

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET TV-140340
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER 03
)	
v.)	
)	ORDER IMPOSING SUSPENDED
DOYIN ADEKANMBI d/b/a SEA-TAC)	PENALTY
MOVERS LLC,)	
)	
Respondent.)	
.....)	

BACKGROUND

- 1 On May 7, 2014, the Washington Utilities and Transportation Commission (Commission) entered Order 02, Stipulated Initial Order Classifying Respondent as Household Goods Carrier; Ordering Respondent to Cease & Desist; Imposing and Suspending Penalties on Condition of Future Compliance (Order 02). Order 02 ordered Doyin Adekanmbi d/b/a Sea-Tac Movers LLC (Sea-Tac Movers or Company) to cease and desist operating as a household goods carrier and imposed a fine of \$5,000 for two violations of RCW 81.80.075(1), all but \$500 of which was suspended for a period of two years from the date of Order 02,¹ conditioned on the Company (1) refraining from operating as a household goods carrier without a permit from the Commission and (2) paying the \$500 portion of the penalty that was not suspended.
- 2 Commission records indicate that Sea-Tac Movers made payments of (a) \$77 on May 7, 2014, (b) \$90 on May 8, 2014, and (c) \$167 on June 9, 2014. Sea-Tac Movers failed to make the final payment of \$166 by July 6, 2014, as required by Order 02.
- 3 On January 14, 2016, Commission staff (Staff) filed with the Commission a letter requesting the \$4,500 suspended portion of the penalty, plus the \$166 remaining balance, be imposed according to the terms of Order 02. The letter further states that Staff obtained evidence the Company is operating in violation of the Commission’s cease and desist order. On December 10, 2015, Staff contacted the Company through its website

¹ Order 02 was dated May 6, 2014.

and requested a move from Burien to Queen Anne. That same day, the Company responded to Staff's email and offered to provide the requested move, including a 15-foot truck for a \$55 fee.

- 4 On January 14, 2016, Sea-Tac Movers filed a response with the Commission. The Company claims it timely made the remaining \$166 payment on July 6, 2014, and included a photocopy of a check bearing that date and amount. The Company also denies offering full service moves, but admits that on two occasions it offered customers the option to obtain a truck through a third party provider for a specific rate. The Company claims that both customers "came off as fragile and disabled and needing help and we offered help," and that these were isolated incidents.
- 5 On January 26, 2016, the Commission issued a Notice of Opportunity to Respond and Pay Penalty (Notice). The Notice gave the Company 10 days to make the final \$166 payment and request a hearing to contest Staff's allegations of unpermitted operations. The Notice further provided that if the Company submitted no additional response, the Commission would rely on Staff's letter and the Company's January 14, 2016, written response to make its decision. Both the payment and any additional response were due no later than February 5, 2016.
- 6 On February 8, 2016, Sea-Tac Movers filed a second response with the Commission requesting two to three additional days to make the \$166 payment. The Company did not request a hearing or provide any additional information.

DISCUSSION

- 7 We find that Sea-Tac Movers violated the conditions of Order 02 and impose the \$4,500 suspended portion of the penalty. The Company failed to pay the final \$166 installment as required and violated the Commission's order to cease and desist engaging in business as a household goods mover without first obtaining a permit.
- 8 As of the date of this order, Commission records show that the \$166 payment due on July 6, 2014, has not been received. Although Sea-Tac Movers provided a copy of a check bearing that date and amount, the check was neither cancelled nor endorsed. The photocopy of the check does not constitute proof that payment was made. Moreover, despite the Commission granting the Company the opportunity to make the payment by February 5, 2016, the Company failed to do so.²

² We deny the Company's untimely request for an extension, which is nevertheless rendered moot by Staff's evidence of unpermitted operations.

- 9 We also find that the Company has engaged in business as a household goods mover without a permit. RCW 81.80.010 defines “household goods carrier” as any person who advertises, solicits, offers, or enters into an agreement to transport household goods for compensation. The Company does not offer any evidence to contradict Staff’s evidence that the Company offered to provide a household goods move, including a truck, in its December 10, 2015, email to Staff. The Company effectively admits it operated unlawfully when it states that it offered two customers a truck through a third party provider on two occasions. The offer Staff obtained from the Company does not mention a third-party provider. Rather, the Company holds itself out as the party offering the truck for a flat rate of \$55. In the absence of contrary evidence or a Company request to present such evidence, the Commission finds that the Company offered to provide household goods moving services without a permit.
- 10 Sea-Tac Movers, therefore, has failed to fulfill the conditions under which the Commission suspended \$4,500 of the assessed penalty, and that penalty amount, plus the \$166 remaining balance, is now due and payable.

ORDER

THE COMMISSION ORDERS THAT:

- 11 (1) Doyin Adekanmbi d/b/a Sea-Tac Movers LLC has not complied with the conditions under which the Commission suspended \$4,500 of the \$5,000 penalty assessment.
- 12 (2) The full \$5,000 penalty, less the \$334 paid to date, is now due and payable.

DATED at Olympia, Washington, and effective February 9, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON
Administrative Law Judge