

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of) DOCKET TV-080054
)
) DECLARATION OF DAVID PRATT
 V&K DELIVERY SERVICES, LLC,)
 (THG-63200))
)
)

DAVID PRATT, under penalty of perjury under the laws of the State of Washington, declares as follows:

1. I am over 18 years of age, a citizen of the United States, a resident of the state of Washington, and competent to be a witness.
2. I am employed by the Washington Utilities and Transportation Commission (“Commission”) as Assistant Director for Transportation Safety, a position I have held for one and a half years. I also currently supervise the agency’s Licensing Services Program. I previously served as the Assistant Director for Consumer Affairs. I have been employed at the Commission since 2005.
3. My responsibilities include final review and approval of permanent Household Goods (HHG) permits before they are issued by the Commission. When an initial application for HHG authority is received, Licensing staff ensures the application is complete, there are no outstanding compliance actions against the applicant and the correct fees are paid. Under WAC 480-15-330, companies requesting HHG authority must serve at least six months with provisional status. During that time, the company is provided with technical assistance regarding Commission rules and their vehicles receive safety inspections. During this initial six months, I review the company’s application and background to ensure all requirements have been met and there are no outstanding issues. Those facts, along with the carrier successfully receiving technical assistance and receiving a satisfactory rating on their vehicle inspections, help me determine if it should be granted permanent HHG authority.
4. On September 19, 2008, V&K Delivery Services (V&K Delivery or Company), through its counsel, filed with the Commission a Request for Hearing (Hearing Request) in docket TV-080054. This Hearing Request arose from a Notice of Intent to Temporary Operating Authority and to Deny Application for Permanent Authority (Notice), issued by the Commission on August 26, 2008. V&K Delivery applied for permit authority on January 8, 2008, and the Commission

granted temporary authority on March 28, 2008. V&K Delivery's household goods permit application (Application) is attached to my Declaration as *Exhibit A*.

5. During my review of V&K Delivery's application after the grant of temporary authority, I found that the carrier indicated on page four of the application (third page of *Exhibit A*), a previous felony conviction for "2nd degree burglary with weapons 2001 in King County." This information was not noticed during the initial review by Licensing staff or they would have brought it to my attention and I would have investigated before allowing the provisional authority to be granted.
6. RCW 81.80.070(1)(a)(ii) requires the Commission to consider whether the applicant for a household good carrier permit is fit to perform the services proposed. WAC 480-15-320(5)(a) provides that the Commission may cancel a temporary permit if the carrier has been convicted of any crime. WAC 480-15-330(4)(e) provides that the Commission may reject or deny an application for permanent authority if the applicant has been convicted of any crime.
7. Before recommending the Commission issue the Notice, I decided to investigate more about the admitted crime. I went to the Washington Courts' web site and searched for information on cases involving Mr. Vladimir Kirichenko, the applicant. I located a summary of a superior court case in King County, Case No. 02-1-01490-5. It showed case history and indicated that Mr. Kirichenko was charged with, pled guilty to, and was convicted of, attempted residential burglary in 2003. A copy of this document is attached as *Exhibit B*.
8. *Exhibit C*, attached, is a certified copy of the Judgment and Sentence for King County Superior Court case No. 02-1-01490-5. The document was filed January 31, 2003. I have reviewed this document. It establishes that Mr. Vladimir Kirichenko was convicted of the crime of attempted residential burglary, RCW 9A.52.025. It also shows that the date of the crime was May 30, 2001.
9. *Exhibit D*, attached, is a certified copy of a Statement of Defendant on Plea of Guilty, in King County Superior Court case No. 02-1-01490-5. Also included within this document, is an Information, a Certification for Determination of Probable Cause, a Plea Agreement, a General Scoring Form, and a Sentence Recommendation. I have reviewed these documents, including the arresting officer's report.
10. Being a HHG mover is a position of trust and the carrier would regularly be inside residences and have complete control of a consumer's entire possessions. Consumers using the services of a HHG company must entrust the security of their homes and possessions to the carrier they select. Consumers have a reasonable right to expect that the mover they select does not have a history of

violating the security of another's home. The conviction of attempted residential burglary charges by this carrier demonstrates a history of a crime against persons and property. The possession of weapon during that crime, as indicated on both the application and the court documents, is also troubling.

Staff Recommendation

11. Based on these facts, I do not believe it is in the public interest to grant this carrier permit authority. The Commission has adopted rules to enable it to prevent carriers from receiving a permit to transport household goods within Washington if the applicant has committed a crime, and those rules should be applied in this case.
12. For the reasons above, I recommend that the Commission cancel the temporary operating authority of V&K Delivery, and deny V&K Delivery's application for permanent authority to transport household goods within Washington.

DATED at Olympia, Washington, and effective November ____, 2008.

DAVID PRATT