

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	
TRANSPORTATION COMMISSION,	)	DOCKET TV-122004
	)	
Complainant,	)	COMPLAINT
	)	
v.	)	
	)	NOTICE OF PREHEARING
OLYMPIC MOVING & STORAGE, INC.,	)	CONFERENCE
d/b/a OLYMPIC MOVERS	)	
	)	
Respondent.	)	
	)	
.....	)	

1 The Washington Utilities and Transportation Commission (Commission), on its own motion, and through its Staff, alleges as follows:

**I. BACKGROUND**

2 Based on information received on May 30, 2012, Commission Staff (Staff) began an investigation into the business practices of Olympic Moving & Storage, Inc. d/b/a Olympic Movers (Olympic or the Company). On September 26, 2012, Staff requested records relating to the Company’s operations between June 1, 2012 and August 31, 2012. Olympic’s response to Staff’s request included several documents that the Company had altered to conceal violations of Commission rules and relevant state laws.

3 Additionally, on October 17, 2013, Staff received a consumer complaint relating to Olympic. Staff requested the relevant documentation of the move from the Company and the consumer who had filed the complaint. Upon subsequent investigation, Staff

discovered that the Company had again altered several documents prior to providing them to Staff.

## II. PARTIES

4 The Washington Utilities and Transportation Commission is an agency of the State of Washington, authorized by RCW Chapter 81.80 to regulate companies that transport household goods within the state of Washington.

5 Olympic is a household goods carrier subject to regulation by the Commission under RCW Chapter 81.80.

## III. JURISDICTION

6 The Commission has jurisdiction over this matter pursuant to RCW 81.04.070, RCW 81.80.130, RCW 81.80.330, RCW Chapter 81.80, and WAC Chapter 480-15.

## IV. FIRST CAUSE OF ACTION

### **(Violation of RCW 81.04.070, failure to provide documents for inspection)**

7 The Commission, through its Staff, realleges the allegations contained in paragraphs 2 through 5 above.

8 Under RCW 81.04.070, the Commission may inspect the documents, books, and records of any public service company.

9 On September 26, 2012, Staff sent a data request to Olympic requesting all documentation related to intrastate moves the company performed between June 1, 2012 and August 31, 2012.

10 Olympic's response to Staff's data request included documentation relating to 76 moves the company performed between June 1, 2012 and August 31, 2012. Several of the documents had been visibly altered with items such as tape, white out, and paper.

- 11 After reviewing Olympic's response and noting the alterations, Staff visited Olympic's offices on November 2, 2012, in order to inspect original documents.
- 12 During its review of Olympic's original documents, Staff discovered documentation for 43 additional moves that the Company had performed within the specified timeframe but did not include in its initial response to Staff .
- 13 Olympic's failure to include documentation relating to 43 moves/transactions in its response to Staff's data request constitutes a failure to comply with RCW 81.04.070. Each transaction represents a separate violation, resulting in 43 separate and distinct violations.

#### **V. SECOND CAUSE OF ACTION**

##### **(Violation of RCW 81.04.070, failure to provide documents for inspection)**

- 14 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-12 above.
- 15 Upon inspection of the Company's original documents, Staff determined that Olympic had altered documents relating to 53 of 119 moves/transactions in order to conceal violations of Commission rules or applicable state laws.
- 16 Olympic violated RCW 81.04.070 by altering documents to conceal previous violations of Commission rules and relevant state laws. Each alteration represents a separate violation, resulting in 53 separate and distinct violations.

#### **VI. THIRD CAUSE OF ACTION**

##### **(Violation of RCW 81.04.070, failure to provide documents for inspection)**

- 17 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-16 above.
- 18 On October 17, 2013, Staff received a consumer complaint relating to Olympic.

- 19 Staff subsequently requested documentation of the complaining consumer's move from both the Company and the consumer. The Company provided Staff with scanned copies.
- 20 Upon receipt of documents from both the consumer and the Company, Staff noted substantial differences between the parties' documents.
- 21 On January 14, 2014, Staff requested that the Company provide original documents from the complaining consumer's move. Upon receipt of the original documentation, Staff noted twelve sections of the applicable documents that the Company had altered prior to sending the documents to the Commission.
- 22 Olympic violated RCW 81.04.070 by altering documents on twelve occasions to conceal previous violations of Commission rules and relevant state laws. Each alteration represents a separate violation, resulting in 12 separate and distinct violations.

