

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

ALL STAR TRANSFER, LARON
WILLIAMS INC., D/B/A ALLSTAR
MOVING & STORAGE, ALLSTAR
MOVERS, AND CAREFUL MOVERS

Respondent.

DOCKET TV-180236

COMPLAINT FOR PENALTIES;
NOTICE OF BRIEF ADJUDICATIVE
PROCEEDING

(Set for September 25, 2018,
at 1:30 p.m.)

- 1 The Washington Utilities and Transportation Commission (Commission), on its own motion, and through its Staff, alleges as follows:

I. BACKGROUND

- 2 On April 28, 2016, Commission Staff (Staff) initiated a compliance investigation into the business practices of All Star Transfer, Laron Williams, Inc., d/b/a All Star Moving & Storage; Careful Movers; Allstar Movers; and Allstar Moving & Storage (All Star Transfer or Company). Staff requested original supporting documents for every residential move performed by All Star Transfer in Washington State from March 1, 2016, to March 31, 2016. All Star Transfer responded that it had not performed any residential moves during that time period.
- 3 On September 26, 2016, Staff requested original supporting documents, including bills of lading, estimates, supplemental estimates, and inventory records, related to the last 25 residential moves All Star Transfer performed in Washington State. Staff also requested copies of All Star Transfer's customer complaint and claims register, listing all customer complaints from January 1, 2016, to the present. On June 12, 2017, Staff asked All Star Transfer to provide tables of measurement associated with residential moves between March 2016 and October 2016.
- 4 During its investigation, Staff reviewed documents associated with 13 different moves conducted from July 1, 2016, to October 4, 2016. For a move conducted August 22, 2016, Staff also obtained documents from the customer associated with the move. The estimate that All Star Transfer provided to the customer is not the same document that the

Company provided to Staff. Following review of all of the moving documents for all of the moves, Staff determined that the Company violated multiple state laws and Commission rules, as described below.

II. PARTIES

- 5 The Commission is an agency of the state of Washington, authorized by chapter 81.80 RCW to regulate companies that transport household goods within the state of Washington.
- 6 All Star Transfer is a household goods carrier subject to regulation by the Commission under chapter 81.80 RCW.

III. JURISDICTION

- 7 The Commission has jurisdiction over this matter pursuant to RCW 80.01.040, RCW 81.04.070, RCW 81.04.110, RCW 81.04.230, chapter 81.80 RCW including RCW 81.80.130 and RCW 81.80.330, and chapter 480-15 WAC.

IV. FIRST CAUSE OF ACTION

(1 violation of RCW 81.04.380, concerning failure to comply with a direction made by the Commission)

- 8 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-7 above.
- 9 Under the authority of RCW 81.04.070, the Commission and its staff has the right, at any and all times, to inspect the accounts, books, papers, and documents of any public service company.
- 10 Pursuant to its authority in RCW 81.04.070, the Commission's Executive Director and Secretary wrote to All Star Transfer on September 26, 2016, and directed the Company to provide to the Commission all original documents, including estimates, related to the last 25 residential moves that the Company performed within the state of Washington.
- 11 As provided in RCW 81.04.380, every public service company, and all officers, agents and employees of any public service company, shall obey, observe and comply with every order, rule, direction or requirement made by the Commission under authority of Title 81 RCW.

- 12 All Star Transfer failed to comply with the direction of the Commission and violated RCW 81.04.380 when it provided an estimate to the Commission that was not the same estimate it provided to the customer.

V. SECOND CAUSE OF ACTION
(2 violations of WAC 480-15-490 and Tariff 15-C,
Item 230 concerning rates)

- 13 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-12 above.
- 14 WAC 480-15-490(3) requires a household goods carrier (carrier) to comply with the terms, conditions, rates, and all other requirements imposed by Tariff 15-C.
- 15 Tariff 15-C, Item 230 sets forth the minimum and maximum hourly rates that a carrier may charge.
- 16 Tariff 15-C, Item 230(3) requires that the minimum charge for a shipment moving under hourly rates shall be one hour.
- 17 All Star Transfer violated WAC 480-15-490 and Tariff 15-C, Item 230 by charging a three hour minimum on at least two occasions.

VI. THIRD CAUSE OF ACTION
(6 violations of WAC 480-15-630 and Tariff 15-C,
Item 85 concerning estimates)

- 18 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-17 above.
- 19 WAC 480-15-630 requires a carrier to provide a written estimate to every customer prior to moving a shipment of household goods in conformance with the requirements in Tariff 15-C.
- 20 WAC 480-15-630 further requires carriers to provide estimates by following the requirements of Tariff 15-C.
- 21 WAC 480-15-620(1) and Tariff 15-C, Item 85(1) require a carrier to give each customer a copy of the *Consumer Guide to Moving in Washington State* at the time the carrier gives the customer a written estimate.

