

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of

MIRACLE MAN MOVERS LLC

For Compliance with WAC 480-15-555,
WAC 480-15-560, WAC 480-15-570, and
480-15-590.

DOCKET TV-230503

NOTICE OF INTENT TO CANCEL

NOTICE OF PREHEARING
CONFERENCE
(Set for July 25, 2023, at 1:30 p.m.)

COMPLAINT FOR PENALTIES

NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING; SETTING TIME FOR
ORAL STATEMENTS
(Set for August 8, 2023, at 1:30 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 Miracle Man Movers LLC (Miracle Man Movers or the Company) is a Washington limited liability company engaging in business as a household goods carrier. The Company currently holds Commission-issued provisional permit number THG068778.

II. BACKGROUND

4 In December 2019, the Commission cancelled and then reinstated the Company's provisional household goods carrier permit.¹

5 In March 2021, the Commission issued a Notice of Intent to Cancel and Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements in the Matter of the Investigation

¹ See Cancellation of Provisional Household Goods Permit Due to Insufficient Proof of Insurance in Docket TV-191018 and Letter Granting Reinstatement of THG-68778 and Permit in Docket TV-191035.

of Miracle Man Movers LLC for Compliance with Washington Administrative Code (WAC) 480-15 (Notice).² The Notice explained that in February 2021 Staff completed an investigation of the Company's compliance with the safety requirements in WAC 480-15.³ As a result of the compliance investigation, Staff documented 77 safety requirement violations and proposed a conditional safety rating for the Company and recommended that the Commission cancel the Company's household goods carrier permit unless the Company obtained Commission approval of a safety management plan.⁴

- 6 In March 2021, the Commission assessed a \$100 penalty against the Company for the safety violations discovered during Staff's February 2021 compliance review.⁵
- 7 In April 2021, the Company submitted a proposed safety management plan.⁶ Based on the Company's proposed plan, Staff recommended that the Commission maintain the Company's conditional safety rating and extend the Company's provisional permit period until such time that the Company achieves a satisfactory safety rating.⁷ The Commission found that the Company's rating should remain conditional and the Company should be allowed to maintain its household good carrier permit.⁸ The Commission also found good cause to extend the Company's provisional period until the Company achieves a satisfactory safety rating.⁹
- 8 In June 2022, Staff completed a follow-up investigation and found in a subsequent revised investigation report dated August 2022 that the Company committed 92 violations of regulations that would be considered critical if more than one employee had violated them and proposed a conditional safety rating for the Company.¹⁰
- 9 In October 2022, the Company submitted its proposed safety management plan.¹¹ Based on Staff's evaluation of the plan, the Commission found that the Company achieved compliance with WAC 480-15 and granted the Company's request to maintain its safety rating as conditional.¹² The Commission also found good cause to extend the Company's provisional period for its household goods carrier permit until such time as the Company

² See Order 01 in Docket TV-210128, 1 ¶ 1.

³ *Id.* at 1 ¶ 2.

⁴ *Id.*

⁵ *Id.* at 1 ¶ 3.

⁶ *Id.* at 2 ¶ 4.

⁷ *Id.* at 2 ¶ 5.

⁸ *Id.* at 3 ¶ 13.

⁹ *Id.* at 3 ¶ 14.

¹⁰ See Order 02 in Docket TV-220511, 3 ¶ 10.

¹¹ *Id.* at 4 ¶ 11.

¹² *Id.* at 4 ¶ 12.

achieves a satisfactory rating.¹³ The Commission assessed an \$8000 penalty against the Company with \$5000 suspended, subject to conditions.¹⁴

10 On June 15, 2023, Staff completed a safety investigation of the Company as a follow-up to a conditional ratings resulting from the February 2021 and August 2022 compliance investigations.¹⁵ Staff documented the following violations:

- Four critical violations of WAC 480-15-555(1) for failure to complete a criminal background check for four employees. This is a repeat violation from the August 2022 compliance investigation;¹⁶
- 60 critical violations 49 C.F.R. § 395.8(a)(1) for failing to require drivers to make a record of duty status. The carrier uses a short-haul exemption and must require start time, stop time, and total hours for all days worked. Two employees failed to have required components for short-haul or other records of duty status. This is a repeat violation from the August 2022 and February 2021 compliance investigations;¹⁷
- 15 violations of WAC 480-15-590 for failure to meet all conditions for leasing vehicles. The carrier failed to maintain vehicle lease agreements for the minimum of one year from the date of return. This is a repeat violation from the August 2022 and February 2021 compliance investigations;¹⁸
- One violation of 49 C.F.R. § 391.11(b)(7) for using a driver who has not taken a road test and acquired a certificate of completion. One employee failed to complete a road test and acquire a certificate of completion. This is a repeat violation from the August 2022 compliance investigation;¹⁹
- Four violations of 49 C.F.R. § 391.21(a) for using a driver who has not completed and furnished an employment application. Four employees had incomplete driver applications. This is a repeat violation from the August 2022 and February 2021 compliance investigations;²⁰
- Four violations of 49 C.F.R. § 391.23(a)(2) for failure to investigate a driver's performance history with Department of Transportation regulated employers during the preceding three years. The carrier failed to investigate

¹³ *Id.* at 4 ¶ 13.

