4 only, are you saying that you are not providing
5 household goods services or are you saying you don't
6 know if you are?

7 MR. WRIGHT: Yeah, we are advertising like
8 all of our advertisements, I attempt to put that labor
9 only stamp on there and request that people would rent
10 their own vehicles. We request that if they ask if
11 we -- you know, I ask them to get a truck and we can
12 drive it for them. We're trying to do that. We're
13 trying to be in compliance.

14 JUDGE CHARTOFF: Okay. So your options at
15 this proceeding -- let me back up a little.

16 MR. WRIGHT: I'm sorry, I didn't -- I kind
17 of just -- it's all one big ball to me, so I
18 apologize --

19 JUDGE CHARTOFF: Oh, that's fine.

20 MR. WRIGHT: -- if I've stepped ahead or
21 anything.

22 JUDGE CHARTOFF: No, that's fine. So you do
23 not have a permit at this time. You -- you said you
24 applied for one, but then you withdrew your application?

25 MR. WRIGHT: Yes, ma'am, that's correct.

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1 JUDGE CHARTOFF: And so your options today
2 are to agree to cease and desist from providing,
3 offering, or advertising unpermitted household goods
4 services. Or if you're not -- if you are saying you're
5 not conducting household goods moving services, you can
6 ask for a classification hearing where you would come
7 back and we would do a formal hearing to determine if
8 you are engaged in unpermitted moving services.

9 MR. WRIGHT: Okay.

10 JUDGE CHARTOFF: Do -- so we could -- it
11 sounds like -- do you -- are you willing -- which of the
12 options are you -- do you prefer?

13 MR. WRIGHT: I would -- I would cease
14 because that's our intent. I would choose the first one
15 and just see how could I -- you know, how can I do a
16 better job of being in compliance with that.

17 JUDGE CHARTOFF: Okay. And does Staff have
18 a recommendation on that? Or I guess my question is,
19 are you willing to talk to Mr. Wright and see if you can
20 come to an agreed order?

21 MR. BRAUN: Yes, Judge, I am. Yes, Your
22 Honor.

23 JUDGE CHARTOFF: Okay. The difficulty might
24 be -- so it sounds like you are not -- or tell me, are
25 you willing to -- it sounds like you don't know whether

1 you are engaged in permitted -- in household goods
2 moving services that require a permit?

3 MR. WRIGHT: Well, my definition,
4 understanding of the labor only is that you just --
5 that's -- I don't know. I guess you don't offer -- I
6 don't know exactly where I've been -- I haven't had a
7 chance to review all of the materials to see where I'm
8 in error at. But wherever I'm in error at, I would like
9 to comply.

10 JUDGE CHARTOFF: Okay. Okay. So -- so we
11 will go ahead and take a recess, and you will have an
12 opportunity to speak with Staff to see if you can agree
13 on an order for entry. And if you are able to do that,
14 once you are satisfied and you understand all the terms
15 of the order, you and Mr. Braun will both sign it, and
16 it will most likely include an agreement about the
17 amount of penalty to be imposed. But if not, you can
18 make your case about why the penalty should be different
19 from what Staff is recommending. And -- okay.

20 Do you have anything else before we take a
21 break?

22 MR. BRAUN: No, Your Honor.

23 JUDGE CHARTOFF: Okay. So we'll take a
24 break. You will meet with Staff and after the recess, I
25 will call you back up. Do you have any questions?

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1 MR. WRIGHT: No, ma'am.

2 JUDGE CHARTOFF: Okay. We're in recess.

3 (Recess taken from 2:20 p.m.
4 to 3:19 p.m.)

5 JUDGE CHARTOFF: Let's be back on the
6 record. So I -- this is TV-180326, Anthony Wright,
7 doing business as Man and a Van. I have the order.

8 So, Mr. Wright, did you have a chance to
9 walk through this order?

10 MR. WRIGHT: Yes, ma'am.

11 JUDGE CHARTOFF: Did you understand all the
12 pages prior to the signature page?

13 MR. WRIGHT: Yes, ma'am.

14 JUDGE CHARTOFF: Okay. I see that you and
15 Mr. Braun both signed it?

16 MR. WRIGHT: Yes.

17 JUDGE CHARTOFF: So just for the record,
18 Mr. Braun, it looks like you have recommended two
19 violations in this case, one for offering a move and one
20 for advertising?

