

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of PENALTY ASSESSMENT  
AGAINST ADVANCE RELOCATION  
EXPERT, LLC, D/B/A A.R.E., in the  
amount of \$2,100

DOCKET NO. TV-051608

COMMISSION STAFF'S ANSWER TO  
ADVANCE RELOCATION EXPERT'S  
PETITION FOR ADMINISTRATIVE  
REVIEW

1 Pursuant to WAC 480-07-370(1)(c) and WAC 480-07-825(4), commission staff  
submits this response to Advance Relocation Expert's Letter Regarding Mitigation of  
Penalties. For the purposes of filing a response, staff is treating Advance Relocation  
Expert's Letter Regarding Mitigation of Penalties as a Petition for Administrative Review  
and, accordingly, submits this answer to Advance Relocation Expert's petition.

**I. INTRODUCTION**

2 On January 26, 2006, the commission issued an initial order granting in part a  
petition for mitigation of penalties assessed against Advance Relocation Expert (Advance  
Relocation) and reducing the penalty amount from \$2,100 to \$1,900. The order  
recommends mitigation in two instances and recommends that there be no mitigation in the  
remaining three penalty areas.

3 One penalty area for which the order recommends mitigation involves the  
"Remarks" section. Judge Mace found that Advance Relocation had already added a  
Remarks section to its binding and supplemental estimate forms and that these revisions  
constituted substantial compliance justifying mitigation of the penalty assessed for the

failure of the company to include a Remarks section on its nonbinding estimates.<sup>1</sup> The order recommends mitigation also of the penalty assessed for failure to include the destination address on a bill of lading. Advance Relocation explained that it had only loaded the truck for this job, and Judge Mace found that the penalty should be mitigated because no move had occurred.<sup>2</sup> The order recommends that there be no mitigation of the penalties assessed for failing to conduct business under the name on the company's household goods permit,<sup>3</sup> failing to charge the rates and charges contained in Tariff 15A,<sup>4</sup> and failing to ensure the name of the consignee is listed on the bill of lading.<sup>5</sup>

4           On February 13, 2006, Advance Relocation filed a petition for administrative review. In its petition, Advance Relocation asks the commission to further reduce the penalty amount. Staff opposes Advance Relocation's request.

## II. ARGUMENT

5           In support of his request to reduce the penalty amount, owner and operator Austine Thompson reports that he has requested a business name change at the Department of Licensing so that the registered business name will match the name used in the company's printed materials. Also, after the business name is changed at the Department of Licensing, Mr. Thompson promises to request a business name change at the commission and will reprint all paperwork to reflect the accurate business name. In addition, Mr. Thompson states that when he reprints his paperwork he will add the Remarks section to the estimate

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<sup>1</sup> Docket No. TV-051608, Order No. 01 Initial Order Granting, in Part, Mitigation of Penalties at ¶21.

<sup>2</sup> *Id.* at ¶35.

<sup>3</sup> *Id.* at ¶17.

<sup>4</sup> *Id.* at ¶27.

<sup>5</sup> *Id.* at ¶31.

form. Mr. Thompson promises also to send copies of the new paperwork to the commission along with the name change request as soon as the reprinting is complete. In further support of his petition, Mr. Thompson writes that business has been slow and that penalties as high as \$1,900 will close down the business.

6           Staff is encouraged by Mr. Thompson's action in applying for the business name change and understands that the penalties are a financial burden. Nevertheless, given that Advance Relocation has had ample opportunity already to make the changes Mr. Thompson is promising will now be completed,<sup>6</sup> staff opposes further reduction of the penalty amount. Furthermore, because the initial order has already recommended mitigation of the entire penalty assessed for the absence of the Remarks section on the nonbinding estimate form, there can be no further mitigation of this particular penalty.

7           Staff notes that the initial order, filed January 26, 2006, concludes that "Advance Relocation should be granted the opportunity to pay the penalty assessment over a one year period."<sup>7</sup> In addition, the order requires staff and the company to agree on and submit a payment plan to the commission within 30 days of the final order.<sup>8</sup> Staff believes that the payment plan provides appropriate mitigation of the financial burden of the penalties, and would support extending the plan to an 18 month period.

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<sup>6</sup> Commission staff notified Advanced Relocation of the name discrepancy in March of 2005. *See* Commission Staff's Response to Advance Relocation Expert's Application for Mitigation, Declaration of Betty Young, Attachment B (Post-Audit Review of the Business Practices of Advance Relocation Expert, LLC d/b/a A.R.E.) at page 42.

<sup>7</sup> Docket No. TV-051608, Order No. 01 Initial Order Granting, in Part, Mitigation of Penalties at ¶50.

<sup>8</sup> *Id.* at ¶51.

### III. CONCLUSION

8 For the foregoing reasons, staff opposes any reduction of the penalty amount set out in the initial order of January 26, 2006, but would support an extension of the payment plan to a period of 18 months.

DATED this 22nd day of February, 2006.

Respectfully submitted,

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