

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of)	DOCKET TV-120721
)	
IVAN INGRAM d/b/a AA EAGLE)	ORDER 01
RELOCATION SERVICE)	
)	INITIAL ORDER DENYING
For a Permit to Operate as a Motor)	APPLICATION FOR PERMANENT
Carrier of Household Goods)	AUTHORITY
.....)	

1 **Procedural History.** On May 17, 2012, Ivan Ingram d/b/a AA Eagle Relocation Service (Mr. Ingram or AA Eagle or Company) filed with the Washington Utilities and Transportation Commission (Commission) an application for authority to operate as a household goods carrier in the state of Washington under Revised Code of Washington (RCW) 81.80 and Washington Administrative Code (WAC) 480-15. Commission Staff (Staff) reviewed the application and, after reviewing a criminal history report provided by the Washington State Patrol, discovered significant omissions about Mr. Ingram’s criminal history.

2 **Notice of Intent to Deny Application.** On September 26, 2012, the Commission issued a notice of its intention to deny AA Eagle’s application for permanent authority for failure to meet the application requirements in RCW 81.80 and WAC 480-15. Staff considered AA Eagle unfit to hold a household goods moving permit in Washington due to Mr. Ingram’s criminal history and his “significant misrepresentation” with regard to the extent of his criminal history.¹

3 On October 4, 2012, AA Eagle filed with the Commission a request for a hearing seeking to dispute Staff’s evaluation of the Company’s fitness.

4 **Hearing.** Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission determined that a brief adjudicative proceeding (BAP) was appropriate for determining whether AA Eagle’s application for permanent authority should be

¹ Exh. 1 ¶ 11. At hearing, Staff clarified that it was no longer basing its intent to deny the application on any alleged misrepresentation, but solely on the nature and extent Mr. Ingram’s criminal history.

denied for failure to meet the application requirements. On October 17, 2012, the Commission issued a Notice of Brief Adjudicative Proceeding and set November 8, 2012, at 1:30 p.m. as the time for the parties to make oral statements concerning their positions. At the Company's request, the Commission postponed the proceeding to December 12, 2012, at 9:30 a.m.

5 **Appearances.** Jennifer Cameron-Rulkowski, Assistant Attorney General, Olympia, Washington, represented Commission Staff (Staff).² Matthew J. Bellmer, Olympia, Washington, represented AA Eagle.

6 **Applicable Law.** RCW 81.80.075(1) requires the Commission to issue a household goods permit to any qualified applicant found to be fit, willing, and able to perform the services proposed and conform to the applicable laws, requirements, rules, and regulations of the Commission. WAC 480-15-330³ explains that the Commission may deny applications when the applicant has been convicted of any crime⁴ or when other circumstances cause the Commission to believe issuing a permit is not in the public interest.⁵

7 **Evidence.** At hearing, Mr. Ingram presented documentary evidence in the form of character and reference letters, testified on his own behalf, and also presented the testimony of one of his employers, Rena Montanez. Staff presented documentary evidence and the testimony of Mathew Perkinson, Tina Leipski, and David Pratt.

8 Ivan Ingram has an extensive criminal history spanning 12 years that includes felony convictions for theft, identity theft, and possession of stolen property. The most

² In adjudications the Commission's regulatory staff participates like any other party, while the Administrative Law Judge or the Commissioners make the decision. To assure fairness, the Commissioners and the presiding administrative law judge do not discuss the merits of the proceeding with regulatory staff or any other party without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

³ WAC 480-15-330 was the Commission's governing regulation for evaluating household goods permit applications at the time of Oracle Marketing's application. Although updated and substantially similar rules (WAC 480-15-302 and -305) became effective in July 2012, AA Eagle's application is reviewed under the rules on file at the time of its application for authority.

⁴ WAC 480-15-330(4)(e)(ii).

