

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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| In re Application of |) | DOCKET TV-152101 |
| |) | |
| RAINIER MOVING COMPANY LLC |) | NOTICE OF INTENT TO DENY |
| |) | APPLICATION FOR PERMANENT |
| for a Permit to Operate as a Motor |) | AUTHORITY |
| Carrier of Household Goods. |) | |
| |) | NOTICE OF OPPORTUNITY FOR |
| |) | HEARING |

BACKGROUND

- 1 On November 4, 2015, Rainier Moving Company LLC (Rainier Moving 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). Julio Mendoza, 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 The Commission 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 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.¹

¹ WAC 480-15-305(2).

- 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.²
- 6 Commission Staff (Staff) has reviewed the Application, and recommends that the Commission deny the Application for reasons set out below.

FACTUAL ALLEGATIONS

- 7 On the Application Mr. Mendoza indicated he was convicted of the crime of Theft 2 on October 1, 2010. This criminal conviction falls within the category of crimes the Commission can deny permanent authority.
- 8 On November 9, 2015, Staff generated a Washington Access to Criminal History (WATCH) report, issued by the Washington State Patrol Identification and Criminal History Section for Julio Mendoza. Mr. Mendoza does not have a Theft 2 conviction on his record, but he does have a felony conviction for Trafficking Stolen Property 2 on October 28, 2010. Staff believes that the nature of this crime would likely interfere with the proper operation of a household goods moving company.
- 9 Staff recommends the Commission deny the Application for Rainier Moving based on WAC 480-15-305(a), which states the applicant has met all of the criteria required for a provisional permit as described in WAC 480-15-302. Staff believes that Rainier Moving failed to meet the requirements of WAC 480-15-302(8)(b), which states that the commission will deny operating authority if a person named in an application has been convicted of a crime involving theft of property more than five years ago, and the commission determines that the nature of the crime will likely interfere with the proper operation of the company. Staff believes that the felony offense of trafficking stolen property is a significant risk factor for issuing a permit to a person, and a company, which will have access to consumer goods.

DISCUSSION

- 10 The Commission agrees with Staff's recommendation and intends to deny the Application. The information Staff has discovered indicates that Julio Mendoza's ownership renders the company unfit to operate as a household goods moving company because of his criminal history.

² WAC 480-15-350.

- 11 Staff's findings support the conclusion that issuing the permit is not in the public interest, and the Commission should deny the Application.

NOTICE

- 12 The Commission hereby provides notice of its intention to deny Rainier Moving's Application for permanent authority for failure to meet the application requirements in RCW 81.80 and WAC 480-15.
- 13 **NOTICE OF OPPORTUNITY FOR HEARING.** Rainier Moving may request a hearing to contest the factual allegations set out in this notice. Rainier Moving may request such a hearing by filing a written request for a hearing with the Commission by **December 8, 2015**. An original and five (5) paper copies of the request must be directed to the attention of Steven V. King, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, and must reference Docket TV-152101.
- 14 If Rainier Moving requests a hearing by **December 8, 2015**, the Commission will schedule a brief adjudicative proceeding under RCW 34.05.482 and WAC 480-07-610. If Rainier Moving does not request a hearing by that date, the Commission will enter an order rejecting the Application.

DATED at Olympia, Washington, and effective November 24, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary