

Service Date: August 19, 2023



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY 1-800-833-6384 or 711

RE: **MANDATORY APPEARANCE BEFORE ADMINISTRATIVE LAW JUDGE**
Unlawful Activity as Household Goods Carrier in Violation of RCW 81.80.075
Docket TV-230496

Dear Justin Higbee d/b/a JNS Moving Inc.; J&S Movers (J&S Movers or Company):

It has come to the attention of the Washington Utilities and Transportation Commission (Commission) that your Company is engaging in business activity requiring a permit under Washington state law. Revised Code of Washington (RCW) 81.80.075(1) states that “no person shall engage in business as a household goods carrier without first obtaining a household goods carrier permit” from the Commission.

The Commission is initiating an enforcement action against you and your company. This letter and its attachments are the Commission’s formal demand that you cease operating until you obtain the required household goods permit for your company. Until you obtain that permit, you must also stop all advertising of your company’s household goods moving services. Failure to do so may result in a serious financial penalty.

Please be aware that operating as a household goods mover without the required permit is illegal and subject to a penalty of up to \$5,000 per violation. The penalty for advertising household goods moving services without a permit is also up to \$5,000 per advertisement. Engaging in business as a household goods carrier in violation of a commission issued cease and desist order is subject to a penalty of up to \$10,000 for each violation.

As the attached documents explain, you are now **REQUIRED TO VIRTUALLY APPEAR** before one of the Commission’s Administrative Law Judges on **October 3, 2023, at 1:30 p.m.** The basis for the Commission’s enforcement action is explained in the attached Order and the supporting Declaration of Jaquandria Ewanika. The subpoena details the requirement for you to appear at the hearing about your unpermitted business.

You have the option to work with Commission Staff in advance of the hearing to negotiate an agreed outcome. If you wish to explore this option, please contact Jaquandria Ewanika at (360) 664-1320 or jaquandria.ewanika@utc.wa.gov and schedule a time to meet via telephone or Zoom. Staff will explain the laws and rules governing the household goods moving industry and

advise you of your options to agree to cease and desist unpermitted operations and pay a lesser penalty or to contest the allegations at hearing. If you agree to cease operating as an unpermitted household goods carrier unless and until you receive a permit from the Commission, you will be offered the option to pay a reduced penalty. If you and Staff agree to a penalty amount, you may sign a settlement agreement that explains your commitment to cease and desist unpermitted operations and sets out the terms of any payment plan.

If you fail to contact Staff in advance of the hearing date, you will be expected to appear and take one of the following actions at the hearing:

Option A- Cease Operating as a Household Goods Carrier

The Administrative Law Judge will allow you to testify, under oath, that you have shut down your business. You should be prepared to explain specific actions you have taken to dissolve your company and to discontinue any advertising you may have previously arranged (websites, phone books, newspapers, etc.). This does not stop you from applying for a household goods permit. It simply means that you will cease illegal operations until you do. Should you choose to apply for a permit in advance of the hearing and the Commission deems you eligible to receive a temporary permit, you may present that information at the hearing.

Option B- Contest the Applicability of RCW 81.80.075 to Your Company

The Administrative Law Judge will allow you to testify, under oath, that RCW 81.80.075 does not apply to your company. At that time, you will be required to present proof that your business is *not* within the regulatory jurisdiction of the Commission. If the Judge decides in your favor, the Commission will dismiss the complaint against you. If the Judge rules against you, you will need to proceed under Option A or risk further enforcement action by the Commission.

If you fail to appear at the hearing, you will be held in default, which means the Commission will enter an order classifying you as a household goods carrier and imposing the maximum penalty that Commission Staff requests.

As you prepare for your preliminary hearing, you may find the Commission's informational handouts included in this packet to be helpful. You might also wish to review the laws and related rules governing your business. These include:

- RCW Chapter 81.80
- Washington Administrative Code (WAC) Chapter 480-15

These legal resources and other helpful items can be found on the Commission's website: <https://www.utc.wa.gov/MovingCompanies>. If you have any questions about the permit application, the Commission's Licensing Services staff is available at (360) 664-1222.

If you have any questions about your obligations under the law and your mandatory appearance, Jaquandria Ewanika, Compliance Investigator, is available at (360) 664-1320 or jaquandria.ewanika@utc.wa.gov.

Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Amanda Maxwell". The signature is written in a cursive, flowing style.

AMANDA MAXWELL
Executive Director and Secretary

Attachments:

- 1) Order 01- *Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; Notice of Mandatory Appearance at Hearing (set for October 3, 2023, at 1:30 p.m.)*
- 2) Subpoena
- 3) Declaration of Jaquandria Ewanika
- 4) Application Packet for Household Goods Carrier Permit
- 5) UTC Informational Handouts
 - a. Transportation Regulation Fact Sheet
 - c. Motor Carrier Insurance Requirements Fact Sheet
- 6) Pro Se Litigants Information – Representing Yourself in Proceedings before the Washington Utilities and Transportation Commission