

STAFF INVESTIGATION

**Daniel John Busby d/b/a Careful Movers
Docket TV-071670**

**Prepared by:
Sheri Hoyt
Compliance Specialist
Transportation Safety Division
October 2007**

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PURPOSE, SCOPE, AND AUTHORITY

Purpose

The purpose of this investigation is to determine if Daniel John Busby d/b/a Careful Movers, Inc. (Careful Movers) is operating motor vehicles for transportation of property for compensation (operating as a household goods carrier) on the public highways of the state of Washington without the necessary permit authority required for such operations by RCW 81.80.070.

Scope

The scope of the investigation focuses on information obtained by staff of the Washington Utilities and Transportation Commission (commission) relating to the business practices of Careful Movers.

Authority

Staff undertakes this investigation under the authority of the Revised Code of Washington (RCW) 81.01.010, which adopts RCW 80.01, which directs the commission to regulate auto transportation companies in the public interest, and to adopt such rules and regulations as may be necessary to do so. In addition, RCW 81.04.070 makes it clear that the commission is authorized to conduct such an investigation.¹

¹ See referenced laws and rules at Appendix A.

EXECUTIVE SUMMARY

The commission’s Business Practices Investigations staff investigated information it received alleging Careful Movers transported household goods for compensation in Washington without the required permit.

Based on the information obtained in this investigation, staff finds that Careful Movers violated state law by transporting household goods for compensation without a permit from the commission.

Staff recommends the commission issue a \$1,500 penalty to Careful Movers, as provided under RCW 81.80.070(4), for one violation of RCW 81.80.070(1), operating a motor vehicle for transportation of property for compensation on the public highways of the state of Washington without the necessary permit required for such operation.

Staff also recommends the commission initiate a proceeding against Careful Movers as provided by RCW 81.04.510.

Finally, staff recommends that the commission refer the matter to the county prosecuting attorney for prosecution of Careful Movers under the motor carrier unlawful advertising statute, RCW 81.80.355.

Total recommended penalties: \$1,500

BACKGROUND

Company information

On January 1, 1995, an account was opened with Washington State Department of Revenue (DOR) for Daniel J. Busby d/b/a Careful & Courteous Movers, Unified Business Identifier (UBI) 601-589-461. The business location and mailing address were listed as 15015 Highway 99, Suite A, Lynnwood, Washington 98037-5019. The account was closed on September 30, 2003. Department of Licensing (DOL) records indicate UBI 601-589-461 was issued to Daniel John Busby d/b/a Careful Movers at the Lynnwood address.

On July 1, 2002, an account was opened with DOR for Careful Movers, Inc., UBI 602-214-860. The business location is listed as 15015 Highway 99, #A, Lynnwood, Washington 98037 and the mailing address is 12529 Highway 99, Everett, Washington 98204-5506. The account remains open today².

However, a records search at Secretary of State for UBI 602-214-860, registered in the name of Careful Movers, Inc., indicates the filing to be inactive. Further information obtained from the Secretary of State indicates the corporation was administratively dissolved on July 23, 2002, and no reports were filed by Careful Movers after incorporating on June 21, 2002. A note in the file states, “Administratively dissolved on 7/23/2002 for unrecovered NSF/account closed fees.”³

Previous Enforcement Action by Commission

On February 8, 2000, the commission issued two penalty assessments against Careful Movers. In Penalty Assessment No. 99781, the commission assessed a \$1,500 penalty for three violations relating to advertising as a public service company without holding a permit to operate as such. In Penalty Assessment No. 10034, the commission assessed a \$1,500 penalty for operating as a common carrier of household goods without a permit to do so. The commission simultaneously ordered Careful Movers to cease and desist from operating as a household goods carrier in the state of Washington. Records indicate Careful Movers requested mitigation of Penalty Assessment No. 10034. The commission assigned the matter Docket No. TV-000418 and set it for a brief adjudicatory proceeding.

The parties subsequently entered into settlement negotiations and eventually reached an agreement on July 31, 2000. As part of the settlement agreement approved on September 7, 2000, Careful Movers filed an application for a temporary household goods permit and paid a reduced penalty amount of \$1500 in full settlement of both Penalty Assessment No. 99781 and No. 10034⁴. The commission rescinded the order requiring Careful Movers to cease and desist operating as a household goods carrier in the state of Washington. On May 18, 2000, Careful Movers filed Application No. P-78912 for temporary household goods moving authority. The commission granted the application on September 11, 2000, issuing Careful Movers Temporary Permit No. TCC-11879.

² See copy of Washington’s Dept. of Licensing and Dept. of Revenue records at Appendix B.

³ See copy of Secretary of State record at Appendix C.

⁴ See copy of Final Order Approving and Adopting Settlement Agreement and Rescinding Order to Cease and Desist at Appendix D.

Staff Investigation – Daniel John Busby d/b/a Careful Movers, Inc.

On May 3, 2002, Careful Movers filed an application requesting permanent authority to operate as a household goods carrier in the state of Washington. Permanent authority was granted on August 6, 2003. Careful Movers was issued Permit No. HG-11879.

Careful Movers' 2003 annual report, filed with the commission on May 3, 2004, reflected its UBI number to be 601-589-461. The regulatory fee calculation sheet that accompanied the annual report indicated Careful Movers' total gross intrastate operating revenue to be \$851,345.90 for the year 2003. Careful Movers paid the commission \$2,128.37 in regulatory fees.

In 2005, Careful Movers failed to file its 2004 annual report or pay its 2005 regulatory fee. As a result, Careful Movers' permit was canceled by the commission on February 9, 2006, under docket number TV-051482⁵.

On February 17, 2006, Special Investigator John Foster visited Careful Movers at 12529 Highway 99 in Everett, Washington. He spoke directly with Mr. Busby and his office manager, Shane Anderson. During his visit, Mr. Foster spoke with Mr. Busby and Mr. Anderson regarding Mr. Busby's failure to respond to commission correspondence requesting information and a transfer application due to the apparent incorporation of the business. WAC 480-15-400 requires a household goods carrier to file a name change application if a carrier wants to change the name on the permit, corporate name, trade name, or add a trade name to the permit.

In addition, Mr. Foster notified Mr. Busby and Mr. Anderson that Careful Movers was required to notify the commission of the company's business address change and that Careful Movers' household goods permit number is to be included in all of Careful Movers' advertising.

Mr. Busby and Mr. Anderson said Careful Movers would immediately change its advertising to include the company's permit number. Mr. Foster provided Mr. Busby with an application to reinstate permit HG-11879. Mr. Busby stated that he would file the application as well as the 2004 annual report and pay all regulatory fees due as soon as possible. Mr. Busby also acknowledged the requirement that he file an application to transfer his permit into the company's new name.

On February 21, 2006, the commission sent Careful Movers a letter detailing what the cancellation meant and directing the company to cease operations immediately⁶.

As of the date of this report, Careful Movers has not filed an application with the commission to reinstate HG-11879, nor did it file its 2004 annual report or pay the appropriate regulatory fees.

⁵ See copy of Docket TV-051482 Final Order at Appendix E.

⁶ See copy of February 21, 2006, letter at Appendix F.

INVESTIGATION

Customer complaint

On July 3, 2007, the commission's Consumer Affairs staff received a complaint against Careful Movers. Customer Colleen Kelly contacted the commission regarding her December 23, 2006, move conducted by Careful Movers. Careful Movers moved Ms. Kelly's household goods from 12508 Lake City Way Northeast, #517, Seattle, Washington 98125 to 417 East Pine Street, #209, Seattle, Washington 98122.

In her complaint, Ms. Kelly claims that Careful Movers refused to move three bookshelves to her new residence, stating they would not fit in the elevator, stairwell or through the windows. Ms. Kelly then paid Careful Movers \$85 an hour to return the bookshelves to her previous residence where she placed them in paid storage. Later, after deciding the bookshelves would indeed fit through the elevator and stairwell at her new residence, Ms. Kelly requested Careful Movers return and complete her move. Careful Movers declined, resulting in Ms. Kelly having to hire additional labor and moving the bookshelves herself on March 30, 2007. In her complaint, Ms. Kelly sought restitution for the cost of the laborers (\$200) and three months of storage fees for the bookshelves (\$75)⁷.

Because Ms. Kelly's complaint was a damage complaint and therefore non-jurisdictional to the commission, Consumer Affairs staff did not attempt to contact Careful Movers to investigate and resolve the complaint. Instead, on July 5, 2007, staff opened a complaint for Ms. Kelly and gathered information and documents from Ms. Kelly to demonstrate Careful Movers did perform a household goods move although it is not currently permitted to do so in the state of Washington.

On July 7, 2007, Ms. Kelly drove to Careful Movers' office and picked up a check for \$245. The company claimed it sent a prior check in the mail to Ms. Kelly and, when issuing the second check, deducted \$30 for the stop-check fee it had to place on the missing check. Ms. Kelly was unsatisfied with the partial refund.

Investigation

This matter was referred to Business Practices Investigations for further investigation of Careful Movers' alleged operation as a household goods carrier without a permit from the commission.

On August 14, 2007, I contacted Ms. Kelly and requested she fill out and sign a declaration regarding her experience with Careful Movers. On August 15, 2007, Ms. Kelly submitted the declaration via fax⁸.

⁷ See the text of the complaint at Appendix G.

⁸ See copies of the customer's declaration at Appendix H.

Staff Investigation – Daniel John Busby d/b/a Careful Movers, Inc.

Advertising

Careful Movers appears to be operating a Web site at <http://www.carefulmovers.net>. The site states, “Whether you’re moving a small household or a 100 person office, Careful Movers is the company for the job.”⁹ The company is also listed in at least four online telephone directories (Dex Online, AT&T’s AnyWho.com, Superpages.com and WhitePages.com) for Lynnwood and Everett¹⁰.

Staff called the following telephone numbers for Careful Movers on August 15, 2007:

- 425-745-7559
- 425-353-0454
- 800-475-8868

At each number, a man answered the phone, stating, “Careful Movers”.

⁹ See copies of Web site information at Appendix I.

¹⁰ See copies of online telephone directory listings at Appendix J.

CONCLUSIONS

RCW 81.80.070 Grant or denial of permit, states, in part:

(1) No “common carrier,” “contract carrier,” or “temporary carrier” shall operate for the transportation of property for compensation in this state without first obtaining from the commission a permit to do so.

(4) A common carrier, contract carrier, or temporary carrier operating without the permit required in subsection (1) of this section...is subject to a penalty...of one thousand five hundred dollars.

Based on the information obtained in this investigation, staff finds that Careful Movers violated RCW 81.80.070 on December 23, 2006, by transporting household goods for compensation on the public highways of the state of Washington without the necessary permit required for such operations.

RCW 81.80.355 Unlawful advertising, states:

Any person not holding a permit authorizing him to operate as a common carrier, contract carrier, or temporary carrier for the transportation of property for compensation in this state, or an exempt carrier, who displays on any building, vehicle, billboard or in any manner, any advertisement of, or by circular, letter, newspaper, magazine, poster, card or telephone directory, advertises the transportation of property for compensation shall be guilty of a misdemeanor and punishable as such.

Staff finds Careful Movers is violating RCW 81.080.355 by currently advertising household goods moving services without the necessary permit.

RCW 81.04.510 Engaging in business or operating without approval or authority — Procedure, states, in part:

Whenever the commission believes that any person or corporation is engaged in operations without the necessary approval or authority required by any provision of this title, it may institute a special proceeding requiring such person or corporation to appear before the commission at a location convenient for witnesses and the production of evidence and bring with him books, records, accounts and other memoranda, and give testimony under oath as to his operations or acts, and the burden shall rest upon such person or corporation of proving that his operations or acts are not subject to the provisions of this chapter.

