

**Docket No. TV-190023 - Vol. I**

**In the Matter of: BM Logistics LLC d/b/a Bogdan  
Movers**

**February 25, 2019**



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BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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In the Matter of Determining ) DOCKET TV-190023  
the Proper Carrier Classification )  
of, and Complaint for Penalties )  
Against: )  
) )  
) )  
) )  
BM LOGISTICS LLC d/b/a BOGDAN )  
MOVERS )  
) )  
) )

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MOVER'S COURT, VOLUME I

Pages 1-40

ADMINISTRATIVE LAW JUDGE LAURA CHARTOFF

February 25, 2019

9:00 a.m.

Washington Utilities and Transportation Commission  
1300 South Evergreen Park Drive Southwest  
Olympia, Washington 98504

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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

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A P P E A R A N C E S (Cont.)

ALSO PRESENT:

OREST MOMOTYUK

\* \* \* \* \*

1 OLYMPIA, WASHINGTON; FEBRUARY 25, 2019

2 9:00 A.M.

3 --o0o--

4 P R O C E E D I N G S

5

6 JUDGE CHARTOFF: Good morning. We are on  
7 the record. Today is Monday, February 25th, 2019, and  
8 the time is approximately 9:05 a.m. My name is Laura  
9 Chartoff. I am an administrative law judge with the  
10 Washington Utilities and Transportation Commission.

11 There are six household goods carriers who  
12 should be here today. So the first thing I will do is  
13 see who's here. There is a court reporter who is  
14 recording everything we say, so when I call your name,  
15 please raise your hand and say "here" or "present." And  
16 if you are on the bridge line, just say -- identify  
17 yourself.

18 So the first one is Docket TV-180519, Galaxy  
19 Moving Company?

20 Okay. Hearing nothing, Docket TV-180798,  
21 Pro Movers LLC, doing business as Groovin Movin?

22 Okay. Hearing nothing, Docket TV-190023, BM  
23 Logistics LLC, doing business as Bogdan Movers?

24 MR. WALSH: Present with counsel.

25 JUDGE CHARTOFF: Thank you.

1 Okay. TV-180843, Stage 7 Movers?

2 MR. WILDES: This is Ken Wildes. I'm the  
3 owner of Stage 7 Pianos.

4 JUDGE CHARTOFF: Thank you.

5 Okay. Docket TV-190020, Royal Moving?

6 MR. THEIS: Here.

7 JUDGE CHARTOFF: Thank you.

8 And Docket TV-190022, Mover For You?

9 MR. SACCHETTI: This is Mark Sacchetti,  
10 owner/president of Mover For You LLC.

11 JUDGE CHARTOFF: Thank you.

12 Okay. So there are two companies who are  
13 not here today. Those companies may be held in default.  
14 I will deal with that later this morning.

15 Okay. So you are here because the  
16 Commission has information that your company is or was  
17 operating or advertising as a household goods carrier  
18 without a permit. Operating as a household goods  
19 carrier without the permit is illegal and subject to a  
20 penalty of up to \$5,000 per violation.

21 If you are found to have engaged in business  
22 as a household goods carrier without a permit, the  
23 Commission can order you to cease and desist operating  
24 and impose the penalty. The Commission has initiated  
25 enforcement action against you and your business and at

1 this preliminary hearing, I am going to ask you how you  
2 want to proceed.

3 So there are two options today. So option A  
4 is to agree to cease and desist operating as an  
5 unpermitted household goods carrier. If you choose this  
6 option, you must agree to stop providing, offering, or  
7 advertising unpermitted household goods services unless  
8 or until you receive a household goods permit from the  
9 Commission.

10 If you choose this option, you will need to  
11 show what you have done to shut down your business  
12 either completely or partially, and I'm going to want to  
13 see proof that you're no longer operating or  
14 advertising.

15 If you were operating without a permit but  
16 have since applied for and obtained a permit in advance  
17 of that hearing, please let me know when I call you up.  
18 In that case, you can continue to operate so long as you  
19 maintain your permit, but Staff will want you to agree  
20 that you will stop operating if you lose that permit.

21 Okay. So that was option A. Option B is to  
22 ask for a classification hearing, and you would choose  
23 option B if you believe that you are not operating  
24 illegally and that your business is not subject to  
25 regulation from the Commission. In other words, you'd

1 be denying that you offer or advertised household goods  
2 services.

3           So if you choose this option, we will  
4 schedule a formal evidentiary hearing where you will be  
5 required to present proof that your business is not  
6 within the regulatory jurisdiction of the Commission.  
7 And the hearing will be set in the next two months with  
8 a deadline a week before the hearing for both you and  
9 Commission Staff to list your witnesses and file any  
10 exhibits. So I have some dates available. We'd be  
11 looking at the end of March, beginning of April, or  
12 possibly into May.

13           So Brian Braun will be speaking for  
14 Commission Staff this morning. If you have not already  
15 met Mr. Braun, he is seated at the table to my right.  
16 He is a Commission compliance investigator.

17           So now that we've gone over your choices, I  
18 will explain what else will happen this morning. So in  
19 a few minutes, I will call you up here to make your  
20 choice, and at that time, I will swear you in so that  
21 anything you tell the Court will be under oath. And  
22 once you're sworn in, I will ask if you understand your  
23 choices for today's hearing and ask you to state your  
24 choice. If there's anything else you want to explain to  
25 me at this time, you will have a chance to do that.



1           And if you choose option A, that is to  
2 testify how you're going to comply with the household  
3 goods carrier laws and rules, whether by getting out of  
4 the business or by maintaining your permit, you can  
5 explain how you plan to do that. And depending on what  
6 proof you can provide, you may be given an opportunity  
7 to meet with Staff during the break to negotiate an  
8 agreed order to resolve this matter. The agreed order  
9 will also deal with the penalty.

10           So you were each served with a complaint  
11 that asked the Commission to penalize you for engaging  
12 in business as a household goods carrier without a  
13 permit. The law sets the maximum penalty at \$5,000 per  
14 violation. Staff will recommend a penalty, and you will  
15 have a chance to reach agreement with Staff about the  
16 penalty amount. If you're unable to agree, Staff will  
17 explain the recommendation, but the Commission will make  
18 the final decision about the penalty amount.

19           And finally, if you choose option B, that is  
20 you're denying that you're operating as a household  
21 goods mover, we will schedule another hearing. And in  
22 that case, it would help if you know your schedule for  
23 the next month or two so we can choose a hearing date.

24           So, Staff, I'll swear you in now.

25           (Brian Braun sworn.)

1 JUDGE CHARTOFF: Thank you.

2 Okay. And I'll call the carriers. I'll  
3 start with BM Logistics LLC, Bogdan Movers. Please come  
4 forward. So please make sure your microphone is turned  
5 on and you probably have to pull it towards you.

6 MR. WALSH: We can share?

7 JUDGE CHARTOFF: Sure, sure. It's just so  
8 people on the bridge line can hear what's going on.  
9 Okay. So please -- so are you counsel?

10 MR. WALSH: Yes, I am. If I can introduce  
11 myself? My name is Sean Walsh, counsel for BM Logistics  
12 LLC. And on my right here is Orest Momotyuk. He is  
13 vice president of BM Logistics.

14 JUDGE CHARTOFF: What was the first name?

15 MR. WALSH: Orest, O-r-e-s-t.

16 JUDGE CHARTOFF: Okay.

17 MR. WALSH: Momotyuk, M-o-m-o-t-y-u-k.

18 JUDGE CHARTOFF: Orest Momotyuk?

19 MR. MOMOTYUK: Correct.

20 JUDGE CHARTOFF: Okay. Thank you. So do  
21 you understand the options that I presented this  
22 morning?

23 MR. MOMOTYUK: Yes.

24 JUDGE CHARTOFF: And have you made a  
25 decision?

1 MR. MOMOTYUK: Yes.

2 JUDGE CHARTOFF: Are you --

3 MR. WALSH: We're requesting a hearing.

4 JUDGE CHARTOFF: You're requesting a  
5 hearing? Okay. Do you have your calendar with you?

6 MR. WALSH: I do.

7 JUDGE CHARTOFF: Okay. So I'm looking at --  
8 I have the last week of March, the first week of April.  
9 And should I read off the dates?

10 MR. WALSH: I have availability both those  
11 weeks, but not every day.

12 JUDGE CHARTOFF: Oh, okay. I've got March  
13 25th, 26th, 27th, or I've got April 1st through 4th.

14 MR. WALSH: The 27th is available.

15 JUDGE CHARTOFF: Does that work for Staff?

16 MR. BRAUN: Yes.

17 JUDGE CHARTOFF: Yeah? March 27th.

18 So can I ask why -- oh, you can bring the  
19 microphone towards you. So your client is disputing  
20 that they were operating or advertising?

21 MR. WALSH: That is correct. The business  
22 was transferred to a different company that does have a  
23 permit. It was in the process. The website is managed  
24 by an individual in Philadelphia who had not updated the  
25 website prop- -- fully. The business is now completely

1 transferred, but the website is now still down for  
2 maintenance to make sure that it is in full compliance.

3 The company BM Logistics actually never  
4 performed any moving services for anybody. They were  
5 originally going to be merely a broker, brokerage-type  
6 company where they connected to other moving companies.  
7 And they -- the main business of Bogdan Delivery is  
8 brokerage of long haul trucking. This was seen as a  
9 side business that might allow people who have trucks  
10 that aren't doing anything for the moment to do  
11 something.

12 And in 2017, they decided to try this as an  
13 alternative business model. They ran into this  
14 particular issue back in October of 2017. They did  
15 apply for the permit at that time, they looked at it  
16 further, decided that this was not a lucrative business  
17 model, and began the process of transferring the company  
18 to another company.

19 JUDGE CHARTOFF: Oh, okay. And are you  
20 aware of -- in Docket 170746, believe there's a -- there  
21 was a prior cease and desist order?

22 MR. WALSH: Yes.

23 JUDGE CHARTOFF: And are you aware of  
24 Staff's letter in that docket asking the Commission to  
25 impose the suspended penalty?

1 MR. WALSH: Yes.

2 JUDGE CHARTOFF: Okay. Would you be --  
3 would you want to consolidate those two matters --

4 MR. WALSH: Very much.

5 JUDGE CHARTOFF: -- for a hearing? Okay.

6 MR. WALSH: I haven't received an actual  
7 order or anything from -- just that letter.

8 JUDGE CHARTOFF: Right. Yeah, the -- the  
9 letter was sent, now it's pending Commission action.

10 Does Staff have anything they want to add?

11 MR. BRAUN: No, Your Honor.

12 JUDGE CHARTOFF: Oh, okay. So we will -- so  
13 I'll set that hearing for 9:30 a.m. on March 27th, and  
14 I'll get a notice out this afternoon or tomorrow. So  
15 and if there's -- is there anything further?

