

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of)	DOCKET TV-151116
)	
HEATH, ANNAVILLA L. d/b/a)	NOTICE OF INTENT TO DENY
MOVERS4U)	APPLICATION FOR PERMANENT
)	AUTHORITY
for a permit to operate as a motor)	
carrier of household goods.)	NOTICE OF OPPORTUNITY FOR
)	HEARING
.....)	

BACKGROUND

- 1 On May 26, 2015, Annavilla L. Heath d/b/a Movers4U (Movers4U or Applicant) 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 (Application). Annavilla L. Heath, the company’s owner, signed the Application.
- 2 RCW 81.80.075(3) requires the Commission to consider whether an applicant for a household goods carrier permit is fit to perform the services proposed and conform to the requirements, rules, and regulations of the Commission, and whether the operations are consistent with the public interest.
- 3 The Commission will grant or deny an application for permanent authority after it conducts a complete review of the application, including supporting statements, reports, or other information necessary to determine fitness. Commission rules provide that the Commission may reject or deny an application for permanent authority if the Commission believes the applicant is unfit, or if issuing the permit is not in the public interest.
- 4 An application must not contain any indication of fraud, misrepresentation, or erroneous information.¹ The applicant must have no outstanding Commission-issued monetary penalties.² The Commission also will not grant permanent authority if an applicant or any of its employees has been convicted of any crime involving theft, burglary, assault, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale or

¹ WAC 480-15-302(2).

² WAC 480-15-305(1)(f).

distribution of a controlled substance more than five years prior to the date of the application if the Commission determines that the nature or extent of the crime(s) will likely interfere with the proper operation of a household goods moving company.³

5 If it is necessary to resolve outstanding issues or concerns related to fitness or the public interest, or any other issue resulting from a complaint or public comment, the Commission may hold a hearing or brief adjudicative proceeding on any application for permanent authority.⁴

6 Commission Staff (Staff) has reviewed the Application, and recommends that the Commission deny the Application for reasons set out below.

FACTUAL ALLEGATIONS

7 Staff's review of Commission records produced a 2011 staff investigation of a non-permitted moving company called Northwest Moving Services, which was being operated by Larry E. Heath. Mr. Heath was found to be operating without a permit and ordered to attend a classification hearing. Mr. Heath failed to appear for the hearing, and on January 25, 2012, the Commission issued a default order in Docket TV-111943, assessing a \$5,000 penalty and ordering Larry Heath d/b/a Northwest Moving Services to cease and desist operations. Mr. Heath has not paid that penalty.

8 Staff viewed Larry Heath's Facebook profile, which indicates that he married Annavilla Heath on or about July 8, 2013. His profile also included photographs posted on June 1, 2015, of unmarked moving trucks. One photograph had a caption reading, "Our most used trucks – out almost every day!" Another photograph shows eight moving trucks parked in front of 1620 132nd Ave. E., Sumner, Washington, the personal residence of Larry and Annavilla Heath and the business address provided by Annavilla Heath in the Application.

9 Staff located a third photograph posted on June 1, 2015, with the caption, "The 3 'Big Boys' Our true Money makers!" One of the trucks has a visible Washington state license plate of C45851B. Staff obtained the vehicle registration information for this truck from the Department of Licensing, and the truck is registered to Larry E. Heath at 1620 132nd Ave. E., in Sumner, Washington.

10 On July 28, 2015, Staff generated a Washington Access to Criminal History (WATCH) report, issued by the Washington State Patrol Identification and Criminal History Section

³ WAC 480-15-305(2).

⁴ WAC 480-15-350.

for Larry E. Heath. Mr. Heath has a felony conviction for domestic violence on August 31, 2010. Mr. Heath also has a domestic violence conviction in March 2006, and a second degree theft conviction in June 2005. Staff believes that the nature of these crimes would likely interfere with the proper operation of a household goods moving company.

- 11 Staff recommends the Commission deny the Application because it fails to accurately represent the company. Annavilla Heath listed herself as the sole owner of Movers4U, but the available information indicates that her husband also owns the company or is otherwise involved in its operations. Staff believes that the Applicant misrepresented the company by intentionally omitting this information because of Larry Heath's criminal history and the outstanding penalty the Commission assessed in 2011 for operating as a household goods moving company without a permit. Staff contends that this conduct and Mr. Heath's involvement in the company demonstrate that the Applicant has failed to meet the fitness requirements to operate as a household goods moving company.

DISCUSSION

- 12 The Commission agrees with Staff's recommendation and intends to deny the Application. The information Staff has discovered indicates that Larry Heath is involved in the ownership or operations of Movers4U, which Annavilla Heath did not disclose in the Application. Mr. Heath's involvement, moreover, renders the company unfit to operate as a household goods moving company because of his criminal history and his failure to comply with the Commission's 2011 cease and desist order assessing a \$5,000 penalty for operating without a permit.
- 13 Staff's findings support the conclusion that issuing the permit is not in the public interest, and the Commission should deny the Application.

NOTICE

- 14 The Commission hereby provides notice of its intention to deny Movers4U's Application for permanent authority for failure to meet the application requirements in RCW 81.80 and WAC 480-15.
- 15 **NOTICE OF OPPORTUNITY FOR HEARING.** Movers4U may request a hearing to contest the factual allegations set out in this notice. Movers4U may request such a hearing by filing a written request for a hearing with the Commission by **September 2, 2015**. An original and five (5) paper copies of the request must be directed to the attention of Steven V. King, Acting Executive Director and Secretary, Washington

Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, and must reference Docket TV-151116.

- 16 If Movers4U requests a hearing by **September 2, 2015**, the Commission will schedule a brief adjudicative proceeding under RCW 34.05.482 and WAC 480-07-610. If Movers4U does not request a hearing by that date, the Commission will enter an order rejecting the Application.

DATED at Olympia, Washington, and effective August 18, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary