Service Date: January 5, 2017

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties against:

RUBEN ESCALERA d/b/a NORTHWEST MOVING & DELIVERY SERVICES

DOCKET TV-161208

DECLARATION OF RACHEL JONES

Rachel Jones, under penalty of perjury under the laws of the State of Washington, declares as follows:

- 1. I am employed by the Washington Utilities and Transportation Commission (Commission) as a Compliance Investigator in the Consumer Protection Section. As a Compliance Investigator, my responsibilities include conducting investigations regarding the business practices of regulated utility and transportation companies. As part of those duties, I investigate household goods carriers that may be operating without the required Commission permit.
- 2. On December 11, 2015, commission staff member began an investigation on Northwest Moving & Delivery Services who was allegedly operating as a nonpermitted household goods carrier in Washington State. On December 14, 2015, a commission staff member sent a compliance letter to Ruben Escalera, who is documented as the owner of Northwest Moving & Delivery Services, requesting to cease and desist operations as a household goods carrier in Washington until a household goods permit is received. On December 21, 2015, Mr. Escalera called and spoke with a commission staff member stating that he didn't know he needed a permit to perform household goods moves. He was asked to send an email acknowledging that he had received the compliance letter. On December 28, 2015, Mr. Escalera called commission staff member inquiring what he needed to do in order to become permitted. He was transferred to the Commission's Licensing Section. On January 5, 2016, Mr. Escalera sent commission staff member an email stating that he will stop operating as a household goods carrier until he has all the required permits and licenses.² I began an investigation into activities of Northwest Moving & Delivery Services in September 2016, after taking over the investigation from a former investigator with the Utilities and Transportation Commission.

¹ See Attachment A for a copy of compliance letter, dated December 14, 2015.

² See Attachment B for copy of email, dated January 5, 2016.

- 3. On September 27, 2016, I called (509) 205-8159 under an assumed name and requested a quote for a residential move. A male answered the phone and identified himself as Ruben Escalera. Mr. Escalera stated that he was new to the moving business, but he had experience with moving furniture, so he knows how to take care of furniture and properly move it. He stated that he was trying to make a name for himself so he will be competitive. I told him I need help with a move from Marysville, WA to Pasco, WA, which is a four-hour drive. I told him that I'm moving from a three-bedroom apartment to a three-bedroom house in Pasco. Mr. Escalera told me that it would be too expensive to drive his truck down for the move, but I could rent a truck from U-Haul and he could get me a deal where it would only cost me \$150. Mr. Escalera stated that the move would cost me \$1,000, which included the full services of loading and unloading. Mr. Escalera stated that he wouldn't charge me by the hour due to wanting to be competitive since he is trying to get his name out. Mr. Escalera stated that it would take him six to eight hours and he would provide two movers. He also stated if I found someone with a better price he would match them.
- 4. On September 27, 2016, I started an internet search which produced an advertisement for Northwest Moving & Delivery Services on www.facebook.com and www.yellowpages.com.³
- 5. I reviewed Commission Records on September 27, 2016, related to Northwest Moving & Delivery Services to determine whether the company held a household goods permit. According to Commission records Ruben Escalera held a common carrier permit (CC067077), which was canceled on September 23, 2016, due to insufficient proof of insurance.⁴
- 6. On September 28, 2016, I completed a search on Washington Secretary of State and U.S. Department of Transportation Safety and Fitness Electronic Records (SAFER), which produced results of: Legal Name: Northwest Moving & Delivery Services LLC, physical and mailing addresses as 3612 W Agate St., Pasco, WA 99301, and US DOT number 2839687.⁵ A search of Washington Department of Licensing produced no results.⁶
- 7. On October 11, 2016, I sent a text to (509) 205-8159 requesting a quote for a move in Pasco, WA, from a three-bedroom apartment to a three-bedroom house in Pasco. I

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³ See Attachment C for a copy of advertisements for <u>www.facebook.com</u> and <u>www.yellowpages.com</u>, which I printed on September 27, 2016 and September 28, 2016.

⁴ See Attachment D for a copy of Commission records, which I printed on September 27, 2016, and cancellation of permit letter dated on September 23, 2016.

