



STATE OF 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, 2018

**NOTICE OF OPPORTUNITY TO RESPOND TO MOTION TO IMPOSE
SUSPENDED PENALTY
(By Wednesday, February 28, 2018)**

RE: *In the Matter of Determining the Proper Carrier Classification of, and Complaint for Penalties against Jean Francois Assin d/b/a Strong Muscles Movers aka Tchaman Movers, Docket TV-161077*

TO ALL PARTIES:

On October 25, 2016, the Washington Utilities and Transportation Commission (Commission) entered Order 02, Stipulated Initial Order Classifying Respondent as a Household Goods Carrier; Ordering Respondent to Cease & Desist; Imposing and Suspending Penalties on Condition of Future Compliance (Order 02). Order 02 required Jean Francois Assin d/b/a Strong Muscles Movers aka Tchaman Movers (Mr. Assin) to cease and desist operating as a household carrier and imposed a fine of \$5,000 for two violations of RCW 81.80, all but \$500 of which was suspended for a period of two years conditioned on the Company: (1) permanently refraining from operating as a household goods carrier without first obtaining a permit from the Commission, and (2) paying the \$500 portion of the penalty that was not suspended according to the terms of the approved payment schedule.

On February 20, 2018, Staff filed with the Commission a letter requesting the Commission impose the \$4,500 suspended penalty. Staff alleges that Mr. Assin continues to operate as a household goods carrier without first obtaining a permit from the Commission. On that basis, Staff recommends the Commission impose the remaining \$4,500 suspended portion of the penalty for failing to comply with the terms of Order 02.

Washington Administrative Code (WAC) 480-07-395(4) provides that the Commission will consider pleadings and motions based primarily on the relief they request, and will not rely solely on the name of the document. As such, we construe Staff's letter requesting the Commission impose the suspended portion of the penalty as a motion, which is defined as "a party's written or oral request for commission action in the context of an adjudicative

proceeding.”¹ Any party that opposes a written motion may file a written response within five business days after the motion is served.² Accordingly, Mr. Assin may file a written response to Staff’s motion by Wednesday, February 28, 2018. Mr. Assin may include with his response a request for a hearing to contest Staff’s allegations, provided he also includes a written statement of the reasons he believes a hearing is necessary. The Commission will conduct a hearing only if Mr. Assin identifies genuine issues of material fact that need to be resolved in an evidentiary hearing. If Mr. Assin fails to file a response, the Commission will rely on Staff’s Motion to make its decision.

THE COMMISSION GIVES NOTICE That Jean Francois Assin d/b/a Strong Muscles Movers aka Tchaman Movers must file any written response to Staff’s motion or request for hearing and supporting explanation by 5 p.m., Wednesday, February 28, 2018.

GREGORY J. KOPTA
Director, Administrative Law Division

¹ WAC 480-07-375(1).

² WAC 480-07-375(4).