Staff Investigation – Daniel John Busby d/b/a Careful Movers, Inc.

Recommendations

Staff recommends the commission issue a \$1,500 penalty to Careful Movers, as provided under RCW 81.80.070(4), for one violation of RCW 81.80.070.

Staff also recommends the commission initiate a proceeding against Careful Movers as provided by RCW 81.04.510.

Finally, staff recommends that the commission refer the matter to the county prosecuting attorney for prosecution of Careful Movers under the motor carrier unlawful advertising statute, RCW 81.80.355.

Total recommended penalties: \$1,500

APPENDIX A

RCW 81.01.010

Adoption of provisions of chapter 80.01 RCW.

The provisions of chapter 80.01 RCW, as now or hereafter amended, apply to Title 81 RCW as fully as though they were set forth herein. [1961 c 14 § 81.01.010.]

RCW 80.01.040

General powers and duties of commission.

The utilities and transportation commission shall:

(1) Exercise all the powers and perform all the duties prescribed therefor by this title and by Title 81 RCW, or by any other law.

(2) Regulate in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging in the transportation by whatever means of persons or property within this state for compensation, and related activities; including, but not limited to, air transportation companies, auto transportation companies, express companies, freight and freight line companies, motor freight companies, motor transportation agents, private car companies, railway companies, sleeping car companies, steamboat companies, street railway companies, toll bridge companies, storage warehousemen, and wharfingers and warehousemen.

(3) Regulate in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging within this state in the business of supplying any utility service or commodity to the public for compensation, and related activities; including, but not limited to, electrical companies, gas companies, irrigation companies, telecommunications companies, and water companies.

(4) Make such rules and regulations as may be necessary to carry out its other powers and duties.

[1985 c 450 § 10; 1961 c 14 § 80.01.040. Prior: (i) 1949 c 117 § 3; Rem. Supp. 1949 § 10964-115-3. (ii) 1945 c 267 § 5; Rem. Supp. 1945 § 10459-5. (iii) 1945 c 267 § 6; Rem. Supp. 1945 § 10459-6. Formerly RCW 43.53.050.]

Notes:

Severability -- Legislative review -- 1985 c 450: See RCW 80.36.900 and 80.36.901.

Flaggers -- Safety standards: RCW 49.17.350.

RCW 81.04.070

Inspection of books, papers, and documents.

The commission and each commissioner, or any person employed by the commission, shall have the right, at any and all times, to inspect the accounts, books, papers and documents of any public service company, and the commission, or any commissioner, may examine under oath any officer, agent or employee of such public service company in relation thereto, and with reference to the affairs of such company: PROVIDED, That any person other than a commissioner who shall make any such demand shall produce his authority from the commission to make such inspection. [1961 c 14 § 81.04.070. Prior: 1911 c 117 § 77; RRS § 10415.]

RCW 81.04.510

Engaging in business or operating without approval or authority — Procedure.

Whether or not any person or corporation is conducting business requiring operating authority, or has performed or is performing any act requiring approval of the commission without securing such approval, shall be a question of fact to be determined by the commission. Whenever the commission believes that any person or corporation is engaged in operations without the necessary approval or authority required by any provision of this title, it may institute a special proceeding requiring such person or corporation to appear before the commission at a location convenient for witnesses and the production of evidence and bring with him books, records, accounts and other memoranda, and give testimony under oath as to his operations or acts, and the burden shall rest upon such person or corporation of proving that his operations or acts are not subject to the provisions of this chapter. The commission may consider any and all facts that may indicate the true nature and extent of the operations or acts and may subpoena such witnesses and documents as it deems necessary.

After having made the investigation herein described, the commission is authorized and directed to issue the necessary order or orders declaring the operations or acts to be subject to, or not subject to, the provisions of this title. In the event the operations or acts are found to be subject to the provisions of this title, the commission is authorized and directed to issue cease and desist orders to all parties involved in the operations or acts.

In proceedings under this section no person or corporation shall be excused from testifying or from producing any book, waybill, document, paper or account before the commission when ordered to do so, on the ground that the testimony or evidence, book, waybill, document, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person or corporation shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any account, transaction, matter or thing concerning which he shall under oath have testified or produced documentary evidence in proceedings under this section: PROVIDED, That no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

[1973 c 115 § 15.]

RCW 81.80.070

Grant or denial of permit — Cease and desist orders — Penalty.

(1) No "common carrier," "contract carrier," or "temporary carrier" shall operate for the transportation of property for compensation in this state without first obtaining from the commission a permit so to do. Permits heretofore issued or hereafter issued to any carrier, shall be exercised by said carrier to the fullest extent so as to render reasonable service to the public. Applications for common or contract carrier permits or extensions thereof shall be on file for a period of at least thirty days prior to the granting thereof unless the commission finds that special conditions require the earlier granting thereof.

(2) A permit or extension thereof shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing, and able properly to perform the services proposed and conform to the provisions of this chapter and the requirements, rules and regulations of the commission thereunder, and that such operations will be consistent with the public interest, and, in the case of common carriers, that the same are or will be required by the present or future public convenience and necessity, otherwise such application shall be denied.

(3) Nothing contained in this chapter shall be construed to confer upon any person or persons the exclusive right or privilege of transporting property for compensation over the public highways of the state.

(4) A common carrier, contract carrier, or temporary carrier operating without the permit required in subsection (1) of this section, or who violates a cease and desist order of the commission issued under RCW 81.04.510, is subject to a penalty, under the process set forth in RCW 81.04.405, of one thousand five hundred dollars.

(5) Notwithstanding RCW 81.04.510, the commission may, in conjunction with issuing the penalty set forth in subsection (4) of this section, issue cease and desist orders to carriers operating without the permit required in subsection (1) of this section, and to all persons involved in the carriers' operations.

[1999 c 79 § 1; 1963 c 242 § 1; 1961 c 14 § 81.80.070. Prior: 1953 c 95 § 17; 1947 c 264 § 2; 1941 c 163 § 1; 1937 c 166 § 6; 1935 c 184 § 5; Rem. Supp. 1947 § 6382-5.]

RCW 81.80.355

Unlawful advertising — Penalty.

Any person not holding a permit authorizing him to operate as a common carrier, contract carrier, or temporary carrier for the transportation of property for compensation in this state, or an exempt carrier, who displays on any building, vehicle, billboard or in any manner, any

Staff Investigation – Daniel John Busby d/b/a Careful Movers, Inc.

advertisement of, or by circular, letter, newspaper, magazine, poster, card or telephone directory, advertises the transportation of property for compensation shall be guilty of a misdemeanor and punishable as such.

[1961 c 14 § 81.80.355. Prior: 1957 c 205 § 8; 1953 c 95 § 22.]

APPENDIX B

Department of Licensing information for UBI number 601-589-461:

License Detail

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License Detail

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License Information:

Entity Name: DANIEL JOHN BUSBY
Firm Name: CAREFUL MOVERS
License Type: Washington State Business
Entity Type: Sole Proprietor
UBI: 601589461 Business ID:001 Location ID:0001
Status To check the status of this business, go to [Department of Revenue](#)

Location Address:

15015 HWY 99 STE A
LYNNWOOD, WA, 98037

Mailing Address:

15015 HWY 99 STE A
LYNNWOOD, WA, 98037

Governing People:

DANIEL JOHN BUSBY

Registered Trade Names:

CAREFUL MOVERS

Information Current as of 08/14/2007 4:17AM Pacific Time

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**Washington State Department of Revenue
State Business Records Database Detail**

TAX REGISTRATION NUMBER : 601589461	
UBI : 601589461	
LEGAL ENTITY : BUSBY DANIEL J	
DOING BUSINESS AS : CAREFUL & COURTEOUS MOVERS	
MAILING ADDRESS :	BUSINESS LOCATION :
15015 HIGHWAY 99 STE A LYNNWOOD, WA 98037-5019	15015 HIGHWAY 99 STE A LYNNWOOD, WA 98037-5019
OWNER TYPE : SOLE PROPRIETOR	
ACCOUNT OPENED : 01/01/1995	
ACCOUNT CLOSED : 09/30/2003	
NAICS CODE : 488991	08/14/2007 11:35 AM

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Voter registration assistance
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Department of Licensing information for UBI number 602-214-860:

License Detail

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License Detail

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License Information:

Entity Name: CAREFUL MOVERS, INC.
Firm Name: CAREFUL MOVERS, INC.
License Type: Washington State Business
Entity Type:
UBI: 602214860 Business ID:001 Location ID:0001
Status To check the status of this company, go to [Secretary of State.](#)

Location Address:
15015 HWY 99 # A
LYNNWOOD, WA, 98037

Mailing Address:
15015 HWY 99 # A
LYNNWOOD, WA, 98037

Governing People:
DANIEL J BUSBY

Registered Trade Names:
CAREFUL MOVERS

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**Washington State Department of Revenue
State Business Records Database Detail**

TAX REGISTRATION NUMBER :	602214860
UBI :	602214860
LEGAL ENTITY :	CAREFUL MOVERS INC
DOING BUSINESS AS :	
MAILING ADDRESS :	BUSINESS LOCATION :
12529 HIGHWAY 99 EVERETT, WA 98204-5506	15015 HIGHWAY 99 LYNNWOOD, WA 98037-5019
OWNER TYPE :	CORPORATION
ACCOUNT OPENED :	07/01/2002
ACCOUNT CLOSED :	OPEN
NAICS CODE :	484210
	08/13/2007 9:35 AM

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 AccessWashington

Voter registration assistance
(Secretary of State)

APPENDIX C

Secretary of State information for UBI number 602-214-860:

Corporations: Registration Detail

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CORPORATIONS

Corporations Menu

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Enter Keywords

Search

Corporations Division - Registration Data Search

CAREFUL MOVERS, INC.

UBI Number	602214860
Category	Regular Corporation
Profit/Nonprofit	Profit
Active/Inactive	Inactive
State of Incorporation	WA
Date of Incorporation	06/21/2002
License Expiration Date	06/30/2003

Registered Agent Information

Agent Name	DAVID S CARSON
Address	1604 HEWITT AVE #700
City	EVERETT
State	WA
ZIP	98201

Special Address Information

Address
City
State
Zip

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Staff Investigation – Daniel John Busby d/b/a Careful Movers, Inc.

STATE of WASHINGTON



SECRETARY of STATE

Corporations Division • 801 Capitol Way South • PO Box 40234 • Olympia, WA 98504-0234 • 360/753-7115 • Fax 360/664-0055

DATE: August 27, 2007

TO: SHERI HOYT
WA UTILITIES & TRANSPORTATION COMMISSION
PO BOX 47250
OLYMPIA WA 985047250

RECEIVED
AUG 29 2007
WASH. UT. & TP. COMM

RE: CAREFUL MOVERS, INC., UBI 602 214 860

Sheri,

This corporation was administratively dissolved on July 23, 2002. No reports were filed after incorporating on June 21, 2002. Enclosed is a copy of notations in the file regarding the dissolution.

Please let me know if I can provide you with additional information. My number is 360-753-7115, ext. 256.

Nancy
Corporations Division

205-2006-0
2002

CINF BUS203P1 CORPORATION INFORMATION ADM 07/19/2002
OWNERSHIP - CORPORATION/LIC/LLP 08:32

UBI: 502 214 860 001 Application ID: 02 176 2019

Entity Type: PROFIT CORPORATION

Name: CAREFUL MOVERS, INC.

