

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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

BM LOGISTICS LLC d/b/a BOGDAN
MOVERS

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

BOGDAN MOMOTYUK d/b/a
BOGDAN DELIVERY, L.L.C.

DOCKETS TV-190023 and TV-170746
(Consolidated)

ORDER OF CONSOLIDATION AND
NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING

SETTING TIME FOR ORAL
STATEMENTS
(Set for March 27, 2019,
at 9:30 a.m.)

- 1 On January 16, 2019, the Washington Utilities and Transportation Commission (Commission) entered Order 01, Order Instituting Special Proceeding; Complaint Seeking to Impose Penalties; and Notice of Mandatory Appearance at Hearing (Order 01), initiating this docket on its own motion. The Complaint alleges that BM Logistics LLC d/b/a Bogdan Movers (Bogdan Movers or Company) violated RCW 81.80.075(1) by offering and advertising to provide for transportation of household goods for compensation within the state of Washington without the necessary certificate required for such operations. On the same date, the Commission issued a Subpoena and Subpoena Duces Tecum for Production of Documents to the Company commanding Bogdan Momotyuk, Company owner, to appear before the Commission at a special proceeding scheduled to convene at 9 a.m. on February 12, 2019, and to bring the documents specified in the subpoenas.
- 2 On February 7, 2019, the Commission rescheduled the proceeding to February 25, 2019, due to predicted inclement weather.
- 3 On February 25, 2019, Orest Momotyuk, Company president, appeared at the special proceeding and requested a hearing to contest the allegations set out in the Complaint. The Commission concluded that a formal classification hearing is necessary to determine whether Bogdan Moving has engaged, and continues to engage, in business as a household goods carrier for compensation within the state of Washington without

possessing the permit required for such operations. The parties agreed to a hearing date of March 27, 2019.

ORDER OF CONSOLIDATION

4 On October 25, 2017, the Commission entered Order 02 in Docket TV-170746, which classified Bogdan Movers as a household goods carrier, assessed a penalty of \$5,000, and suspended a \$4,000 portion of the penalty on condition of future compliance. On February 7, 2019, Staff filed with the Commission a letter requesting the Commission impose the suspended penalty based on the same allegations set forth in Order 01 in this Docket.

5 At the special proceeding, the parties requested the Commission consolidate this Docket with Docket TV-170746. Because these matters are based on related facts and principles of law, the Commission exercises its discretion to consolidate Dockets TV-190023 and TV-170746 pursuant to WAC 480-07-320.

6 **THE COMMISSION ORDERS that these matters are consolidated for purposes of hearing and determination.** The Commission reserves the right to hold separate hearings and to enter separate orders in the individual dockets as it deems appropriate.

NOTICE OF BRIEF ADJUDICATIVE PROCEEDING

7 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission determines that a brief adjudicative proceeding is appropriate for resolving the issues in these dockets.

8 **THE COMMISSION GIVES NOTICE That it will hold a brief adjudicative proceeding in this matter at 9:30 a.m. on Wednesday, March 27, 2019, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

9 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.

10 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 Olympia, Washington, copies of documents in the current record for use by the parties or others who may want to review them.

11 Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission all proposed exhibits, as well as a list

enumerating and describing them, **no later than 5 p.m. on Wednesday, March 20, 2019**, and bring an original and three (3) copies to the hearing. Filing shall be in accordance with WAC 480-07-140.

12 **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.**

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

Respondent: BM Logistics LLC
d/b/a Bogdan Movers
1900 S. Puget Dr. Suite 206
Renton, WA 98055

Representative: Sean Walsh
Owada Law, PC
975 Carpenter Road NE, Suite 204
Lacey, WA 98516
sean.walsh@owadalaw.net

Commission: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Harry Fukano
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1225
harry.fukano@utc.wa.gov

14 Administrative Law Judge Laura Chartoff, from the Commission's Administrative Law Division, will preside during this proceeding.

DATED at Olympia, Washington and effective February 26, 2019.

Mark L. Johnson
Executive Director and Secretary

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, 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 fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: Mark L. Johnson, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (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: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____