

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**NOTICE OF PENALTIES INCURRED AND DUE  
FOR VIOLATIONS OF LAWS AND RULES**

PENALTY ASSESSMENT: TV-190975

PENALTY AMOUNT: \$1,600

Iron Man Movers and Storage, Inc.  
135 Kelly Rd.  
Bellingham, WA 98226

The Washington Utilities and Transportation Commission (Commission) believes Iron Man Movers and Storage, Inc., (Iron Man Movers or Company) violated multiple sections of Washington Administrative Code (WAC) 480-15 and Tariff 15-C.

Revised Code of Washington (RCW) 81.04.405 allows penalties of \$100 for each violation. In the case of an ongoing violation, every day's continuance is considered a separate and distinct violation.

On October 22, 2019, Commission Compliance Investigator Justin Spruiell completed a follow-up investigation into the business practices of Iron Man Movers and documented the following violations:

- **Three violations of WAC 480-15-490 and Tariff 15-C, Item 230(7)** – Failure to bill the required minimum hours for weekend moves.
- **One violation of WAC 480-15-490 and Tariff 15-C, Item 230(6)** – Failure to charge the minimum tariffed rate.
- **Five violations of WAC 480-15-710(3) and Tariff 15-C, Item 95** – Failure to include the exact address of additional stops on four Bills of Lading and failure to include the telephone number of the consignee on one Bill of Lading.
- **Four violations of WAC 480-15-630 and Tariff 15-C, Item 85** – Failure to provide complete and accurate Estimates. Estimates were missing either complete customer information, a Cube Sheet Inventory, or reflected charges that exceeded 125% of the non-binding Estimate.
- **Forty violations of WAC 480-15-710(3) and Tariff 15-C, Item 230(2)** – Failure to record the time the vehicle leaves the carrier's terminal, the time it returns to the terminal, and crew start time and the stop time to the nearest 15 minute increment on the Bill of Lading.
- **Forty-two Violations of WAC 480-15-710(3) and Tariff 15-C, Item 95** – Failure to include the time the vehicles returned to the terminal or were dispatched to another job on the Bill of Lading.

- **Forty-two violations of WAC 480-15-630 and Tariff 15-C, Item 85** – Failure to include the forms of payment the carrier will accept on the Estimate form.

The Commission considered the following factors in determining the appropriate penalties for these violations:

1. **How serious or harmful the violations are to the public.** The violations committed by Iron Man Movers illustrate how the Company has disregarded the tariff rules on file with the Commission. Tariff 15-C is very specific about what rules household goods carriers must abide by, such as accurately completing Estimates, Cube Inventory Sheets, and Bills of Lading. The requirements are in place to protect consumers. Commission staff (Staff) believes the violations identified in each of the forty-two household goods moves reviewed in this investigation are serious and harm consumers.

Iron Man Movers continues to charge inconsistent rates, most notably on weekends when they are not charging the four-hour minimum required by the entire household goods moving industry. While this is not harmful to the consumer, this practice does create an uneven playing field with other household goods carriers who are abiding by Tariff 15-C's required hourly rates.

2. **Whether the violations were intentional.** Considerations include:
  - Whether the Company ignored Staff's previous technical assistance; and
  - Whether there is clear evidence through documentation or other means that shows the Company knew of and failed to correct the violation.

Staff believes the violations are intentional. While results of the follow-up investigation showed some improvement, Staff is concerned with the Company's history of non-compliance regarding its business practices. The Company's owners and employees attended Commission sponsored Household Goods Training in 2012 and 2018. It is the household goods carrier owner's responsibility to ensure that its staff conduct its operations in compliance with Commission rules.

3. **Whether the Company self-reported the violations.** The Company did not self-report these violations.
4. **Whether the Company was cooperative and responsive.** The Company was cooperative and responsive to requests for information.
5. **Whether the Company promptly corrected the violations and remedied the impacts.** Iron Man Movers corrected a number of violations that were noted in previous investigations, such as matching the language on the back of Bill of Lading with Tariff 15-C, and correcting unauthorized trade names. However, repeat violations were found regarding tariffed rates, as well as additional violations.
6. **The number of violations.** Staff reviewed a total of 42 moves and identified a total of 137 violations.

7. **The number of customers affected.** The review of 42 separate moves documents that 42 consumers were affected by Iron Man Movers' business practices. Staff believes that all customers who have contracted a household goods move with Iron Man Movers have been affected by the Company's record keeping on its Estimates and Bills of Lading.
8. **The likelihood of recurrence.** Based on previous investigations, Staff believes it is likely that without a penalty the same or similar violations will continue to occur.
9. **The Company's past performance regarding compliance, violations, and penalties.** Between July 2002 and December 2005, Iron Man Movers' permit was suspended for failure to maintain required insurance four separate times.

Each year, between 2006 and 2012, and again in 2015, Iron Man Movers was penalized for failure to timely file an annual report and pay regulatory fees.

In January 2011, Staff conducted an investigation into the business practices of Iron Man Movers and cited 244 violations of Commission rules and Tariff 15-C. Staff provided the Company with extensive technical assistance to give the Company an opportunity to come into compliance.

On October 24, 2012, Iron Man Movers was penalized \$600 in docket TV-120268 for violations of WAC 480-15 and Tariff 15-C.