Reg Agent: DAVID S CARSON
Office Addr: 1604 HEWITT AVE #700

City: EVERETT State: WA Zip: 98201
Alt Addr Flag:

ENDRS Exp Date: 06 30 2003 ENDRS Status: X Bus Status: A ENDRS Type: 160
Account Num: 2985 5483 SSO Inc Date: 06 21 2002 SSO CATEGORY: RFX
Tenure: PER SSO Inc State: WA

Transfer: _____ ler: 06 24 2002 CD02085 endrs: 06 24 2002 CD02085
Enter: PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10---PF11---PF12---
ADDR OFFC APLST FUND LIC UPDT RHIST CINF MMENU

ADMINISTRATIVELY DISSOLVED ON
7/23/2002 FOR UNRECOVERED NSF/
ACCOUNT CLOSED FEES

EMyers

*val 6/6/02 134332 + 134332
NSF was refunded
Corporation paid for
warranted refund with
val 6/21/02 141039 + 141041
but need to pay
original \$1195.00 fee*

APPENDIX D

SERVICE DATE

SEP - 7 2000

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of DAN BUSBY d/b/a	)	DOCKET NO. TV-000418
CAREFUL MOVERS, CAREFUL)	
AND COURTEOUS MOVERS	)	Penalty Assessment No. 100034 and
	)	99781
)	
	)	FINAL ORDER APPROVING AND
	)	ADOPTING SETTLEMENT
	)	AGREEMENT AND RESCINDING
.....	)	ORDER TO CEASE AND DESIST

I. SYNOPSIS

1 This order approves a settlement agreement between the Commission Staff and petitioner Dan Busby d/b/a Careful Movers, Careful and Courteous Movers (Careful Movers or Applicant), and lifts the Commission’s prior order that required Careful Movers to cease and desist operating as a households goods carrier without a permit.

II. PROCEDURAL HISTORY

2 On February 8, 2000, the Commission issued two penalty assessments against Careful Movers. In Penalty Assessment No. 99781, the Commission assessed a penalty totaling \$1500 for three violations relating to advertising as a public service company without holding a permit to operate as such. In Penalty Assessment No. 10034, the Commission assessed a penalty totaling \$1500 for operating as a common carrier of household goods without a permit to do so. The Commission simultaneously ordered Careful Movers to cease and desist from operating as a household goods carrier in the state of Washington.

3 Pursuant to RCW 81.80.510, Careful Movers applied for a mitigation of the penalties assessed by the Commission. The Commission assigned the matter Docket No. TV-000418 and set it for a brief adjudicatory proceeding in accordance with WAC 480-09-500.

4 On May 18, 2000, Careful Movers petitioned the Commission for a temporary household goods carrier permit, in Application Number P-78912.

- 5 The parties subsequently entered into settlement negotiations and eventually reached an agreement on July 31, 2000.
- 6 Careful Movers is represented by Kevin Keefe, attorney, Seattle. Commission Staff is represented by Jeff Goltz, AAG, Olympia.

III. DISCUSSION

- 7 The parties provide in the settlement agreement that the payment of penalties, the issuance of a permit for temporary authority, and the rescission of the Commission's order to cease and desist should be resolved as follows:
- (1) Careful Movers will pay to the Washington Utilities and Transportation Commission (Public Service Revolving Fund) within 15 days of the order approving this settlement agreement a penalty of \$1500 in full settlement of both Penalty Assessment No. 100034 and No. 99781.
 - (2) The Commission will issue Careful Movers the temporary household goods carrier permit, requested in Permit No. P-78912, upon receipt of that penalty payment.
 - (3) Upon issuance of the temporary household goods carrier permit, the cease and desist order described above will be considered withdrawn.
 - (4) The Commission may enter the subjoined order.
- 8 The Commission has the authority to approve a settlement agreements and "favors the voluntary settlement of disputes within its jurisdiction . . . when doing so is lawful and when the result is appropriate and consistent with the public interest in light of all the information available to the Commission." *WAC 480-09-466*.
- 9 The Commission finds that the settlement agreement is appropriate and consistent with the public interest. The Commission will give effect to the agreement contingent on a finding that Careful Movers is fit, willing, and able to provide the proposed service.¹ *WAC 480-15-280*. Therefore, the Commission approves and adopts the terms of the agreement.

¹ The Commission issues Careful Movers a temporary permit for authority as a household goods carrier in M.V. Order No. 149837 for a period of no more than 180 days.

IV. FINDINGS OF FACT

- 10 1) On February 8, 2000, the Commission issued two penalty assessments against Careful Movers. In Penalty Assessment No. 99781, the Commission assessed a penalty totaling \$1500 for three violations relating to advertising as a public service company without holding a permit to operate as such. In Penalty Assessment No. 10034, the Commission assessed a penalty totaling \$1500 for operating as a common carrier of household goods without a permit to do so.
- 11 2) On May 11, 2000, pursuant to WAC 480-09-500, the Commission determined that a brief adjudicative proceeding was appropriate to hear Careful Movers' petition to mitigate penalties.
- 12 3) On May 18, 2000, Careful Movers petitioned the Commission for a temporary household goods carrier permit in Application Number P-78912.
- 13 4) The Commission Staff and Careful Movers entered a settlement, in which the Commission would grant to Careful Movers temporary authority to transport household goods. At such time, the Commission would withdraw its cease and desist order. In addition, Careful Movers would pay a reduced penalty of \$1500 within 15 days of the date of this Order.

V. CONCLUSIONS OF LAW

- 14 1) The Washington Utilities and Transportation Commission has jurisdiction over the parties to and subject matter of this proceeding.
- 15 2) The Commission has the authority to approve settlement agreements pursuant to WAC 480-09-466.

VI. ORDER

THE COMMISSION ORDERS That:

- 16 1) The Commission approves and adopts the settlement agreement between the Commission Staff and Dan Busby d/b/a Careful Movers, Careful and Courteous Movers.

- 17 2) The Commission rescinds the order requiring Dan Busby d/b/a Careful Movers, Careful and Courteous Movers, to cease and desist operating as a household goods carrier in the state of Washington.
- 18 3) The Commission retains jurisdiction over the subject matter of and parties to this proceeding to effectuate the terms of this order.

DATED at Olympia, Washington, and effective this 7th day of September, 2000.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION


MARILYN SHOWALTER, Chairwoman


RICHARD HEMSTAD, Commissioner

NOTICE TO ALL PARTIES:

This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-09-810, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-09-820(1).

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of DAN BUSBY d/b/a) DOCKET NO. TV-000418
CAREFUL MOVERS, CAREFUL AND)
COURTEOUS MOVERS) Penalty Assessment No. 100034
)
) SETTLEMENT AGREEMENT AND
) ORDER TO PAY PENALTY, LIFTING
) ORDER TO CEASE AND DESIST AND
) GRANTING TEMPORARY PERMIT
.....)

SETTLEMENT AGREEMENT

Background

On February 8, 2000, the Commission issued two penalty assessments against respondent Dan Busby d/b/a Careful Movers, Careful and Courteous Movers (Busby). In Penalty Assessment No. 99781, the Commission assessed a penalty totaling \$1500 for three violations relating to advertising as a public service company without holding a permit to operate as such company. In Penalty Assessment No. 100034, the Commission assessed a penalty totaling \$1500 for operating as a common carrier of household goods without a permit to do so in violation of 81.80.070(1). In conjunction with that penalty assessment, the Commission issued an order to Busby requiring him to cease and desist his operation as a common carrier of household goods.

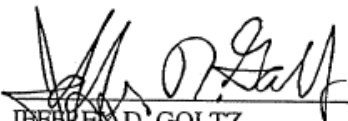
Pursuant to RCW 81.04.510, Busby applied for mitigation of those penalties, requesting a hearing. The Commission assigned the matter Docket No. TV-000418 and set it for a brief adjudicatory proceeding pursuant to WAC 480-09-500 and subsequently reset that hearing for July 26, 2000.

On May 18, 2000, Busby applied to the Commission for a temporary household goods carrier permit. That permit application, number P78912, is pending.


Settlement

The parties agree that this matter may be resolved as follows:

1. Busby will pay to the Washington Utilities and Transportation Commission (Public Service Revolving Fund) within 15 days of the order approving this settlement agreement a penalty of \$1500 in full settlement of the penalty assessments described above.
2. The Commission will issue Busby the temporary household goods carrier permit, requested in permit application number P78912, upon receipt of that penalty payment.
3. Upon issuance of that household good carrier permit, the cease and desist order described above will be considered withdrawn.
4. The Commission may enter the subjoined order.



JEFFREY D. GOLTZ
Sr. Assistant Attorney General
Date: 7/31/00



KEVIN KEEFE 11437
Attorney for Dan Busby
Date: 7/25/00

ORDER

Based on the foregoing Settlement Agreement of the Parties and having reviewed the files and records in this matter, the COMMISSION APPROVES THE SETTLEMENT AGREEMENT AND ORDERS:

1. For the violations described in Penalty Assessments Nos 99781 and 100034 the Commission imposes penalties totaling \$1500. That amount shall be paid within 15 days of the date of this order.
2. Upon receipt of the penalty amount, the Commission shall issue a temporary household goods permit as requested in Busby's application number P78912.

APPENDIX E

[Service Date February 9, 2006]

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	DOCKET NO. TV-051482
TRANSPORTATION COMMISSION,)	
)	
Complainant,	)	ORDER NO. 02
)	
v.)	
)	
BUSBY, DAN D/B/A CAREFUL MOVERS;	)	FINAL ORDER MODIFYING
CASCADE MOVING & STORAGE, INC.;	)	INITIAL ORDER, IN PART, AS TO
CUMMINGS MOVING SYSTEMS, LLC;	)	W.W. KASSNER D/B/A
EMAD KADEM AL-MOSAWI D/B/A	)	INDUSTRIAL TRANSFER CO. and
SUNSHINE MOVERS; FRANZ, CLARA	)	T & T MILK TRANSPORT, INC.;
MARLENE D/B/A PROGRESSIVE MOVERS;	)	AFFIRMING AND ADOPTING
G.J. DANIELS, INC.; HAROLD LEMAY	)	INITIAL ORDER, IN PART, AS TO
ENTERPRISES, INC.; HUTSON, CHARLES	)	REMAINING CARRIERS
EDWARD D/B/A HUTSON & SONS)	
MOVING & PACKING; W.W. KASSNER)	
D/B/A INDUSTRIAL TRANSFER CO.;)	
LINCOLN MOVING & STORAGE CO.,)	
INC.; LINDSEY, JERRY D/B/A JERRY)	
LINDSEY EXCAVATING; MASKELYNE)	
TRANSFER & STORAGE, INC.; MAUST)	
CORP, THE; METROPOLITAN MOVERS,)	
INC.; PACIFIC NORTHWEST MOTOR)	
FREIGHT LINES, INC.; POZZI BROTHERS)	
TRANSPORTATION, INC.; RISK, DON C.,)	
JR., D/B/A PEOPLE MOVERS; SELL,)	
WILLIAM L.; SPECIALTY MOVING, INC.;)	
SWAN'S MOVING & STORAGE CO., INC.;)	
T & T MILK TRANSPORT, INC.;)	
WASHINGTON MOVING & STORAGE,)	
INC.,)	
)	
Respondents.)	
)	
.....)	

