

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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

SARA YBARRA AND SHANE PABLO
D/B/A ULTIMATE MOVERS,
PRECISION MOVERS, AND QUALITY
MOVERS

DOCKET TV- 230193

ORDER 01

ORDER INSTITUTING SPECIAL
PROCEEDING; COMPLAINT
SEEKING TO IMPOSE
PENALTIES; NOTICE OF
HEARING

**(Set for June 15, 2023,
at 1 p.m..)**

INTRODUCTION

- 1 The Washington Utilities and Transportation Commission (Commission), pursuant to RCW 81.04.510, institutes this special proceeding on its own motion to determine whether Sara Ybarra and Shane Pablo, d/b/a Ultimate Movers, Precision Movers, and Quality Movers (Company) has engaged, and is engaging, in business as a household goods carrier within the state of Washington without the authority required by RCW 81.80.
- 2 The Commission has information from which it believes and therefore alleges that the Company has advertised, solicited, offered, or entered into one or more agreements to transport household goods within the state of Washington without first having obtained a household goods carrier permit from the Commission.
- 3 Pursuant to RCW 81.04.510, upon proof of these allegations, the Commission is authorized to issue an order requiring the Company to cease and desist activities subject to regulation under Title 81 RCW. In addition, RCW 81.04.110 authorizes the Commission to file a complaint on its own motion setting forth any act or omission by the Company that violates any law, or any order or rule of the Commission. The Commission may impose financial penalties of up to \$5,000 for each violation shown, RCW 81.80.075(4), and up to \$10,000 for each violation when a person engages in business as a household goods carrier in violation of a commission issued cease and desist order, RCW 81.80.075(5).

4 At the hearing in this special proceeding that will be conducted pursuant to Part IV of the Administrative Procedure Act (APA), RCW 34.05, of which the Commission gives notice here, the Commission will also consider its Complaint against the Company alleging violations of law as specified below and will decide whether the Commission should penalize the Company.

ORDER AND NOTICE OF HEARING

5 The Commission has jurisdiction to institute a special proceeding to determine whether the Company is conducting business requiring operating authority, or has performed or are performing any act requiring Commission approval without securing such approval pursuant to RCW 80.01.040, RCW 81.01.010, and RCW 81.04.510. In addition to the foregoing statutes, this matter involves Title 81 RCW, including but not limited to RCW 81.01.010; RCW 81.04.020; RCW 81.80.010, RCW 81.80.070, and RCW 81.80.075. This matter also involves the administrative rules set forth in WAC 480- 15 and WAC 480-07.

6 **THE COMMISSION ORDERS that the Company appear before the Commission VIRTUALLY in this special proceeding conducted under the authority of RCW 81.04.510 at 1 p.m. on June 15, 2023**, to give testimony and evidence under oath as to its operations. The burden of proving that the alleged operations are not subject to the provisions of Title 81 RCW shall be upon the Company, as provided by RCW 81.04.510.

7 To attend the hearing telephonically, you may call (253) 215-8782 and enter the Conference ID: 810 3487 0036# and enter the passcode: 778331. If you wish to attend via Zoom, please email stacey.brewster@utc.wa.gov or jaquandria.ewanika@utc.wa.gov and a link will be provided to you.

8 **THE COMMISSION GIVES NOTICE THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING SET BY THIS NOTICE, OR ANY OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN DEFAULT IN ACCORDANCE WITH RCW 34.05.440 AND WAC 480-07-450.**

9 If a limited English-speaking or hearing-impaired party needs an interpreter, a form is attached to this notice to be filled out and returned as indicated, so that a qualified interpreter may be appointed at no cost to the party or witness.

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

Carrier: Ultimate Movers, Precision Movers, and Quality Movers
1320 N Wall St.
Spokane, WA 99201

Representative: Sara Ybarra and Shane Pablo

Commission: Washington Utilities and
Transportation Commission
P.O. Box 47250
Lacey, WA 98503
(360) 664-1160

Representative: Jaquandria Ewanika
Compliance Investigator
P.O. Box 47250
Lacey, WA 98503
(360) 664-1320
jaquandria.ewanika@utc.wa.gov

COMPLAINT SEEKING PENALTIES

PARTIES

- 11 Complainant, the Commission, is an agency of the state of Washington, authorized by state law to regulate the rates, services, facilities, and practices of public service companies, including household goods carriers, under the provisions of Title 81 RCW.
- 12 Respondent, the Company, is a household goods carrier doing business in the state of Washington.

JURISDICTION

- 13 The Commission has jurisdiction over this matter pursuant to RCW 80.01.040, RCW 81.04.110, RCW 81.01.010, RCW 81.04.160, RCW 81.04.460, and RCW 81.80.

BACKGROUND

- 14 According to the Declaration of the Commission compliance investigator, presented to the undersigned administrative law judge under penalty of perjury, the following facts

establish probable cause for the Commission to complain against the activities of the Company and to seek penalties in accordance with applicable law.¹

- 15 On or about March 20, 2023, the Company offered to transport household goods without first having obtained a household goods carrier permit from the Commission.
- 16 The Company has posted advertisements on Craigslist.com offering to provide household goods moving services within the state of Washington without having obtained a permit from the Commission.

APPLICABLE LAW AND REGULATION

- 17 Under state law, the definition of “household goods carrier” includes a person who “advertises, solicits, offers, or enters into an agreement to transport household goods” within the state of Washington. RCW 81.80.010(5).
- 18 The term “person” can mean a firm as well as an individual. RCW 81.04.010(6). Specifically included in this term are companies, corporations, and partnerships. WAC 480-15-020.
- 19 The Commission defines household goods as “the personal effects and property used, or to be used, in a residence” in the context of transportation from one residence to another, or to a storage facility. WAC 480-15-020.
- 20 Household goods carriers are common carriers. RCW 81.04.010(11). For the purposes of Title 81 RCW, every common carrier is a public service company. RCW 81.04.010.
- 21 It is illegal to engage in business as a household goods carrier within the state of Washington without first obtaining a household goods carrier permit from the Commission. RCW 81.80.075(1).
- 22 RCW 81.80.075(4) subjects any persons who engage in business as a household goods carrier in the state of Washington without the required permit to a penalty of up to \$5,000 per violation. In deciding the penalty amount to be imposed per violation, RCW 81.80.075(4)(b) requires the Commission to consider two factors: (i) willingness to comply with the provisions of RCW 81.80.070 and the rules governing household goods carriers contained in WAC 480-15 and (ii) compliance history. RCW 81.80.075(5) subjects persons who engage in business as a household goods carrier in violation of a

¹ Administrative law judges appointed by the Commission are empowered, among other things, to “make findings of probable cause and issue complaints in the name of the commission.” RCW 80.01.060(1).

cease and desist order issued by the commission to a penalty of up to \$10,000 for each violation.

23 When deciding the amount of the penalty to be ordered for engaging in business as a household goods carrier without a household goods carrier permit, the Commission must consider (1) the carrier's willingness to comply with the requirements of RCW 81.80.070 and the Commission's household goods carrier rules; and (2) the carrier's history of compliance with the provisions of RCW 81.80.075. RCW 81.80.075(4)(b).

24 The Commission is authorized to file a complaint on 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.

COMPLAINT

25 The Commission, through its Staff, re-alleges the statements contained in paragraphs 11 through 16 above.

26 The Company has violated RCW 81.80.075(1) at least once by offering to transport household goods without first having obtained a household goods carrier permit from the Commission.

27 The Company has violated RCW 81.80.075(1) at least once by advertising to transport household goods without first having obtained a household goods carrier permit from the Commission.

REQUEST FOR RELIEF

28 Staff requests that the Commission, pursuant to its authority under RCW 81.80.075(4), assess penalties of up to \$5,000 per violation against the Company. Staff will present testimonial evidence at hearing to address the statutory factors for determining an appropriate penalty amount. Further, Staff may request that some portion of any penalty actually imposed be suspended for a period of time sufficient to demonstrate the Company's intent to comply with all applicable laws and rules governing the household goods industry.

PROBABLE CAUSE

29 Based on a review of the Declaration of the Commission compliance investigator
assigned to this matter, and consistent with RCW 80.01.060 and WAC 480-07-307, the
Commission finds probable cause exists to issue this Complaint.

NOTICE OF VIRTUAL HEARING

30 **THE COMMISSION GIVES NOTICE THAT it will conduct a hearing concerning
this Complaint concurrently with the special proceeding noticed above, which will
commence virtually at 1 p.m. on June 15, 2023.**

31 To attend the hearing telephonically, you may call (253) 215- 8782 and enter the
Conference ID: 810 3487 0036# and enter the passcode: 778331. If you wish to attend via
Microsoft Teams, please email stacey.brewster@utc.wa.gov or
jaquandria.ewanika@utc.wa.gov and a link will be provided to you.

32 Administrative Law Judge Andrew O’Connell, from the Commission’s Administrative
Law Division, is designated to preside at the hearing of these matters.²

DATED at Lacey, Washington, and effective, April 11, 2023.

/s/ Michael Howard
MICHAEL HOWARD
Administrative Law Judge

Inquiries should be addressed to:

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

² Judge O’Connell can be reached by phone at (360) 664-1285 or by email at
andrew.j.oconnell@utc.wa.gov

NOTICE

Hearings are accessible to persons with disabilities; that smoking is prohibited; and, if 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:

(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: _____