

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

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)

)

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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Page 3

1 APPEARANCES (Cont.)
2
3 ALSO PRESENT:
4
5 OREST MOMOTYUK
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1 OLYMPIA, WASHINGTON; FEBRUARY 25, 2019
2 9:00 A.M.
3 --o0o--
4 PROCEEDINGS
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.

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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

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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

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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.

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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.)

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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?

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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

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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?

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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.

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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

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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

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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,

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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 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 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 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 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 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. 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 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 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 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 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 non-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 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 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 non-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 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 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 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 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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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 C E R T I F I C A T E
 2
 3 STATE OF WASHINGTON
 4 COUNTY OF THURSTON
 5
 6 I, Tayler Garlinghouse, a Certified Shorthand
 7 Reporter in and for the State of Washington, do hereby
 8 certify that the foregoing transcript is true and
 9 accurate to the best of my knowledge, skill and ability.
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 11
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 13 Tayler Garlinghouse
 14 Tayler Garlinghouse, CCR 3358
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