

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation of JAMES MOSELEY, d/b/a YOU GOT IT MOVERS	DOCKETS TV-190808 and TV-190809 (Consolidated)
For Compliance with WAC 480-15-560 and WAC 480-15-570	ORDER 02
In the Matter of the Penalty Assessment against JAMES MOSELEY, d/b/a YOU GOT IT MOVERS	GRANTING PAYMENT ARRANGEMENT
in the amount of \$6,200	

BACKGROUND

- 1 On October 2, 2019, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Intent to Cancel and Notice of Brief Adjudicative Proceeding; Setting Time for Oral Statements in the Matter of the Investigation of James Moseley, d/b/a You Got it Movers, (You Got it Movers or Company) for Compliance with Washington Administrative Code (WAC) 480-15-560 and WAC 480-15-570 (Notice) in docket TV-190808.
- 2 The Notice explained that Commission staff (Staff) conducted a compliance review of You Got It Movers' operations in September 2019 and cited the Company for 67 violations of federal and state safety regulations. Based on its review, Staff recommended the Commission cancel You Got It Movers' household goods carrier permit unless the Company obtains Commission approval of a safety management plan. The Notice directed You Got It Movers to file a proposed safety management plan by November 7, 2019. The Commission also set a brief adjudicative proceeding (BAP) for November 14, 2019, at 2 p.m. to determine whether the Commission should cancel You Got It Movers' household goods carrier permit. The BAP was later rescheduled to November 19, 2019, at the parties' request.
- 3 Also on October 2, 2019, the Commission assessed a \$6,200 penalty (Penalty Assessment) against You Got It Movers for the safety violations discovered during Staff's September 2019 compliance review in docket TV-190809.

- 4 On October 14, 2019, You Got It Movers filed with the Commission a request for mitigation of the penalty, admitting the violations and requesting a hearing, and on November 18, 2019, the Company filed a proposed safety management plan. Also on November 18, 2019, Commission staff (Staff) filed a response to both the request for mitigation and the safety management plan. In an email to the presiding officer, Staff represented that the Company waived its right to a hearing, and recommended that the BAP be cancelled. That same day, the Commission issued a Notice cancelling the November 19, 2019, BAP, and informing the parties that the Commission would enter an order based on the parties' written submissions.
- 5 On November 20, 2019, the Commission entered Order 01, Consolidating Dockets, Approving Safety Management Plan; Extending Provisional Period; Imposing and Suspending Penalties (Order 01). Order 01 assessed a reduced penalty of \$3,200 and suspended a \$2,000 portion of the penalty for two years, subject to the conditions that (1) You Got It Movers must maintain a conditional safety rating, (2) Staff must conduct a follow-up investigation at least six months from the effective date of Order 01, (3) You Got It Movers may not incur any repeat critical violations of WAC 480-15 upon reinspection, (4) the Company's owner and assistant manager must attend household goods carrier training; and (5) You Got It Movers must either pay the \$1,200 portion of the penalty that is not suspended, or work with Staff to establish a mutually agreeable payment arrangement within 10 days of the effective date of Order 01.
- 6 On December 11, 2019, Staff contacted the Executive Director and Secretary of the Commission explaining that the Company requested to pay the penalty in four monthly installments, and that Staff supports the request. The Company and Staff jointly propose the following payment schedule:

Installment	Due Date	Amount
1	December 27, 2019	\$300
2	January 27, 2020	\$300
3	February 27, 2020	\$300
4	March 27, 2020	\$300

- 7 Staff also proposes that if You Got It Movers fails to pay any installment by the due date, the entire balance, including the suspended penalty, will become due and payable immediately.

DISCUSSION

8 The installment payment schedule Staff and the Company propose is reasonable. The Commission approves the proposal with one modification. You Got It Movers may make additional payments in advance of the payment due dates or pay an increased amount on the due dates, but no additional payment or increased amount will relieve the Company of its obligation to make its timely monthly installment until the full amount of \$1,200 is satisfied.

ORDER

THE COMMISSION ORDERS THAT:

- 9 (1) The \$1,200 unsuspended portion of the penalty is due and payable to the Commission in installments as set out in paragraph 6, above.
- 10 (2) If James Moseley, d/b/a You Got it Movers, fails to pay any installment by 5 p.m. on the date it is due, the unpaid balance, as well as the \$2,000 suspended portion of the penalty, will immediately become due and payable without further order by the Commission.
- 11 The Secretary has been delegated authority to enter this order on behalf of the Commissioners under WAC 480-07-904(1)(h).

DATED at Lacey, Washington, and effective December 13, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.