- 1 **Synopsis:** *This final order grants the request of W.W. Kassner, d/b/a Industrial Transfer, and T & T Milk Transport, Inc., to modify the initial order to dismiss the complaint against the carrier. In other respects, this order affirms the initial order. In doing so, it dismisses the Complaint and Order to Show Cause against fourteen household goods companies because they complied with reporting and fee requirements and dismisses the Complaint and Order to show cause against two companies that chose to voluntarily cancel their household goods carrier permits. In addition, this order cancels the household goods carrier permits of four household goods companies for failure to file an annual report as required by RCW 81.04.080, and failure to comply with reporting and fee requirements of WAC 480-15-480.*

- 2 **Nature of the Proceeding:** This is a proceeding in which the Commission ordered twenty-two household goods carriers to appear and show cause why their household goods permits should not be canceled for the carriers' failure to file annual reports or to pay regulatory fees.

- 3 **Procedural History:** On November 29, 2005, the Commission entered a Complaint and Order to Show Cause Why Permit Should Not Be Canceled for Failure to Pay Regulatory Fees and/or Failure to File 2004 Annual Report; and Notice of Hearing against the listed respondents. The matter was heard upon due and proper notice by Administrative Law Judge (ALJ) Theodora M. Mace on December 19, 2005, in Olympia, Washington. Within the time allowed for filing petitions for administrative review, Industrial Transfer Company petitioned for reinstatement of the Permit No. CC-1794, held in the name of W. W. Kassner, d/b/a Industrial Transfer Company, and T&T Milk Transport, Inc., holder of Permit No. HG-8685 petitioned for dismissal of the complaint against it. No other party petitioned for administrative review.

- 4 **Final Order:** The Commission grants the request to reinstate CC-1794 of W.W. Kassner and HG-8685 of T & T Milk Transport, Inc. In all other respects, the Commission affirms and adopts the result of the initial order.
- 5 **Appearances:** The Commission Staff is represented by Assistant Attorney General Jennifer Cameron-Rulkowski, Olympia, Washington. Specialty Moving is represented by David Wiley, attorney, Seattle, Washington. W. W. Kassner was represented by Ben E. Ives, for the estate of W. W. Kassner. T & T Milk Transport was represented by John O. Cooney, attorney, Spokane. No other respondent entered an appearance in this matter.

DISCUSSION

- 6 **Background.** Public service companies, including household goods carriers, are required to file an annual report with the Commission. *RCW 81.04.080*. In addition, they are required to file with the Commission a statement showing gross operating revenue from intrastate operations for the preceding calendar year, and to pay a fee to the Commission based on gross operating revenue. *WAC 480-15-480*. The Commission sends annual report forms to the address on record with the Commission for each household goods carrier permit holder. *Id.* Each permit holder must submit an annual report and remit regulatory fees by May 1 of each year. *Id.*
- 7 The Commission sent annual report forms to each of the respondents of record in this proceeding. A search of Commission records indicated that respondents failed to comply with reporting and/or fee requirements of *RCW 81.04.080* and *WAC 480-15-480* by May 1, 2005.
- 8 On November 29, 2005, the Commission served a complaint and order to show cause on respondents requiring them to appear before the Commission on December 19, 2005, to answer the complaint, and to show cause why their

household goods carrier permits should not be canceled for failure to file an annual report as required by RCW 81.04.080, and failure to comply with reporting and fee requirements of WAC 480-15-480.

- 9 **Hearing.** At the hearing on December 19, 2005, Commission Staff presented the testimony of Ms. Sheri Hoyt, Compliance Specialist with the Commission's Businesses Practices Investigation Section. Ms. Hoyt sponsored thirteen exhibits which were admitted in evidence. Ms. Hoyt testified that respondents Cascade Moving; Sunshine Movers; G.J. Daniels; LeMay; Hutson Moving; Lincoln Moving; Lindsey Excavating; Maskelyne Transfer; Metropolitan Movers; People Movers; William Sell; Specialty Moving; Swan's Moving; and, Washington Moving complied with RCW 81.04.080 and WAC 480-15-480 by filing their annual reports and/or remitting their regulatory fees prior to the Show Cause hearing. *Tr. 7-13, 17-26, Exhibits 1-7; 9-14.* Ms. Hoyt recommended that the Commission not cancel the permits of these companies because they are now in compliance with statutory and regulatory reporting and fee requirements. *Id.*
- 10 Ms. Hoyt testified that, based on her investigation, the following companies did not file their 2004 Annual Reports or pay their 2005 regulatory fees: Careful Movers; Progressive Movers; Industrial Transfer; Maust; Pacific Northwest; Pozzi Brothers; and T&T Milk. Therefore, Ms. Hoyt recommended that the Commission cancel the permits of these companies. *Tr. 12-20,*
- 11 Commission Staff moved to dismiss Cummings Moving from this proceeding because the company had filed a letter voluntarily cancelling its permit.
- 12 **Post-hearing Motion to Dismiss Pozzi Brothers.** On December 30, 2005, Commission Staff filed a motion to dismiss Pozzi Brothers from this proceeding. Staff stated that on December 16, 2005, Pozzi Brothers had filed a request to remove its household goods authority from its common carrier permit. The

Commission granted the request on December 19, 2005.¹ Staff stated that it did not become aware of the company's voluntary surrender of its household goods authority until December 29, 2005, ten days after the evidentiary proceeding in this case.

- 13 **Initial order.** The administrative law judge entered an initial order on January 4, 2006, that proposed dismissing the complaint against specified carriers.
- 14 **Post-order pleadings.** Within the time for seeking administrative review of initial orders, the estate of W. W. Kassner petitioned to reinstate the permit of W. W. Kassner, and T & T Milk Transport petitioned to reopen the record. Both petitions sought admission of information showing compliance with requirements of law and dismissal of the complaint against the identified carrier. Commission Staff answered the petitions, in each instance acknowledging compliance and supporting the requested remedy.
- 15 **Discussion and Conclusion.** The Commission received no pleadings with regard to any respondent except Kassner and T & T. The initial order should be affirmed and adopted, with the exception of the proposed result for Kassner and T & T. Consistent with Commission practice in prior proceedings and with the public interest, the complaint should be dismissed against those carriers based on their compliance with law and regulation prior to the time for submission of the final pleading in this docket.
- 16 The Commission may cancel a household goods carrier permit for good cause, including failure to submit an annual report or failure to pay regulatory fees. WAC 480-15-450. The un rebutted evidence presented by Commission Staff shows that Careful Movers; Progressive Movers; Maust; and Pacific Northwest violated Washington State law, and the Commission's rules and that they remain out of compliance despite the opportunity in this docket to remedy their

¹ Docket No. TV-051948, Order Reissuing Permit As Amended, December 22, 2005.

noncompliance. Therefore, the household goods permits of these companies should be cancelled.

FINDINGS OF FACT

- 17 (1) The Washington Utilities and Transportation Commission is an agency of the state of Washington, vested by statute with authority to regulate public service companies, including companies that hold authority to transport household goods in the state of Washington for compensation.
- 18 (2) Each of the respondents of record in this proceeding is a public service company as defined in RCW 81.04.010 and holds authority to transport household goods in the state of Washington for compensation.
- 19 (3) The Commission sent annual report forms and instructions to the address on record with the Commission for each of the named respondents.
- 20 (4) A search of Commission records indicated that respondents failed to comply with reporting and/or fee requirements of RCW 81.04.080 and WAC 480-15-480 by May 1, 2005.
- 21 (5) On November 29, 2005, the Commission entered a Complaint and Order to Show Cause ordering each respondent to appear and show cause why its permit should not be canceled.
- 22 (6) During a Show Cause hearing on December 19, 2005, Commission Staff testified that respondents Cascade Moving; Sunshine Movers; G.J. Daniels; LeMay; Hutson Moving; Lincoln Moving; Lindsey Excavating; Maskelyne Transfer; Metropolitan Movers; People Movers; William Sell; Specialty Moving; Swan's Moving; and, Washington Moving filed their annual reports and/or remitted their regulatory fees prior to the hearing.

- 23 (7) Staff testified that Cummings Moving filed a request for voluntary cancellation of its permit.
- 24 (8) On December 30, 2005, Staff filed a motion to dismiss Pozzi Brothers from this proceeding because the Commission had granted the company's request to remove household goods authority from its common carrier permit.
- 25 (9) Careful Movers; Progressive Movers; W. W. Kassner; Maust; Pacific Northwest; and T&T Milk failed to appear at the hearing on December 19, 2005, and show cause why their permits should not be canceled. Subsequently, W. W. Kassner and T & T Milk petitioned for relief from the result proposed in the initial order.
- 26 (10) The files and records of the Commission show that Careful Movers; Progressive Movers; Maust; and Pacific Northwest failed to file their annual reports for 2004 or remit regulatory fees for 2005 in compliance with RCW 81.04.080 and WAC 480-15-480.

CONCLUSIONS OF LAW

- 27 (1) The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of this proceeding and all parties to this proceeding.
- 28 (2) The Complaint and Order to Show Cause directed to Cascade Moving; Cummings Moving; Sunshine Movers; G.J. Daniels; LeMay; Hutson Moving; Lincoln Moving; Lindsey Excavating; Maskelyne Transfer; Metropolitan Movers; People Movers; Pozzi Brothers; William Sell; Specialty Moving; Swan's Moving; W. W. Kassner d/b/a Industrial

DOCKET NO. TV- 051482
ORDER NO. 02

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Transport, T & T Milk Transport, and Washington Moving should be dismissed.

- 29 (3) Good cause exists under WAC 480-15-450 to cancel the household goods carrier permits of Careful Movers; Progressive Movers; Maust; and Pacific Northwest.

ORDER

30 IT IS HEREBY ORDERED That Cascade Moving; Cummings Moving; Sunshine Movers; G.J. Daniels; LeMay; Hutson Moving; Lincoln Moving; Lindsey Excavating; Maskelyne Transfer; Metropolitan Movers; People Movers; Pozzi Brothers; William Sell; Specialty Moving; Swan's Moving; W. W. Kassner, d/b/a Industrial Transport; T & T Milk Transport; and Washington Moving are each dismissed from this proceeding.

31 IT IS FURTHER ORDERED That the household goods carrier permits of Careful Movers; Progressive Movers; Maust; and Pacific Northwest are canceled.

DATED at Olympia, Washington, and effective this 8th day of February, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

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NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-07-870.

APPENDIX F



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

February 21, 2006

Dan Busby
d/b/a Careful Movers
12529 Highway 99
Everett, WA 98204

RE: Cancellation of your permit

Dear Mr. Busby:

The Washington Utilities and Transportation Commission (commission) cancelled your household goods permit, HG-11879, on February 9, 2006, for failure to file a 2004 annual report and pay the 2005 regulatory fee (see enclosed).

To provide a clear explanation of what this means, you are no longer permitted to haul household goods or general commodities for hire in the state of Washington. You must stop operating immediately.

Companies providing for-hire transportation of household goods in Washington State must have a household goods (HG) permit issued by the commission. The HG permit, in addition to providing the authority to haul household goods, allows a carrier to haul general commodities within the state. A company providing only general commodities transportation for-hire must have a common carrier or CC permit issued by the commission.

If we find that you are providing for-hire household goods or general commodities transportation without the proper permit(s), you are subject to penalties of up to \$1,000 per day. In addition, the commission can subpoena you for a formal classification proceeding.

To resume household goods or common carrier transportation, you must submit an application and receive a permit prior to operating. You may obtain an application online at www.wutc.wa.gov or contact our Licensing Services office at 360-664-1222 and request an application packet.



Staff Investigation – Daniel John Busby d/b/a Careful Movers, Inc.

Dan Busby, d/b/a Careful Movers
February 21, 2006
Page 2

If you have any questions regarding this matter, contact Betty Young, Compliance Specialist, Business Practices Investigations Section. Ms. Young can be reached at (360) 664-1202, by e-mail at byoung@wutc.wa.gov, or by letter at the address listed above.