¹⁴ *Id.* at 9 ¶ 44

¹⁵ See Declaration of Sandra Yeomans, 1 ¶ 3.

¹⁶ *Id.* at 1 ¶ 4.

¹⁷ *Id.* at 1 ¶ 5.

¹⁸ *Id.* at 1 ¶ 6.

¹⁹ *Id.* at 1 ¶ 7.

²⁰ *Id.* at 2 ¶ 8.

previous employers for driver's performance for four employees. This is a repeat violation from the August 2022 compliance investigation;²¹

- One violation of 49 C.F.R. § 391.25(b) for failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive. The carrier failed to perform an annual review of records to verify Christopher Bullock is qualified to drive;²²
- One violation of 49 C.F.R. § 391.45(a) for using a driver not medically examined and certified. The carrier allowed an employee to drive three times without medical certification. The employee's certification expired on September 9, 2022, at 12:01 a.m. and they had not received a certification at the time of the compliance investigation;²³
- One violation of 49 C.F.R. § 391.51(b)(2) for failure to maintain inquiries into driver's driving record in driver's qualification file. The carrier failed to acquire a driver abstract for an employee within 30 days of hire date;²⁴
- One violation of 49 C.F.R. § 391.51(b)(3) for failing to maintain road test certificate in driver's qualification file. The carrier failed to have a copy of road test certificate in an employee's driver qualification file;²⁵
- 14 violations of 49 C.F.R. § 395.3(b)(2) for permitting a property-carrying commercial motor vehicle driver to drive after having been on duty 70 hours in eight consecutive days. The carrier allowed an employee to drive over 70 hours, 14 times, in a 30-day period from April 1, 2023, through April 30, 2023. This is a repeat violation from the August 2022 and February 2021 compliance investigations;²⁶ and
- One violation of 49 C.F.R. § 395.8(j)(2) for failure to obtain from driver, used for the first time or intermittently, a signed statement giving the total time on duty during the preceding seven days and the time at which they were last relieved from duty. The carrier did not acquire a signed seven day statement from an employee before using the driver for the first time.²⁷

²¹ *Id.* at 2 ¶ 9.

²² *Id.* at 2 ¶ 10.

²³ *Id.* at 2 ¶ 11.

²⁴ *Id.* at 2 ¶ 12.

²⁵ *Id.* at 2 ¶ 13.

²⁶ *Id.* at 2 ¶ 14.

²⁷ *Id.* at 2 ¶ 15.

- 11 On June 15, 2023, Staff informed the Company that it received a proposed conditional safety rating as result of the safety investigation.²⁸

III. JURISDICTION

- 12 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 81.80.130, WAC 480-15-180, WAC 480-15-555, WAC 480-15-560, WAC 480-15-570; and WAC 480-15-590.

IV. APPLICABLE LAW

- 13 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.
- 14 Household goods carriers are common carriers, RCW 81.04.010(11), and therefore public service companies. RCW 81.04.010(16).
- 15 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.
- 16 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.
- 17 WAC 480-15-555 requires household goods carriers to “complete a criminal background check for every person the carrier intends to hire.” WAC 480-15-555(1). Carriers must retain evidence that they have performed the necessary backgrounds checks for no less than three years after the date the employee ceases his or her employment by the carrier. WAC 480-15-555(2).
- 18 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

²⁸ Id. at 2 ¶ 16.

Regulations (C.F.R.), including all of Parts 375, 380, 382, 383, 385, 387, 390, 391, 395, and 397.

- 19 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, 385, 390, 392, 393, 396, and 397.
- 20 WAC 480-15-590 requires household goods carriers to enter into an equipment lease agreement before operating a leased motor vehicle. A carrier is required to ensure that specified conditions are met, which include, but are not limited to: (1) the carrier and the lessor have signed the lease; (2) the carriers marks “master lease” if the carrier intends to use a master lease instead of individual leases; (3) a copy of the lease is carried in all leased motor vehicles; and (4) copies of all leases are kept in the carrier’s permanent files for at least one year after the lease expires.
- 21 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).
- 22 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
- 23 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.
- 24 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 \$1,000 for each “offense.” RCW 81.04.380.