⁵ See Attachment E for a copy of SAFER and WA Secretary of State records, which I printed on September 28, 2016.

⁶ See Attachment F for a copy of Department of Licensing record, which I printed on September 28, 2016.

DATED this 19th day of December, 2016 at Olympia, Washington.					

RACHEL JONES

received a response back stating it would be \$75 per hour for a truck, laborers, packing, and unloading.

⁷ See Attachment G for a copy of text messages, sent on October 11, 2016.

ATTACHMENT A



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250 (360) 664-1160 • TTY (360) 586-8203

Dec. 14, 2015

Ruben Escalera Northwest Moving and Delivery Services 3612 W. Agate St. Pasco, WA 99301-2602

RE: Household Goods Moving in Washington State

Dear Mr. Escalera:

The Utilities and Transportation Commission has information that you are conducting household goods moves within the state of Washington. You do not have a valid permit, as required by state law, to conduct this type of work. Conducting household goods moves requires a permit issued by the commission.

To avoid enforcement action, your complete household goods permit application, supporting materials, and application fee must be submitted to the commission by **Dec. 28, 2015.**

Until you obtain a permit, you must immediately <u>cease operating</u> as a household goods mover in Washington state. Operating as a household goods mover without the required permit is illegal and subject to a penalty of \$5,000 per violation. This means that you may receive this penalty for each day you operate in violation of the law.

You must also immediately <u>cease advertising</u> as a household goods mover in Washington state. Advertising for the transportation of property for compensation in Washington without a proper permit is against the law. The penalty for advertising without a permit is \$5,000 per violation. This means that you may receive a penalty for each and every advertisement. At this time, the commission has documented advertisements for household goods moving services from Northwest Moving and Delivery Services.

If you advertise or operate as a household goods mover without a permit, the commission will take enforcement action against you. Such action will include the above-mentioned financial penalties; and you will be served with a subpoena and be required to appear before a judge.

Northwest Moving and Delivery Services

Dec. 14, 2015 Page 2

Again, to avoid enforcement action, your complete application, supporting materials and application fee must be submitted to the commission by Dec. 28, 2015.

If you have questions about this letter, or the laws governing household goods moving companies, please call Megan Banks, Compliance Investigator, at (360) 664-1129.

Should you decide to apply for a household goods moving permit, please note that you still may not operate as a household goods mover in Washington state until you have received a permit. To request a permit application, please call (360) 664-1222. You may also download an application from the commission's website at www.utc.wa.gov/mover.