Sincerely,



Carole J. Washburn
Executive Secretary

Enclosure

APPENDIX G

Washington UTC Complaint

101084

Company: Dan Busby dba Careful Movers

Customer: Account# none

Colleen Kelly

Contact:

417 E. Pine Street #209

Seattle, WA 98122

Phone: (206) 604-1311

Complaint: 101084

Serviced by: **Sandra White**

Opened on: 07/05/2007

Grouped by: Customer Service

Closed on: 08/09/2007

Disposition: Nonjurisdictional

Description:



Received Via E-Mail Complaint

"I hired Careful Movers for a move, which its movers failed to complete due to incompetence. After six months of negotiations, Careful Movers offered a partial refund, has failed to produce send the refund (alleging it is lost in the mail), and has now advised me to "sue them" or accept a check for a reduced amount. The details follow.

I hired Careful Mover to move me on December 23, 2006. When we arrived at my new building, the movers said my three bookshelves would not fit through the elevator, stairwells, or windows. The shelves dimensions are 84 X 24 X 12.5 inches (two shelves) and 90 X 40 X16.5 inches (one shelf). The movers did not try to physically move the shelves when we arrived at the new building. Instead, we moved the shelves back to my storage unit in the old building.

After a friend assessed the shelves dimensions and options for moving them into the building, I was convinced it could be done. I called Careful Movers and spoke with Shane. I asked him to send a truck and two different movers to move the shelves at no additional charge. I was so confident that I offered to pay the hourly rate if I was incorrect and the shelves would not fit. Shane declined my request.

On March 30th, I borrowed a friend's truck and hired two laborers to move the shelves. We successfully moved all three shelves into the new building; the two seven foot tall shelves fit into the elevator, and the seven and a half foot tall shelf fit through one of the stairwells.

I requested in writing a refund from Careful Movers for the quantifiable costs to complete the work Careful Movers did not:

\$200 laborers from Craig's List

\$75 three month storage fees at the former apartment

Total \$275

*note I did not even ask for the \$85 per hour to move the shelves to storage when the movers failed to get them into the building.

I called Careful Movers several times a week for nearly two months before it agreed to send me a refund on May 24th. Someone from Careful Movers always answers the phone and will take a message, When I did not receive the refund check after a month, I called Careful Movers again. It claims it mailed me a check, but I have not received it. After several weeks of calling, Careful Movers told me this morning it will issue me a new check minus \$30, the cost of canceling the previous check. Careful Movers told me if I was still dissatisfied, I could "sue them".

Staff Investigation – Daniel John Busby d/b/a Careful Movers, Inc.

Needless to say, this issue does not meet the criteria for small claims court, and I am certain Careful Movers know this. I have made every effort to work with this company. At best, Careful Movers is extremely unprofessional, but I think the owner is simply a crook.

Dan Busby, the owner, has never returned any of my phone calls. I speak with people who work in the office several times a week, but they claim all they can do is take messages. I have sent him a complaint in writing.

I would like a \$275 (not \$245) refund check sent by certified mail to my address:
417 E. Pine Street #209
Seattle, WA 98122

Results:

1. See activities for printout from UTC Licensing stating Mr. is not a current moving company licensee.
2. Complaint is non-jur because UTC has no jurisdiction over a customer incurring additional expenses and then wanting the mover to reimburse for what was not accomplished at the time of the move.

Activity:

Activity Links

*** 07/05/2007 12:25 PM Email: Sandra White >> Customer



Good Morning, Colleen!

My name is Sandra and I was assigned your informal complaint concerning Careful Movers. The issues, as you presented them, are non-jurisdictional for the Utilities and Transportation Commission. I had the file reviewed and checked by a Business Practices Section staff member and she concurred with my findings. I believe your only recourse would be civil court.

I'm sorry the UTC was not able to assist you.

Wave Files/Attachments:

*** 07/05/2007 06:03 PM Email: Sandra White >> Company File @ UTC



SEE ATTACHED SCANNED PRINT-OUT OF UTC FILE CONCERNING THIS COMPANY.

See complaint attachment A

*** 07/06/2007 09:40 AM Email: Sandra White >> Customer



Thank you, Sandra. I guess I am just out of luck. Caveat emptor :-{

-Colleen

*** 07/06/2007 04:30 PM Voice Mail: Sandra White >> Customer



Left a voice mail telling Ms. that I would appreciate receiving copies of whatever Ms. had received from the company in the way of paperwork – that there just might be something in the documents that we could possibly use. Left email address, mailing address and fax number for Ms. to forward info to my attention.

NOTE: Since there is no valid permit on file with the UTC, efforts will be

Staff Investigation – Daniel John Busby d/b/a Careful Movers, Inc.

made to secure absolute proof of the move by way of cancelled check from the Customer.

***** 07/06/2007 04:46 PM Email: Sandra White >> Customer**



Hello _____ --

I've had your complaint in the back of my mind since yesterday. I would like to look at all the paperwork you may have received from the company concerning your move. There may very well be something that is jurisdictional. I left a voice mail on your phone stating the same thing. Please forward the information per one of the following means:

1. Fax 360-664-4291
2. Email SaWhite@utc.wa.gov
3. Mail PO Box 47250 -- Olympia 98504

Your assistance in this matter would be very much appreciated.

Regards -

Sandra

***** 07/07/2007 01:43 PM Email: Sandra White << Customer**



Hi Sandra,

Thank you for this follow-up message and voice mail message. This morning I drove to the Careful Movers office (a trailer) in Everett, Washington, to pick up my check for the reduced amount. Although this issue is 'resolved' because I have received a partial refund, I am definitely not satisfied with the outcome. I am quit willing to cooperate in the WUTC's investigation of any other violations. I will send by US postal mail a photocopy of the Bill of Lading and partial refund check.

Thanks again for reconsidering my situation.

***** 07/09/2007 08:25 AM Email: Sandra White >> Customer**



Good Morning Colleen!

You are very welcome. As I stated, as the issue was outlined in the email complaint, it was determined to be nonjurisdictional. Instinct tells me a deeper look at the issues is in order.

I am looking forward to receiving the bill of lading. Did you not receive an estimate initially? It's important that I review all documents you may have so.

Another important document is a copy of your cancelled check or some sort of proof of payment.

Thank you for being responsive!

Sandra

Staff Investigation – Daniel John Busby d/b/a Careful Movers, Inc.

*** 07/09/2007 08:57 AM Email: Sandra White << Customer



Hi Sandra,

No, I did not receive an initial estimate. I spoke with Careful Movers by telephone, describe what I needed to move, and learned it had an hourly rate of \$85, a three-hour minimum, and a \$70 transportation fee. The document I received at the end of the move when I paid is the only document I received. I will obtain a copy of the check with which I paid them. I included a copy of the partial refund check I received on Saturday.

Thanks again. The envelop should arrive soon; I addressed it to your attention.

*** 07/11/2007 04:11 PM Attachment: Sandra White << Customer



ATTACHED IS A COPY OF THE CHECK THE CUSTOMER RECEIVED FROM THE COMPANY.

*See Complaint
Attachment B*

*** 07/11/2007 04:12 PM Attachment: Sandra White << Customer



ATTACHED IS THE SCANNED BILL OF LADING COPY

*See Complaint
Attachment C*

*** 07/11/2007 04:13 PM Email: Sandra White >> Customer



Hello _____ --

Your documents were received and have been scanned into the electronic file.

We are still in need of proof that you paid Careful Movers. A copy of the front and back of your check or verification of a debit or charge to your account would be great.

*** 07/12/2007 11:14 PM Email: Sandra White << Customer



I mailed the additional information this morning.

Thanks again,

*** 07/17/2007 12:48 PM Email: Sandra White << Customer



SEE ATTACHED BANK STATEMENT.

*See Complaint
Attachment D*

*** 07/23/2007 12:51 PM Voice Mail: Sandra White >> Customer



Left voice mail that I had received the bank statement, however, I still needed something like the cancelled check which proved a check was WRITTEN TO / FOR / WHEN.

*** 07/23/2007 12:58 PM Email: Sandra White >> Customer



Good Morning --

Checking files this morning and see that I have not yet received a copy of the

Staff Investigation – Daniel John Busby d/b/a Careful Movers, Inc.

cancelled check -- front and back -- proving that you paid Careful Movers.

As I stated in my voice mail last Tuesday, I had received the bank statement you sent. That is great, however, we still need to see the cancelled check copy that shows that the check on the bank statement went to Careful Movers specifically. Certainly we have proof of the check, amount and date it was cashed.we need proof of who the check was made out to.

I know this can be problematic for you, however, it will be of great assistance to us! I look forward to receiving the copy.

Thank you for your efforts!

***** 07/27/2007 08:19 AM Voice Mail: Sandra White >> Customer**



Call Ms to see where she is on getting the info requested. Left a voice message asking that she either call or email me with her status.
1-800-562-6150 // SaWhite@utc.wa.gov

***** 07/27/2007 09:14 AM Phone: Sandra White << Customer**



Ms. called into say she will go to the bank in person on Monday to request the information. She hasn't had much luck with talking to her bank over the phone, so she has to go in. Ms. is a graduate student. She is most appreciative of the UTC efforts!

***** 07/28/2007 08:52 AM Email: Sandra White << Customer**



Hi Sandra,
I went to Bank of America yesterday and obtained a copy of the check with which I paid Careful Movers. However, I am just reading this message again, I see I failed to get a copy of the back side. I will mail the copy I obtained this morning. I'll go back to Bank of America on Monday to get the backside copy.

Thanks,

***** 08/03/2007 03:40 PM Email: Sandra White >> Customer**



Hi _____ -- Just checking in with you. I have been watching the mail and haven't received the copies as yet. Not sure when you sent them, but thought I'd let you know.

***** 08/08/2007 09:42 AM Attachment: Sandra White << Customer**



SEE ATTACHED COPY OF FRONT AND BACK OF CHECK USED TO PAY COMPANY FOR MOVE.

*see complaint
Attachment E*

***** 08/08/2007 09:53 AM Email: Sandra White >> Colleen Kelly**



Good Morning, Colleen!

Just a note to let you know that I received and have scanned the documents into the file. I have forwarded the information on to our Business Practices Section and wanted you to know how much we appreciate

Staff Investigation – Daniel John Busby d/b/a Careful Movers, Inc.

your efforts!

*** 08/09/2007 09:39 AM Email: Sandra White >> Colleen Kelly



Good Morning Colleen! As we discussed earlier, this complaint is non-jurisdictional because UTC has no jurisdiction over a customer incurring additional expenses and then wanting the mover to reimburse for what was not accomplished at the time of the move. We do appreciate your assistance in sending supporting paperwork of your move as it provides documentation of the events. I am closing this informal complaint at this time and wish you well in future moves!

*** 08/09/2007 02:06 PM Attachment: Sandra White >> Sandra White



SEE ATTACHED COMPLAINT FOLLOW-UP

*See complaint
attachment F*

*** 08/09/2007 03:01 PM Email: Sandra White >> CCaruso



Hello Carolyn --

Be advised that through complaint no. 101084 for Colleen Kelley, records show that Mr. was operating without a permit in December, 2006.

A copy of UTC Records Section data is attached within the complaint text as well as a scanned copy of the front and back of Ms. check proving that Careful Movers was operating in December 2006.

If you have questions, do not hesitate to contact me.

Staff Investigation – Daniel John Busby d/b/a Careful Movers, Inc.

