

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the  
Proper Carrier Classification of, and  
Complaint for Penalties Against:

SUPER FRIENDS MOVING LLC,  
d/b/a SUPER FRIENDS MOVING

DOCKET TV-190835

ORDER 03

INITIAL ORDER APPROVING  
SETTLEMENT AGREEMENT

**BACKGROUND**

- 1 On February 19, 2020, the Washington Utilities and Transportation Commission (Commission) issued Order 01, Complaint and Order Instituting Special Proceeding (Complaint) against Super Friends Moving L.L.C., d/b/a Super Friends Moving (Super Friends or Company). The Complaint alleges that Super Friends violated RCW 81.80.075(1) and the cease and desist order entered against the Company by the Commission in Docket TV-170206 on at least two occasions by offering to transport household goods for compensation over the public highways of Washington State without first obtaining a permit authorizing it to engage in business as a household goods carrier. The Complaint seeks a penalty of up to \$10,000 for each alleged violation.
- 2 The Commission convened a prehearing conference in this docket in Lacey, Washington, on March 16, 2020, at 9:30 a.m., before Administrative Law Judge Michael Howard. Commission staff (Staff)<sup>1</sup> and the Public Counsel Unit of the Attorney General's Office (Public Counsel) were the only parties to appear at the hearing. Super Friends did not appear.

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<sup>1</sup> In formal proceedings such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

- 3 On May 5, 2020, Staff contacted the presiding official stating that the parties reached a settlement in principle. Staff requested the Commission suspend the procedural schedule in the case and indicated no party objected to this request.
- 4 On May 6, 2020, the Commission entered Order 02, suspending the procedural schedule. Order 02 gave the parties until May 29, 2020, to submit a settlement agreement resolving the case brought against Super Friends.
- 5 On May 29, 2020, Staff submitted a Settlement Agreement and Supportive Narrative (Settlement Agreement). This is a full settlement joined by all parties. As part of the Settlement Agreement, Super Friends agrees to a penalty of \$20,000, and Super Friends agrees to pay the full penalty amount pursuant to a payment plan imposed in this docket in four monthly installments of \$5,000. The Settlement Agreement provides that the Company's first payment will be due by 5 p.m. on October 1, 2020. Furthermore, Super Friends will return a deposit paid by Staff to book a move in December 2019. Staff will not oppose any forthcoming household goods carrier permit application by Super Friends based on the unlawful operations that are the subjects of the Commission's complaint so long as Super Friends complies with certain conditions set forth in the Settlement Agreement, including attending Commission-sponsored household goods carrier training. The parties acknowledge that any further violations of RCW 81.80.075 or the cease-and-desist order entered in Docket TV-170206 may result in additional enforcement action by the Commission.
- 6 Jeff Roberson, Assistant Attorney General, Olympia, Washington, represents Staff. Lisa W. Gafken, Assistant Attorney General, Seattle, Washington, represents Public Counsel. Jacob Raich (aka Jakub Raich), Governing Person, represents Super Friends.

### **DISCUSSION AND DECISION**

- 7 WAC 480-07-750(1) states in part: "The commission will approve settlements when doing so is lawful, the settlement terms are supported by an appropriate record, and when the result is consistent with the public interest in light of all the information available to the commission." The Commission must determine one of three possible results:
- Approve the proposed settlement without condition.
  - Approve the proposed settlement subject to conditions.
  - Reject the proposed settlement.

- 8 We approve the Settlement Agreement without condition. Super Friends agrees to pay the full amount of a \$20,000 penalty.<sup>2</sup> We find this to be reasonable. The Commission “will deal more harshly with companies that have a history of non-compliance, repeated violations of the same or other regulations, and previous penalties.”<sup>3</sup> Super Friends has a history of non-compliance.<sup>4</sup> The Settlement Agreement resolves the Company’s violations of the cease-and-desist order the Commission entered in Docket TV-170206 in light of this history. We accordingly find it appropriate for Super Friends to pay the full amount of the \$20,000 penalty required by the Settlement Agreement.
- 9 The terms of the Settlement Agreement are not contrary to law or public policy and reasonably resolve all issues in this proceeding. The Settlement Agreement supports the Commission’s goal of obtaining compliance with safety regulations by assessing the aforementioned penalty, requiring payment of the full amount, and it provides the Company a path to move forward by attending Commission-sponsored training, complying with the Settlement Agreement, and applying for a household goods carrier permit. Given these factors, we find the Settlement Agreement is consistent with the public interest and should be approved as filed.
- 10 Regarding the payment plan, Super Friends will pay the full amount of the \$20,000 penalty assessed in this docket in four monthly installments of \$5,000 each. imposed in this docket in four monthly installments of \$5,000. The Settlement Agreement provides that the Company’s first payment will be due by 5 p.m. on October 1, 2020. The Commission construes the Settlement Agreement to require payments the following three