#### **VII. FOURTH CAUSE OF ACTION**

##### **(Violation of WAC 480-15-490 and Tariff 15-C, Item 230(4), failure to follow requirements imposed by Commission-published tariff related to billing for travel time)**

- 23 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-22 above.
- 24 Under WAC 480-15-490, all household goods carriers must comply with all conditions, rates, and requirements imposed by the Commission-published tariff.
- 25 The Commission's Tariff 15-C, Item 230(4) requires household goods carriers to bill travel time from the time the Company's vehicle leaves the carrier's terminal or its actual location until its return or dispatch to another job. Therefore, Companies may not bill for time spent preparing a vehicle or employees while at the carrier's terminal or another location. Travel time billed to the customer should reasonably reflect the actual amount of time to travel the applicable distance.

- 26 Olympic violated WAC 480-15-490 and Tariff 15-C, Item 230(4) by improperly billing customers for excessive travel time on six separate occasions reviewed by Staff.

**VIII. FIFTH CAUSE OF ACTION**

**(Violation of WAC 480-15-630(7) and Tariff 15-C, Item 85(2)(d), failure to include customer's name, phone number, and address with an estimate)**

- 27 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-26 above.
- 28 Under WAC 480-15-630, all household goods carriers must complete estimates using the format and conditions required in the Commission-published tariff.
- 29 The Commission's Tariff 15-C, Item 85(2)(d) requires companies to include the customer's name, phone number, and address with an estimate.
- 30 Olympic violated WAC 480-15-630(7) and Tariff 15-C, Item 85(2) by failing to include a customer's name, phone number, or address with an estimate on seven occasions reviewed by Staff.

**IX. SIXTH CAUSE OF ACTION**

**(Violation of WAC 480-15-630(7) and Tariff 15-C, Item 85(2)(d), failure to include customer's name, phone number, and address with an estimate)**

- 31 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-30 above.
- 32 The Commission's Tariff 15-C, Item 85(2)(f) requires companies to include a destination address with any estimate.
- 33 Olympic violated WAC 480-15-630(7) and Tariff 15-C, Item 85(2)(d) because the Company failed to include a destination address with its estimate on three occasions reviewed by Staff.

**X. SEVENTH CAUSE OF ACTION**

**(Violation of WAC 480-15-630(7), WAC 480-15-490 and Tariff 15-C, Item 85(2)(s), failure to include the company representative's signature and/or the customer's signature along with dates on completed estimate forms)**

- 34 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-33 above.
- 35 The Commission's Tariff 15-C, Item 85(2)(s) requires that completed estimates include the company representative's signature, the customer's signature and corresponding dates.
- 36 Olympic violated WAC 480-15-630(7) and Tariff 15-C, Item 85(2)(s) by failing to include a representative's signature, the customer's signature, or both on 26 occasions reviewed by Staff.

**XI. EIGHTH CAUSE OF ACTION**

**(Violation of WAC 480-15-660, failure to provide a written supplemental estimate)**

- 37 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-36 above.
- 38 WAC 480-15-660 requires household goods carriers to provide a written supplemental estimate to customers if the circumstances surrounding the move change so as to increase rates or charges.
- 39 Olympic violated WAC 480-15-660 by failing to provide a written supplemental estimate on two occasions reviewed by Staff.

**XII. NINTH CAUSE OF ACTION**

**(Violation of WAC 480-15-660(3) and Tariff 15-C, Item 85(3)(e), failure to include a complete description of additional services or products and charges included in a supplemental estimate)**

- 40 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-39 above.
- 41 WAC 480-15-660(3) requires that companies' supplemental estimates comply with the conditions and requirements set forth in the Commission-published tariff.
- 42 The Commission's Tariff 15-C, Item 85(3)(e) requires supplemental estimates to provide a complete description of all additional services, products, and charges included in the supplemental estimate.
- 43 Olympic violated WAC 480-15-660(3) and Tariff 15-C, Item 85(3)(e) because the Company failed to provide a description of all additional services and associated charges included in a supplemental estimate on one occasion.

**XIII. TENTH CAUSE OF ACTION**

**(Violation of 480-15-660(3) and Tariff 15-C, Item 85(3)(f), failure to obtain the company representative's and/or customer's signature and date on supplemental estimate)**

- 44 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-43 above.
- 45 The Commission's Tariff 15-C, Item 85(3)(f) requires companies to obtain and include a company representative's signature, the customer's signature, and corresponding dates with any completed supplemental estimate.
- 46 Olympic violated WAC 480-15-660(3) and Tariff 15-C, Item 85(3)(f) by failing to obtain the company representative's signature and/or the customer's signature with corresponding dates on two occasions reviewed by Staff.





**XIV. ELEVENTH CAUSE OF ACTION**

**(Violation of WAC 480-15-630(7) and Tariff 15-C, Item 85(2)(g), failure to include a household goods cube sheet inventory with a written estimate)**

- 47 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-46 above.
- 48 The Commission's Tariff 15-C, Item 85(2)(g) requires all household goods carriers to include a cube sheet inventory with all written estimates. A cube sheet inventory estimates the cubic footage for each item the customer wants transported.
- 49 Olympic violated WAC 480-15-630 and Tariff 15-C, Item 85(2)(g) by failing to provide a completed cube sheet inventory with a written estimate on 18 occasions reviewed by Staff.

