

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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

JEAN FRANCOIS ASSIN d/b/a
STRONG MUSCLES MOVERS aka
TCHAMAN MOVERS

DOCKET TV-161077

ORDER 03

ORDER AMENDING ORDER 02

BACKGROUND

- 1 On September 24, 2016, 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. The Complaint alleged that Jean Francois Assin d/b/a Strong Muscles Movers aka Tchaman Movers (Mr. Assin or Company) violated RCW 81.80.075(1) by offering or advertising to provide household goods moving services without first obtaining a permit from the Commission.
- 2 On October 25, 2016, the Commission convened a hearing. That same day, the Commission issued Order 02, Stipulated Initial Order Classifying Respondent as a Household Goods Carrier; Ordering Respondent to Cease & Desist; Imposing and Suspending Penalties on Condition of Future Compliance (Order 02).
- 3 In Order 02, the Commission assessed a \$5,000 penalty, a \$4,500 portion of which was suspended for a period of two years on the condition that the Company cease and desist unpermitted operations and comply with a payment plan for the remaining \$500 portion of the penalty. Order 02 required the Company to make a payments of \$150 on October 25, 2016, and \$350 on November 28, 2016.
- 4 Mr. Assin made his first payment of \$150 on October 25, 2016.
- 5 On November 21, 2016, Mr. Assin came to the Commission and spoke with Commission staff (Staff). Mr. Assin explained that he is currently experiencing financial hardship and requested an extension until December 28, 2016, to make his final \$350 payment.

6 On November 30, 2016, Staff filed a letter recommending the Commission amend Order 02 to extend the final payment deadline until December 28, 2016, because Mr. Assin proactively sought an extension prior to the date the payment was due.

DISCUSSION AND DECISION

7 We agree with Staff's recommendation and amend Order 02 to extend the due date for the remaining \$350 of the portion of the penalty that was not suspended until December 28, 2016. Because Mr. Assin has explained that he is financially unable to pay the \$350 penalty, the Commission's goal of compliance would not be furthered by imposing the suspended portion of the penalty at this juncture. Instead, the Commission's compliance goals are best served by preserving the suspension of the remaining \$4,500 penalty to ensure the Company refrains from operating as a household goods carrier without a permit for two years from the date of Order 02. If the Commission finds that the Company is advertising or engaging in household goods moving services without a permit, the \$4,500 suspended portion of the penalty will immediately become due and payable by the terms of Order 02.

FINDINGS AND CONCLUSIONS

- 8 (1) The Commission has jurisdiction over the subject matter of this proceeding and over Jean Francois Assin d/b/a Strong Muscles Movers aka Tchaman Movers pursuant to RCW 81.04.510, RCW 81.80.010, and RCW 81.80.075.
- 9 (2) On October 25, 2016, the Commission issued Order 02, which required Jean Francois Assin d/b/a Strong Muscles Movers aka Tchaman Movers to pay a \$5,000 penalty, a \$4,500 portion of which was suspended for a period of two years on the condition that the Company cease and desist unpermitted operations and comply with the payment plan for the remaining \$500 penalty.
- 10 (3) Jean Francois Assin d/b/a Strong Muscles Movers aka Tchaman Movers is unable to make the final \$350 payment due according to the payment plan set forth in Order 02.
- 11 (4) The Commission should amend Order 02 to extend the payment deadline for the remaining \$350 balance of the penalty until December 28, 2016, and preserve the

suspension of the remaining \$4,500 portion of the penalty on the condition that the Company ceases and desists advertising or engaging in household goods moving services without a permit according to the terms of Order 02.

ORDER

THE COMMISSION ORDERS:

- 12 (1) Order 02 is amended to reflect a December 28, 2016, due date for the remaining \$350 portion of the penalty that is not suspended. All other terms of Order 02 remain in full force and effect.
- 13 (2) The Commission retains jurisdiction over the subject matter and the parties to this proceeding to effectuate the terms of this Order.

DATED at Olympia, Washington, and effective December 7, 2016.

RAYNE PEARSON
Administrative Law Judge

NOTICE TO THE PARTIES

This is an initial order. The action proposed in this initial order is not yet effective. If you disagree with this initial order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this initial order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this initial order to file a *Petition for Administrative Review*. Section (3) of the rule identifies what you must include in any petition as well as other requirements for a petition. WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within (10) days after service of the petition.

WAC 480-07-830 provides that before the Commission enters a final order any party may file a petition to reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. The Commission will not accept answers to a petition to reopen unless the Commission requests answers by written notice.

RCW 80.01.060(3), as amended in the 2006 legislative session, provides that an initial order will become final without further Commission action if no party seeks administrative review of the initial order and if the Commission fails to exercise administrative review on its own motion.

You must serve on each party of record one copy of any Petition or Answer filed with the commission, including proof of service as required by WAC 480-07-150(8) and (9). To file a Petition or Answer with the Commission, you must file an original and **three (3)** copies of your Petition or Answer by mail delivery to:

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