16 MR. WALSH: I don't believe so.

17 JUDGE CHARTOFF: Oh, okay. So you are free  
18 to go. Thank you for coming down.

19 Okay. Let's see, so I'm -- okay. So the --  
20 next I'll call Docket TV-180843, Stage 7 Pianos.

21 MR. WILDES: Okay. I'm here.

22 JUDGE CHARTOFF: Still here, okay. So that  
23 was -- can you repeat your first and last name and spell  
24 your last name for the court reporter?

25 MR. WILDES: Kenneth Wildes, W-i-l-d-e-s.

1 JUDGE CHARTOFF: And what is your position  
2 with the company?

3 MR. WILDES: I'm the owner.

4 JUDGE CHARTOFF: Okay. And I -- I  
5 understand that you and Staff entered into an agreed  
6 order; is that correct?

7 MR. WILDES: Yep.

8 JUDGE CHARTOFF: Okay. Staff -- oh,  
9 Mr. Braun, do you want to bring me up a copy of the  
10 order?

11 MR. BRAUN: Absolutely.

12 JUDGE CHARTOFF: So I'm going to go through  
13 the order right now. So, Mr. Wildes, you had a chance  
14 to review the whole order?

15 MR. WILDES: Yes, I did.

16 JUDGE CHARTOFF: And do you understand it?

17 MR. WILDES: I do understand it.

18 JUDGE CHARTOFF: Okay. And I see that you  
19 and Mr. Braun have both signed it. Okay. It looks like  
20 there's two violations in this case; one for offering a  
21 move and one for advertising a move.

22 MR. WILDES: Yes.

23 JUDGE CHARTOFF: And a \$5,000 penalty is  
24 imposed, a \$4,500 portion of the penalty is suspended  
25 for a period of two years and then waived provided that

1 your company refrains permanently from further  
2 operations as a household goods carrier without first  
3 obtaining a permit.

4 MR. WILDES: Yes.

5 JUDGE CHARTOFF: Okay. And so the order to  
6 cease and desist is permanent. It never expires. So if  
7 Staff discovers you are still operating even after two  
8 years, Staff can go straight to Superior Court and ask  
9 for higher penalties. So do you understand that part?

10 MR. WILDES: Yes.

11 JUDGE CHARTOFF: Okay. So it's very  
12 important that you follow the law. And let me see.

13 So is the entire part -- amount getting paid  
14 today?

15 MR. BRAUN: I'm not for sure, Your Honor --

16 MR. WILDES: I --

17 MR. BRAUN: Go ahead.

18 MR. WILDES: So I believe that I'm -- I'm  
19 expecting to pay \$500 today, and I -- I can do that.

20 JUDGE CHARTOFF: Okay. So do you have any  
21 questions about the order, Mr. Wildes?

22 MR. WILDES: Nope. It's very clear about  
23 it.

24 JUDGE CHARTOFF: Okay. I'll go ahead and  
25 sign it. Mr. Wildes, do we have your permission to

1 serve this order electronically by email?

2 MR. WILDES: Yes, that's -- that's good.

3 JUDGE CHARTOFF: Okay. Mr. Braun, do we  
4 have his email?

5 MR. BRAUN: I do, Your Honor.

6 JUDGE CHARTOFF: Okay. Okay. Anything  
7 further?

8 MR. BRAUN: No, Your Honor.

9 JUDGE CHARTOFF: Okay. You're free to go,  
10 and we'll get this order sent to you today. Thank you.

11 MR. WILDES: Thank you so much, Your Honor.

12 MR. BRAUN: Thanks.

13 JUDGE CHARTOFF: Okay. Okay. So next I'm  
14 going to call Docket TV-190020, Royal Moving.

15 MR. THEIS: Hello, Your Honor.

16 JUDGE CHARTOFF: Good morning. Okay. Okay.  
17 So can you please state your first and last name --

18 MR. THEIS: Yes.

19 JUDGE CHARTOFF: -- spelling your last name  
20 for the record?

21 MR. THEIS: Jake --

22 JUDGE CHARTOFF: You can --

23 MR. THEIS: Jake --

24 JUDGE CHARTOFF: -- pull that closer to you.

25 MR. THEIS: All right. Jake Theis,



1 T-h-e-i-s, and I'm the owner.

2 JUDGE CHARTOFF: And do you understand the  
3 options I laid out today?

4 MR. THEIS: Yes.

5 JUDGE CHARTOFF: Do you know how you want to  
6 proceed?

7 MR. THEIS: Yes, option A. There was a --  
8 just a little bit of com- -- miscommunication. I  
9 actually purchased a new truck, and then on my old  
10 truck, it cancelled out my permit. And I paid for my  
11 new truck for the insurance for the year, and the  
12 insurance company that I used, they go through another  
13 insurance company. And they didn't send the information  
14 over to UTC, which actually I was operating without the  
15 permit at the time. But my insurance actually  
16 reimbursed me the \$500 to reinstate the new permit, and  
17 I was issued the new -- new permit last week. So I have  
18 that here for my new permit as well.

19 JUDGE CHARTOFF: And in order to -- in TV --  
20 there was a prior docket, TV-170972, in which you had a  
21 suspended penalty; are you aware of that?

22 MR. THEIS: Correct. Well, that was because  
23 I was operating with -- without the permit, but that was  
24 due to the cancellation of my truck insurance. So  
25 that's -- and the insurance company -- I mean, I paid

1 them all in full at once for the new truck insurance,  
2 but they -- it's through TOP -- TOP Insurance and they  
3 work through Columbia Insurance. Well, Columbia  
4 Insurance didn't send that new information to the UTC.