- 22 Tariff 15-C, Item 85(2)(c) requires a carrier to provide a space for a customer to initial or sign which states that the customer was provided a copy of the *Consumer Guide to Moving in Washington State*.
- 23 Tariff 15-C, Item 85(2)(d) requires a carrier to include a customer's name, phone number, and address in its estimate.
- 24 Tariff 15-C, Item 85(2)(i) requires a carrier to include the number of carrier personnel and vehicles that will be used, the number of hours each will be involved in the move, and the associated rates and charges, if the move is local.
- 25 Tariff 15-C, Item 85(2)(p) requires a carrier, when issuing a binding estimate, to provide a statement that the estimate is a guarantee of the cost of the move and that the carrier will not charge above the estimated charges without preparing a supplemental estimate.
- 26 Tariff 15-C, Item 85(2)(q) requires a carrier to include specific information in a nonbinding estimate, as set forth in the tariff.
- 27 Tariff 15-C, Item 85(2)(r) requires a carrier to include the forms of payment that the carrier will accept when providing an estimate.
- 28 WAC 480-15-630(8) requires all written estimates to be signed by both the carrier and customer prior to the move.
- 29 Tariff 15-C, Item 85(2)(t) requires a carrier to include the signature of both the carrier and the customer, as well as the dates that each signed, when providing an estimate.
- 30 All Star Transfer violated WAC 480-15-630 and Tariff 15-C by failing to properly complete estimate forms in accordance with the rules and requirements listed in paragraphs 19-29 on six separate occasions. This results in six separate and distinct violations.

VII. FOURTH CAUSE OF ACTION
(6 violations of WAC 480-15-630 and Tariff C-15, Item 85
concerning tables of measurement)

- 31 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-30 above.
- 32 WAC 480-15-630 requires a carrier to provide a written estimate to every customer prior to moving a shipment of household goods in conformance with the requirements in Tariff 15-C.

- 33 Tariff 15-C, Item 85(2)(g) requires a carrier to provide a household goods cube sheet inventory of the items upon which the estimate is based and the estimated cubic footage for each item.
- 34 All Star Transfer violated WAC 480-15-630 and Tariff 15-C Item 85(2)(g) by failing to provide properly completed cube sheets in violation of the requirements in paragraphs 32-33 on six separate occasions. This results in six separate and distinct violations.

VIII. FIFTH CAUSE OF ACTION
(6 violations of WAC 480-15-710 and Tariff 15-C, Item 95
concerning bills of lading)

- 35 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-34 above.
- 36 WAC 480-15-710(3) requires a carrier to include particular information in a bill of lading as provided in Tariff 15-C.
- 37 Tariff 15-C, Item 95(1) requires both a carrier and the customer to sign and date the bill of lading.
- 38 Tariff 15-C, Item 95(1)(b) requires a carrier to include the name and telephone number of the customer in the bill of lading.
- 39 Tariff 15-C, Item 95(1)(d) requires a carrier to include the exact address of the origin of the move in the bill of lading.
- 40 Tariff 15-C, Item 95(1)(k) requires a carrier to include a specifically-worded section where a customer must select, by signing his or her initials, the type of loss and damage protection (valuation) for the shipment in the bill of lading.
- 41 Tariff 15-C, Item 95(1)(m) requires a carrier to include the start, stop, and interruption time for each employee involved in a move, as well when the carrier was released to go to another customer, on the bill of lading.
- 42 Tariff 15-C, Item 95(1)(n) requires a carrier to include the amount and type of every charge assessed as a separate line item in the bill of lading. The carrier must provide sufficient information to determine whether the charged rates conform with Tariff 15-C, or if no tariff charges exist, to determine the exact nature, number, and type of charges.

- 43 Tariff 15-C, Item 95(2) requires a carrier to include particular information in a bill of lading.
- 44 All Star Transfer violated WAC 480-15-710(3) and Tariff 15-C, Item 95 by failing to include necessary information in violation of the requirements in paragraphs 36-43 on six separate occasions. This results in six separate and distinct violations.

**IX. SIXTH CAUSE OF ACTION
(1 violation of WAC 480-15-490 and Tariff 15-C, Item 205
concerning customer costs)**

- 45 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-44 above.
- 46 WAC 480-15-490 requires a carrier to follow the terms, conditions, rates, and all other requirements imposed by Tariff 15-C.
- 47 Tariff 15-C, Item 205(3) requires a carrier to not assess additional charges for other services performed in the course of hourly-charged transportation other than the hourly rate, unless the other services require special equipment or materials.
- 48 All Star Transfer violated WAC 480-15-490 and Tariff 15-C, Item 205(3) by charging for paper pads, tape, and paper in violation of the requirements in paragraphs 46-47 on one occasion.
- 49 The violation alleged in paragraphs 46-48 resulted in a customer being overcharged by \$57.50.

**X. SEVENTH CAUSE OF ACTION
(1 violation of WAC 480-15-660 and Tariff 15-C, Item 85
concerning supplemental estimates)**

- 50 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-49 above.
- 51 WAC 480-15-630 requires a carriers to provide a written estimate to every customer prior to moving a shipment of household goods in conformance with the requirements in Tariff 15-C.
- 52 WAC 480-15-660(3) requires a carrier to complete a supplemental estimate in conformance with Tariff 15-C.

