



EXPEDITE  
 Hearing is set:  
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SUPERIOR COURT OF WASHINGTON  
FOR THURSTON COUNTY

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Plaintiff,

v.

MIRACLE MOVERS, INC.,

Defendant.

NO. 09-2-02833-5

PETITION FOR CIVIL  
ENFORCEMENT OF AGENCY  
ORDER, MONETARY PENALTIES  
AND INJUNCTIVE RELIEF

Plaintiff Washington Utilities and Transportation Commission (Commission), by and through its attorneys, Robert M. McKenna, Attorney General, and Michael A. Fassio, Assistant Attorney General, make the following petition:

**I. NATURE OF THIS CASE**

1.1 This is a civil action pursuant to RCW 34.05.578, a provision of the Administrative Procedure Act (RCW 34.05), for court enforcement of Commission Order 02,

1 an administrative order issued by the Commission against Defendant, Miracle Movers, Inc.  
2 (Miracle Movers).

3 1.2 In its Order 02, the Commission ordered Miracle Movers to cease and desist  
4 from conducting household goods transportation services for compensation within Washington  
5 State unless or until Miracle Movers obtained a permit from the Commission.  
6

7 1.3 Persons who transport household goods between points in Washington State for  
8 compensation are required to have a permit issued by the Commission. Former RCW  
9 81.80.070 and RCW 81.80.075.<sup>1</sup> Defendant, Miracle Movers has never had such a permit, yet  
10 it has transported and is transporting household goods for compensation between points in this  
11 state, and is conducting household goods moving operations in violation of Order 02 and state  
12 law.  
13

14 1.4 Therefore, among other things, the Commission asks the Court to enforce  
15 Commission Order 02 by issuing a permanent injunction barring Miracle Movers from  
16 engaging in business as a household goods carrier without a household goods carrier permit  
17 issued by the Commission, and impose a \$10,000 civil penalty on Miracle Movers for violation  
18 of Order 02.  
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21 <sup>1</sup> At all times material to this Petition, businesses such as Miracle Movers were and are required to have a  
22 common carrier permit issued by the Commission before they may provide household goods transportation  
23 services for hire within Washington state. This permit requirement was contained in former RCW 81.80.070 until  
24 2009; it is now contained in RCW 81.80.075.

25 Former RCW 81.80.070 provided, in part: "a common carrier...shall not operate for the transportation  
26 of property for compensation in this state without first obtaining from the commission a permit for such  
operation." Common carriers include household goods carriers. RCW 81.04.010(4).

RCW 81.80.075 (effective 2009) provides, in part: "No person shall engage in business as a household  
goods carrier without first obtaining a permit issued by the Commission." RCW 81.80.010 (as amended in 2009),  
defines "household goods carrier" as "a person who transports for compensation, by motor vehicle in this state, or  
who advertises, solicits, offers, or enters into an agreement to transport, household goods as defined by the  
Commission."

1 **II. JURISDICTION AND VENUE**

2 2.1 This Court has jurisdiction under RCW 34.05.578 to enforce an order of a state  
3 agency. The Commission is a state agency. Order 02 is an order of the Commission.

4 2.2 Under RCW 34.05.578(3), "venue is determined as in all other civil cases." In  
5 this case, venue is proper in Thurston County pursuant to RCW 4.12.025(1), because Miracle  
6 Movers is a corporation with a registered agent in Thurston County.

7 **III. PARTIES**

8 3.1. The Commission is a state agency created by chapter RCW 80.01. The  
9 Commission is authorized under RCW 80.01.040 and chapter RCW 81.80 to regulate in the  
10 public interest persons engaged in the transportation of property for compensation over the  
11 public highways of the state of Washington, including household goods carriers.

12 3.2. Miracle Movers is a corporation that does business in the state of Washington,  
13 with headquarters in King County, Washington.

14 **IV. FACTS**

15 4.1 At all times material to this matter, including currently, Miracle Movers has  
16 never had a common carrier permit issued by the Commission authorizing Miracle Movers to  
17 transport household goods for compensation between points in the state of Washington.

18 4.2 On May 16, 2006, the Commission received a complaint from a customer of  
19 Miracle Movers. The complainant alleged that in the course of transporting the complainant's  
20 household goods, Miracle Movers damaged some of those goods, and Miracle Movers refused  
21 to honor his damage claim. The Commission's investigation determined that Miracle Movers  
22 was transporting property, including household goods, for compensation on the public  
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1 highways of the state of Washington without holding the permit required by former RCW  
2 81.80.070.