*Complaint
Attachment A*

CARRIER ID: 37715

NAME: BUSBY, DAN
ADDRESS: 12529 HIGHWAY 99

CITY-ST-ZIP: EVERETT

WA 98204-5506

DISTRICT:

CHANGE DATE: 09-06-2005

PHONE: (425) 745-7559

----- PHYSICAL LOCATION -----

ADDRESS:

CITY-ST-ZIP:

NOTICES					
CODE	DESCRIPTION		DATE	TEXT	CLEARED
OT	OTHER ACTION	PENDING	02-09-2006	HHG CANC DUE TO ANNUAL RE	
OT	OTHER ACTION	PENDING	09-21-2005	REC.CENT MAIL RETRND	
OT	OTHER ACTION	PENDING	10-14-2004	SENT CHANGE OF BUSINESS S	
OT	OTHER ACTION	PENDING	07-13-2004	CITE INS EXP 8/21/04	07-26-2004

BUSINESS TYPE: I

Individual

INC STATE: WA

PARTNERSHIP OR CORPORATION

NAME
DAN BUSBY

TITLE
OWNER

PCT
100.0

*Complaint
attachment B*

CUSTOMER DOCS

CAREFUL MOVERS INC. 12223 HIGHWAY 99 EVERETT, WA 98204		4734
PAY TO THE ORDER OF	<i>Colleen Kelly</i>	DATE <i>07/05/07</i> 99-10-1250
<i>Two hundred forty five dollars ⁰⁰/₁₀₀</i>		\$ <i>245⁰⁰</i>
usbank <small>The One Simple Way to Bank</small>		DOLLARS
FOR <i>paid in full</i>		<i>[Signature]</i>

complaint attachment C

BILL OF LADING

CAREFUL MOVERS

INVOICE # _____

CUSTOMER DOCS

12529 Highway 99
Everett, WA 98204
(425) 745-7559

DATE ORDER TAKEN 12-5-06
DATE SERVICE REQ'D 12-20-06
TIME 8:00 12-23-06

TCC-11879

THE SHIPPER, SUBJECT TO CONDITIONS ON THE BACK HEREOF, RELATING TO SPECIFIC SERVICES AND CHARGES SHOWN BELOW, FURTHER SUBJECT TO THE CLASSIFICATIONS, TARIFFS, RULES AND REGULATIONS IN EFFECT ON THE ISSUE OF THIS BILL OF LADING OR CONTRACT, IS REQUESTED TO READ THIS DOCUMENT BEFORE SIGNING, AND ASK FOR AN EXPLANATION OF ANYTHING NOT CLEAR OR INCONSISTENT WITH ANY PREVIOUS REPRESENTATION. THIS WILL CONFIRM INSTRUCTIONS AND AUTHORIZE YOU TO MOVE, SHIP, PACK, STORE AND/OR PERFORM THE SERVICES HEREON.

Right and Responsibilities Guide (customer must sign this section)
The carrier gave me, or I declined, a copy of the brochure "Your Rights and Responsibilities as a Moving Company Customer" Signature of customer: Rekhiy

FROM <u>Colleen Kelly</u> <u>12508</u> <u>2k city</u>	CONSIGNOR <u>Cityway NE</u> <u>98125</u>	TO <u>413</u> <u>Sea</u>	CONSIGNEE <u>Lincoln St</u> <u>98</u>
PICK UP ADDRESS CITY STATE ZIP	DELIVERY ADDRESS CITY STATE ZIP	APPT. NO. FLOOR STREET CITY STATE ZIP	
SPLIT PICK UP & DELIVERY AT PHONE # <u>425-922-4806</u>		STORE IN TRANSIT AT PHONE # <u>810</u>	

PAYMENT: The customer and carrier agree that payment, at time of delivery, will be made by:
 cash money order certified check credit card
 personal check business check debit card
 If credit arrangements are made, bill to:
 NAME: _____
 ADDRESS: _____

DRIVER COMPLETE THIS WITH PACKING MATERIAL AND VALUATION CHARGES BELOW

TICKETS: 2 MEN & VAN TIME START 9:00 AM TIME COMPLETE 2:00 PM
 HOURS @ 8:50 PER HR CHARGES \$ 20.00

ESTIMATES: The customer must initial the option selected:
 I did not request a written estimate on this shipment and understand I will be required to pay charges shown on this contract.
 I understand this shipment is moving under a binding estimate and that I will be required to pay the amount shown on that estimate.
 I understand this shipment is moving under a non-binding estimate.
 NOTE: If the charges shown on this bill exceed the charges on the non-binding estimate given me by the carrier, the carrier must release the shipment to me upon payment of no more than 110% of the estimated charges and will extend credit for 30 days in which I must pay the remainder due. In no case will I be required to pay more than 115% of the estimate (plus any supplemental estimates) for mileage rated shipments nor more than 125% of the estimate (plus supplements) for hourly rated shipments.

DESCRIPTION	QUANTITY	RATE	AMOUNT
PACKING BARREL OR DISH PACK			
CARTONS LESS THAN 1 1/2 CU. FT.			
1 1/2 CU. FT.			
3 CU. FT.			
4 1/2 CU. FT.			
6 CU. FT.			
6 1/2 CU. FT.			
WARDROBE CARTONS			
MATTRESS CARTONS CRIB			
MATTRESS CARTONS (Not exceeding 39" x 75")			
MATTRESS CARTONS (Not exceeding 64" x 75")			
MATTRESS CARTONS (exceeding 64" x 75")			
GLASS CONTAINERS MINIMUM			
GLASS CONTAINERS _____ CU. FT.			
BOXES OR CRATES MINIMUM			
BOXES OR CRATES _____ CU. FT.			

VALUATION: The customer must initial the option selected:
 Basic Value Protection. I release this shipment to a value of 60 cents per pound per article.
 Depreciated Value Protection. I release this shipment to a value of \$2 per pound times the shipment weight.
 OR:
 I declare a lump sum total dollar valuation on this entire shipment of: \$ _____ and select the following option:
 Replacement Cost Coverage with a \$300 Deductible (Declared value must be at least \$3.50 times weight of shipment).
 Replacement Cost Coverage with no deductible. (Declared value must be at least \$3.50 times weight of shipment).

WEIGHT OF SHIPMENT (WEIGHT TICKETS ATTACHED)
 GROSS WEIGHT _____ LBS. WEIGHTMASTER
 TARE WEIGHT _____ LBS. WEIGHTMASTER
 NET WEIGHT _____ LBS.
 JOB CODE _____ PICKED UP BY _____
 PACKED BY _____ ORDER BOOKED BY _____

TOTAL PACKING CHARGES → _____

OTHER SERVICES: PICTURES, MIRRORS, LAMPS, GLASS TABLE
 TOPS, NOT PACKED PROFESSIONALLY, PARTICLE BOARD
 FURNITURE AND OWNER PACKED CARTONS SHIPPED AT OWNERS
 RISK _____
 TRANSPORTATION: MILES _____ NET WT. _____
 TRANSPORTATION OF STORAGE IN TRANSIT EQUIPMENT _____
 WAREHOUSE TO DESTINATION: _____ MILES
 STORAGE IN TRANSIT 30 DAYS OR PRACTICE _____
 WAREHOUSE HANDLING _____
 STORAGE VALUATION CHARGES _____
 EXTRA PICKUP/DELIVERY _____
 HOISTING OR PIANO HANDLING _____

DATE	SHIP NO.	DRIVER	EQUIPMENT
		<u>Rekhiy</u>	<u># 9</u>

NOTES:

might need cart

CONTRACT TERMS AND CONDITIONS OF UNIFORM HOUSEHOLD GOODS BILL OF LADING

The following terms and conditions apply to all services performed by the carrier under this contract. This contract is also subject to all rules, rates, and charges in the current tariff published by, or on file with, the Washington Utilities and Transportation Commission:

SECTION 1.

- (A) **THE CARRIER IS LIABLE** for physical loss of, or damage to, any article from external cause while being packed, unpacked, loaded, unloaded, carried or held in storage-in-transit, including breakage, if articles are packed by the carrier and/or if the breakage results from negligence of the carrier. The carrier's liability is subject to the limitations of liability described in Section 2.
- (B) **THE CARRIER IS NOT LIABLE** for loss of, or damage to, any article from external cause while being carried or held in storage-in-transit, for the following circumstances:
- (1) Breakage, when articles are packed by the customer or the customer's representative unless it can be proven that the breakage resulted from negligence by the carrier in handling the article(s).
 - (2) Change in the condition or flavor of perishable articles.
 - (3) Loss or damage to documents, bank bills, notes, currency, money, postage stamps, letters, or valuable papers of any kind.
 - (4) Loss or damage to jewelry, watches, precious stones, or precious metals.
 - (5) An act, omission, or order of the customer, or loss or damage resulting from the customer's inclusion in the shipment such articles as explosives, dangerous articles or dangerous goods.
 - (6) Defective design of an article, including susceptibility to damage because of atmospheric conditions such as temperature and humidity changes.
 - (7) Hostile or warlike action or use of any weapon of war (in time of peace or war); terrorism; insurrection; rebellion; revolution; civil war, usurped power, and action taken in hindering, combating or defending against such occurrences: (a) by any government or sovereign power, or by authority maintaining or using military forces; or (b) by military forces; or (c) by an agent of any such government, power, authority or forces.
 - (8) Seizure, confiscation, or destruction under quarantine by order of any government or public authority.
 - (9) Strikes, lockouts, labor disturbances, riots, civil commotions or the acts of any person or persons taking part in any such occurrence or disorder.
 - (10) Acts of God.

SECTION 2. The carrier's maximum liability shall be determined based on the valuation option selected by the customer on the face of this contract.

- (A) If the customer selected **Basic Value Protection**, the carrier's maximum liability shall be the actual loss or damage not exceeding \$.60 per pound of weight of any lost or damaged article(s).
- (B) If the customer selected **Depreciated Value Protection**, the carrier's maximum liability shall be the amount of the actual loss or damage not exceeding \$2.00 times the actual weight (in pounds) of the shipment.
- (C) If the customer selected **Replacement Cost Coverage with a deductible**, the carrier's maximum liability shall be the amount of the actual loss or damage less a \$300 deductible not exceeding \$3.50 times the weight of the shipment, or the lump sum declared value, whichever is greater.
- (D) If the customer selected **Replacement Cost Coverage**, the carrier's maximum liability shall be the amount of the actual loss or damage not exceeding \$3.50 times the weight of the shipment, or the lump sum declared value, whichever is greater.

SECTION 3. Unless specific arrangements have been authorized by this contract, the carrier is not required to transport the customer's goods by any particular schedule, means, or vehicle and is not liable for delays resulting from causes other than negligence of the carrier. Further, in case of unforeseen circumstances which prevent the carrier from completing delivery, the carrier has the right to forward the customer's property by another carrier.

SECTION 4. The customer must pay all legal charges. If the carrier is required to refer this contract to an attorney for collection of charges due, shipper agrees to pay reasonable attorney fees and collections costs. If this contract is referred to court for resolution, the non-prevailing party shall be responsible for payment of reasonable attorney fees and court costs.

SECTION 5.