21 MR. BRAUN: That is correct.

22 JUDGE CHARTOFF: And a \$5,000 penalty
23 imposed. A 4,000 portion of that will be suspended, and
24 the company will pay a thousand dollar penalty; is that
25 correct?

1 MR. BRAUN: That is correct, Your Honor.

2 JUDGE CHARTOFF: Okay. And for the record,
3 Mr. Wright, you are agreeing to stop providing household
4 goods carrier services or advertising such services?

5 MR. WRIGHT: Yes, ma'am.

6 JUDGE CHARTOFF: Okay. And the suspension
7 period is for two years from today's date. That means
8 that if Staff finds an advertisement or you offer to
9 move during that time, the remaining 4,000 becomes
10 immediately due; do you understand that?

11 MR. WRIGHT: Yes, ma'am.

12 JUDGE CHARTOFF: Additionally, the order to
13 cease is permanent, meaning it does not expire. So if
14 even after the two-year period of the suspended penalty
15 Staff discovers you are still operating, Staff can go
16 straight to superior court and seek enforcement of this
17 order, which will include significant additional
18 penalties. So there's a very strong incentive for you
19 to comply with the law. And I see there's a proposed
20 payment schedule for the thousand dollar penalty. You
21 will make a payment of \$250 today; is that correct?

22 MR. WRIGHT: Yes, ma'am.

23 JUDGE CHARTOFF: And then you will make a
24 second payment on June 18th, 2018, the third payment on
25 July 18th, 2018, and a final payment on

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1 August 20th, 2018?

2 MR. WRIGHT: Yes, ma'am.

3 JUDGE CHARTOFF: And do you understand that
4 if you miss a payment, the entire amount including the
5 \$4,000 penalty will become due and payable immediately?

6 MR. WRIGHT: Yes.

7 JUDGE CHARTOFF: And if for some reason
8 you're going to be late making a payment, you will need
9 to contact Staff and make arrangements. Failure to
10 contact Staff will ensure that the entire penalty will
11 be imposed. Okay. And I understand the first payment
12 has been made?

13 MR. WRIGHT: Yes, it has.

14 JUDGE CHARTOFF: Okay. And do you
15 understand legally what you can and can't do?

16 MR. WRIGHT: Yes.

17 JUDGE CHARTOFF: Remember that Commission
18 Staff are always available to assist you if you have any
19 questions. The Commission's goal is compliance.

20 Are there any additional questions about the
21 order? Okay. I will sign it and -- thank you. I will
22 hand this down to Staff. They will make a copy of it,
23 and when they get you a copy you -- and give it to you,
24 you will be free to go.

25 MR. WRIGHT: May I have comments, Your

1 Honor?

2 JUDGE CHARTOFF: (Nodding head.)

3 MR. WRIGHT: I just wanted to say to the
4 Court, I appreciate your time today, to the Commission
5 for being so helpful in resolving this, and I apologize
6 for the inconvenience of the Court. I do -- I did
7 withdraw my application as a household goods mover
8 because my application was unfortunately denied. But I
9 do intend in the near future to resolve that by applying
10 so I can be properly permitted to have a household
11 goods, if not a license, a permit or something that
12 would give us the opportunity to help people out and
13 demonstrate that we are trustworthy so we can abide by
14 the regulations that are through the State. Because I
15 do -- I pay my taxes, all kinds of stuff. I try to be
16 as in compliance as possible. So I will definitely be
17 seeking that in the near future and doing all I can to
18 be in proper compliance with the law.

19 JUDGE CHARTOFF: Okay. Thank you.

20 MR. WRIGHT: Yes, ma'am.

21 JUDGE CHARTOFF: Okay. Anything further?

22 MR. BRAUN: No, Your Honor.

23 JUDGE CHARTOFF: Okay. So we are adjourned.

24 (Adjourned at 3:25 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.



Tayler Garlinghouse

Tayler Garlinghouse, CCR 3358