⁵ WAC 480-15-330(4)(g).

recent of these convictions occurred in 2005. Mr. Ingram served several years in prison for his crimes and was released from his latest period of incarceration in December 2009.⁶

9 In spring 2012, the Commission learned that Mr. Ingram was advertising household goods moving services on the internet under the name AA Eagle Moving Service. Mr. Ingram had not obtained a household goods permit from the Commission. On May 3, 2012, the Commission sent Mr. Ingram a letter telling him to cease his advertising until he applied for and obtained the required permit.⁷

10 Mr. Ingram promptly contacted the Commission and learned that he needed more than just a business license to operate his company. He initiated the application process to obtain a household goods permit and worked over several months to cure several deficiencies in his application paperwork, including various registration requirements with state and federal agencies and obtaining the appropriate insurance.⁸

11 Mr. Ingram's application indicated he had a criminal history, but he did not elaborate further. In early June 2012, Mr. Ingram spoke by phone to Tina Leipski of Licensing Services and disclosed that he had 22 felony convictions on his record. Mr. Ingram later provided a partial copy of a court document from May 2005 showing his guilty plea agreement to a list of eight counts of identity theft and other theft-related offenses.⁹ Ms. Leipski was aware that Mr. Ingram had additional convictions.

12 In August 2012, Mathew Perkinson, a compliance investigator with the Commission, noted that Mr. Ingram's internet advertising still appeared to be active. Mr. Perkinson called the Company under an assumed name, asked for a quote on a residential move, and was told that AA Eagle could provide two men and a truck for \$75 per hour. To the best of his recollection, Mr. Perkinson believes Mr. Ingram provided the quote.

⁶ See Exh. 11, Exh. 12, and Exh. 16.

⁷ See Exh. 5 and Exh. 4.

⁸ Exh. 10.

⁹ Exh. 11.

- 13 When Mr. Ingram submitted all the required documentation to complete AA Eagle's application, Ms. Leipski reviewed the application and forwarded it to her supervisor, David Pratt. Ms. Leipski occasionally encounters applications where the applicant has a DUI conviction, but she had never processed any permit where the applicant had multiple felony convictions. Ms. Leipski advised Mr. Pratt that this application was out of the ordinary because the applicant had an extensive criminal history.
- 14 Mr. Pratt reviewed AA Eagle's completed application and asked Charity Thompson, an investigator recently added to his staff, to look further into Mr. Ingram's criminal history. Ms. Thompson determined that the applicant's criminal history included more convictions than those described on the plea agreement Mr. Ingram had submitted. She learned that Mr. Ingram had served three different prison sentences dating back to April 2000 and confirmed that he had not been assigned a community corrections or probation officer upon his most recent release from prison in 2009.¹⁰
- 15 Mr. Pratt considered the types of criminal convictions (property crimes), the amount of time since Mr. Ingram's last conviction (more than five years), and the amount of time Mr. Ingram had been out of prison (less than three years). He was also aware of Mr. Perkinson's undercover call to obtain a quote from Mr. Ingram in August 2012. Mr. Pratt determined that Mr. Ingram was not fit to hold a permit as a household goods mover and also concluded that it would not be in the public interest to grant AA Eagle's application. Mr. Pratt recommended that the Commission deny the application due to Mr. Ingram's extensive criminal history.
- 16 Mr. Ingram acknowledges his past and testified that he is now trying to move ahead with his life and do things right. While incarcerated, he took classes and learned a trade. He is currently working to complete a business degree at Olympic College, Bremerton. Mr. Ingram has worked for another moving company and states that he has never tried to take a moving job of his own without a permit. Finally, Mr. Ingram explained that he attempted to follow the Commission's direction to have the internet advertisement for AA Eagle taken down or deactivated, but he did not have any success contacting the person who sold him the website service.

¹⁰ Exh. 16.

17 Mr. Ingram has been working part-time for Rena Montanez of Lighthouse Cove Property Management to help clear and haul away abandoned belongings when tenants depart. Mr. Ingram also has a job delivering appliances for Atbest Appliance. Both of these employers are aware of his criminal past but have come to believe that Mr. Ingram is an honest and responsible person.¹¹

18 Mr. Pratt, having heard all testimony provided on Mr. Ingram's behalf, reiterated his recommendation that the Commission deny AA Eagle's application.