- 53 Tariff 15-C, Item 85(2)(q)(iv) prohibits carriers from requiring a customer to pay more than 125 percent of the estimate regardless of the total cost unless the carrier issues, and the customer accepts, a supplemental estimate.
- 54 All Star Transfer violated WAC 480-15-660 and Tariff 15-C, Item 85(2)(q)(iv) by charging greater than 125 percent of an estimate without providing a supplemental estimate in violation of the requirements listed in paragraphs 52-53 on one occasion.
- 55 The violation alleged in paragraphs 51-54 resulted in a customer being overcharged by \$560.25.

XI. EIGHTH CAUSE OF ACTION
(violations of WAC 480-15-610 concerning carrier advertising)

- 56 The Commission, through its Staff, realleges the allegations contained in paragraphs 2-55 above.
- 57 WAC 480-15-610(1) requires a carrier to include its Commission-issued permit number, name, or trade name as recorded at the Commission, physical address, and telephone number in any advertising for household goods moving services.
- 58 WAC 480-15-610(2) prohibits misleading, false, or deceptive advertisements.
- 59 All Star Transfer violated WAC 480-15-610 by displaying advertisements in violation of the requirements and prohibitions in paragraphs 57-58 in two separate ways: (1) by failing to include its Commission-issued permit number in its advertisements; and (2) by making false claims regarding discounts for services.

XII. APPLICABLE LAW

- 60 A public service company that violates any order, rule, direction, or requirement of the Commission or any provision of Title 81 RCW is subject to a penalty of up to \$1,000 for each violation. RCW 81.04.380. In the case of a continuing violation, every day's continuance represents a separate and distinct violation. *Id.*
- 61 Under RCW 81.04.230, if the Commission finds that the public service company charged an amount for any service rendered in excess of the lawful rate in force at the time such charge was made, the Commission may order the public service company to refund the amount of the overcharge.

XIII. REQUEST FOR RELIEF

- 62 Staff requests that the Commission find that All Star Transfer committed violations of the Commission rules and state laws set forth in the allegations above.
- 63 Staff requests that the Commission, pursuant to its authority under RCW 81.04.380, impose monetary penalties on All Star Transfer for violations of Commission rules and state laws as set forth in paragraphs 7-44 and 51-54, comprising at least 21 separate violations.
- 64 Staff requests that the Commission require All Star Transfer to refund excess charges to the customers who were overcharged as set forth in paragraphs 46-55.
- 65 Staff requests that in lieu of a penalty for the advertising violations, the Commission direct All Star Transfer to comply with the technical assistance provided by Staff, in addition to all other laws and requirements, regarding the violations as set forth in paragraphs 57-59.
- 66 Staff further requests that the Commission order such other or further relief as appropriate under the circumstances.

XIV. PROBABLE CAUSE

- 67 Based on a review of Staff's investigation report and all supporting documents, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this complaint.

XV. NOTICE OF BRIEF ADJUDICATIVE PROCEEDING

- 68 Pursuant to RCW 34.05.482 and WAC 480-07-610, the Commission determines that a brief adjudicative proceeding is appropriate for determining whether the alleged violations occurred and, if so, the appropriate remedy for those violations.
- 69 **THE COMMISSION GIVES NOTICE that it will hold a brief adjudicative proceeding in this matter at 1:30 p.m., on September 25, 2018, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**
- 70 The record in this case will consist of any documents regarding the matter that are considered by or prepared for the presiding officer for the brief adjudicative proceeding

and a transcript of any oral statements given at the hearing, which statements will be given under oath.

- 71 Written notice of any other stage in the proceeding or other formal proceedings that the Commission may deem appropriate will be given during the course of this case. The Commission will provide at its offices in Olympia, Washington, copies of documents in the current record for use by the parties or others who may want to review them.
- 72 Parties wishing to submit any other documents for consideration at the brief adjudicative proceeding must file with the Commission a list enumerating and describing any such documents **no later than 5 p.m. on September 18, 2018** and bring an original and three (3) copies to the hearing. Filing shall be in accordance with WAC 480-07-140 and -145.
- 73 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the brief adjudicative proceeding set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**
- 74 The names and mailing addresses of all parties and their known representatives are as follows:

Complainant: Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Jennifer Cameron-Rulkowski
Assistant Attorney General
1400 S. Evergreen Park Drive SW
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1186
jennifer.cameron-rulkowski@utc.wa.gov

Respondent: All Star Transfer, Laron Williams Inc.
d/b/a Allstar Moving & Storage;
d/b/a All Star Moving & Storage;
d/b/a Allstar Movers; d/b/a Careful Movers
24111 Hwy 99, Suite 303
Edmonds, WA 98026

- 75 Administrative Law Judge Laura Chartoff, from the Commission's Administrative Law Division, will preside during this proceeding
- 76 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective August 22, 2018.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

Rayne Pearson
Administrative Law Judge
Director, Administrative Law Division

Inquiries may be addressed to:

Executive Director and Secretary
Washington Utilities and Transportation
Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

PLEASE NOTE: Hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and, if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Mark Johnson, 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION.)

Docket: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired: (Yes)_____ (No)_____

Do you need a certified sign language interpreter?

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (_____)_____