

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Canceled Household Goods Permit THG068754 Held by	DOCKET TV-240403
MARSIK MOVERS, LLC.	ORDER 01
Pursuant to WAC 480-51-150(1)(d).	DENIAL OF APPLICATION FOR REINSTATEMENT OF PERMIT AUTHORITY

BACKGROUND

- 1 May 7, 2024, the Washington Utilities and Transportation Commission (Commission) entered Revised Order 01 in Docket TV-231020.¹ This order: (1) rejected the safety management plan provided by Marcel Filip d/b/a Marsik Movers, LLC (Marsik or Applicant); (2) cancelled Marsik’s provisional authority as a household goods carrier; (3) dismissed Marsik’s application for permanent household goods authority; and (4) ordered Marsik to cease all operations associated with the permit. However, the Commission gave Marsik leave to reapply for reinstatement within thirty days of Revised Order 01 pursuant to Washington Administrative Code (WAC) 480-15-450(4)(a).
- 2 On May 29, 2024, Marsik filed a Household Goods Moving Company Permit Application with the Commission for reinstatement of its provisional permit authority (Reinstatement of Permit Authority Application or Application)² and included an attachment titled “Justification for Common Carrier Reinstatement of Marsik Movers LLC.”³ Specifically, in the attachment, Marsik claimed to have “conducted a comprehensive review of the company’s safety protocols and operations,” that resulted in it implementing “new actions to ensure future compliance with all safety regulations to prevent any further cancellations.”⁴
- 3 On July 10, 2024, the Commission issued a Notice of Intent to Deny Application for Reinstatement of Permit Authority and a Notice of Opportunity for hearing (Notice) in this matter based on evidence in Revised Order 01, and its review of the Application. The

¹ *Matter of Marsik Movers, LLC*, TV-231020, Revised Order 01, (May 7, 2024).
² Docket TV-240403, In re Application of Marcel Filip d/b/a Marsik Movers LLC, for Reinstatement of Permit to Operate as a Motor Carrier of Household Goods, filed May 29, 2024.
³ Docket TV-240403, Reinstatement of Permit Authority Application (May 29, 2024).
⁴ Docket TV-240403, Reinstatement of Permit Authority Application 8 ¶ 2.

Notice explained that Revised Order 01 detailed at length numerous safety requirements and other violations of rule and statute Marsik committed over the five years its held provisional authority from March 23, 2019, to May 7, 2024, as a carrier with provisional authority under Chapter 480-15 WAC and Title 49 of the Code of Federal Regulations (C.F.R.).⁵ Additionally, the Presiding Officer notes that Revised Order 01 left little room for Marsik to correct the conditions that lead to the cancellation since the company would likely be unable to meet the high bar of “making substantial progress toward a satisfactory rating.”⁶ Namely this is due to Marsik’s pattern of non-compliance in Revised Order 01 and prior Dockets TV-220168, TV-220169, and TV-230061 resulting from a “systematic deficiency in the Company’s overall safety management processes,”⁷ repeated critical or acute violations,⁸ and inability to implement controls and other corrective actions to maintain safe operations as a household goods carriers.⁹

- 4 On July 23, 2024, Marsik filed a Request for Hearing with the Commission.
- 5 On September 11, 2024, Commission Staff (Staff) filed an Exhibit List together with proposed Exhibits.
- 6 On September 18, 2024, pursuant to Revised Code of Washington (RCW) 34.05.482 and WAC 480-07-610, the Commission convened a brief adjudicative proceeding (BAP) before Administrative Law Judge Amy Bonfrisco to determine whether Marsik’s Reinstatement of Permit Authority Application should be denied due to concerns raised after Staff’s review and investigation of the Application.
- 7 At the BAP, Staff presented testimony from Jason Sharp (Sharp), Motor Carrier Safety Supervisor, and Patrick Remfrey (Remfrey), Licensing Service Manager from the Transportation Safety Division with the Commission. Marcel Filip appeared pro se and testified on his own behalf as the owner of Marsik. No other witnesses testified on his behalf.
- 8 Sharp testified that “he reviewed three safety investigation reports during the company’s provisional period,” and “worked with Marsik on three separate safety management plans (SMPs), as a result of the company not obtaining its satisfactory safety rating.”¹⁰

⁵ See WAC 480-15-999(1)(2) which incorporates by reference the Code of Federal Regulations the Commission has adopted by reference and WAC 480-15-560, which outlines the C.F.R. requirements adopted for household good carriers.

⁶ Docket TV-231020, Revised Order 01 at 12:49 (9).

⁷ Docket TV-231020, Revised Order 01 at 10:36.

⁸ Docket TV-231020, Revised Order 01 at 6:22, and 7:24-25.

⁹ *Id* at 9:31.

¹⁰ Sharp, TR 13:20-24.

- 9 Sharp further testified that he participated in the hearing on behalf of Staff in Docket TV-231020, and that the Commission identified numerous problems with Marsik’s operations and “a pattern of non-compliance with commission regulations.¹¹ His testimony cited problems highlighted in the order including: (1) Marsik’s inability to “demonstrate that it was making substantial progress toward achieving a satisfactory rating;¹²” or (2) showing good cause existed to extend the Company’s provisional authority for a third time.¹³ Sharp further testified that despite Revised Order 01’s dismissal of Marsik’s application for permanent authority, and the Commission’s order to “immediately cease operations associated with its permit [including] providing intrastate household good moves as well as advertising,¹⁴” that Marsik “still has an active website, <https://marsikmovers.com>,” which advertises regulated Commission services.¹⁵”
- 10 While Sharp stated that he was “unaware of any intrastate household good moves that the company may or may not have performed,¹⁶” he explained that Marsik “did not follow the terms of Revised Order 01 by ceasing all operations, which included advertising household goods moving services,” which in turn created a violation of WAC 480-15-180.¹⁷
- 11 Next, with regards to Marsik’s May 29, 2024, Application, Staff presented testimony from Remfrey, who evaluated Marsik’s application for reinstatement after the Company’s household goods permit was involuntarily cancelled pursuant to WAC 480-15-450(4)(a).¹⁸ Remfrey testified that although “the most common cause for a household goods permit to be canceled is a lack of valid insurance filings,” and “a failure to provide a previous year annual report,” that in this instance, Marsik’s permit for reinstatement was denied for other reasons.¹⁹ These reasons were that Marsik’s application: (1) “did not offer any specific correction to the safety issues that caused them to be cancelled in TV-231020”²⁰ or (2) contain any evidence of new policies and procedures that had been

¹¹ Sharp, TR 14:4, 16-17; See also *Matter of Marsik Movers, LLC*, TV-231020, Revised Order 01, at 5:17, 9:31, 10:35, and 12:49 (9) (May 7, 2024).

¹² Sharp, TR 14:18-20.

¹³ Sharp, TR 14:20-22.

¹⁴ Sharp, TR 15:1-5; and TV-231020, Revised Order 01, at 5:17, 9:31, 10:35 and 12:49 (9) (May 7, 2024).

¹⁵ Sharp, TR 15:15-17.

¹⁶ Sharp, TR 15:12-14.

¹⁷ Sharp, TR 15:21-25.

¹⁸ Remfrey, TR 20:20-23.

¹⁹ Remfrey, TR 21:3-8.

²⁰ Remfrey, TR 21:15-17.

put in place to correct the problems identified in Revised Order 01.²¹ Instead, Remfrey maintained that “there were only vague references in the letter attached to the application, but no indication as to what those corrections actually were.”²²

12 Remfrey further testified that Marsik provided inaccurate information in response to question 12 of the Application by answering “No” to the question of whether any person named in Application had been found to have violated Commission rules.²³ Finally, Remfrey asserted that Marsik did not contact Staff in Transportation Division for technical assistance, request guidance to correct any of the problems identified in the order following the cancellation of its provisional permit, or take other steps to correct the problem identified in Revised Order 01.²⁴

13 Turning to the Applicant and his testimony, Marsik responded to Staff’s claims regarding the company’s website, Marsik Movers and testified that the site is only visible because he paid for the domain for two years.²⁵ Marsik maintains that the company stopped all the platforms they were using for advertising.²⁶ To support this contention, Marsik directs the Commission to check Google’s website, which reflects that the company is temporarily closed, and offers to provide statements attesting that there has been no advertising, and evidence of his outstanding debts owed to Yelp and Google of approximately \$3500 from December 2023.²⁷ Marsik further testifies that despite the website’s visibility and online accessibility, that the company is “not open,” and “don’t provide any services.”²⁸

14 Next, Marsik testified that he hired Safety System, LLC (Safety System) to assist the company to remove some acute violations, manage emails, and maintain and update other important documentation.²⁹ In addition to taking these steps, Marsik maintains that he received another training from the Washington Utilities and Transportation Commission

²¹ Remfrey, TR 21:18-21.

²² Remfrey, TR 21:21-23.

²³ Remfrey, TR 22:2-4.

²⁴ Remfrey, TR 22:5-14

²⁵ Marsik, TR 23:2-4.