Sincerely,

Sharon Wallace, Assistant Director

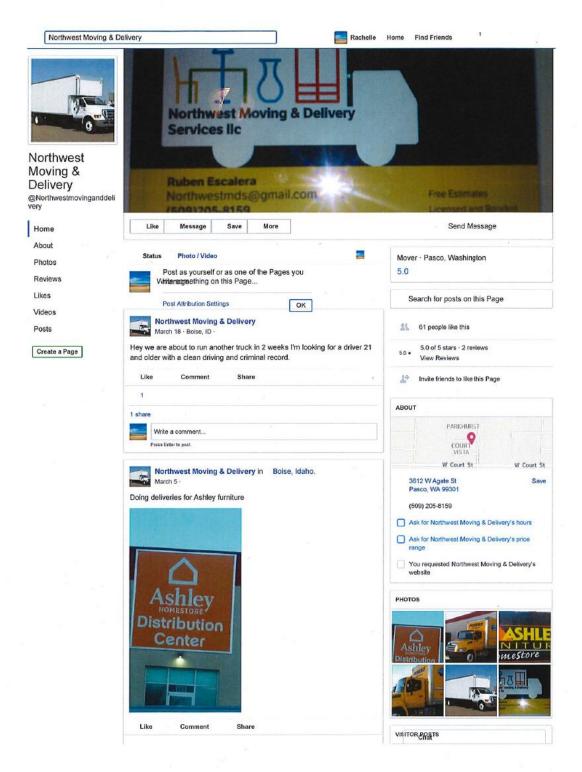
Consumer Protection and Communications

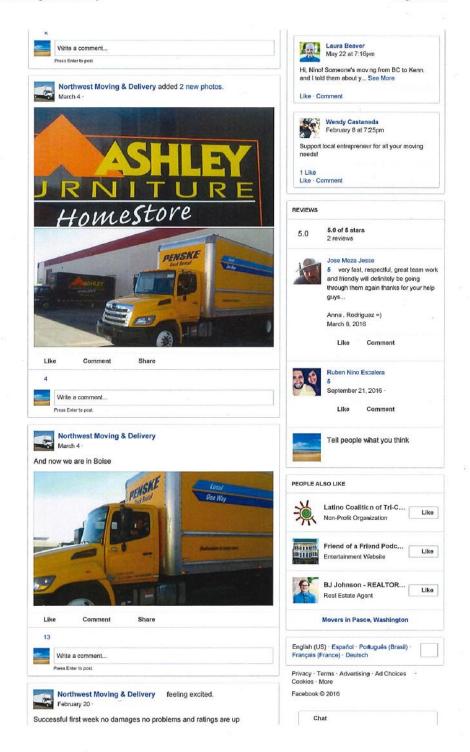
ATTACHMENT B

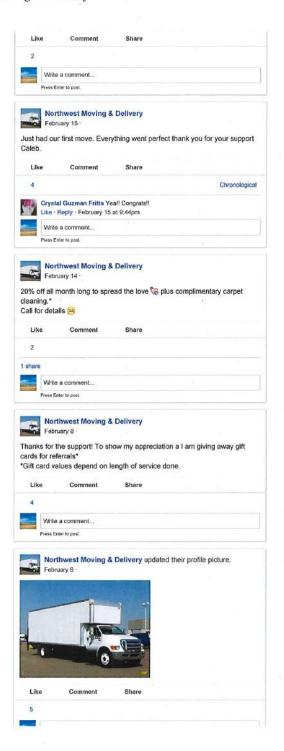
From: To:

Ruben Escalera Banks, Megan (UTC) Tuesday, January 5, 2016 1:58:22 PM Date:

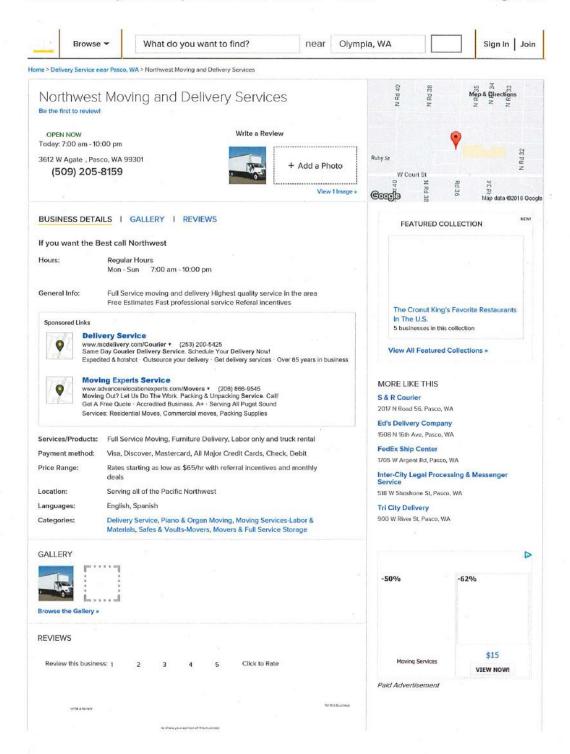
Hello this is Ruben Escalera this letter us to inform you that I am ceasing operation of moving until I have all the required permits and licenses. Thank you for you time and I apologize for the delay in sending this email.

