

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

TIRAOGO SIMPORE d/b/a TS MOVING

For Compliance with WAC 480-15-550,  
RCW 81.04.070, WAC 480-15-560, and  
WAC 480-15-570

DOCKET TV-230081

NOTICE OF INTENT TO CANCEL;

COMPLAINT FOR PENALTIES; and

NOTICE OF PREHEARING  
CONFERENCE

**(Set for March 13, 2023, at 1:30 p.m.)**

NOTICE OF HEARING

**(Set for March 23, 2023, at 2 p.m.)**

1 The Washington Utilities and Transportation Commission (Commission), on its own motion,  
and through its regulatory staff (Staff), alleges as follows:

**I. PARTIES**

2 The Commission is an agency of the state of Washington authorized by statute to regulate  
the rates, services, facilities, and practices of public service companies, including household  
goods carriers.

3 Tiraogo Simpire d/b/a TS Moving (TS or Company) is a Washington sole proprietorship  
engaging in business as a household goods carrier. TS currently holds Commission-issued  
provisional permit number THG-067675.

**II. BACKGROUND**

4 In December 2022 and January 2023, Investigator Francine Gagne conducted a safety  
review of TS Moving.

5 Throughout this review, TS Moving was generally uncooperative with the investigation and  
repeatedly failed to produce records for Staff review.

6 In the course of its review of TS Moving's operations, Staff documented numerous violations of state and federal regulations incorporated into the Commission's rules, including:

- 1 acute violation of WAC 480-15-550 for failing to maintain cargo insurance while operating a motor vehicle.
- 30 critical violations of 49 Code of Federal Regulations (C.F.R.) § 395.8(a)(1) for failing to require a driver to prepare a record of duty status using the appropriate methods;
- 1 violation of 49 C.F.R. § 391.45(a) based on TS's use of drivers not medically examined and certified;<sup>1</sup>
- 1 violation of 49 C.F.R. § 391.51(a) based on TS's failure to maintain driver qualification files on each driver employed;
- 1 violation of 49 C.F.R. § 396.3(b) based on TS's failure to retain vehicle inspection and maintenance files;
- 1 violation of 49 C.F.R. § 396.21(b) based on TS's failure to retain periodic inspection reports for 14 months from the date of inspection; and
- 1 violation of RCW 81.04.070 based on TS's failure to produce company documents when requested to do so by a commission safety investigator.

7 On February 1, 2023, Staff completed its investigation and notified TS that the investigation produced a proposed conditional safety rating for the company.

### III. JURISDICTION

8 The Commission has jurisdiction over the subject matter of this complaint under chapter 34.05 RCW, RCW 80.01.040, RCW 80.01.060, RCW 81.01.010, RCW 81.04.010, RCW 81.04.020, RCW 81.04.110, RCW 81.04.380, RCW 81.04.460, RCW 81.04.510, RCW 81.80.075, RCW 81.80.130, WAC 480-15-180, WAC 480-15-560, and WAC 480-15-570.

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<sup>1</sup> *Id.*

#### IV. APPLICABLE LAW

- 9 The Commission regulates public service companies pursuant to a delegation of authority from the legislature. *See* RCW 80.01.040(2); RCW 81.01.010.
- 10 Household goods carriers are common carriers, RCW 81.04.010(11), and therefore public service companies. RCW 81.04.010(16).
- 11 State law defines the term “household goods carrier” to mean “a person who transports for compensation, by motor vehicle within this state, or who advertises, solicits, offers, or enters into an agreement to transport household goods as defined by the Commission.” RCW 81.80.010(5); see WAC 480-15-020, -180.
- 12 The Commission’s rules define household goods as “the personal effects and property used, or to be used, in a residence when transported or arranged to be transported between residences or between a residence and a storage facility with the intent to later transport to a residence or when referenced in connection with advertising, soliciting, offering, or entering into an agreement for such transportation. Transportation of the goods must be arranged and paid for by the customer or by another individual, company or organization on behalf of the customer.” WAC 480-15-010.
- 13 WAC 480-15-560 incorporates into the Commission’s rules federal regulations governing equipment safety requirements codified in various Parts of Title 49 Code of Federal Regulations (C.F.R.), including all of Parts 375, 385, 390, 392, 393, and 397.
- 14 WAC 480-15-570 incorporates into the Commission’s rules federal regulations governing driver safety requirements codified in various Parts of Title 49 C.F.R., including all of Parts 375, 379, 380, 382, 393, 385, 390, 391, 395, and 397.
- 15 RCW 81.04.070 authorizes the Commission or its employees to inspect the accounts, books, papers, and documents of every common carrier “at any and all times.”
- 16 RCW 81.80.330 authorizes the Commission to inspect the “vehicles, books, and documents” all motor carriers.
- 17 The Commission will grant an application for permanent authority where the applicant has, among other things, completed a provisional period and received a satisfactory safety rating in a review conducted by Commission Staff. WAC 480-15-305(1).