5 So for those two months, I figured I had a  
6 permit, but at the same time I didn't through UTC, but  
7 because of miscommunication, the insurance was offering  
8 the reimbursement of the \$500.

9 JUDGE CHARTOFF: Oh, okay. So are you aware  
10 of Staff's letter seeking -- their letter dated February  
11 7th seeking to impose that suspended penalty?

12 MR. THEIS: Yes, yeah.

13 JUDGE CHARTOFF: Okay. Is -- so I guess I  
14 want to ask you and Mr. Braun if -- if you want to  
15 discuss the other -- the suspended penalty as well and  
16 deal with that today?

17 MR. THEIS: I thought -- I thought it was  
18 all one -- one matter, that it was all one whole thing.  
19 I spoke with Sue -- Suzanne Stillwell and Mike Dotson,  
20 and they actually issued me the whole new permit because  
21 it was all just a miscommunication through UTC and the  
22 insurance.

23 JUDGE CHARTOFF: Okay.

24 MR. THEIS: I thought I complied with  
25 everything I that needed to do. Every information that

1 I got, I either called UTC or the insurance, they told  
2 me what I needed to do, but it was kind of the middle  
3 insurance company that didn't send the information over  
4 in time. So but as of now, I do have the permit and  
5 everything's gone through so...

6 JUDGE CHARTOFF: Good. Good.

7 So, Mr. Braun, do you want to -- during the  
8 break, do you -- any objection to talking about the  
9 other penalty as well?

10 MR. BRAUN: No, Judge. We'll talk about it  
11 during the break.

12 JUDGE CHARTOFF: Okay. Okay. So yeah, when  
13 we take a break, you can talk to Staff and see if you  
14 can come to an agreed order.

15 MR. THEIS: Okay.

16 JUDGE CHARTOFF: And -- and once you feel  
17 comfortable that you understand the order and you agree  
18 with it, you and Mr. Braun will both sign it. It will  
19 likely include an agreed penalty amount, and if not, you  
20 can explain why the penalty should be different than  
21 what Staff is recommending.

22 MR. THEIS: Okay.

23 JUDGE CHARTOFF: Okay. Any questions?

24 MR. THEIS: Nope.

25 JUDGE CHARTOFF: Okay. So please return to

1 your seat, and you can speak to Mr. Braun at the break.

2 MR. THEIS: Thank you.

3 JUDGE CHARTOFF: Thank you.

4 Okay. So next I'm going to call Mover For  
5 You LLC, Docket TV-190022.

6 MR. SACCHETTI: This is Mark Sacchetti,  
7 president/owner of Mover For You. Last name is spelled  
8 S-a-c-c-h-e-t-t-i.

9 JUDGE CHARTOFF: Thank you. Oh, okay. I  
10 need to swear you in.

11 (Mark Sacchetti sworn.)

12 JUDGE CHARTOFF: Okay. Thank you. So,  
13 Mr. Sacchetti, do you understand your options here  
14 today?

15 MR. SACCHETTI: Yes, ma'am.

16 JUDGE CHARTOFF: And do you --

17 MR. SACCHETTI: Yes, I (inaudible )operating  
18 as a household goods carrier. I have reapplied for  
19 my --

20 JUDGE CHARTOFF: Hold on. Mr. Sacchetti, I  
21 can't hear you very well. Could you get a little closer  
22 to the phone?

23 MR. SACCHETTI: Is that better? Is that  
24 better? Is that any better?

25 JUDGE CHARTOFF: It's a little better.

1 Okay. Can you start again, please? Are you still  
2 there?

3 MR. SACCHETTI: Is that any better?

4 JUDGE CHARTOFF: Yes, that's better. Thank  
5 you.

6 MR. SACCHETTI: Okay. Great, okay. Yes, I  
7 have -- I have stopped operating as a household goods  
8 carrier until I get my temporary license back, my  
9 temporary number back. I had applied back in August for  
10 my temporary number. I -- I thought all of my  
11 insurances were in place, and my insurance agent at the  
12 time did tell me that everything was compliant for  
13 Washington Utilities Commission for me to actually apply  
14 for a temporary number.

15 I did so. I was granted that temporary  
16 number and then received in October that it wasn't -- I  
17 did not have the proper coverages. So since then, I've  
18 been scrambling to get the proper cargo coverage that  
19 was stated. It was actually, the coverage was stated on  
20 my certificate of insurance, but for some reason, it --  
21 it wasn't applied to my policy. I -- I don't know why.

22 But anyway, I have gotten the proper  
23 coverages, and I just this morning re-sent everything  
24 with the application fee and everything to Michael  
25 Dotson to try to expedite this process after I take care

1 of whatever fines, and whatever the situation I have  
2 with this, I'm hoping to be able to move forward after  
3 that.

4 So I'm not sure how to go from there. Like  
5 I spoke with Brian a little bit this morning about the  
6 situation. And like I said, I just wanted to be  
7 compliant. I'm just -- I thought I was and then I  
8 wasn't, and now that brings me to today's hearing. So  
9 but -- so that's where I am. So I think -- I think I  
10 want to go with option A until I can get the temporary  
11 permit again. It's -- that's not clear.