IV. NOTICE OF INTENT TO CANCEL HOUSEHOLD GOODS CARRIER PERMIT

- 25 The Company must come into compliance with applicable laws by obtaining Commission approval of a safety management plan no later than August 14, 2023. If the Company fails to come into compliance by that date, the Commission will cancel its household goods carrier permit effective August 15, 2023. The Company would thereafter be prohibited from engaging in the business of a household goods carrier.

- 26 **THE COMMISSION GIVES NOTICE That it intends to cancel the permit and authority of Miracle Man Movers to provide services as a household goods carrier effective August 15, 2023, for cause, following a hearing on the factual allegations set out above, unless Miracle Man Movers obtains Commission approval of a safety management plan prior to that date.**

V. NOTICE OF BRIEF ADJUDICATIVE PROCEEDING

- 27 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission schedules a hearing on its own initiative and determines that a brief adjudicative proceeding is appropriate to determine whether the Commission should cancel Miracle Man Movers' household goods carrier permit.
- 28 **THE COMMISSION GIVES FURTHER NOTICE That it will hold a virtual brief adjudicative proceeding in this matter at 1:30 p.m., on August 8, 2023.** To attend the hearing by telephone, please call (253) 215-8782 and enter the Meeting ID: 815 0595 1323# and Passcode: 184227#. To attend via Zoom, please use the following link: [Click to Join Meeting](#).
- 29 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding and a transcript of any oral statements given at the hearing, which statements will be given under oath.
- 30 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The Commission will provide at its offices in Lacey, Washington, copies of documents in the current record for use by the parties or others who may want to review them.
- 31 **Miracle Man Movers must submit its proposed safety management plan no later than 5:00 p.m. on July 18, 2023.** Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and describing any such documents **no later than 5:00 p.m. on July 25, 2023**, and bring an original and three (3) copies of those documents to the hearing. Filing shall be in accordance with WAC 480-07-140 and -145.
- 32 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding 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.**

VI. FIRST CAUSE OF ACTION

33 The Commission re-alleges paragraphs 2 through 24, above.

34 The Commission alleges that Miracle Man Movers violated WAC 480-15-555 on 4 occasions by failing to perform criminal backgrounds checks on intended employees.

VII. SECOND CAUSE OF ACTION

35 The Commission re-alleges paragraphs 2 through 24, above.

36 The Commission alleges that Miracle Man Movers violated WAC 480-15-590 on 15 occasions by failing to maintain vehicle lease agreements for the minimum of one year from the date of return.

VIII. THIRD CAUSE OF ACTION

37 The Commission re-alleges paragraphs 2 through 24, above.

38 The Commission alleges that Miracle Man Movers violated the safety rules codified in WAC 480-15-560 and 480-15-570 88 times by violating the federal regulations found in 49 C.F.R. Parts 391 and 395 incorporated into those rules.

IX. REQUEST FOR RELIEF

39 Staff requests that the Commission, pursuant to its authority under RCW 81.04.380, assess penalties of up to \$1,000 for each violation of WAC 480-15-555, WAC 480-15-560, WAC 480-15-570, and WAC 480-15-590.

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

X. PROBABLE CAUSE

41 Based on a review of the declarations of Sandra Yeomans, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this complaint.

XI. NOTICE OF PREHEARING CONFERENCE

42 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.

43 **THE COMMISSION GIVES NOTICE That it will hold a virtual prehearing conference in this matter at 1:30 p.m. on July 25, 2023. To participate by phone, call (253) 215-8782 and enter the Meeting ID: 846 4358 2394# and Passcode 877553#. To attend via Zoom, please use the following link: [Click to join meeting.](#)**

44 The purpose of the prehearing conference is to 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.

45 **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.

46 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: Cassandra Jones
Assistant Attorney General
PO Box 40128
Olympia, WA 98504
(360) 890-0480
cassandra.jones@atg.wa.gov

Respondent: Miracle Man Movers LLC
Christopher Bullock, CEO
14602 NE Fourth Plain Boulevard #J
Vancouver, WA 98682
(509) 551-7776
anna@miraclemanmovers.com

47 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law Division, will preside during this proceeding.²⁹

DATED at Lacey, Washington and effective July 13, 2023

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

Amanda Maxwell
Executive Director and Secretary

Inquiries may be addressed to:

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

²⁹ Judge Pearson can be reached at (360) 664-1136 or rayne.pearson@utc.wa.gov.

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:

(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: _____