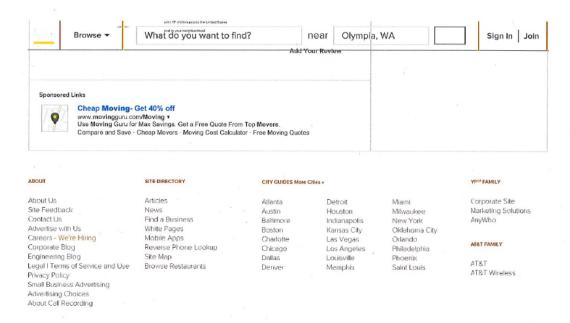












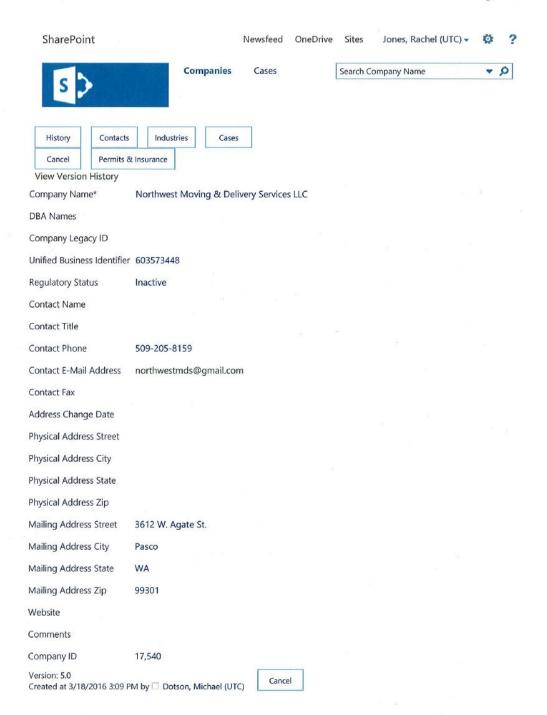
P. ATET, the ATET Logo and all ATET related marks are trademarks of ATET inc, or ATET efficient contained therein are trademarks of YPLIC and/or YP affiliated companies.

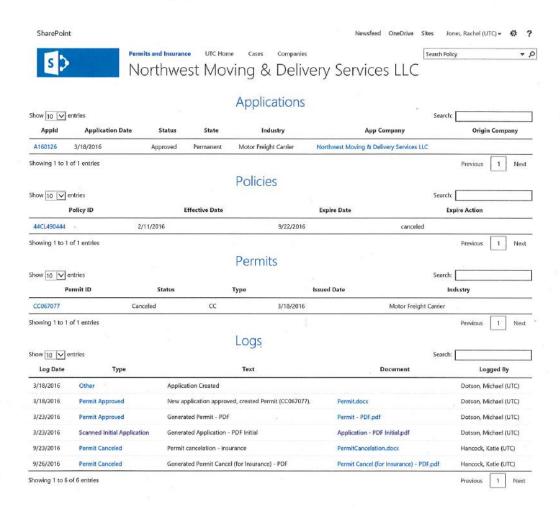
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ATTACHMENT D

Page 1 of 2







STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250 (360) 664-1160 • TTY (360) 586-8203

September 23, 2016

Northwest Moving & Delivery Services LLC 3612 W. Agate St. Pasco, WA 99301

Cancellation of Permit CC067077 Due To Insufficient Proof of Insurance

Dear Northwest Moving & Delivery Services LLC:

On August 23, 2016, the Washington Utilities and Transportation Commission (Commission) notified you that your transportation permit would be canceled unless you submitted acceptable proof of insurance by September 22, 2016. Our records show that you failed to submit acceptable proof of insurance by that deadline. As a consequence, the Commission has CANCELED your permit. You must immediately CEASE all operations associated with this permit.

You have the right to a hearing. If you believe the Commission should not have canceled your permit, you may ask the Commission to schedule a hearing before an administrative law judge. At the hearing the only issue the Commission will address is whether you had proof of insurance on file to avoid cancellation. Your request should be addressed to Steven V. King, Secretary, 1300 S. Evergreen Park Dr. SW, P.O. Box 47250, Olympia, WA 98504-7250. You may also email your request to records@utc.wa.gov. The Commission must receive your request within 14 days after the date of this letter.

You may apply to reinstate your permit. Download the reinstatement application at www.utc.wa.gov. To locate the application, go to Quick Links on the front page, select "Transportation Permit Applications" and the appropriate industry application.