12 JUDGE CHARTOFF: Okay. Okay. So you would  
13 like to talk to Staff to see if you can come to an  
14 agreed order?

15 MR. SACCHETTI: Yes, ma'am.

16 JUDGE CHARTOFF: And is Staff okay with  
17 that?

18 MR. BRAUN: Yes, Your Honor.

19 JUDGE CHARTOFF: So I want to figure out how  
20 we're going to -- how you're going to connect with  
21 Mr. Sacchetti during the break. Do you have his phone  
22 number?

23 MR. BRAUN: I do. I have his cell phone.

24 JUDGE CHARTOFF: Okay. So is the plan that  
25 at some point in the next hour, I suppose, you're going

1 to give Mr. Sacchetti a call and see if you can  
2 negotiate an agreed order?

3 MR. BRAUN: Correct.

4 JUDGE CHARTOFF: Okay. And, Mr. Sacchetti,  
5 can you stay near your phone for the next -- at least  
6 the next hour until Mr. Braun gives you a call?

7 MR. SACCHETTI: Yes, ma'am, absolutely.

8 JUDGE CHARTOFF: Okay. And then after --  
9 after your negotiations with him, we're going to  
10 reconvene this proceeding, and then you'll have to call  
11 back in on the bridge line to participate in the -- in  
12 the second half when we approve the orders if you're  
13 able to come to one.

14 MR. SACCHETTI: Okay. One thing, will that  
15 be today, will that be a later date?

16 JUDGE CHARTOFF: Yeah, yeah. So what  
17 happens is after we take a break and Mr. Braun has a  
18 chance to meet with the parties, we'll go back on the  
19 record and I will approve -- I will go through and  
20 approve the orders. So in --

21 MR. SACCHETTI: Okay.

22 JUDGE CHARTOFF: -- hopefully we'll get this  
23 done quickly, but -- yeah, we'll -- we'll see how long  
24 that takes, however long it takes. Okay. Do you have  
25 any questions, Mr. Sacchetti?

1 MR. SACCHETTI: No, ma'am. No, Your Honor.

2 JUDGE CHARTOFF: Oh, okay. So -- okay.

3 MR. SACCHETTI: Just wait by my phone for  
4 Brian and then we'll go forward from there.

5 JUDGE CHARTOFF: Yep. Okay. Thank you.

6 MR. SACCHETTI: Awesome. Thank you. Have a  
7 good morning.

8 JUDGE CHARTOFF: So before we move on, let  
9 me re-call the parties who did not appear. Is there  
10 anyone from Galaxy Moving Company on the bridge line or  
11 in the room? Okay. Hearing nothing, and is there  
12 anyone from Pro Movers LLC, doing business as Groovin  
13 Movin? No, okay. So we'll deal with those after the  
14 break.

15 Have you heard from either of those parties?

16 MR. BRAUN: I have not heard from either  
17 party since I called them about the adjournment due to  
18 the inclement weather. Galaxy Moving individual was,  
19 we'll say, adversarial in all talks. So and then as for  
20 Pro -- Movin Groovin, I'm not sure where he's at. I  
21 haven't heard anything. I can -- during the break, I'll  
22 also check my phone, my office line, and see if he left  
23 any messages or anything from that.

24 JUDGE CHARTOFF: Okay. Anything else before  
25 we take a break?



1 MR. BRAUN: No, Your Honor.

2 JUDGE CHARTOFF: Okay. We are in recess.

3 (Recess taken from 9:33 a.m.

4 until 10:34 a.m.)

5 JUDGE CHARTOFF: Okay. We are back on the  
6 record. I understand that the cease and desist orders  
7 have been explained to each company. I'll call you back  
8 one at a time, and the order that I'm going to call  
9 people back is first Royal Moving followed by Mover For  
10 You. Then we'll do Pro Movers, doing business as  
11 Groovin Movin and finally Galaxy Moving.

12 So -- okay. Mr. Theis, I -- I think I  
13 forgot to swear you in this morning. So I'm going to  
14 swear you in right now, okay?

15 MR. THEIS: Yes.

16 (Jake Theis sworn.)

17 JUDGE CHARTOFF: Thank you. Okay. So,  
18 Mr. Theis, did you have a chance to read the whole  
19 order?

20 MR. THEIS: Yes.

21 JUDGE CHARTOFF: And do you understand it?

22 MR. THEIS: Yes.

23 JUDGE CHARTOFF: And I see that you and  
24 Mr. Braun have both signed it. Okay. And the penalty  
25 is \$5,000. The 4,000 portion of the penalty is

1 suspended for a period of two years from the date of  
2 this order and waived thereafter. So you have your  
3 permit --

4 MR. THEIS: Yes.

5 JUDGE CHARTOFF: -- correct?

6 Does he have his permit?

7 Okay. So this would -- the suspended  
8 portion of the penalty would -- would be unsuspended,  
9 would be due, if you lose your permit and continue to  
10 operate.

11 MR. THEIS: Okay.

12 JUDGE CHARTOFF: And there's no payment  
13 schedule it looks like. Payment will be made today?

14 MR. THEIS: Correct, yes.

15 JUDGE CHARTOFF: Do you have any questions  
16 about this order?

17 MR. THEIS: No, ma'am.

18 JUDGE CHARTOFF: Is there a recommendation  
19 on -- does Staff have a recommendation on the other  
20 docket, which is order TV -- Docket TV-170972?

21 MR. TURCOTT: Yes, Your Honor. Mike Turcott  
22 for Commission Staff, and we discussed this. This was a  
23 previous docket where the Commission imposed a \$5,000  
24 penalty and suspended all but \$500 of it. And after  
25 discussing with Mr. Theis, understanding his financial

1 circumstances and compliance history, Staff believes  
2 that it would be the best interest of both parties that  
3 the suspended portion remain suspended as an incentive  
4 for the company to remain within compliance.

