

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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

CHERYL BALL d/b/a ACME MOVING
LABOR

DOCKET TV-161206

DECLARATION OF
MICHELLE SHEPLER

Michelle Shepler, under penalty of perjury under the laws of the State of Washington,
declares as follows:

1. I am employed by the Washington Utilities and Transportation Commission (Commission) as a Consumer Complaint Investigator in the Consumer Protection and Safety Division. As a Consumer Complaint Investigator, my responsibilities include conducting investigations regarding consumer rules of regulated utility and transportation companies. As part of those duties, I investigate consumer complaints or inquiries by researching the appropriate statute, rule, or tariff, and analyze data obtained from the company. I also provide consumer education.
2. On October 27, 2016, I was assigned a consumer inquiry regarding a dispute with Acme Labor Moving. From then until November 7, 2016, I received regular communications from the consumer. According to Commission policy, I documented all of my interactions, including telephone and email exchanges, with this consumer in the case report CAS-19893-J6C9Z3. A true and correct copy of that case report is attached to this declaration as Attachment A.
3. On October 27, 2016, the consumer explained the agreement entered into with the Company was for the packing and transportation of the consumer's belongings to a new residence and a storage unit. The consumer expressed concern with the Company's threat to quit the move, unless the consumer paid more money to the Company.
4. I called to follow up with the consumer and explained that Acme Moving Labor was not a UTC-permitted carrier. I provided my email so that the consumer could forward to me the estimate the Company had given.
5. On October 28, 2016, I received multiple emails from the consumer. The emails identified two individuals associated with the business: Mr. Kedric Jackson and Ms. Cheryl Ball.

6. I received the first email at 8:31 a.m. With this email, the consumer included the estimate received from the Company as an attachment. That estimate was designated with an estimate ID of "E1C0K6NI." The email the consumer sent to me also included an email exchange between the consumer and the Company, which indicated an agreement to pack and transport all of the consumer's household goods to a new residence and to a storage unit. A true and correct account of the email is included in the case report attached to this declaration as Attachment A. A true and correct copy of the estimate sent to me along with the consumer's email is attached to this declaration as Attachment B.
7. I received a second email from the consumer at 8:38 a.m., which included another email exchange between the consumer and the Company acknowledging agreement to the moving estimate "E1C0K6NI." The consumer also reported that the Company had threatened to quit the move if the consumer refused to pay more money. A true and correct account of the email is included in the case report attached to this declaration as Attachment A.
8. In the afternoon of October 28, 2016, I called the consumer. I learned that the consumer had paid the Company an additional \$2,000 for the move.
9. On October 29, 2016, at 5:18 p.m. I received another email from the consumer. The consumer reported that the move was not complete, but that the consumer was unsure of whether the Company would return to complete the move, expressing concern that the Company would again ask for more money. The consumer also described dissatisfaction with the performance of the Company. A true and correct account of the email is included in the case report attached to this declaration as Attachment A.
10. The last conversation I had with the consumer was on November 7, 2016, when the consumer called me. The consumer reported that the Company had quit the move and that the consumer was concerned some of the belongings may have been stolen.

DATED this 31st day of January, 2017, at Olympia, Washington.


MICHELLE SHEPLER
Consumer Complaint Investigator
Washington Utilities and Transportation
Commission

EXHIBIT A

Washington State Complaint: CAS-19893-J6C9Z3

Company: ACME NR

Industry: Household Goods Carriers

Customer: Donna Ellis

Account Number:

Service Phone: 253-334-6368

E-mail Address: iguanarn@msn.com

Service Address:

Complaint: CAS-19893-J6C9Z3

Type: Inquiry

Serviced By: Michelle Shepler

Grouped By: Disputed Bill

Opened On: 10/27/2016, 3:11:27 PM

Closed On: 11/9/2016, 8:47:17 AM

Disposition: Consumer Education

Amount Customer Saved:

Description:

....and now says he has to charge me more or he will stop packing & moving my stuff to storage. He had emailed me a flat rate price for the job, including tax, supplies, labor, everything. This was after he did an onsite visit & looked at all my belongings in my townhouse. I agree that I had tons of stuff...over 27 years of accumulation, that was piled up throughout the apartment to about 5/6 feet high. Yes, it was somewhat of a hoarding situation. BUT, I repeatedly told him "please OVERestimate the charges because you need to assume that there is tons of stuff underneath every pile you see".