If you have questions about this notice, please contact Licensing Services at (360) 664-1222. You may also email us at transportation@utc.wa.gov.

Sincerely,

Suzanne Stillwell

Licensing Services Manager

Respect. Professionalism. Integrity. Accountability.

ATTACHMENT E

SAFER Web - Company Snapshot NORTHWEST MOVING & DELIVERY SERVICES... Page 1 of 2

O USDOT Number O MC/MX Number @ Name Enter Value: NORTHWEST MOVING

Company Snapshot

NORTHWEST MOVING & DELIVERY SERVICES

USDOT Number: 2839687

Search

ID/Operations | Inspections/Crashes In US | Inspections/Crashes In Canada | Safety Rating

Carriers: If you would like to update the following ID/Operations information, please complete and submit form MCS-150 which can be obtained online or from your State FMCSA office. If you would like to challenge the accuracy of your company's safety data, you can do so using FMCSA's DataQs system.

Other Information for this Carrier

■ SMS Results ■ Licensing & Insurance

Carrier and other users: FMCSA provides the Company Safety Profile (CSP) to motor carriers and the general public interested in obtaining greater detail on a particular motor carrier's safety performance then what is captured in the Company Snapshot. To obtain a CSP please visit the CSP order page or call (800)832-5660 or (703)280-4001 (Fee Required).

For help on the explanation of individual data fields, click on any field name or for help of a general nature go to SAFER General Help.

The information below reflects the content of the FMCSA management information systems as of 09/27/2016. Carrier VMT Outdated.

Entity Type:	CARRIER				
Operating Status;	AUTHORIZED FOR Pro	operty	Out of Ser	vice Date:	None
Legal Name:	NORTHWEST MOVING	& DELIVERY SERV	VICES LLC	- 3	
DBA Name:					
Physical Address:	3612 W AGATE ST PASCO, WA 99301				
Phone;	(509) 205-8159				
Mailing Address:	3612 W AGATE ST PASCO, WA 99301				
USDOT Number:	2839687		State Carrier IC	Number:	
MC/MX/FF Number(s):	MC-950889		DUNS	Number:	*
Power Units:	4			Drivers:	4
MCS-150 Form Date:	01/18/2016		MCS-150 Milea	ge (Year):	
Operation Classification:					
Priva	npt For Hire ite(Property) Pass. (Business)	U.S. Mail Fed. Gov't		Indian f	Nation
x Inte	erstate	Intrastate O	inly (HM)	Intrasta	ate Only (Non-HM)
Cargo Carried:					
Motor Vehi Drive/Tow a Logs, Poles Building Ma · Mobile Hon	Goods ets, coils, rolls cles away s, Beams, Lumber aterials	Liquids/Gases Intermodal Co- Passengers Oilfield Equipn Livestock Grain, Feed, H Coal/Coke Meat	nt. nent	Com Refri Beve Pape Utiliti Agric Cons	cultural/Farm Supplies struction
Machinery,	Large Objects uce	Garbage/Refu	se	Avate	er Well

ID/Operations | Inspections/Crashes In US | Inspections/Crashes In Canada | Safety Rating

US Inspection results for 24 months prior to: 09/27/2016

Total Inspections: 2

Total IEP Inspections: 0

Note: Total inspections may be less than the sum of vehicle, driver, and hazmat inspections. Go to Inspections Help for further information.

		Inspections:		
Inspection Type	Vehicle	Driver	Hazmat	IEP
Inspections	2	2	0	0
Out of Service	1	0	0	0
Out of Service %	50%	0%	%	0%
Nat'l Average % (2014- 2015)	20.34%	4.96%	3.91%	N/A

Crashes reported to FMCSA by states for 24 months prior to: 09/27/2016

Note: Crashes listed represent a motor carrier's involvement in reportable crashes, without any determination as to responsibility.

		Crashes:		
Туре	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

ID/Operations | Inspections/Crashes In US | Inspections/Crashes In Canada | Safety Rating

Canadian Inspection results for 24 months prior to: 09/27/2016

Total inspections: 0

Note: Total inspections may be less than the sum of vehicle and driver inspections. Go to <u>Inspections Help</u> for further information.