- (A) The carrier may place a shipment into storage at the public warehouse nearest the point of destination if the carrier is unable to make delivery because:
- (1) The carrier was unable to locate a customer at the address given or the correct address;
 - (2) The customer refused or was unable to accept delivery; or
 - (3) On a shipment moving under a non-binding estimate, the customer was unable or refused to pay up to 110 percent of the amount of the original estimate.
- The carrier's liability as a common carrier ends with delivery to the warehouse and the shipment becomes subject to the warehouse's liability, terms and conditions. The carrier must mail or deliver a written notice to the destination address advising that it was unable to make delivery.
- (B) The carrier may sell the property in a shipment if:
- (1) The customer refuses the shipment at destination;
 - (2) The customer fails to receive or claim the shipment within 15 days after the carrier has mailed a written notice to the customer to the addresses shown on face of this Bill of Lading; or
 - (3) If the customer fails or has refused to pay the lawful charges in accordance with the carrier's tariff and Commission rules.
- (C) The carrier may sell the property at its option:
- (1) Upon notice in the manner authorized by law, or
 - (2) To the highest bidder at a public auction held at a time and place named by the carrier. The carrier must give the customer at least 30 days' written notice of the sale and must publish a notice containing a description of the property (as described in the Bill of Lading) and the name of the customer at least once a week for two consecutive weeks in a

Complaint attachment D

Bank of America



FIRSTCHOICE™

H

BEL-RED BRANCH
2245 NE BEL RED ROAD
REDMOND WA 98052

PAGE 1 OF 1

FOR CUSTOMER SERVICE CALL 1.800.442.8880,
IN THE SEATTLE AREA CALL 206.461.0800.
TTY/TDD USERS: 1.800.232.8299.

COLLEEN L KELLY
417 E PINE ST # 209
SEATTLE WA 98122-2375

ACCOUNT NUMBER
STATEMENT PERIOD
12-23-2006 TO 1-24-2007
C 1S3 0



www.bankofamerica.com
Our free Online Banking service allows you to check account balances, transfer funds, pay bills and more. Enroll now at www.bankofamerica.com.

Make saving money easy by selecting a Bank of America High Yield CD or Risk Free CD. Whether your objective is finding a great rate with the High Yield CD or liquidity with the Risk Free CD, we have a solution to help you reach your Savings goals. Visit your nearest banking center and see why opening a CD with us is such a smart move.

SUMMARY OF YOUR ACCOUNTS		
CHECKING	SAVINGS	CREDIT CARD
FIRSTCHOICE MINIMUM BAL	FIRSTCHOICE MARKET RATE	VC PLATINUM
BEGINNING BALANCE	BEGINNING BALANCE	CREDIT LIMIT
DEPOSITS	INTEREST THIS PERIOD	OUTSTANDING BALANCE
WITHDRAWALS	ENDING BALANCE	AS OF 1-23-2007
ENDING BALANCE	INTEREST YEAR-TO-DATE	AMOUNT AVAILABLE
MIN BAL ON 1-04-2007	AVERAGE DAILY BAL	
	ANNUAL PERCENTAGE	
	YIELD EARNED	
	DAYS INTEREST EARNED	

CHECKING ACTIVITY

DEPOSITS
POSTED AMOUNT DESCRIPTION

WITHDRAWALS

CK NO	PAID	AMOUNT	CK NO	PAID	AMOUNT	CK NO	PAID	AMOUNT	CK NO	PAID	AMOUNT
2052	1-03	97.00	2053	12-27	495.25	2063*	1-04	619.19	2084	1-23	72.00

* = GAP IN CHECK SEQUENCE

TOTAL NUMBER OF CHECKS POSTED

POSTED	AMOUNT	DESCR
12-27	4.54	ONLII
1-22	60.00	BANKI



6918394POS
01/20 1112 S BAILEY SEATTLE

FIRSTCHOICE MARKET RATE

POSTED	AMOUNT	DESCR
1-24	.01	INTEF

ING WITH BANK OF AMERICA



*Complaint
Attachment E*

Bank of America



Fax Cover Sheet

To: *Sandra White*

Company: *WUTC*

Telephone Number: *1-800-562-6150*

Fax Number: *1-360-664-4291*

Date: *8-6-2007*

From: **BANK OF AMERICA**

Department: **MADISON PIKE BANKING CENTER**

Telephone Number: **206-322-3050**

Fax Number: **206-322-4580**

Number of pages including this cover sheet: **2**

If transmission problems occur, please call: *206-604-1311*

Message:

from Colleen Kelly

This information contained in this FAX message is intended only for the confidential use of the designated recipient named above. This message may contain contractual and proprietary information and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the message to us by mail.

00-22-3482NSBW 08-2001

Amount: \$495.25
ACCOUNT:
Bank Number:

Sequence Number: 0350511012
Capture Date: 12/27/2006
Check Number: 2053

COLLEEN L. KELLY
KELLYCL334PW
12508 LAKE CITY WAY NE #517
SEATTLE, WA 98125

19-0-1250

2053

12/23 11.06

PAY TO THE ORDER OF Careful Movers
four hundred ninety five and 25/100

\$ 495.25

BANK OF AMERICA
WASHINGTON

Colleen L. Kelly

302

DEC 26 06

DEC 26 11 06 AM '06
CAREFUL MOVERS
12508 LAKE CITY WAY NE
SEATTLE WA 98125

2118

PAY TO THE ORDER OF
US BANK
12508 LAKE CITY WAY NE
FOR DEPOSIT ONLY
CAREFUL MOVERS

122040226 12262066 0529
\$1 037 10 99 PKT

035051101255124

*Complaint
Attachment F*



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

Complaint Follow-Up

Ms. Colleen Kelley / Careful Movers
No. 101084

Complaint: Basically Ms. wanted Careful Movers to pay for the secondary moving efforts by a different mover because Careful Movers should have moved the bookcases on the initial move.

Investigation Findings: Nonjurisdictional. UTC has no jurisdiction over a customer incurring additional expenses and then wanting the mover to reimburse for what was not accomplished at the time of the move.

During the course of the investigation, it was found that Careful Movers was operating without a valid UTC permit.

Summary: Valid proof of the company operating without a permit was secured in the form of a cancelled check [front and back] from the customer. Because this complaint was deemed nonjurisdiction by staff, no assessment of RCW or WAC violations are noted.

All documents provided were scanned and can be found in the complaint electronic file.

UTC Business Practices Section and Transportation Section were made aware of the company operating without a permit on August 9, 2007. Further action may be followed after staff review within these sections.

Complaint closed.

Respectfully Submitted,

A handwritten signature in black ink that reads "Sandra White".

Sandra White
Consumer Program Specialist
August 9, 2007



APPENDIX H

08/15/2007 15:45

205-358-2060

BANK OF AMERICA

PAGE 02/03

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

I, Colleen L. Kelly hereby declare:

I am over the age of 18, am competent to testify on the matters set forth below and have personal knowledge of those matters.

I hired Careful Movers for a move, which its movers failed to complete due to incompetence. After six months of negotiations, Careful Movers offered a partial refund, failed to produce the refund (alleging it is lost in the mail), and then advised me to "sue them" or accept a check for a reduced amount. The details follow:

I hired Careful Mover to move me from 12508 Lake City Way NE, #517, Seattle, WA 98125 on December 23, 2006. When we arrived at my new building at 417 E. Pine Street, #209, Seattle, WA 98122, the movers said my three bookshelves would not fit through the elevator, stairwells, or windows. The shelves dimensions are 84 X 24 X 12.5 inches (two shelves) and 90 X 40 X 16.5 inches (one shelf). The movers did not try to physically move the shelves when we arrived at the new building. Instead, we moved the shelves back to my storage unit in the old building.

After a friend assessed the shelves dimensions and options for moving them into the building, I was convinced it could be done. I called Careful Movers and spoke with Shane. I asked him to send a truck and two different movers to move the shelves at no additional charge. I was so confident that I offered to pay the hourly rate if I was incorrect and the shelves would not fit. Shane declined my request.

On March 30th, I borrowed a friend's truck and hired two laborers to move the shelves. We successfully moved all three shelves into the new building; the two seven foot tall shelves fit into the elevator, and the seven and a half foot tall shelf fit through one of the stairwells.

I requested in writing a refund from Careful Movers for the quantifiable costs to complete the work Careful Movers did not. I called Careful Movers several times a week for nearly two months before it agreed to send me a refund on May 24th. Someone from Careful Movers always answers the phone and will take a message. When I did not receive the refund check after a month, I called Careful Movers again. It claims it mailed me a check, but I had not received it. After several weeks of calling, Careful Movers told me it would issue me a new check minus \$30, the cost of canceling the previous check. Careful Movers told me if I was still dissatisfied, I could "sue them". I picked up the \$245 refund check on July 7, 2007.

On July 3, 2007, I filed a complaint with the Washington Utilities and Transportation Commission. For that complaint, I provided a copy of the Bill of Lading issued to me by Careful Movers, a copy of the canceled check, front and back, with which I paid Careful Movers and a copy of the refund check Careful Movers issued to me for \$245.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

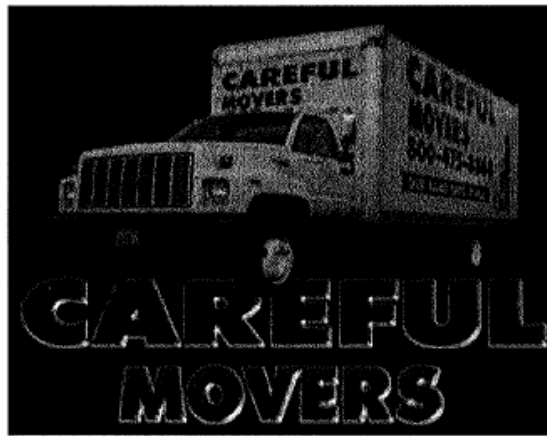
Dated this 15 day of August, 2007, at Seattle, Washington.

1st Colleen L Kelly

APPENDIX I

Welcome to Careful Movers!

Page 1 of 1



Careful Movers: Established 1989

Since then, we have moved tens of thousands of satisfied customers. At Careful Movers, we are not happy unless you the customer are fully satisfied. Our office staff and experienced movers will assist you in a safe, swift, and stress free move. Not only do we move, but we also sell packing supplies and have a packing and unpacking service available. Please call us with any questions or to schedule a move. Whether you're moving a small household or a 100 person office, Careful Movers is the company for the job.



Copyright 2002, Careful Movers



Call Now
800-475-8868
Need Something Moved?

Home
Contact Us
Online Quote

Phone: 1-800-475-8868
(425) 745-7559

Email: bigd77@verizon.net

Address: Careful Movers
15015 Hwy 99, Suite A
Lynnwood, WA 98037



Copyright 2002, Careful Movers



Call Now
800-475-8868
Need Something Moved?

What kind of quote would you like? [Home](#) or [Office](#) move?

Home
Contact Us
Online Quote

*Online Office Move Quote

* required fields

*Name :

*Work Phone :

 - - extension

*E-mail :

*Confirm Email :

*Best time to contact you :

AM

*Estimated Move Date :

Month Day Year

*How did you find our website?

*Moving From :

*Address :

*City :

*St :

From

*Number of offices :

*Elevator :

Yes No

*If walk up # of floors :

*Moving To :

*Address :

*City :

*St :

From

*Number of offices :

*Elevator :

Yes No

*If walk up # of floors :

*Will you need :

Packing Unpacking Storage

*Furniture :

* Bookcase

Tables, coffee

* Cabinet

Tables, end

* Chair, straight

Table, conference

* Chair, arm

Rug (small)

- * Chair, overstuffed
 - * Lamps
 - * Pictures
-
- *Appliances :
- * Aircond/window.sm
 - * Aircond/window.lg
 - * Dishwasher
 - * Freezer (10 cu. ft. or less)
 - * Freezer (11-15 cu. ft.)
 - * Freezer (16 cu. ft. or over)
- Vacuum cleaner
 - Washing machine
 - Dryer
 - Refrigerator (6 cu. ft. or less)
 - Refrigerator (7-10 cu. ft.)
 - Refrigerator (11 cu. ft. or over)
-
- *Kitchen :
- * Chairs
 - * Table
 - * Microwave oven
- Serving cart
 - Vending Machines
 - Coffee Maker
-
- *Home Office :
- * Desk, small
 - * Filling cabinet, 2 Drawers
 - * Filling cabinet, Letteral
 - * Fax
 - * Scanner
 - * Copier, desk-top
- Desk, office, large
 - Filling cabinet, 4 Drawers
 - Computer
 - Printer
 - Copier, stand alone
 - Credenza
-
- *Boxes :
- * Book Box (Small)
 - * China Box (Large)
 - * Picture/Mirror Box
- Linen Box (Medium)
 - Wardrobe Box



Comments:





What kind of quote would you like? Home or Office move?