5 JUDGE CHARTOFF: Thank you.

6 Okay. So that other docket, I will take  
7 that under advisement, and we will issue a separate  
8 letter. And I believe we -- the -- I can say the  
9 Commission will suspend -- continue to suspend that --  
10 the \$4500 in the other proceeding.

11 MR. THEIS: Okay. Thank you so much.

12 JUDGE CHARTOFF: So I'm going to sign this  
13 order, and I will hand this back to Staff. So you don't  
14 have any other questions?

15 MR. THEIS: Nope.

16 JUDGE CHARTOFF: Okay. We are going to get  
17 a copy to you, and once you have that copy, you're free  
18 to go.

19 MR. THEIS: All right. Thank you.

20 JUDGE CHARTOFF: Okay. So the next party  
21 I'm going to call is Mover For You.

22 MR. SACCHETTI: This is Mark Sacchetti,  
23 owner/president of Mover For You.

24 JUDGE CHARTOFF: Okay. So I understand -- I  
25 have an order here that is not signed. So tell me,

1 Mr. Sacchetti, what -- what you agree to and what you --  
2 and --

3 MR. SACCHETTI: We -- we -- I talked with  
4 both Mr. Braun and Mr. Turcott over the phone. I'm  
5 heading back to my office to sign the agreement right  
6 now, once I can pull it up and print it. But I have --  
7 I have agreed to both fines that were placed on me,  
8 suspended down to a thousand dollars with a suspension  
9 lasting two years to make sure I get compliant.

10 I am working on getting compliant, and I am  
11 going to be making a payment of a hundred dollars  
12 today -- today towards that fine and then a hundred  
13 dollars per month until it's paid off with the  
14 understanding of also knowing that -- that I'm still  
15 under the suspension and trying to -- and doing all the  
16 things for my application and to get compliant so --

17 JUDGE CHARTOFF: Oh --

18 MR. SACCHETTI: -- that's what I agreed to  
19 when I talked to them on the phone.

20 JUDGE CHARTOFF: Oh, okay. So this is  
21 the -- so you're intending to sign this later today?

22 MR. SACCHETTI: Yeah, I am heading up --  
23 I -- I'm -- I -- I can't print it up right now, but  
24 within the next ten minutes I'll be in my office, be  
25 able to print it, sign it, and scan it right back to

1 them.

2 JUDGE CHARTOFF: Okay. Okay. And do you  
3 have any questions about the order?

4 MR. SACCHETTI: No, no questions, no.

5 JUDGE CHARTOFF: Okay. All right. So I  
6 will -- okay. Typically we sign these here, but since I  
7 can't do that, I -- please sign the order and return it  
8 to us. If we don't get it within the next twenty -- I  
9 guess, 48 hours, I will have to go ahead and issue an  
10 order, but if you sign this, then I assume Mr. Braun  
11 will sign it and I will sign it and we will -- it will  
12 be in effect.

13 MR. SACCHETTI: Thank you, Your Honor.

14 JUDGE CHARTOFF: Does that make sense?

15 MR. BRAUN: The only thing I ask, Your  
16 Honor, is that Mr. Sacchetti agrees to being served by  
17 processor by email, once the order is finalized, that he  
18 will accept service through electronically.

19 MR. SACCHETTI: I agree. I agree to that.

20 JUDGE CHARTOFF: Okay. And do we have his  
21 email?

22 MR. BRAUN: I do, Your Honor.

23 JUDGE CHARTOFF: Okay. Okay. So sounds  
24 like we have a plan. I'm going to -- I'll give this  
25 order back to you, then, Mr. Braun.

1           Okay. And, Mr. Sacchetti, you're free to go  
2 and when -- please get this taken care of within 48  
3 hours.

4           MR. SACCHETTI: I will, Your Honor. Thank  
5 you very much for your time today.

6           JUDGE CHARTOFF: Thank you. Okay.

7           Okay. So the next party I'm going to call  
8 is Pro Movers, doing business as Groovin Movin.

9           MR. GONCHARUK: Present, Your Honor. Hello?

10          JUDGE CHARTOFF: Oh, yes, yes.

11          MR. GONCHARUK: Present, Your Honor.

12          JUDGE CHARTOFF: Can I -- give me a moment.  
13 I'm flipping through my notes to figure out where we are  
14 with this case. So can you please state your first and  
15 last name and spell your last name for the court  
16 reporter?

17          MR. GONCHARUK: Andrey Goncharuk,  
18 G-o-n-c-h-a-r-u-k.

19          JUDGE CHARTOFF: Is that -- let me make sure  
20 I have your name right. Is it Mr. Goncharuk?

21          MR. GONCHARUK: Yeah, that's it.

22          JUDGE CHARTOFF: And what is your  
23 relationship to the company?

24          MR. GONCHARUK: I'd be the owner.

25          JUDGE CHARTOFF: The owner? And so you

1 missed the -- the discussion I gave -- the explanation I  
2 gave earlier, but I've been told that you had a  
3 discussion with Staff during the break?

4 MR. GONCHARUK: That's correct.

5 JUDGE CHARTOFF: That's correct? And so are  
6 you willing to -- let's see what -- let me go over your  
7 history. So Groovin Movin held a permit which was  
8 cancelled in 2016. And then it looks like you applied  
9 for a permit in the summer of 2018, and you received a  
10 permit in October of 2018. However, prior to the -- you  
11 were -- Staff is alleging that you were operating before  
12 you received the permit.