	Inspections:	
Inspection Type	Vehicle	Driver
Inspections	0	0
Out of Service	0	0
Out of Service %	0%	0%

Crashes results for 24 months prior to: 09/27/2016

		Crashes:		
Туре	Fatal	Injury	Tow	Total
Crashes	0	0	0	0

ID/Operations | Inspections/Crashes In US | Inspections/Crashes In Canada | Safety Rating

The Federal safety rating does not necessarily reflect the safety of the carrier when operating in intrastate commerce.

Carrier Safety Rating:

The rating below is current as of: 09/27/2016

		The second secon		
Rating Date:	None	Review Date:	None	
Rating:	None	Type:	None	

SAFER Home | Feedback | Privacy Policy | USA gov | Freedom of Information Act (FOIA) | Accessibility | OIG Hottine | Web Policies and Important Links | Plug-ins

Federal Molor Carrier Safety Administration
1200 New Jersey Avenue SE, Washington, DC 20590 • 1-800-832-5660 • TTY: 1-800-877-8339 • Field Office Contacts

NORTHWEST MOVING & DELIVERY SERVICES LLC

UBI Number	603573448
Category	uc
Active/Inactive	Active
State Of Incorporation	WA
WA Filing Date	02/03/2016
Expiration Date	02/28/2017
Inactive Date	
Duration	Perpetual
Registered Agent Information	
Agent Name	RUBEN ESCALERA
Address	3612 W AGATE
City	PASCO
State	WA
ZIP	993010000
Special Address Information	
Address	
City	
State	
Zip	

Governing Persons

Title	Name	Address
Manager	Escalera, Ruben	3612 W Agate PASCO, WA 99301

Search Results

Viewing 1 - 2 of 2 results

Name	Status
CREA DELIVERS LLC (search_detail.aspx?ubi=604026780)	Active
NORTHWEST MOVING & DELIVERY SERVICES LLC (search_detail.aspx?ubi=603573448)	Active

If the results of your Nonprofit Corporation search was unsuccessful, try searching the name using the <u>Charities database search</u> (http://sos.wa.gov/charities/).

« Start New Search (corps search.aspx)

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All documents filed with the Corporations Division are considered public record.

Search Apps on Mobile Devices



(http://itunes.apple.com/us/app/washington-state-corporations/id380001551?mt=8&uo=4)



(https://play.google.com/store/apps/details?id=gov.wa.sos.businesSearch2)

All Corporations Data Download

<u>Download the whole Corporations search database (AllData.aspx)</u> in XML format. Average file size is 70 MB compressed, 750 MB uncompressed.

ATTACHMENT F

WA State Licensing:License Query Search

Page 1 of 1

Search BUSINESS & PROFESSIONAL LICENSES

Search Results

Take a quick Survey

New Search

Your Search Criteria:

License Type: All Professional Licenses Business Name: Northwest Moving & Delivery Services Last Name: Escalera First Name: Ruben County: All Counties

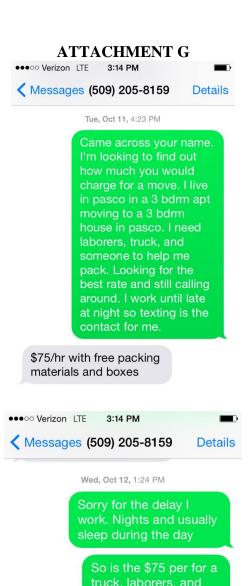
No matches were found for your search.

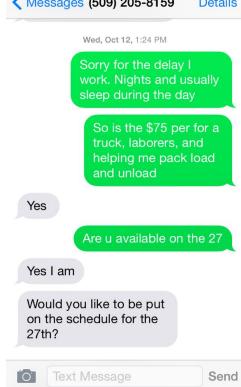
Information Current as of 09/27/2016 8:24AM Pacific Time

New Search

Use of lists of individuals provided on this site for commercial purposes is prohibited under Chapter 42.56 of the Revised Code of Washington.

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Sun, Oct 16, 6:07 PM

Hello just wondering if you still needed help moving?