Home
Contact Us
Online Quote

*Online Home Move Quote * required fields

*Name :

*Home Phone : - - extension

*Work Phone :

*E-mail :

*Confirm Email :

*Best time to contact you : AM

*Estimated Move Date : Month Day Year

*How did you find our website?

* Moving From :

*Address :

*City :

*St : From

*Size of Home/Apartment :

*Elevator : Yes No

*If walk up # of floors :

*Moving To :

*Address :

*City :

*St : From

*Size of Home/Apartment :

*Elevator : Yes No

*If walk up # of floors :

*No. of people living in Home/Apartment :

*Will you need : Packing Unpacking Storage

*Living Room :

* Bookcase Sofa, loveseat

* Cabinet Sofa, large

* Chair, straight	Stereo
* Chair, arm	Tables, coffee
* Chair, rocker	Tables, end
* Chair, overstuffed	TV, up to 30"
* Entertainment center, medium	TV, larger than 30"
* Entertainment center, large	VCR
* Lamps	Piano
* Pictures	Rugs
* Chest, cedar	
<hr/>	
*Dining Room :	
* Buffet (base)	Chair
* Hutch (top)	Server
* Cabinet, corner	Pictures
* Rug (small)	Dining table
* Rug (large)	
<hr/>	
*Bedrooms :	
* Bed, single	Dresser, single
* Bed, double	Dresser, double
* Bed, queen	Dresser, triple
* Bed, king	Night table
* Bed, bunk (set 2)	Pictures
* Bookshelves (sectional)	Lamps
* Chair	TV
* Rug (small)	Chest, armoire
* Rug (large)	
<hr/>	
*Nursery :	
* Bed, youth	Crib, baby
* Chest, toy	Table, child's
<hr/>	
*Appliances :	
* Aircond/window.sm	Vacuum cleaner
* Aircond/window.lg	Washing machine
* Dishwasher	Dryer
* Freezer (10 cu. ft. or less)	Refrigerator (6 cu. ft. or less)
* Freezer (11-15 cu. ft.)	Refrigerator (7-10 cu. ft.)
* Freezer (16 cu. ft. or over)	Refrigerator (11 cu. ft. or over)
<hr/>	
*Kitchen :	



- * Chairs
 - * Breakfast table
 - * Microwave oven
- Serving cart
Ironing board

*Home Office :

- * Desk, small
 - * Filling cabinet, 2 Drawers
 - * Filling cabinet, Letteral
 - * Fax
 - * Scanner
 - * Copier, desk-top
- Desk, office, large
Filling cabinet, 4 Drawers
Computer
Printer
Copier, stand alone
Credenza

*Porch & Outdoor :

- * BBQ grill, small
 - * BBQ grill, large
 - * Chairs, aluminum
- Chairs, metal
Table

*Misc :

- * Bicycle
 - * Suitcase
 - * Trash can
- Wagon, child's
Golf bag

*Boxes :

- * Book Box (Small)
 - * China Box (Large)
 - * Picture/Mirror Box
- Linen Box (Medium)
Wardrobe Box



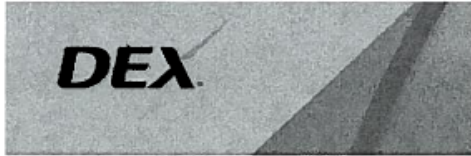
Comments:



APPENDIX J

Yellow Pages and Online Phone Book : DexKnows.com

Page 1 of 2



Showing businesses with "careful movers" in the name. Search for businesses that mention "careful movers"?

1 - 7 of 7 careful movers around Lynnwood, WA

Sorted by: Relevance

Name	Description	Specialty	Distance
A. Careful Movers Toll Free 800 475-8868			1.62 miles from
B. Careful Movers (425) 745-7559 Lynnwood Lynnwood, WA 98037			1.62 miles from
C. Careful Movers (425) 353-0454 12529 Highway 99 Everett, WA 98204- 5506			4.97 miles from
D. Careful Movers (800) 475-8868 Bellevue, WA 98004			15.18 miles from
E. A Father & Fast Careful Sons Movers (253) 815-8585 (Map, Yellow Page Ad)		Pianos	14.86 miles from
F. A Father & Fast Careful Sons Movers (206) 621-1206 (Map, Yellow Page Ad)			14.86 miles from
G. A Father & Fast Careful Sons Movers (253) 735-7834 (Map, Yellow Page Ad, Web site, E-mail)			14.86 miles from

REQUEST A QUOTE

Need Moving Help?



Get Quotes Now

What kind of moving do you need?

- Local Moving
- Long Distance Moving
- International Moving

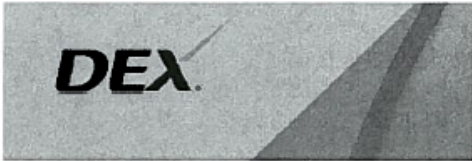
Your Zip Code:

Continue

Respond

Additional data provided by Localeze

Search for businesses that mention "careful movers"?



Showing businesses with "careful movers" in the name. Search for businesses that mention "careful movers"?

1 - 3 of 3 careful movers around Everett, WA

Sorted by: Relevance

Name	Description	Specialty	Distance
A. Careful Movers (425) 353-0454 12529 Highway 99 Everett, WA 98204-5506			6.99 miles from
B. Careful Movers (425) 745-7559 15001 35th Ave W Lynnwood, WA 98087-2343			8.85 miles from
C. Careful Movers Toll Free 800 475-8868			10.71 miles from

Additional data provided by Localize

REQUEST A QUOTE

Need Moving Help?



Get Quotes Now

What kind of moving do you need?

- Local Moving
- Long Distance Moving
- International Moving

Your Zip Code:

Continue



Search for businesses that mention "careful movers"?



Finding People, Places, and Businesses

- International
- Maps
- Area Codes
- Toll-Free

- Shopping.com
- eHarmony.com
- Video News

Classmates.com
Find old friends and reconnect with them!

Reunion.com
Find Anyone's Email Address

W3 Data
Reach new customers in your area!

Narrow by Category

- Machinery Movers & Erectors (1)
- Movers (5)
- Movers & Full Service Storage (2)
- Moving Services-Labor & Materials (12)
- Piano & Organ Moving (1)

More...

Search Within These Results



Narrow by Area

State

- TX (1)
- WA (17)
- Other (5)

- HOME
- YELLOW PAGES
- WHITE PAGES
- REVERSE LOOKUP
- HELP

FIND A BUSINESS



Business Category OR Name

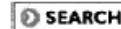
careful movers

City or Area Code

State

lynnwood

WA



Results 1 YELLOW

-

Businesses matching the search **careful movers**

Show only: **lynnwood, WA** locations

Your search area: [Expand](#) | [Narrow](#)

Sort by: [Featured Businesses](#) | [A-Z](#) | [Distance](#) | [Relevance](#)

Jump to: [A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#) # | [All](#)

« < 1 > » (Showing 1-23)



Careful Movers
 12529 Highway 99
 Everett, WA 98204

(425) 353-0454

[SEARCH NEARBY](#) [MAP](#) [DIRECTIONS](#)

Careful Movers
 Lynnwood, WA 98087

(425) 745-7559

Miracle Movers
 Serving Your Area

(800) 919-0556 Click for Free Call

Are you ready for a miracle move?

More Info: "...Friendly * Hardworking * **Careful** * Reliable (800) 919-0556..."



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- Area Codes
- Toll-Free

- Shopping.com
- eHarmony.com
- Video News

Classmates.com
Find old friends and reconnect with them!

Reunion.com
Find Anyone's Email Address

W3 Data
Reach new customers in your area!

Category Results
Moving Services-Labor & Materials

Search Within These Area's



Harmon by Area

City

- Everett (1)
- Lynnwood (1)

ZIP Code

- 98087 (1)
- 98204 (1)

- HOME
- YELLOW PAGES
- WHITE PAGES
- REVERSE LOOKUP
- HEL

FIND A BUSINESS



Business Category OR Name

Careful movers

City or Area Code: everett State: WA

Results | YELLOW

Category Results (0) Name Results (2) Products/Services (2)

Businesses matching the search careful movers

Show only: everett, WA locations Your search area: Expand | Narrow

Sort by: Featured Businesses | A-Z | Distance | Relevance

Jump to: A B C D E F G H I J K L M N O P Q R S T U V W X Y Z # | All

<< < 1 > >> (Showing 1-2)

Careful Movers
12529 Highway 99
Everett, WA 98204

(425) 353-0454

SEARCH NEARBY MAP DIRECTIONS

Careful Movers
Lynnwood, WA 98087

(425) 745-7559

Add your business here with a FREE YELLOWPAGES.COM listing!

<< < 1 > >> (Showing 1-2)

Results powered by YELLOWPAGES.COM

SPONSORED LINKS

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- Batch Phone & Address Search
- Find your Soul Mate
- Find Anyone's En
- Find a Great Job

superpages.com we know around here

Lynnwood, WA

Search for: careful movers in Lynnwood WA



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Business Owners: [Create a FREE E](#)

[Save](#) | [Print](#) | [Update](#) | [Send](#) | [What](#)

Careful Movers

Lynnwood, WA 98036

[map](#) | [driving directions](#)

phone: (425) 745-7559

<http://www.carefulmovers.net>

Be the first to [Rate It](#)

Products & Services:

- Business
- Estimates
- Packing & Unpacking

Specialties:

- Business
- Established 1989
- Experienced Crew Members
- Free Estimates
- Library Moving Specialists
- Local & Out of State
- Packing & Unpacking
- Special Care With Antiques
- We Sell Boxes

Payment Options:

- All Major Credit Cards Accepted
- American Express
- MasterCard
- VISA

Additional Information:

Local & Out Of State, Special Care With Antiques, Experienced Crew Members



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In Business Since:
1989

Customers Served:
Residential

Appears in the Category:
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Search for: careful movers

in Everett WA

Search

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Careful Movers

12529 Highway 99, Everett, WA 98204
[map](#) | [driving directions](#)

phone: (425) 353-0454

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Products & Services:

- Moving Services

Additional Information:

Movers



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In Business Since:
1989

Appears in the Category:
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superpages.com we know around here

Everett, WA

Search for: **careful movers**

in **Everett WA**

Search

Search Results for careful movers | Show Online Product Results
Business names containing careful movers

Sort Results and Viewing

Narrow My Search

Your search area was expanded to provide the best results possible

All Listings

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- | | | |
|--|-------------------------|-------------------|
| 1 Careful Movers
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more info phone map | Be the first to Rate It | + Save
▶ Share |
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| 3 A Father & Fast Careful Sons
Seattle, WA 98148
more info phone map | Be the first to Rate It | + Save
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| 4 A Father & Fast Careful Sons
Auburn, WA 98001
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Search for: **careful movers**

in **Everett WA**

Search



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Search for: **careful movers** in **Lynnwood WA**

Search Results for *careful movers* | [Show Online Product Results](#)

Show categories for **careful movers**

- Sort Results and Viewing
- Narrow My Search

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Business names containing careful movers

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