13 Does that -- Mr. Braun, does that sound  
14 correct?

15 MR. BRAUN: Yes, Your Honor.

16 JUDGE CHARTOFF: So and it looks like we had  
17 you scheduled to go into mover's court in November and  
18 you didn't appear.

19 MR. GONCHARUK: I was out of the country.

20 JUDGE CHARTOFF: You were out of the  
21 country, okay. So we did do a default order, but then  
22 we vacated it because you --

23 MR. GONCHARUK: I requested to reschedule.

24 JUDGE CHARTOFF: Yeah, so here we are. So  
25 at this point, are you willing to admit that you were

1 operating --

2 MR. GONCHARUK: What I will -- what I'd be  
3 requesting, I guess, at this point is I went through  
4 surgery. You don't see me -- you don't get to see me.  
5 I've had a really hard time with reapplying with this  
6 whole permit. I'm doing my best to be compliant. I am  
7 a one-man -- a small company, and I'm hearing some of  
8 the options.

9 I mean, I did lose a lot of money on  
10 marketing, for marketing this winter quarter, and it put  
11 me in a real desperate position to request -- I'd love  
12 to not necessarily disagree with them, but I heard  
13 somebody's \$4500 suspended, but is there even a  
14 possibility to get the whole thing suspended because --  
15 for the two years? Because I'm not planning to be  
16 in compliant. I understand the incentive, but as a  
17 financial situation, I'm looking for leverage here in my  
18 favor. As much as I'd love to give you guys, you know,  
19 all the money that you guys deserve, can we come up with  
20 a -- is there any better options?

21 JUDGE CHARTOFF: Are there any better  
22 options. I can take this under advisement. I can tell  
23 you that the factors that we look at in setting the  
24 penalty are willingness to comply with Commission rules  
25 and your compliance history. And the fact that you were



1 permitted and then you operated when you weren't  
2 after -- you know, after you had lost your permit, does  
3 weigh against you and that's why Staff might be  
4 asking --

5 MR. GONCHARUK: Your Honor, I -- I  
6 understand. The only reason why I became in compliant  
7 was due to a major accident that left me hospitalized.  
8 And while -- I mean, and being embezzled while being  
9 hospitalized put me in extremely desperate circumstances  
10 of survival with no support from family.

11 I mean, I can -- if I have to, I can get  
12 really deep and, I mean, obviously proving to you -- I  
13 mean, maybe not -- wouldn't do much, but the  
14 circumstances were grave for me and -- but if -- if that  
15 can't serve something that, you know, can give me any  
16 kind of help, I don't know. If that's not a good  
17 enough, then I really am not any kind of power to  
18 negotiate here or request anything unless you guys grant  
19 me anything.

20 JUDGE CHARTOFF: Um --

21 MR. GONCHARUK: And I understand, it  
22 looks -- it looks bad, but the circumstances are just...

23 JUDGE CHARTOFF: Okay. When was the  
24 accident?

25 MR. GONCHARUK: It was in April of 2016 and

1 I've been hospitalized for a while. Major twisted up  
2 ankle. My right side was very, very bad, but I mean...

3 JUDGE CHARTOFF: Okay.

4 MR. GONCHARUK: And I've been just following  
5 up with multiple surgeries to get hardware out and all  
6 that. Just last January I finally completed the whole  
7 therapy and got all my hardware removed and finally  
8 completing the final stages of being able to walk  
9 normally without a brace.

10 JUDGE CHARTOFF: Okay. Oh, okay. I think I  
11 actually forgot to swear him in too as well.

12 So let me swear you in.

13 (Andrey Goncharuk sworn.)

14 JUDGE CHARTOFF: Okay. So do -- are you  
15 willing to admit that you did engage in a household  
16 goods moving business prior to getting your permit  
17 reinstated?

18 MR. GONCHARUK: There was a lapse and it was  
19 due to a certificate holder stamp that I didn't get on  
20 the insurance policy.

21 JUDGE CHARTOFF: Okay. There was a lapse  
22 and during that time you continued to operate?

23 MR. GONCHARUK: There -- there -- there was  
24 a -- there was a lapse and I didn't catch the stamp, and  
25 then by the time I caught it and received my permit, I

1 got served after I received my permit.

2 JUDGE CHARTOFF: Okay. And do you  
3 understand --

4 MR. GONCHARUK: I understand. I did -- I  
5 did what I could to catch the issue before it became a  
6 court issue, but after I fixed it I got served, after  
7 receiving the permit. So -- which kind of threw me a  
8 little bit off and I asked -- and I mean, for me, I was  
9 thinking, I mean, if I went to the DMV and I got my  
10 license and then I got pulled over and the police  
11 officer asked me, have you drove before you received  
12 this license? I'm going to say yes -- or whatever, just  
13 without it, I mean --

14 JUDGE CHARTOFF: Okay. No, Mr. Goncharuk,  
15 I -- that's -- I understand that, and that is why we  
16 vacated that default order. We understand that you were  
17 confused about that. So I don't need to hear from you  
18 on that.

19 MR. GONCHARUK: Okay.

20 JUDGE CHARTOFF: I'm going to ask -- at this  
21 time, I'm going to ask Mr. Braun to make a penalty  
22 recommendation, and when he's done, I will give you one  
23 last chance to comment, and then I will take this under  
24 advisement and issue an order.