On July 12, 2017, Iron Man Movers was penalized \$21,100 in Docket TV-170205 for violations of WAC 480-15 and Tariff 15-C found during an investigation into the Company's business practices. The Commission suspended a \$10,600 portion of the penalty for a period of two years, subject to conditions.

On November 8, 2017, Iron Man Movers was penalized \$37,100 in Docket TV-171005 for violations of WAC 480-15-555, WAC 480-15-560, and WAC 480-15-570 discovered during a routine safety investigation. The Commission suspended a \$25,100 portion of the penalty for a period of two years, subject to conditions.

On September 6, 2019, Iron Man Movers was penalized \$6,100 in Docket TV-190694 for violations of 49 CFR § 391.45(a), discovered during a routine safety investigation.

10. **The Company's existing compliance program.** On September 1, 2017, Eric Stewart and Susan Stewart submitted to Staff a corrective action plan addressing the violations discovered in Docket TV-170205, and detailed policies and procedures the Company is implementing to correct the process breakdowns.
11. **The size of the Company.** Iron Man Movers reported operating revenue of \$160,362 for the 2018 reporting period.

The Commission has considered all factors and determined that it should penalize Iron Man Movers \$1,600, calculated as follows:

- \$300 for three violations of WAC 480-15-490 and Tariff 15-C, Item 230(7) – Failure to properly apply minimum charges for weekends and holidays.
- \$100 for one violation of WAC 480-15-490 and Tariff 15-C, Item 230(6) – Failure to charge the minimum tariffed rate.
- \$500 for five violations of WAC 480-15-710 and Tariff 15-C, Item 95 – Failure to accurately complete the Bill of Lading.
- \$400 for four violations of WAC 480-15-630 and Tariff 15-C, Item 85 – Failure to accurately complete the Estimate, missing documentation and charging more than 125% of the price quoted on a non-binding Estimate.
- \$100 for 40 violations of WAC 480-15-710(3) and Tariff 15-C, Item 230(2) – Failure to record start and stop times to the nearest 15 minutes on the Bill of Lading.
- \$100 for 42 violations of WAC 480-15-490 and Tariff 15-C, Item 95 – Failure to document time vehicle returned to the terminal or was dispatched to another job on the Bill of Lading.
- \$100 for 42 violations of WAC 480-15-490 and Tariff 15-C, Item 85 – Failure to include forms of payment the carrier will accept on the Estimate forms.

This information, if proven at a hearing and not rebutted or explained, is sufficient to support the penalty assessment.

Your penalty is due and payable now. If you believe any or all of the violations did not occur, you may deny committing the violation(s) and contest the penalty through evidence presented at a hearing or in writing. Alternatively, if there is a reason for any or all of the violations that you believe should excuse you from the penalty, you may ask for mitigation (reduction) of the penalty through evidence presented at a hearing or in writing. The Commission will grant a request for hearing only if material issues of law or fact require consideration of evidence and resolution in a hearing. Any request to contest the violation(s) or for mitigation of the penalty must include a written statement of the reasons supporting that request. Failure to provide such a statement will result in denial of the request. *See RCW 81.04.405.*

If you properly present your request for a hearing and the Commission grants that request, the Commission will review the evidence supporting your dispute of the violation(s) or application for mitigation in a Brief Adjudicative Proceeding before an administrative law judge. The administrative law judge will consider the evidence and will notify you of his or her decision.

**You must act within 15 days after receiving this notice** to do one of the following:

- Pay the amount due.
- Contest the occurrence of the violation(s).
- Admit the violations but request mitigation of the penalty amount.

Please indicate your selection on the enclosed form and submit it electronically through the Commission's web portal **within FIFTEEN (15) days** after you receive this notice. If you are unable to use the web portal, you may submit it via email to [records@utc.wa.gov](mailto:records@utc.wa.gov). If you are unable to submit the form electronically, you may send a paper copy to the Washington Utilities and Transportation Commission, PO Box 47250, Olympia, Washington 98504-7250.

**If you do not act within 15 days**, the Commission may take additional enforcement action, including but not necessarily limited to suspending or revoking your certificate to provide regulated service, assessing additional penalties, or referring this matter to the Office of the Attorney General for collection.

DATED at Lacey, Washington, and effective November 22, 2019.

*/s/ Rayne Pearson*  
RAYNE PEARSON  
Director, Administrative Law Division

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
PENALTY ASSESSMENT TV-190975

**PLEASE NOTE:** You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed. I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

1. **Payment of penalty.** I admit that the violations occurred and enclose \$1,600 in payment of the penalty.

2. **Contest the violation(s).** I believe that the alleged violation(s) did not occur for the reasons I describe below (**if you do not include reasons supporting your contest here, your request will be denied**):

a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.

OR  b) I ask for a Commission decision based solely on the information I provide above.

3. **Application for mitigation.** I admit the violations, but I believe that the penalty should be reduced for the reasons set out below (**if you do not include reasons supporting your application here, your request will be denied**):

a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision.

OR  b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: \_\_\_\_\_ [month/day/year], at \_\_\_\_\_ [city, state]

\_\_\_\_\_  
Name of Respondent (company) – please print

\_\_\_\_\_  
Signature of Applicant

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”