**XV. TWELF CAUSE OF ACTION**

**(Violation of 480-15-710 and Tariff 15-C, Item 95(1), failure to obtain the company representative's signature and/or the customer's signature with corresponding dates)**

- 50 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-49 above.
- 51 Under WAC 480-15-710, household goods carriers must issue a completed bill of lading with every move, and the bill of lading must include all of the requirements listed in the Commission-published tariff.
- 52 The Commission's Tariff 15-C, Item 95(1) requires a bill of lading to include the company representative's signature, the customer's signature, and corresponding dates.
- 53 Olympic violated WAC 480-15-710 and Tariff 15-C, Item 95(1) by failing to obtain the company representative's signature and/or the customer's signature on 16 occasions reviewed by Staff.



**XVI. THIRTEENTH CAUSE OF ACTION**  
**(Violation of WAC 480-15-710 and Tariff 15-C, Item 95(1)(b), failure to include customer's phone number with bill of lading)**

54 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-53 above.

55 The Commission's Tariff 15-C, Item 95(1)(b) requires a bill of lading to include the customer's name and telephone number.

56 Olympic violated WAC 480-15-710 and Tariff 15-C, Item 95(b)(1) by failing to include the customer's telephone number on 15 occasions reviewed by staff.

**XVII. FOURTEENTH CAUSE OF ACTION**  
**(Violation of WAC 480-15-710 and Tariff 15-C, Item 95(1)(e), failure to include the address of the destination)**

57 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-56 above.

58 The Commission's Tariff 15-C, Item 95(1)(e) requires a bill of lading to include the exact address of the destination of the move.

59 Olympic violated WAC 480-15-710 and Tariff 15-C, Item 95(1)(e) by failing to include the exact address of the destination of the move with a bill of lading on two occasions reviewed by Staff.

**XVIII. FIFTEENTH CAUSE OF ACTION**  
**(Violation of WAC 480-15-710 and Tariff 15-C, Item 95(1)(k), failure to obtain customer's initials selecting type of loss or damage protection)**

60 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-59 above.

61 The Commission's Tariff 15-C, Item 95(1)(k) requires a bill of lading to include a section where the customer must sign or initial to select the type of loss and damage protection for the shipment.

62 Olympic violated WAC 480-15-710 and Tariff 15-C, Item 95(1)(k) by failing to obtain the customer's signature or initials to select the type of loss and damage protection on six occasions reviewed by Staff.

**XIX. SIXTEENTH CAUSE OF ACTION  
(Violation of WAC 480-15-710 and Tariff 15-C, Item 95(1)(m), failure to include start, stop, and interruption times during the move)**

63 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-62 above.

64 The Commission's Tariff 15-C, Item 95(1)(m) states that if the shipment is calculated using hourly rates, the bill of lading must include start, stop, and any interruption time for each employee involved in the move.

65 Olympic violated WAC 480-15-710 and Tariff 15-C, Item 95(1)(m) by failing to include applicable start, stop, and interruption times on four occasions reviewed by Staff.

**XX. SEVENTEENTH CAUSE OF ACTION  
(Violation of WAC 480-15-710 and Tariff 15-C, Item 95(1)(n), failure to provide sufficient detail to determine if proper rates were charged)**

66 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-65 above.

67 The Commission's Tariff 15-C, Item 95(1)(n) states that each charge must be itemized and fully described in sufficient detail to determine if proper rates were charged.

68 Olympic violated WAC 480-15-710 and Tariff 15-C, Item 95(1)(n) by failing to provide sufficient details to determine whether proper rates were charged on two occasions reviewed by Staff.

**XXI. EIGHTEENTH CAUSE OF ACTION**

**(Violation of WAC 480-15-710 and Tariff 15-C, Item 95(2), failure to include all required contract terms and conditions in bill of lading)**

69 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-68 above.

70 The Commission's Tariff 15-C, Item 95(2) provides a list of terms and conditions the Commission requires to be included in any household goods bill of lading.

71 On one occasion reviewed by Staff, Olympic violated WAC 480-15-710 and Tariff 15-C, Item 95(2) by failing to include the following required sections in a bill of lading:

Section 1(A), describing the carrier's potential liability, was completely omitted; and

Sections 5 and 6 included terms and conditions not permitted in the Commission-published tariff, and those same sections omitted portions of Commission-required language.

72 On a second occasion reviewed by Staff, Olympic violated WAC 480-15-710 by omitting Commission-required language from Section 6 of the bill of lading.