25 So -- okay. So, Mr. Braun, go ahead.

1 MR. BRAUN: Thank you, Your Honor.  
2 Consistent with Staff recommendation is that I'm going  
3 to recommend a penalty of \$5,000, with a portion of  
4 \$4,000 suspended, with a thousand dollars due. Again,  
5 the standard for this situation and for these  
6 circumstances, and that's all we have to recommend.

7 JUDGE CHARTOFF: Okay. And the  
8 circumstances are that he was previously permitted?

9 MR. BRAUN: Correct. That he was previously  
10 permitted. During the time of not having a permit, I  
11 was able to find advertisement and also to secure a  
12 move. Yes, he has recently gained back his permit, but  
13 during the time he did not have a permit, he operated.

14 JUDGE CHARTOFF: Okay. Okay. And,  
15 Mr. Goncharuk, do you have anything else to add?

16 MR. GONCHARUK: I mean, to that, I  
17 understand the Commission would like to serve its  
18 penalty, they have a side. We have the judge in  
19 between. And I mean, the only thing I've had is I kind  
20 of already explained myself, and I'm at the mercy of the  
21 advisement of the judge. So all I guess I have  
22 commentary is if there's nothing -- better option for  
23 me, I'd love to receive it. If not, then I appreciate  
24 everybody's time, and I apologize that I had to bring  
25 the Commission to this point and waste their time being

1 in this situation. But well, I mean, I don't know if  
2 there's really much that can be said.

3 JUDGE CHARTOFF: Okay. Okay. Thank you.  
4 So I will -- I will take this under advisement. I will  
5 issue an order in ten days.

6 MR. GONCHARUK: Thank you so much.

7 JUDGE CHARTOFF: So be on the lookout for  
8 that. Okay. So you are free to go.

9 MR. GONCHARUK: Thank you, Your Honor.

10 JUDGE CHARTOFF: So -- okay. And -- okay.  
11 So this concludes the list of companies present in the  
12 hearing room today. There is no one else in the hearing  
13 room. So we can proceed with the motion for default for  
14 Galaxy Moving Company. I guess before I proceed, I'll  
15 give them one last chance. Is Galaxy Moving Company LLC  
16 present on the bridge line? Hearing nothing.

17 Okay. So I had a chance to review Galaxy  
18 Moving Company, Docket 180519. The Commission's  
19 evidence that there was an offer for an intrastate move  
20 in Washington and that there was advertising that meets  
21 the definition of 81.80.075, engaging in business as a  
22 moving company without a household goods permit.

23 So what is Staff's motion with respect to  
24 this company?

25 MR. BRAUN: Your Honor, I'm asking for the

1 default of \$5,000 penalty.

2 JUDGE CHARTOFF: Okay. So nothing would be  
3 suspended?

4 MR. BRAUN: Correct.

5 JUDGE CHARTOFF: Please just briefly walk  
6 through the evidence you have for this company as well  
7 as when and how service was accomplished.

8 MR. BRAUN: On January 25th, 2018, I  
9 reopened a 2017 investigation concerning Galaxy Moving  
10 Company. On January 25th, 2018, I visited the website  
11 of Galaxymoving.org. I observed a telephone number of  
12 425-954-9276 advertising one truck and two movers for  
13 \$85 an hour. I observed other observations of  
14 advertisements on Yelp, and when I looked up at the  
15 Secretary of State for Galaxy Moving, I found the  
16 information of an individual of a Hong Brooks.

17 On January 30th, 2018, I searched Commission  
18 records and verified that Galaxy Moving was not  
19 permitted. And also on January 30th, 2018, I sent a  
20 compliance letter to Hong Brooks of Galaxy Moving asking  
21 them to cease and desist or become compliant. On  
22 March 6th, 2018, I sent another compliance letter  
23 notifying them to cease and desist operations.

24 On April 23rd, 2018, posing as a customer, I  
25 called the same phone number as before, I spoke with an

1 individual who identified himself as Rick and stated  
2 that he was the owner of Galaxy Moving. I received a  
3 quote of \$80 per hour for two guys and a truck or \$120  
4 per hour for three guys and a truck to move between two  
5 points in Washington State.

6 After all the orders were submitted,  
7 Mr. Brooks was -- tried to avoid service, was actually  
8 served on January 21st of 2019 at 12306 - 19th Avenue  
9 Southeast in Everett. With that order to the process  
10 server, I included a photograph. Mr. Brooks stated that  
11 he wasn't who he was but was able to confirm to the  
12 photo identification.

13 To appear -- as the Court is aware, the  
14 scheduled hearing was for February 12th, 2019. That  
15 hearing was postponed due to weather inclement. I  
16 called Mr. Brooks and was asking, said, hey, as a  
17 courtesy, could you please -- you know, can I have the  
18 email address so that I can send you the notice because  
19 we're getting -- we're having these adjournments.  
20 Mr. Brooks was adversarial. Mr. Brooks responded to me  
21 as, You have my email address, you know the website,  
22 just send it there.

23 And so he was aware of the new pending court  
24 date of today with proper service, and I ask for the  
25 default.

1                   JUDGE CHARTOFF: Thank you. Okay. I will  
2 grant that motion for default for this company, Galaxy  
3 Moving Company LLC. Okay. I'm going to sign the  
4 default order. Okay. Any other business we need to  
5 take care of today?

6                   MR. BRAUN: No, Your Honor.

7                   JUDGE CHARTOFF: Okay. Thank you. We are  
8 adjourned.

9                   (Adjourned at 10:59 a.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.



Tayler Garlinghouse

Tayler Garlinghouse, CCR 3358

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