- 18 The Commission will deny an application for permanent authority where the applicant fails to complete the requirements for permanent authority, unless the Commission determines that good cause exists to extend the applicant's provisional period. WAC 480-15-305(3). Good cause can include the carrier's progress toward achieving a satisfactory safety rating. WAC 480-15-305(3).
- 19 Federal law incorporated into the Commission's rules prohibits motor carriers from operating beginning the 61st day after the date of the notice of a proposed unsatisfactory safety rating. 49 C.F.R. 385.13(a)(2).
- 20 A carrier may request a change in its proposed safety rating based on evidence that it has taken corrective action to address the identified violations and that its operations currently meet the safety standard specified in 49 C.F.R. §§ 385.5 and 385.7
- 21 The Commission may file a complaint upon its own motion setting forth any act or omission by any public service company that violates any law or any order or rule of the Commission. RCW 81.04.110.
- 22 A public service company that violates or fails to comply with any provision of Title 81 RCW, "or which fails, omits, or neglects to obey, observe, or comply with any order, rule, or any direction, demand or requirement of the commission" is subject to a penalty of up to \$1,000 for each "offense." RCW 81.04.380.

#### V. NOTICE OF INTENT TO CANCEL HOUSEHOLD GOODS CARRIER PERMIT

- 23 Under the circumstances presented in this case, the Commission determines that it will afford TS the same opportunity as companies that have received a proposed unsatisfactory rating to provide evidence, in the form of an approved safety management plan, showing that it has taken corrective action to address the identified violations. TS must come into compliance with applicable laws by obtaining Commission approval of a safety management plan no later than March 31, 2023. If TS fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective April 3, 2023. TS would thereafter be prohibited from engaging in the business of a household goods carrier.
- 24 **TS must submit its proposed safety management plan no later than 5 p.m. on March 16, 2023.** Parties wishing to submit any other documents for consideration at the evidentiary hearing must file with the Commission a list enumerating and describing any such documents **no later than 5 p.m. on March 20, 2023**, and email copies of those documents

to the other parties and the presiding officer by 5 p.m. on March 22, 2023. Filing shall be in accordance with WAC 480-07-140

25 **THE COMMISSION GIVES NOTICE That it intends to cancel the permit and authority of TS to provide services as a household goods carrier effective April 3, 2023, for cause, following a hearing on the factual allegations set out above, unless TS obtains Commission approval of a safety management plan prior to that date.**

#### **VII. FIRST CAUSE OF ACTION**

26 The Commission re-alleges paragraphs 2 through 21, above.

27 The Commission alleges that TS violated WAC 480-15-550 on 1 occasion by transporting household goods for compensation over the public highways of Washington State without proper cargo insurance, as the existing insurance expired, without renewal, on July 16, 2022.

#### **VIII. SECOND CAUSE OF ACTION**

28 The Commission re-alleges paragraphs 2 through 21, above.

29 The Commission alleges that TS violated 49 C.F.R. § 395.8(a)(1) on 30 occasions by failing to require a driver to prepare a record of duty status using appropriate methods as evidenced by the lack of duty status records.

#### **IX. THIRD CAUSE OF ACTION**

30 The Commission re-alleges paragraphs 2 through 21, above.

31 The Commission alleges that TS violated 49 C.F.R. § 391.45(a) on 1 occasion by failing to require all driver be medically examined and certified as evidence by the expiration without renewal of the driver's medical certificate on June 6, 2021.

#### **X. FOURTH CAUSE OF ACTION**

32 The Commission re-alleges paragraphs 2 through 21, above.

33 The Commission alleges that TS violated 49 C.F.R. § 396.3(b) on 1 occasion by failing to maintain a driver qualification file on each driver employed as evidenced by the lack of files discovered during investigation.