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<sup>2</sup> See Complaint, ¶¶ 25-26 (alleging “at least” two violations of a cease-and-desist order and seeking \$10,000 per violation).

<sup>3</sup> *Id.* at ¶ 15.

<sup>4</sup> *In the Matter of Determining the Proper Classification of, and Complaint for Penalties against, Super Friends Moving, LLC*, Docket TV-100281 Order 02 (Oct. 26, 2010), *Cancellation of Permit HG064056 Due to Insufficient Proof of Insurance*, Docket TV-160520 (May 19, 2016), *Cancellation of Permit HG064056 Due to Insufficient Proof of Insurance*, Docket TV-161305 (Dec. 28, 2016), *In re Determining the Proper Carrier Classification of, and Complaint for Penalties Against Jacob Raich d/b/a Super Friends Moving L.L.C.*, Docket TV-170206, Order 02, 3 ¶ 7 (April 26, 2017), *Cancellation of Provisional Household Goods Permit THG064056 Due to Insufficient Proof of Insurance*, Docket TV-190425 (May 29, 2019).

months, on November 2, 2020, December 1, 2020, and January 4, 2021. The penalty is therefore due in installments by 5 p.m. on the following dates:

- October 1, 2020
- November 2, 2020
- December 1, 2020
- January 4, 2021

*11* Super Friends may make additional payments in advance of the payment due dates or pay an increased amount on the due dates, but no additional payment or increased amount will relieve the Company of its obligation to make its timely monthly installment of \$5,000 until the full amount of \$20,000 is satisfied.

*12* As set forth in the Settlement Agreement, if Super Friends fails to pay the penalty, Staff may oppose any application for a household goods carrier permit that Super Friends files in the future. Pursuant to RCW 81.04.400, the Commission may also seek to recover any unpaid penalty in an action commenced in superior court.

### **ORDER**

#### **THE COMMISSION ORDERS THAT:**

*13* (1) The Commission approves the Settlement Agreement between Super Friends Moving, LLC, d/b/a Super Friends Moving, Commission Staff, and the Public Counsel Unit of the Washington Attorney General's Office without condition, which is attached as Exhibit A to, and incorporated into, this Order, and is adopted as the final resolution of the disputed issues in this docket.

*14* (2) The Commission imposes a \$20,000 penalty in this docket and Super Friends Moving, LLC, d/b/a Super Friends Moving, must pay the full amount pursuant to the payment plan set forth in paragraph 7, above.

*15* (3) If Super Friends Moving, LLC, d/b/a Super Friends Moving, fails to pay any installment by 5 p.m. on the date it is due, the unpaid balance will immediately become due and payable without further order by the Commission.

DATED at Lacey, Washington, and effective June 5, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*/s/ Michael Howard*  
MICHAEL HOWARD  
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)(a) provides that any party to this proceeding has 20 days after the entry of this initial order to file a petition for administrative review (Petition). Section (2)(b) of the rule identifies what you must include in any Petition as well as other requirements for a Petition. WAC 480-07-825(2)(c) states that any party may file a response to a Petition within 10 days after service of the Petition.

WAC 480-07-830 provides that before the Commission enters a final order any party may file a petition to reopen a contested proceeding to permit receipt of evidence that is essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. The Commission will give other parties in the proceeding an opportunity to respond to a motion to reopen the record, unless the Commission determines that it can rule on the motion without hearing from the other parties.

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 does not exercise administrative review on its own motion.

Any Petition or response must be electronically filed through the Commission's web portal, as required by WAC 480-07-140(5).