EXHIBIT A

I hid nothing from him, told him every piece of furniture & pile of stuff that was underneath other stuff & so on. He sent the flat-rate estimate & asked me to accept it via an online click, which I did. It was a total, all-inclusive price. Now he & the other workers are halfway through the pack & move and he says we have to talk about me paying more money because he "didn't realize there was so much stuff to pack & move. This was despite me telling him repeatedly to "overestimate the cost just to make sure!" He is now threatening to stop packing & moving midstream. I have no more money. I emptied my bank account & put money on my credit cards to pay the agreed-upon flat-rate price. He has keys & code access to my storage units & I worry that I will be stuck with no way to get the rest of the stuff out of my apartment(since I can't pay another packing/moving company with no money since I got all money out to pay his company! Also, I have never signed anything with ink on paper...only the online flat-rate estimate he sent me. I thought that was binding since he sent it & I signed online. I've been given no other paperwork, been told nothing about the legalities of paying more money & when that applies or how much it can legally be, if any amount. I have already arranged & have a cashiers check for my new residence. I've sent out address changes everywhere. I have to be out of this apartment by 10/31/2016, and am supposed to be living in my new place 11/1/2016. What can I do? I have no more money, I have a written flat-rate estimate, I've been given no paperwork nor signed anything except the online estimate & I'm afraid of losing all of my belongings or being stuck here with no way to get the rest of everything out of here!! Please help me!! Sent from my iPhone

Result:

Company is a non permitted household carrier. Consumer did say that they walked from move, not completing it. She will call me at a later date if she still wishes to file a complaint.

Violations

There are no violations for this case.

Activities

Activity Type: Email

Activity Date: 10/27/2016, 3:13:40 PM

EXHIBIT A

To: iguanarn@msn.com;

From: mshepler@utc.wa.gov

Subject: WA UTC Complaint CAS-19893-J6C9Z3 for Donna Ellis
CRM:0017177

Attachments: 0

Body:

Dear Ms. Ellis:

Please contact me to discuss your complaint against a moving company. I can be reached at 1-888-333-9882, Monday through Friday, 8:00 a.m. to 4:00 p.m.

Thank you,

Michelle Shepler
Consumer Complaint Investigator
1-888-333-9882 Office
mshepler@utc.wa.gov

Utilities and Transportation Commission
Respect. Professionalism. Integrity. Accountability.
www.utc.wa.gov

Activity Type: Phone Call

Activity Date: 10/28/2016, 7:45:00 AM

Direction: Outgoing

Customer: Donna Ellis

UTC POC: Michelle Shepler

Subject: voicemail from consumer

Description:

EXHIBIT A

Consumer left me a voicemail asking that I return her call.

Activity Type: Phone Call

Activity Date: 10/28/2016, 8:04:00 AM

Direction: Incoming

Customer: Donna Ellis

UTC POC: Michelle Shepler

Subject: Called consumer

Description:

Called consumer to get more information. - ACME Moving Labor LLC Explained that they are not a permitted carrier. Reviewed tariff if they were permitted. Consumer will stay in contact and agreed that I open a complaint after 3pm today. Provided my email so she could forward me estimate from company.

Activity Type: Activity

Activity Date: 10/28/2016, 8:31:00 AM

Contact:

Subject: Email from consumer

Attachments: 1

Description:

From: Donna Ellis [mailto:iguanarn@msn.com]

Sent: Friday, October 28, 2016 8:31 AM

To: Shepler, Michelle (UTC)

Subject: Fwd: Move 10/24/2016 Sent from my iPhone Begin forwarded message:

From: "acmemovinglabor@gmail.com via moverbase.com"

Date: October 21, 2016 at 8:58:11 AM PDT

To: "iguanarn@msn.com"

EXHIBIT A

Subject: Move 10/24/2016

Reply-To: "acmemovinglabor@gmail.com"

Hi Donna, I have put together a flat price rate of \$10,490.00 for your move. I tried to get your quote at \$10,000.00 flat but I could not do all the through work that must be completed by the end of the day this Friday. This flat rate covers all packing supplies, labor, debris disposal costs, transportation of all your household goods from your apartment to Safe Guard Storage and your new residence in Des Moines, Washington.

To view your quote, please click the link following URL and accept or deny this quote:

https://acmemovinglabor.moverbase.com/?mode=cl_viewquote&ek=2a4cc83765cc45f4ba3a080ba6f43eff

As I discussed with you yesterday, I do not want you to do anything but advise me and the crew on what is going to storage, new residence or to the dump for disposal. I truly look forward to working with you and I will be in touch this afternoon to answer any you may have.