**XXII. NINETEENTH CAUSE OF ACTION**

**(Violation of WAC 480-15-490 and Tariff 15-C, Item 230(3), quoting excessive hourly minimums to customers)**

73 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-72 above.

74 The Commission's Tariff 15-C, Item 230(3) states that the permissible minimum charge for shipments moving under hourly rates is one hour.

75 Olympic violated WAC 480-15-490 and Tariff 15-C, Item 230(3) by quoting hourly minimums of two to four hours on 73 occasions reviewed by Staff.

**XXIII. TWENTIETH CAUSE OF ACTION  
(Violation of WAC 480-15-490(3) and Tariff 15-C, unauthorized charge)**

76 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-75 above.

77 Household good moves are not subject to retail sales tax. *See* WAC 458-20-180. Commission-published Tariff 15-C does not authorize a retail sales tax rate or charge for household goods moves. Billing a customer for retail sales tax represents an unauthorized charge.

78 Olympic violated WAC 480-15-490 and Tariff 15-C by billing a customer for \$78.37 in retail sales taxes for moving services on one occasion reviewed by Staff.

**XXIV. TWENTY-FIRST CAUSE OF ACTION  
(Violation of WAC 480-15-490(3) and Tariff 15-C, Items 195 and 196, failure to charge customers for containers)**

79 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-78 above.

80 The Commission's Tariff 15-C, Items 195 and 196 provide billing rates for containers.

Olympic violated WAC 480-15-490 and Tariff 15-C, Items 195 and 196 by billing its customers incorrect rates for containers on 26 occasions reviewed by Staff.

**XXV. APPLICABLE LAW**

- 81 A public service company that violates any order or rule of the Commission or any provision of RCW Title 81 is subject to a penalty up to one-thousand dollars for each violation. RCW 81.04.380. In the case of a continuing violation, every day's continuance represents a separate and distinct violation. *Id.*
- 82 Under WAC 480-15-450, the Commission may cancel a carrier's permit for good cause. WAC 480-15-450(1)(f) lists a Company's failure to supply relevant regulatory information to the Commission on request as "good cause" for terminating a carrier's permit. WAC 480-15-450(1)(j) lists fraud as another category of "good cause" for terminating a carrier's permit.

### **XXVI. REQUEST FOR RELIEF**

- 83 Staff requests that the Commission find that Olympic committed 320 violations of Commission rules and state laws, as set forth in the allegations above.
- 84 Staff requests that the Commission, pursuant to its authority under RCW 81.04.380, impose maximum monetary penalties on Olympic for each of the 108 violation of RCW Title 81.04.070 as described in the first, second, and third causes of action above.
- 85 Staff requests that the Commission, pursuant to its authority under RCW 81.04.380, impose total penalties of \$7,500.00 for all remaining violations described in causes of action 4-21 above.
- 86 Staff further requests that the Commission require Olympic to refund to its customers monies collected as the result of incorrect and improper billing practices alleged above.
- 87 Staff requests that the Commission, pursuant to WAC 480-15-450, cancel Olympic's permit for good cause.

### **XXVII. PROBABLE CAUSE**



88 Based on a review of Staff's investigation report and all supporting documents, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this complaint.

### XXVIII. NOTICE OF PREHEARING CONFERENCE

89 The COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at **1:30 p.m., on Monday, August 25, 2014**, in Room 206, the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.

90 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.431, RCW 34.05.434, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will follow its procedural rules in WAC 480-07 in this proceeding.

91 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence and workpapers, to identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

92 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See* WAC 480-07-355(a). The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See* WAC 480-07-345(2).

93 Any party or witness in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission. The Commission will

set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

94 **The COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

95 The names and mailing addresses of all parties and their known representatives are as follows:

Complainant: Washington Utilities and Transportation  
Commission  
1300 S. Evergreen Park Drive SW  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

Representatives: Sally Brown  
Assistant Attorney General  
1400 S. Evergreen Park Drive SW  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 664-1193  
sbrown@utc.wa.gov

Brett P. Shearer  
Assistant Attorney General  
1400 S. Evergreen Park Drive SW  
P.O. Box 40128  
Olympia, WA 98504-0128  
bshearer@utc.wa.gov

Respondent: Olympic Moving & Storage, Inc.

935 Poplar St SE  
Olympia, WA 98501  
(360) 753-2344

Representative:

- 96 An Administrative Law Judge, from the Commission's Administrative Law Division, will preside during this proceeding
- 97 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective July 3, 2014.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

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DENNIS J. MOSS  
Administrative Law Judge  
Director, Administrative Law Division

**NOTICE**

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and, if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket: \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Hearing Impaired: (Yes)\_\_\_\_\_ (No)\_\_\_\_\_

Do you need a certified sign language interpreter?:

Visual\_\_\_\_\_ Tactile\_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: (\_\_\_\_)\_\_\_\_\_