19 **Commission Decision.** Mr. Ingram, AA Eagle's owner, has an extensive criminal history that began when he was 18 years old and continued until his most recent convictions at age 30. It is undisputed that Mr. Ingram has been convicted of serious property crimes and has now completed serving the prison sentences adjudged for his past criminal behavior.

20 Mr. Ingram is attempting to put together a new life for himself and he now comes before this Commission seeking a permit to enter the household goods moving industry. If granted a permit, Mr. Ingram would be entrusted with entering homes, transporting and caring for others' personal belongings, and be accountable for complying with all laws and regulations governing the household goods industry. The Commission does not believe it to be in the public interest to entrust Mr. Ingram with these responsibilities.

21 This is a difficult decision because the Commission recognizes that Mr. Ingram is working diligently to rebuild his reputation, find a way to put his past behind him, and earn the trust of those around him. The available evidence suggests that Mr. Ingram is on the right path and has made significant progress toward personal rehabilitation since his release from prison three years ago. Ms. Montanez' supportive testimony and the letters of recommendation filed with the Commission on Mr. Ingram's behalf speak strongly of his potential to be a contributing member of the community. Nevertheless, after weighing all the available evidence, the Commission cannot yet determine with an acceptable level of certainty that Mr. Ingram is sufficiently trustworthy to be granted a household goods permit.

¹¹ See Exh. 17; see also Exhs. 18-23 (additional character reference letters).

- 22 At hearing, Mr. Ingram pointed out that although his application was originally filed in May 2012, it was not completed until approximately August 2012. Given the delay associated with completing his application, Mr. Ingram asked whether his application might be granted under the Commission's newly revised household goods rules that became effective in July 2012. However, applying the standards contained in either set of rules, we arrive at the same result.
- 23 As noted above, our previous rules allow the Commission to deny applications when the applicant has been convicted of any crime or when other circumstances cause the Commission to believe issuing the permit is not in the public interest. Our new rules require criminal background checks for each person named in the application and automatically disqualify applicants who have been convicted of certain crimes within the past five years.¹² Our new rules retain the Commission's authority to consider whether "other circumstances exist that cause the [C]ommission to deny the application."¹³ We recognize that Mr. Ingram's most recent convictions are more than five years old, but we find the type and extent of his criminal history to be a circumstance that requires the Commission to deny his current application.
- 24 Mr. Ingram's criminal history spans 12 years. His period of rehabilitation extends for only a fraction of that time. It is possible that he could be granted a household goods permit at some point in the future, but our duty to protect the public interest requires the Commission to deny this application submitted by Mr. Ingram and AA Eagle.
- 25 Mr. Ingram did not satisfactorily rebut the factual allegations Staff set out in the Notice of Intent to Deny Application. The Commission concludes that AA Eagle is not fit to perform household goods moving services in Washington. Further, the Commission does not find it in the public interest to grant AA Eagle a permit to conduct intrastate moves within the state of Washington. The application for permanent authority should be denied.

¹² WAC 480-15-302 prohibits granting provisional household goods permit authority to a company if any person named on the application has been "convicted of any crime involving theft, burglary, sexual misconduct, identify theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance" within the past five years. WAC 480-15-305(4) restates this language with regard to permanent authority.

¹³ See WAC 480-15-302(13) and WAC 480-15-305(10).

ORDER

THE COMMISSION ORDERS THAT:

- 26 The application filed by Ivan Ingram d/b/a AA Eagle Relocation Service on May 17, 2012, for a permit to operate as a household goods carrier in the state of Washington is denied.

DATED at Olympia, Washington, and effective December 21, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM
Administrative Law Judge

NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within ten (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An Original and **seven (7)** copies of any Petition or Answer must be filed by mail delivery to:

Attn: David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
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