Kedric Jackson

253-653-8635

jackson@acmemovinglabor.com

Acme Moving Labor, LLC

Activity Type: Activity

Activity Date: 10/28/2016, 8:38:00 AM

Contact:

Subject: Email from consumer

Attachments: 0

Description:

From: Donna Ellis [mailto:iguanarn@msn.com]

Sent: Friday, October 28, 2016 8:38 AM

To: Shepler, Michelle (UTC)

Subject: Fwd: Thank you for accepting moving estimate E1C0K6NI

EXHIBIT A

Ms. Shepler, I have "accepted" this via " a click" online....I have NOT physically & actually ever signed any contract or paper with them. And I've given him a cashiers check for \$5490.00 so far... On the first day, I asked him several times about signing paperwork & he repeatedly said "we'll do it later. I want to get to work & get my guys working." And his "guys" have worked their behinds & hustled!! It's just the sudden threats of quitting working for me if I don't pay more money according to the directive of "the boss", a person called "Cheryl Ball". Thank you for your phone call today. I hope this works out somehow. I don't want to harm or destroy a legitimate business!

Donna Ellis Sent from my iPhone Begin forwarded message:

From: "acmemovinglabor@gmail.com via moverbase.com"

Date: October 21, 2016 at 10:45:12 AM PDT

To: Subject: Thank you for accepting moving estimate E1C0K6NI Reply-To:

Dear Donna, Thank you for accepting moving estimate E1C0K6NI To view your estimate online, please visit the following URL:

https://acmemovinglabor.moverbase.com/?mode=cl_viewquote&ek=2a4cc83765cc45f4ba3a080ba6f43eff Thank you, Acme Moving Labor LLC

Activity Type: Activity

Activity Date: 10/28/2016, 8:45:00 AM

Contact:

Subject: Email from consumer

Attachments: 0

Description:

-----Original Message-----

From: Donna Ellis [mailto:iguanarn@msn.com]

Sent: Friday, October 28, 2016 8:45 AM

To: Shepler, Michelle (UTC)

Subject: Acme license numbers shown on website Acme Moving Labor Pacific, WA (206) 629-7147 <https://www.google.com/search?client=safari&hl=en-us&q=Acme+Moving+Labor&ludocid=16111071690374952076&kgs=7680126ba56e1853&shndl=-1&source=sh/x/kp/local&entrypoint=sh/x/kp/local#fpstate=lie>

Sent from my iPhone

EXHIBIT A

Activity Type: Phone Call

Activity Date: 10/28/2016, 2:10:00 PM

Direction: Outgoing

Customer: Donna Ellis

UTC POC: Michelle Shepler

Subject: Call from consumer

Description:

Consumer states that company only charged her \$2000 more and willing to take payments. Once move is completed consumer will call back to open a complaints.

Activity Type: Activity

Activity Date: 10/29/2016, 5:18:00 PM

Contact:

Subject: Email from consumer

Attachments: 0

Description:

From: Donna Ellis [mailto:iguanam@msn.com]

Sent: Saturday, October 29, 2016 5:18 PM

To: Shepler, Michelle (UTC)

Subject: Update

In case anything else strange or weird happens, I want to be sure to get this info to you about my moving company issue. The "boss" told me yesterday(Friday) that he'd be back today at 7am with eight assistants to get this done. At 638a, he texted & said "be there in 5 minutes. He showed up at my door with one guy (but another guy did come to the door later when I was looking down the stairwell.) He was very cold & unfriendly & wasn't talking much to me. They worked here till 1045a & said they were going to take this load of stuff to my storage....this was typical of how a day

EXHIBIT A

went. I'd go downstairs & lock up everything & turn off lights etc. (since I was always banished to my room upstairs & asked to not talk or ask questions nor ask what was put in storage & what got thrown away). He got upset with me trying ask about trashed items, and I was allowed no input as to what was thrown away. Granted, it's a pack rat or hoarding sort of situation. But his people had been throwing away things like undeveloped rolls of film from my Nikon camera, rings & earrings in original little boxes you get them in when you buy them. Lots of stuff was ending up on the floor, stepped on by them, and I think one his people would see a crushed box & throw it away without looking inside! Collectible Russian Revolution memorabilia, that probably looked like junk to them, just so many things I would find after they left, when I would look in trash bags & boxes all over the floor. Anyway, I was not permitted to have any say-so over what got trashed. So then I asked him, are you coming back tomorrow(Sunday) or was it Monday. He then said, "Cheryl"(the owner) was coming to talk to me & she would tell me. I'm thinking they are going to hit me up for MORE money again! I'll have to wait & see. I've been sitting here for 6 hours waiting, when had said a couple hours... So that's the latest. All the best, Donna Ellis Sent from my iPhone

Activity Type: Phone Call

Activity Date: 11/4/2016, 2:34:00 PM

Direction: Incoming

Customer: Donna Ellis

UTC POC: Michelle Shepler

Subject: Voicemail

Description:

Left consumer a message that I was checking up on if company delivered her goods, etc. Left 888# and work hours.

Activity Type: Phone Call

Activity Date: 11/7/2016, 10:30:00 AM

Direction: Incoming

EXHIBIT A

Customer: Donna Ellis

UTC POC: Michelle Shepler

Subject: Called consumer

Description:

Called consumer to check on how the move went. Consumer stated that company walked away. She has found friends to help her move. She did look through some of the boxes that movers moved into storage. She believes that some items have been stolen. I suggested that she files a police report. She will call me at a later date if she still wishes to file a complaint.

Activity Type: Phone Call

Activity Date: 12/2/2016, 9:26:00 AM

Direction: Incoming

Customer: Donna Ellis

UTC POC: Michelle Shepler

Subject: Voicemail

Description:

Left consumer a voicemail asking her to return my call. Left 888#.

EXHIBIT B

ESTIMATE ID: E1C0K6NI

ACCEPTED

ESTIMATE DETAILS:

Acme Moving Labor LLC

2536538635
acmemovinglabor@gmail.com



DONNA ELLIS MONDAY, OCTOBER 24 2016

Created: 10/21/2016 6:41AM Updated: 10/21/2016 8:23AM

JOB INFORMATION:

DATE:	10/24/2016	ORDER ID:	E1C0K6NI
START TIME:	8:00AM-6:00PM	JOB CONFIRMED?	ACCEPTED ONLINE
CONTACT:	Donna Ellis	ESTIMATE DATE:	NOT ASSIGNED
MAIN PHONE:	2533346368	ESTIMATOR:	NOT ASSIGNED
MAIN EMAIL:	iguanarn@msn.com	CLIENT ID:	C1C0K6NI (RESIDENTIAL)

ESTIMATE:

ESTIMATED PRICE: \$10,490.00

Pay Type: Flat Rate Movers: 4 Truck Size: 26 CuFt

ITEM	DESCRIPTION	RATE	QTY	TAX	AMOUNT
FLAT RATE PRICE		\$10,490.00	1	N	\$10,490.00
		SUB-TOTAL			\$10,490.00
				TAX 9.50%	\$0.00
		TOTAL			\$10,490.00

ADDRESSES:

PICK UP 1:

5932 South 235th Street
Kent, WA 98032

DROP OFF 1:

22441 15th Avenue South Level: Ground
Seattle, WA 98198

INVENTORY:

NO INVENTORY ASSIGNED

SUPPLIES:

EXHIBIT B**NO SUPPLIES REQUESTED****NOTES:**

This is a four day, two phase move, that consist of a lot of reorganization of prepackaged boxes, packing of boxes new and used, several debris disposal trips, the transportation of the prepackaged boxes and packed boxes to temporary storage at Safe Guard Storage, in Kent, Washington with a final destination unload in Des Moines, Washington.

As discussed, Acme Moving Labor will begin part one of this move on October 24th, and 25th, and part two on 27th and 28th, 2016. Part one of this move begins on the first floor of a two floor apartment. Acme Moving Labor will immediately clear the front door, entrance and stair well of all household goods so that Donna has a safe pathway to walk.

After the mentioned areas have been cleared, Acme Moving Labor will begin sorting and packing the household goods on the first floor of the apartment only. The goal of the first day is to sort and pack with the possibility of transporting some household goods to the Safety Guard Storage.

The second day of the moves is to finish all the sorting, packing and take all the packed household goods to Safe Guard Storage. Return to residence to remove all debris that has been designated for disposal to dump.

The third day of this move is to sort and pack the upstairs household goods except all the household goods in the master bedroom. Acme Moving Labor will pack most upstairs bathroom, hall, closet, and guest bedroom household goods. After packing these areas, Acme Moving Labor will transport upstairs household goods to Safe Guard Storage.

The fourth and final day Acme Moving Labor will sort and pack the rest of upstairs. This final part will consist of household goods going to Safe Guard Storage and to final destination in Des Moines, Washington, and final disposal run to the dump.

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