²⁶ Marsik, TR 23:7-8.

²⁷ Marsik, TR 23:5-12.

²⁸ Marsik, TR 23:16.

²⁹ Marsik, TR 23:18-24 and 24:1-2.

(WUTC) staff in March 2024 and “got more familiar with all the regulations,” required from a moving company.³⁰

15 However, when the Presiding Officer proceeded to request that Marsik identify the specific steps or corrective actions the company took to demonstrate compliance with the Commission’s rules and regulations, Marsik did not answer the question.³¹ Instead, Marsik explained that when he “obtained the permit for moving and had the first training,” he was “very young,” focused on “just money,” doing a “good job,” and “wasn’t paying that much attention [to] all the safety regulations,” because he “didn’t think they were that important.”³² Marsik then continued to admit that there were a lot of repeated mistakes that took him upwards of five years to understand, and in turn resulted in the company incurring substantial financial costs, but concluded that he was confident that Safety Systems could do all the work for him on a daily basis.³³

16 Given the lack of evidence provided and reliance upon Safety Systems to manage the company’s day to day operations, the Presiding Officer proceeded to inquire about what Marsik’s understanding was of the violations that still needed to be rectified.³⁴ In response, Marsik explained that the company still needed to correct: (1) “the hours of operation;” (2) “the driver application file” for an employee “not from Washington state;” and (3) other issues with “DOT inspections for the trucks.”³⁵ However, when the Presiding Officer asked Marsik to explain what steps the company had taken to assure the Commission that the nature and extent of past violations would not interfere with its operations, Marsik again evaded the question.³⁶ Instead, Marsik reiterated what he testified to above in the record but did not identify any corrective measures or new actions taken to ensure future compliance with the Commission’s rules, policies and procedures, and safety regulations.³⁷

17 In closing, Marsik requested that the company’s household movers permit be reinstated for at least another six months.

18 Conversely, Staff urged the Commission to deny Marsik’s application for reinstatement on the basis that the company should not be allowed “to fix things on the fourth go-

³⁰ Marsik, TR 24:5-10.

³¹ Marsik, TR 24:11-25.

³² Marsik, TR 24:21-23 and 25:1-3.

³³ Marsik, TR 25:5-6 and 18-20 and 26:3-18.

³⁴ Marsik, TR 27:11-15.

³⁵ Marsik, TR 27:16-22.

³⁶ Marsik, TR 28:1-7.

³⁷ Marsik, TR 28:8-20.

around, when it's already had three times before to try" and has failed to correct the conditions that led to the cancellation of the permit in the first place.³⁸ To support this contention, Staff cites to Marsik's three prior rounds of investigations, systematic inability to come into compliance, and its continued flaunting of the rules as coined by the Commission in Revised Order 01.³⁹

DISCUSSION

Applicable Law

- 19 Washington law has established comprehensive standards for operation under a household goods carrier permit. RRCW 81.80.070 states that a permit is required to operate as a household goods carrier, and that the Commission shall issue a permit to an applicant demonstrating, among other things, their fitness and ability to provide service in compliance with the Commission's rules and regulations.⁴⁰ RCW 81.80.075 sets forth the consequences for any person operating without a permit and additional operating requirements are delineated in WAC 480-15-302 and WAC 480-15-305. Specifically, WAC 480-15-302 outlines the criteria for obtaining a permit for provisional authority, while WAC 480-15-305 contains the requirements for receiving a permit for permanent authority.⁴¹ A carrier with provisional authority possesses a conditional safety rating, while a carrier with permanent authority holds a satisfactory safety rating. Additionally, WAC 480-15-305 provides that upon completion of the provisional period of not less than six (6) months and not more than eighteen (18) months, the Commission will grant permanent authority to an applicant.⁴² Finally, WAC 480-15-560 requires household goods carriers to "comply with all federal, state and local laws, and Commission orders governing licensing, vehicle safety, and driver safety," which also includes 49 C.F.R.⁴³

³⁸ Marsik, TR 34:4-7. *See also* WAC 480-15-450 (4).

³⁹ Marsik, TR 33:22-25 and 34:1-2. *See also* TV-231020, Revised Order 01 at 9:31.

⁴⁰ See RCW 81.80.070. (1) A common carrier, contract carrier, or temporary carrier shall not operate for the transportation of property for compensation in this state without first obtaining from the commission a permit for such operation.

⁴¹ See WAC 480-15-302 and WAC 480-15-305.

⁴² See WAC 480-15-305 (1)(b).

⁴³ WAC 480-15-560 references the specific federal provisions with which Household Goods Carriers must also comply, namely Title 49 Code of Federal Regulations (49 C.F.R.). *See also* WAC 480-15-999 (adopting Title 49 and the *North American Out-of-Service Criteria*).

Commission Decision

- 20 As noted above and detailed in Revised Order 01,⁴⁴ for approximately five years from March 23, 2019, to May 7, 2020, Marsik had provisional authority as a household goods carrier. During this period, Marsik came before the Commission under several different dockets, including TV-220168, TV-220169, TV-230061, and TV-231020, for committing numerous record keeping and safety violations and repeatedly breaking Commission regulatory regulations for household goods carriers.⁴⁵ Despite being granted ample opportunities over this five year time span to bring its safety practices into compliance with the Commission's rules and regulations through the repeated approval of safety management plans (SMPs),⁴⁶ Marsik failed to demonstrate an ability to take the necessary corrective actions.
- 21 Now, in this proceeding, regarding Marsik's application for reinstatement, the Presiding Officer finds it is disconcerting that Marsik claims to have "conducted a comprehensive review of the company's safety protocols and procedures," yet the Company is unable to point to any corrective actions it has taken or plans to take to comply with the Commission's safety regulations and prevent further violations. More importantly, because Marsik does not dispute and "fully acknowledges the areas where [it has] fallen short" after "five years of operations and three safety audits,"⁴⁷ the Presiding Officer agrees with Staff that "the commission and staff can't in good conscience allow such company to operate when the company has shown nothing that would clear the high bar" clearly delineated in Revised Order 01."⁴⁸

FINDINGS AND CONCLUSIONS

- 22 (1) The Commission is an agency of the state of Washington vested by statute with authority to regulate rates, rules, regulations, practices, and accounts of public service companies, including common carriers such as household goods carriers, and has jurisdiction over the parties and subject matter of this proceeding.
- 23 (2) Marsik has been a household goods carrier subject to Commission regulation.
- 24 (3) The Commission cancelled Marsik's provisional household goods carrier permit by Revised Order 01 in Docket TV-231020. As an unpermitted carrier, the order

⁴⁴ TV-231020, Revised Order 01 at 4:14.

⁴⁵ *Id.*

⁴⁶ TV-231020, Revised Order 01 at 9:31.

⁴⁷ See Marsik email dated September 18, 2024, incorporated as part of the company's closing statement following the September 18, 2024, Brief Adjudicatory Proceeding.

⁴⁸ Marsik, TR 34:10-13.

set forth in Revised Order 01 shall remain in effect, and Marsik must cease and desist conducting operations requiring permit authority, including advertising unless or until the required authority is obtained from the Commission.

- 25 (4) WAC 480-15-450(4) provides that a carrier whose household goods carrier permit has been cancelled for cause may apply for reinstatement of its permit within 30 days of cancellation. If a carrier files an application after 30 days of cancellation, the application will be considered in all aspects to be an application for new authority and will be subject to all terms and conditions specified in WAC 480-15-302.
- 26 (5) Marsik filed an Application for Reinstatement of its provisional household goods carrier permit on May 29, 2024, 22 days after cancellation. As such, Marsik's application is considered an application for new authority subject to evaluation under WAC 480-15-302.
- 27 (6) WAC 480-15-302(11) provides that the Commission will not grant an application for authority if the Commission has cancelled, for cause, a permit held by the applicant in the previous 12 months.
- 28 (7) Because Marsik's household goods carrier permit was cancelled for cause by Revised Order 01 on May 7, 2024, the Company is not eligible to apply for a new household goods carrier authority until after May 7, 2025.

ORDER

THE COMMISSION ORDERS:

- 29 (1) Marsik Movers, LLC's Application for Reinstatement of its Household Goods Carrier Permit is DENIED.
- 30 (2) Marsik is barred by WAC 480-15-302(11) from filing a new application for provisional or permanent authority to operate as a household goods carrier for 12 months from the date Revised Order 01 was issued, or May 7, 2025.

DATED at Lacey, Washington, and effective October 28, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/Amy Bonfrisco
AMY BONFRISCO
Administrative Law Judge

NOTICE TO PARTIES

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

WAC 480-07-610(7) provides that any party to this proceeding has twenty-one (21) days after the entry of this Initial Order to file a *Petition for Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-610(7)(b). WAC 480-07-610(7)(c) states that any party may file a *Response* to a Petition for review within seven (7) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

Any Petition or Response must be electronically filed through the Commission's web portal as required by WAC 480-07-140(5). Any Petition or Response filed must also be electronically served on each party of record as required by WAC 480-07-140(1)(b).