

Service Date: May 8, 2023

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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

PENALTY ASSESSMENT: TV-230319
PENALTY AMOUNT: \$8,600

Matt Deter
Speedy Movers LLC
901 Aaron Dr.
Richland, WA 99352

The Washington Utilities and Transportation Commission (Commission) believes Speedy Movers LLC (Speedy Movers or Company) violated Washington Administrative Code (WAC) 480-15-630, Estimates; WAC 480-15-710, Bill of lading; and Tariff 15-C, Item 85- Estimates and Item 95-Bills of Lading.

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

On February 23, 2023, Commission Compliance Investigator Jaquandria Ewanika completed a follow-up investigation into the business practices of Speedy Movers. In the follow-up investigation, Staff reviewed 43 household goods move records and documented the following repeat violations:

- **43 Violations of WAC 480-15-630 and Tariff 15-C, Item 85 – Failing to include information on an Estimate as described in the Commission-published tariff, as follows:**
 - Failed to provide a space on the estimate form for the customer to sign acknowledging that they received a copy of the *Consumer Guide to Moving in Washington State*.
 - Failed to include the Company's address as recorded with the Commission.
 - Failed to indicate on the estimate whether it is binding or non-binding.
 - Failed to include the required information for binding and non-binding moves.
 - Failed to include the forms of payment the Company will accept, including any terms or conditions that apply to the form of payment, such as interest rates charged for credit plans.
 - Failed to include the signature of the carrier personnel that completed the estimate form and the date signed.

- **43 Violations of WAC 480-15-710 (3) and Tariff 15-C, Item 95 – Failing to include information on a Bill of Lading as described in the Commission-published tariff.**
 - Failed to include the start, stop, and interruption times of each employee involved in the move. In addition, the Bill of Lading forms do not include the time the vehicle left and returned to the terminal as required for hourly-rated moves.
 - Failed to include the amount and type of every charge assessed as a separate line item.
 - Failed to remove language in the contract terms on the Bill of Lading form that is not authorized by Tariff 15-C, Item 95 (2).

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 Speedy Movers demonstrate a disregard for Commission rules and Tariff 15-C. Tariff 15-C provides very specific rules by which household goods carriers must abide, such as accurately completing Estimates and Bills of Lading, and providing a copy of the Consumer Guide to each customer. These requirements protect consumers. Commission staff (Staff) believes the violations identified in each of the 43 household goods moves reviewed in this investigation are serious and harmful to consumers.
2. **Whether the violations were intentional.** Staff believes the violations are intentional. As a result of a consumer complaint filed against the Company in January 2022, Staff recorded informal violations and provided detailed technical assistance regarding the requirement to provide the customer with a copy of the brochure, *Consumer Guide to Moving in Washington State* at the time the customer receives an estimate, include the correct address on the estimate and bill of lading forms, indicate on the estimate forms if the estimate is binding or non-binding, include the required information on the estimate forms, include the forms of payment the Company will accept, include the signature of the carrier personnel completing the estimate form, list the start, stop, and interruption times of each employee involved in the move on the Bill of Lading forms, include the time the vehicle left and returned to the terminal for hourly-rated moves, include the amount and type of every charge assessed as a separate line item, and to not include language in the contract terms on the Bill of Lading forms that is not authorized by Tariff 15-C Item 95 (2).
3. **Whether the Company self-reported the violations.** Speedy Movers did not self-report these violations.
4. **Whether the Company was cooperative and responsive.** The Company was somewhat cooperative throughout the compliance investigation, however, when asked for additional information regarding “trip fees” and clarification of signatures on the estimate forms, the Company was at first cooperative but did not respond to Staff’s last email.
5. **Whether the Company promptly corrected the violations and remedied the impacts.** Speedy Movers has not corrected the violations.

6. **The number of violations.** Staff identified 86 violations that warrant penalties in accordance with the Commission's Enforcement Policy.
7. **The number of customers affected.** Staff reviewed Company records for 43 customer moves for the period of December 1, 2022, through January 31, 2023, and multiple violations were found for all 43 moves. Since every customer in this small sampling was affected, Staff believes it is reasonable to assume that every customer of the Company has also been affected by the same violations.
8. **The likelihood of recurrence.** Staff previously provided technical assistance with specific remedies to help the Company improve and comply with household goods rules and Tariff 15-C. The Company did not follow the technical assistance provided and continues commit the same violations. 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.**
 - a) Consumer Complaint CAS-32720-F9C8D3. Staff recorded several violations for failing to include information on an Estimate and Bill of Lading as described in the Commission-published tariff.
 - b) On July 5, 2006, in Docket TV-060980, the Commission assessed Speedy Movers a \$100 penalty for one violation of WAC 480-15-480 for failing to submit its annual report for 2005 by the May 1, 2006, deadline. the Company submitted its annual report on July 26, 2006, and paid the penalty in full on September 1, 2006.
 - c) On June 6, 2014, in Docket TV-140990, the Commission assessed Speedy Movers a \$300 penalty for violation of WAC 480-15-480 for failing to submit its annual report for 2013 by the May 1, 2014, deadline. The Company submitted its annual report on May 6, 2014, and paid the penalty in full on June 20, 2014.
 - d) On November 8, 2015, in Docket TV-152125, Speedy Movers' permit was canceled for failure to file and maintain proof of insurance, and the Company was ordered to cease all operations associated with permit HG-061514.
 - e) On December 3, 2015, in Docket TV-152290, Speedy Movers' permanent authority as a household goods carrier was reinstated.
 - f) On February 14, 2020, Speedy Movers was assessed a penalty of \$800 for safety violations of WAC 480-15-555 and WAC 480-15-570 in Docket TV-200079. Speedy Movers paid the penalty in full on February 28, 2020.
10. **The Company's existing compliance program.** Staff is unaware of a compliance program.
11. **The size of the Company.** Speedy Movers reported operating revenue of \$743,112.00 for the 2022 reporting period.

The Commission has considered these factors and determined that it should penalize Speedy Movers \$8,600 (Penalty Assessment), calculated as follows:

- \$4,300 for 43 violations of WAC 480-15-620 and Tariff 15-C, Item 85 – Failing to include information on an Estimate as described in the Commission-published tariff.
- \$4,300 for 43 violations of WAC 480-15-710(3) and Tariff 15-C, Item 95 – Failing to include information on a Bill of Lading as described in the Commission-published tariff.

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 a 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 their 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 at <https://efiling.utc.wa.gov/Form>¹ **within FIFTEEN (15) days** after you receive this Penalty Assessment. If you are unable to use the web portal, you may submit it via email to 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 wish to make a payment online, please use this link: [Make a Payment Now \(wa.gov\)](#)²

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.

¹ <https://efiling.utc.wa.gov/Form>.

² <https://www.utc.wa.gov/documents-and-proceedings/online-payments/make-payment-now>

DATED at Lacey, Washington, and effective May 8, 2023.

/s/ Rayne Pearson

Rayne Pearson

Director, Administrative Law Division

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
PENALTY ASSESSMENT TV-230319

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, 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 I:
 - Enclose \$8,600 in payment of the penalty.
 - OR Attest that I have paid the penalty in full through the Commission’s payment portal.
- 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 or she makes a materially false statement which he or she 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 or her 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.