3 4.3 The Commission contacted a representative of Miracle Movers to provide a  
4 copy of the customer complaint. The Commission informed Miracle Movers that it required a  
5 common carrier permit to provide common carriage of household goods between points in the  
6 state of Washington. The Commission also repeatedly attempted to provide Miracle Movers  
7 technical assistance regarding the process for obtaining a household goods common carrier  
8 permit. Miracle Movers did not respond to the complaint, nor did Miracle Movers attempt to  
9 obtain a permit. The Commission then initiated a formal investigation of Miracle Movers.  
10

11 4.4 On March 16, 2007, and under authority of RCW 81.04.510, the Commission  
12 served an Order to Show Cause Why the Operations of Miracle Movers, Inc. are not Subject to  
13 Title 81 RCW and Notice of Hearing (Show Cause Order) as well as a Subpoena and Subpoena  
14 Duces Tecum for Production of Documents (Subpoenas), on Miracle Movers at Miracle  
15 Movers' business address. On March 21, 2007, the Commission personally served (via legal  
16 messenger) the Show Cause Order and Subpoenas on Miracle Movers' registered agent.  
17

18 4.5 Pursuant to that Show Cause Order, the Commission convened a hearing on  
19 May 1, 2007, before a Commission Administrative Law Judge (ALJ). Miracle Movers did not  
20 appear at the hearing, and failed to comply with the Subpoenas. At the hearing, the  
21 uncontested evidence established that Miracle Movers had transported household goods for  
22 compensation over the highways of the state of Washington, and was holding itself out to the  
23 public as a household goods carrier by advertising its services in print, online, and on a  
24 company Web site.  
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1           4.6     On May 8, 2007, the Commission ALJ issued Order 02 (entitled "Initial Order  
2 to Cease and Desist; Default Order") holding Miracle Movers in default, and finding that  
3 Miracle Movers performed household goods moving operations requiring permit authority  
4 from the Commission, without first having obtained that authority, in violation of former RCW  
5 81.80.070. The ALJ ordered Miracle Movers to cease and desist from conducting household  
6 goods moving operations under former RCW 81.80.070 requiring permit authority unless or  
7 until it obtained the required permit from the Commission. A copy of Order 02 is attached as  
8 Exhibit A to the Affidavit of Lisa Wyse.  
9

10           4.7     The Commission properly served Order 02 upon Miracle Movers on May 8,  
11 2007. A copy of the Proof of Service of Order 02 is attached as Exhibit B to the Affidavit of  
12 Lisa Wyse.  
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14           4.8     On May 29, 2007, and pursuant to RCW 80.01.060(3), Order 02 became a final  
15 Commission order. On May 31, 2007, the Commission issued a Notice of Finality, and  
16 properly served that Notice upon Miracle Movers. A copy of the Notice of Finality is attached  
17 as Exhibit C to the Affidavit of Lisa Wyse. A copy of the Proof of Service of the Notice of  
18 Finality is attached as Exhibit D to the Affidavit of Lisa Wyse.  
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20           4.9     After Order 02 became final on May 29, 2007, Miracle Movers knowingly  
21 failed to comply with Order 02 by continuing to conduct household goods moving operations  
22 in Washington State requiring a permit from the Commission.  
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24           4.10    In July 2009, the Commission sent a letter to companies believed to be  
25 operating as household goods carriers without required permit authority, including Miracle  
26 Movers. Among other things, the letter specifically informed Miracle Movers that new

1 household goods laws would go into effect in July 2009 expanding the definition of  
2 “household goods carrier,” and providing for increased penalties for violating a cease and  
3 desist order and advertising without a permit. The letter warned Miracle Movers that the  
4 Commission would seek enforcement of Order 02 in superior court should Miracle Movers fail  
5 to promptly apply to the Commission for household goods permit authority and fail to  
6 immediately cease operating or advertising as a household goods carrier until it obtained the  
7 permit. Miracle Movers did not submit an application, nor otherwise respond to the letter.

9 4.11 Miracle Movers advertises its services on its Web site and on at least one online  
10 directory. Miracle Movers’ Web site, [www.miraclemovers.com](http://www.miraclemovers.com), advertises that the company  
11 offers “residential and commercial” moving services, and is “licensed and insured.” The Web  
12 site lists local contact numbers for Seattle, the Eastside, South King County, and the “North  
13 End.”

14  
15 4.12 Miracle Movers provides estimates for residential household goods moves  
16 within Washington State to prospective customers who contact its local telephone numbers.  
17 Miracle Movers’ estimates include moving personnel, a truck and safety equipment.

18 4.13 Through its Web site and online advertisements, and by providing estimates,  
19 Miracle Movers holds itself out to the public to conduct residential household goods moving  
20 operations and engages in business as a household goods carrier within the state of  
21 Washington.

## 22 23 **V. COMMISSION’S AUTHORITY TO SEEK CIVIL ENFORCEMENT**

24 5.1 As described in Part V of this Petition, Miracle Movers does not have a  
25 household goods carrier permit issued by the Commission as required by state law, yet Miracle  
26



1 issued by the Commission under RCW 81.04.510 (in this case, Order 02), as authorized by  
2 RCW 81.80.075(5).

3 6.3 Award the Commission its costs, fees, and other disbursements associated with  
4 the filing and maintenance of this petition, including reasonable attorney's fees.

5 6.4 Retain jurisdiction to enforce its orders.

6 6.5 Grant any further or other relief the court deems just and appropriate.

7 DATED this 25<sup>TH</sup> day of November, 2009.

8  
9 Respectfully submitted,

10 ROBERT M. MCKENNA  
11 Attorney General

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