

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In re Application of) DOCKET TV-160264
)
RICHARD AND LAURA BELL d/b/a) NOTICE OF INTENT TO DENY
BELL'S RELIABLE MOVING) APPLICATION FOR PERMANENT
) AUTHORITY;
for a permit to operate as a motor)
carrier of household goods.) NOTICE OF OPPORTUNITY FOR
) HEARING
.....)

I. INTRODUCTION

- 1 **Nature of Proceeding.** The Washington Utilities and Transportation Commission (“Commission”) hereby provides notice of its intention to deny Richard and Laura Bell, d/b/a Bell’s Reliable Moving, (“Bell’s Reliable” or “Applicant”) application for permanent authority for failure to meet the application requirements in RCW 81.80 and WAC 480-15.
- 2 **Procedural Background.** On March 1, 2016, Richard and Laura Bell, d/b/a Bell’s Reliable Moving, filed with the Commission an application requesting permanent authority to operate as a household goods carrier in the state of Washington under RCW 81.80 and WAC 480-15. Mr. Bell, the company’s owner, signed the application.
- 3 Commission staff (“Staff”) has reviewed the application, as well as criminal history reports, issued by the Washington State Patrol Identification and Criminal History Section as well as the LexisNexis/Accurint report. Staff recommends that the Commission deny Applicant’s permit, for reasons set out below.

II. APPLICABLE LAW

- 4 Pursuant to RCW 81.80.075(1), no person shall engage in business as a household goods carrier without first obtaining a household goods carrier permit from the Commission.
- 5 RCW 81.80.075(3) requires the Commission to issue a household goods carrier permit to a qualified applicant if it is found that: the applicant is fit, willing, and able to perform the services proposed and conform to the requirements, rules, and regulations of the Commission; the operations are consistent with the public interest; and they are required by present or future public convenience and necessity. Otherwise, the application must be denied.

- 6 The Commission's rules further provide that to receive new authority to operate as a household goods carrier, an applicant must meet the criteria for a provisional permit and, after the provisional period has passed, meet the criteria for a permanent permit.¹
- 7 WAC 480-15-302 sets out the criteria an applicant must meet to receive a grant of provisional authority from the Commission. The criteria include, in relevant part:
- If a person named in the application 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 and 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, the Commission will deny operating authority to the applicant.²
 - No other circumstances exist that cause the commission to deny the application.³
- 8 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

III. FACTUAL ALLEGATIONS

- 9 Staff makes the following factual allegations based on its review and investigation of the application.
- 10 A criminal background check of Mr. Bell indicates that he has a criminal history. Mr. Bell's history includes 2009 convictions for assault-2 deadly weapon; assault-3 bodily harm; assault-2 strangulation; harassment-previous conviction or death threat; harassment-previous conviction/death threat penalty; as well as obstructing a law enforcement officer. Mr. Bell's history also includes 2007 convictions for burglary 2nd degree; criminal trespass 1st degree; and assault 3rd degree.

¹ WAC 480-15-186.

² WAC 480-15-302(8)(b).

³ WAC 480-15-302(13).

⁴ WAC 480-15-350.

- 11 Mr. Bell has had no additional convictions in the last five years. Nevertheless, the nature and extent of Mr. Bell's criminal history is troubling in a moving company applicant. A moving company takes possession of and transports a customer's worldly goods. Mr. Bell 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. Staff finds that the nature and extent of Mr. Bell's criminal history could potentially interfere with the proper operation of a household goods company, and so Staff does not believe it to be in the public interest to entrust Mr. Bell with these responsibilities.
- 12 These allegations, if not satisfactorily rebutted, support findings that Mr. Bell's criminal history renders him unfit to operate as a household goods carrier. Such findings, in turn, support the conclusion that issuing the permit is not in the public interest and that the application should be denied.
- 13 **NOTICE OF OPPORTUNITY FOR HEARING.** Richard and Laura Bell, d/b/a Bell's Reliable Moving, may request a hearing to contest the factual allegations set out in this notice. Mr. and Mrs. Bell may request such a hearing by filing a written request for a hearing with the Commission by **March 30, 2016**. 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-160264.
- 14 If Richard and Laura Bell request a hearing by March 30, 2016, the Commission will schedule a brief adjudicative proceeding under RCW 34.05.482 and WAC 480-07-610. If Richard and Laura Bell do not request a hearing by that date, the Commission will enter an order rejecting the application for permanent authority.

DATED at Olympia, Washington, and effective March 15, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



STEVEN V. KING

Executive Director and Secretary