#### **XI. FIFTH CAUSE OF ACTION**

34 The Commission re-alleges paragraphs 2 through 21, above.

35 The Commission alleges that TS violated 49 C.F.R. § 396.3(b) on 1 occasion by failing to  
keep minimum records of inspection and vehicle maintenance as evidenced by the lack of  
vehicle maintenance files available on investigation.

## **XII. SIXTH CAUSE OF ACTION**

36 The Commission re-alleges paragraphs 2 through 21, above.

37 The Commission alleges that TS violated 49 C.F.R. §396.21(b) on 1 occasion by failing to  
retain the reports of periodic inspections for 14 months from the date of inspection and  
evidenced by the non-availability of such report.

## **XIII. SEVENTH CAUSE OF ACTION**

38 The Commission re-alleges paragraphs 2 through 18, above.

39 The Commission alleges that TS violated RCW 81.04.070 on 1 occasion by failing to  
produce company documents when requested to do so by the commission safety inspector.  
Specifically, the carrier failed to produce a calendar of moving dates, see attached  
Declaration of Francine Gagne.

## **XIV. REQUEST FOR RELIEF**

40 Staff requests that the Commission, pursuant to its authority under RCW 81.04.380, assess  
penalties of up to \$1,000 for each violation enumerated above.

41 Staff further requests that the Commission order such other or further relief as is appropriate  
under the circumstances.

## **XV. PROBABLE CAUSE**

42 Based on a review of the declaration of Francine Gagne, and consistent with RCW  
80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this  
complaint.

## **XVI. NOTICE OF PREHEARING CONFERENCE**

43 The Commission will hear the complaint in this matter under the Administrative Procedure  
Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of  
the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW  
34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The  
Commission's procedural rules, chapter 480-07 WAC, will apply in this proceeding.

44 **THE COMMISSION GIVES NOTICE That it will hold a virtual prehearing conference in this matter at 1:30 p.m. on March 13, 2023. To participate by phone, call (253) 215-8782 and enter the Meeting ID: 892 2512 6885# and Passcode 989830#. To attend via Zoom, please use the following link: [Click to join meeting](#).**

45 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence, identify the issues in the proceeding, and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

#### XV. NOTICE OF HEARING

46 The Commission will hear the complaint in this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission's procedural rules, chapter 480-07 WAC, will apply in this proceeding.

47 **THE COMMISSION GIVES NOTICE That it will hold a virtual hearing in this matter at 2 p.m. on March 23, 2023. To participate by phone, call (253) 215-8782 and enter the Meeting ID: 893 5165 7063# and Passcode 383135#. To attend via Zoom, please use the following link: [Click to join meeting](#).**

48 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference.<sup>2</sup> The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference.<sup>3</sup> Parties with more than one representative must identify one individual as the "lead" for purposes of official service. Any party or witness in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

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<sup>2</sup> WAC 480-07-355(a).

<sup>3</sup> WAC 480-07-345(2).

49 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

50 The names and mailing addresses of all parties and their known representatives are shown as follows:

Commission:	Washington Utilities and Transportation Commission 621 Woodland Square Loop SE Lacey, WA 98503
Representative:	Josephine R. K. Strauss Assistant Attorney General 7141 Cleanwater Dr. SW Olympia, WA 98504 (360) 709-4850 <a href="mailto:Josephine.Strauss@atg.wa.gov">Josephine.Strauss@atg.wa.gov</a>
Respondent:	Tiraogo Simpure d/b/a TS Moving Services Tiraogo Simpure 25210 39 <sup>th</sup> Ave E Spanaway, WA 98387 <a href="mailto:tsmovingservices@gmail.com">tsmovingservices@gmail.com</a>
Representative:	Unknown

51 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law Division, will preside during this proceeding.<sup>4</sup>

DATED at Lacey, Washington and effective March 3, 2023.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

Amanda Maxwell  
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary

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<sup>4</sup> Judge Pearson can be reached at (360) 664-1136 or [rayne.pearson@utc.wa.gov](mailto:rayne.pearson@utc.wa.gov).



Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

**NOTICE**

Hearings are accessible to persons with disabilities and persons who do not speak English as a first language. If limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please provide the information requested below via email to Paige Doyle, paralegal, at [paige.doyle@utc.wa.gov](mailto:paige.doyle@utc.wa.gov):

(PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket: \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Hearing Impaired: (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

Do you need a certified sign language interpreter:

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_